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**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Application of Southwestern )  
Bell Telephone Company for Approval of )  
Interconnection Agreement With and Aerial ) CASE NO. TO-98-322  
Communications, Inc. Under the Telecommunications )  
Act of 1996. )

**ORDER AND NOTICE**

Southwestern Bell Telephone Company (SWBT) filed an Application with the Commission on January 30, 1998, for approval of an Agreement for Interconnection and Reciprocal Compensation (the Agreement) between SWBT and Aerial Communications, Inc. (Aerial) under the provisions of the federal Telecommunications Act of 1996 (the Act). SWBT states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to non-party carriers and is consistent with the public interest. SWBT requests expeditious approval of the agreement.

The Act provides that an interconnection agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity. 47 U.S.C. § 252(e).

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 or rejected 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 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 in this matter shall file an application no later than February 23, 1998, with the Secretary/Chief Regulatory Law Judge of the Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri, 65102, and send copies to:

Leo J. Bub, Attorney for SWBT  
One Bell Center, Room 3518  
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 March 18, 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 April 8, 1998.

5. That this order shall become effective on February 3, 1998.

BY THE COMMISSION



Dale H. Roberts  
Chief Regulatory Law Judge/Secretary

(S E A L)

Elaine E. Bensavage, 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 3rd day of February, 1998.

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COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION