

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of)	
CONCERT COMMUNICATIONS SALES LLC for a)	
Certificate of Authority to Provide Basic)	<u>Case No. TA-99-532</u>
Exchange and Local Exchange Intrastate)	
Telecommunications Service within the)	
State of Missouri)	

ORDER GRANTING LEAVE TO FILE INTERVENTION
OUT OF TIME, ORDER GRANTING INTERVENTION,
AND DIRECTING FILING OF PROCEDURAL SCHEDULE

On April 23, 1999, CONCERT COMMUNICATIONS SALES LLC (CONCERT) filed its application requesting a certificate of service authority to provide basic local exchange and local exchange intrastate telecommunications services, requesting classification as a competitive telecommunications company and services and for an order waiving certain Commission rules and statutory provisions. On May 4, the Commission issued a notice directing interested parties to file applications to intervene no later than June 3, 1999.

Southwestern Bell Telephone Company (SWBT) filed an Application to Intervene and Request for Leave to File Application to Intervene Out of Time on June 4. SWBT stated that it had intended to file its Application to Intervene on or before June 3, 1999 but inadvertently missed the deadline because of another pressing matter pending before the Commission. SWBT stated that it has an interest in the Commission's decision because it provides basic local

telecommunications services and will be in direct competition with CONCERT if the certificate is granted. SWBT argues that no other party will adequately protect its interest in this matter and that its intervention would be in the public interest because of SWBT's expertise and experience in the telecommunications industry.

The Commission has reviewed the application to intervene and finds that it is in substantial compliance with Commission rules regarding intervention and that SWBT has an interest in this matter which is different from that of the general public. 4 CSR 240-2.075. In addition, the Commission has reviewed SWBT's Request for Leave to File Application to Intervene Out of Time and notes that no party will be unduly delayed or prejudiced if SWBT is permitted to intervene one day following the required date for intervention. The Commission finds good cause to permit SWBT to file its application for intervention out of time. The Commission concludes that SWBT's request for intervention should be granted and that the parties should file a proposed procedural schedule. The procedural schedule must include dates for the filing of testimony and for a hearing. If no party requests a hearing, the Commission may grant the service authority and competitive classification requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company's Application to Intervene and Request for Leave to File Application to Intervene Out of Time filed on June 4, 1999 is granted.

2. That the parties shall file a proposed procedural schedule no later than August 16, 1999.

3. That this order shall become effective on August 5, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Shelly A. Register, 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 26th day of July, 1999.

R E C E I V E D

JUL 26 1999

**COMMISSION COUNSEL
AND SERVICE COMMISSION**