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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Petition of BroadSpan)
Communications, Inc. for Approval of an)
Interconnection Agreement with Southwestern) Case No. TO-98-518
Bell Telephone Company pursuant to Section)
252 of the Telecommunications Act of 1996.)

ORDER AND NOTICE

BroadSpan Communications, Inc. (BroadSpan) filed a petition on May 19, 1998 for approval of an interconnection agreement with Southwestern Bell Telephone Company (SWBT) pursuant to Section 252 of the federal Telecommunications Act of 1996 (the Act), 47 U.S.C. § 151 et seq. BroadSpan stated that it wishes to adopt the interconnection agreement executed by SWBT and AT&T Communications of the Southwest, Inc. (AT&T) that was approved by the Commission on March 19 in Case No. TO-98-115. SWBT objected to BroadSpan's petition on May 26, and BroadSpan replied to SWBT's objections on May 27. SWBT responded to BroadSpan's reply on June 2 and, on June 8, modified its objections to BroadSpan's petition.

The Commission finds that proper persons should be allowed 20 days from the issuance of this order to file a motion for hearing or an application to participate without intervention. Participation may be permitted for the limited purpose of filing comments addressing whether this agreement meets the federal standards for approval of interconnection agreements. The requirement of a hearing is met when an opportunity to be heard has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2D 494, 496 (Mo. App. 1989).

Section 252(e) (4) of the Act provides that if the Commission has not approved an agreement within ninety days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously and, if there are no requests for a hearing, relief may be granted based on the verified petition. The Commission will take up SWBT's objections within the ninety days prescribed by Section 252(e) (4) of the Act. The Commission finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

IT IS THEREFORE ORDERED:

1. That the Records Department of the Commission shall send notice to all interexchange and local exchange telecommunications companies.

2. That any party wishing to request a hearing or to participate without intervention or to intervene in this matter shall file an application no later than July 20, 1998 with the Secretary of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and send copies to:

Carl J. Lumley
Leland B. Curtis
Curtis, Oetting, Heinz, Garrett & Soule, P.C.
130 S. Bemiston Suite 200
Clayton, MO 63105

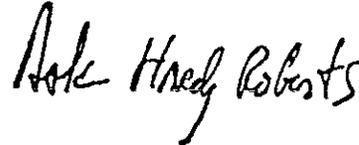
Paul G. Lane
Diana J. Harter
Leo J. Bub
Anthony K. Conroy
Southwestern Bell Telephone Company
One Bell Center, Room 3516
St. Louis, MO 63101

3. That comments addressing whether this agreement meets the standards for approval of interconnection agreements must be filed no later than July 27, 1998.

4. That the Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefore no later than July 30, 1998.

5. That this order shall become effective on June 29, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Amy E. Randles, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1)
(November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 29th day of June, 1998.

RECEIVED

JUN 29 1998

COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION