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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 11th
day of March, 1998.

In the Matter of the Mediation and Arbitration)
of Remaining Interconnection Issues Between)
MCI Telecommunications Corporation and Its) Case No. TO-98-200
Affiliates and Southwestern Bell Telephone)
Company.)

ORDER REGARDING MOTION TO EXTEND PROCEDURAL SCHEDULE

On February 6, 1998, the Commission issued its Order Setting Procedural Schedule and Directing Filing of Partial Interconnection Agreements, which established a schedule for MCI Telecommunications Corporation and its Affiliates, including MCImetro Access Transmission Services, Inc., (MCI) and Southwestern Bell Telephone Company (SWBT) to mediate and arbitrate the interconnection issues remaining between them. The Commission notified the parties of revisions to the schedule on February 20. As modified, the Commission's February 6 order required the parties to participate in mediation sessions with the Commission's Arbitration Advisory Staff and General Counsel from March 9 to 20.

MCI filed a motion to extend the schedule, together with a request for expedited treatment of its motion, on March 5. MCI asked the Commission to delay the procedural schedule for 30 days so that MCI could devote resources to reviewing an agreement filed on March 4 by SWBT and AT&T Communications of the Southwest, Inc. (AT&T) in Case No. TO-98-115.¹

¹ SWBT and AT&T were ordered to submit a signed agreement to implement the Commission's arbitration order in Case No. TO-98-115 on December 23, 1997.

MCI expressed interested in adopting the AT&T and SWBT agreement but indicated that further review was required.

The Commission notified the parties on March 6 that responses to MCI's motion were due on March 9, 1998. SWBT's March 6 response stated that SWBT opposed the requested 30-day delay because the Commission would lose jurisdiction to decide the issues on May 20 under 47 U.S.C. Section 252(b)(4)(C). SWBT stated that MCI did not need 30 days to review the AT&T agreement, and that it would be unfair to require SWBT to reschedule its witnesses for mediation and arbitration appearances. SWBT also emphasized that it would oppose any order obligating SWBT to combine unbundled network elements for MCI or prohibiting SWBT from unbundling network elements which are currently bundled in SWBT's network.

MCI supplemented its motion on March 9, stating that MCI had reviewed the AT&T agreement and decided to adopt it upon Commission approval in Case No. TO-98-115. MCI did not mention the possibility of dismissing its petition in this case.

The Commission has reviewed the pleadings and will grant MCI's request for expedited treatment of its motion. The Commission finds that if MCI were to adopt the agreement submitted by AT&T and SWBT in Case No. TO-98-115, this would conserve resources of the parties and the Commission and would promote the development of competition in Missouri's local telecommunications services market. On the other hand, the Commission finds that if MCI's proposed resolution were to fail, the Commission would lose valuable time needed to conclude arbitration proceedings by May 20. Therefore, the Commission finds that the mediation sessions and preliminary recommendation filing should be eliminated from the procedural schedule and the Staff of the Commission (Staff) should be

required to complete its review of the AT&T and SWBT agreement by March 17². The schedule set forth in the Ordered Paragraphs below shall be established to ensure that if MCI's proposed adoption of the AT&T agreement does not proceed as planned, the parties will participate in arbitration as previously ordered.

Neither MCI nor SWBT directly addressed the issue of how an adoption notice would be affected by appeals from the Commission's decision in Case No. TO-98-115. The Commission finds that MCI's adoption of the AT&T and SWBT agreement would constitute a waiver of MCI's right to seek judicial review of, or otherwise contest, the provisions of that agreement (as adapted to fit the parties and personnel of MCI). Moreover, the Commission finds that it will not entertain further petitions for arbitration between MCI and SWBT until the expiration of any agreement approved by the Commission, even if a reviewing court stays enforcement of either the AT&T and SWBT agreement or the MCI and SWBT agreement. MCI should not adopt the AT&T agreement with SWBT unless MCI can accept these limitations.

IT IS THEREFORE ORDERED:

1. That the March 5, 1998, Motion to Extend Schedule of MCI Telecommunications Corporation and its Affiliates, including MCImetro Access Transmission Services, Inc., is granted in part and denied in part.

2. That the mediation sessions and preliminary recommendation are eliminated from the Commission's February 6, 1998, procedural schedule.

² A separate notice of this deadline will be issued in Case No. TO-98-115. The Commission intends to rule on the AT&T and SWBT agreement by March 19, if possible.

3. That MCI Telecommunications Corporation and its Affiliates, including MCImetro Access Transmission Services, Inc., (MCI) shall file an adoption notice no later than March 20, 1998, if MCI accepts the limitations on adoption stated in this order and intends to adopt the agreement filed by AT&T Communications of the Southwest, Inc. and Southwestern Bell Telephone Company on March 4, 1998.

4. That objections to any adoption notice filed by MCI Telecommunications Corporation and its Affiliates, including MCImetro Access Transmission Services, Inc., shall be filed by March 23, 1998.

5. That MCI Telecommunications Corporation and its Affiliates, including MCImetro Access Transmission Services, Inc., (MCI) shall file a dismissal of its petition in Case No. TO-98-200 by noon on March 25, 1998, if the Commission approves an adoption notice filed by MCI.

6. That the parties shall comply with the following procedural schedule in the event that MCI Telecommunications Corporation and its Affiliates, including MCImetro Access Transmission Services, Inc., do not adopt the agreement as described in Ordered Paragraph 3, or the Commission does not approve such an adoption, or MCI does not dismiss its petition as required under Ordered Paragraph 5:

MCI/SWBT direct testimony for arbitration	- March 27, 1998
MCI/SWBT Joint Statement of Resolved Issues	- March 27, 1998
MCI/SWBT rebuttal testimony for arbitration	- April 2, 1998
Arbitration hearing	- April 8-22, 1998
AAS/General Counsel final recommendation	- May 4, 1998

Simultaneous initial briefs of MCI, - May 6, 1998
SWBT and OPC

Simultaneous reply briefs of MCI, - May 11, 1998
SWBT and OPC

7. That the conditions stated in the Commission's February 6, 1998, order shall apply to the procedural schedule set forth in Ordered Paragraph 6.

8. That this order shall become effective on March 11, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer
and Murray, CC., concur.

Randles, Regulatory Law Judge

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COMMISSION COUNSEL
FEDERAL SERVICE COMMISSION