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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 25th
day of September, 1997.

In the Matter of the Petition of MCI Telecom-)
munications Corporation for an Investigation Under) Case No. TO-97-56
Section 271 of the Telecommunications Act of 1996.)
)

ORDER GRANTING MCI'S MOTION FOR ADVANCE NOTICE

MCI Telecommunications Corporation (MCI) filed a petition on August 9, 1996, requesting the Commission to institute an investigation to gather facts and information that MCI believes necessary for the Commission to fulfill the requirements of Section 271 of the Telecommunications Act of 1996 (the Act). The Commission must perform a consultative role with the Federal Communications Commission (FCC) should Southwestern Bell Telephone Company (SWBT) seek to enter the in-region, interLATA toll market. The Commission would have to advise the FCC as to the status of local competition in Missouri and whether interconnection agreements to which SWBT is a party satisfy the competitive checklist of Section 271(c)(2)(B) of the Act. The Act permits the FCC only 90 days to act upon a SWBT application for in-region, interLATA toll authority. Missouri's Commission would have to conduct its review and prepare a report to the FCC within that time frame.

The Commission issued an order establishing an investigatory case on October 1. The following entities have been granted intervention:

**Mid-Missouri Group of local exchange companies
GTE Midwest Incorporated
Consolidated Communications Telecom Services, Inc.**

Sprint Communications L.P. and United Telephone
Company of Missouri d/b/a Sprint
Southwestern Bell Telephone Company (SWBT)
AT&T Communications of the Southwest, Inc.
TCG of St. Louis
Small Telephone Company Group (STCG)
Bourbeuse Telephone Company and Fidelity Telephone Company
ALLTEL Missouri Inc.
Green Hills Telephone Corp., a member of STCG

The parties met in a technical conference, filed comments, and the Staff of the Commission (Staff) filed a report on January 16, 1997. Among other things, Staff recommended that the Commission require SWBT to notify the Commission 90 days before it files its application with the FCC for permission to provide interLATA telecommunications services. The parties filed responses to Staff's report.

MCI filed a Motion for Order Requiring Advance Notice on September 9, asking the Commission to: a) direct SWBT to notify the Commission and all the parties 90 days before it plans to file a Section 271 application with the FCC; b) require SWBT to file direct testimony supporting its filing at the same time; and c) once SWBT has filed, set a procedural schedule allowing rebuttal testimony and an evidentiary hearing. MCI pointed out that the regulatory commissions in Delaware, Florida, Louisiana, Maryland, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, and Texas have all established similar advance notice requirements. In addition, the National Association of Regulatory Utility Commissioners has recommended the use of an advance notice requirement in implementing the Act.

SWBT filed a response on September 8, stating that it has no objection to the Commission requiring 90 days advance notice of its filing or to an evidentiary hearing, provided that the procedure is concluded within 90 days and discovery is available to all parties. SWBT also

requested that: a) the Commission base its procedure on the FCC's order regarding Ameritech's application to provide interLATA service in Michigan¹; b) all prospective new entrants be required to provide an implementation schedule setting out when they began, or will begin, to provide basic local telecommunications services, and in what geographic areas (see Attachment I to SWBT's response); c) all prospective new entrants be required to answer a detailed set of questions based on those propounded by the Oklahoma Commission (see Attachment III to SWBT's response); and d) every entity that has been certificated, or applied for certification, to provide basic local exchange services is made a party to this case.

The Commission has reviewed the Staff report and responses, as well as MCI's motion and SWBT's response. The Commission finds that advance notice is not only appropriate but essential given the nature of the record this Commission must prepare for the FCC.² In fact, a review of the FCC's Ameritech Michigan order persuades the Commission that 90 days notice is not adequate. Accordingly, the Commission will direct SWBT to advise this Commission and the parties to this case, by means of an appropriate pleading, 120 days before it files its application with the FCC to provide in-region, interLATA telecommunications services in Missouri. Concurrently with this pleading, SWBT shall file direct testimony in support of its application. Once SWBT has given notice and filed direct testimony, the Commission will set a date for the filing of rebuttal

¹ In the Matter of the Application of Ameritech Michigan Pursuant to Section 271 of the Telecommunications Act of 1934, as Amended, to Provide In-Region, InterLATA Services in Michigan, FCC Docket No. 97-298, Memorandum Opinion and Order adopted August 19, 1997.

² Id., ¶¶ 30-34.

testimony and an evidentiary hearing, and other procedural dates as required. At that time, the Commission will join as a party to this action all certificated basic local exchange telecommunications providers, and all entities that have applied for such certification as of the date of SWBT's filing.

The Commission believes that at least some of the information that SWBT has requested be provided by new entrants should be required. However, in order to permit the Commission an opportunity to thoroughly review SWBT's request in light of the FCC's Ameritech Michigan order, and to add any additional information requests the Commission finds useful in developing a record, this request will be taken under advisement.

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company shall give notice to this Commission and the parties to this case by the filing of an appropriate pleading 120 days before it files an application with the Federal Communications Commission to provide in-region, interLATA telecommunications services in Missouri.

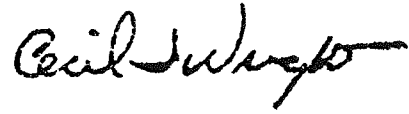
2. That, concurrently with the pleading described in Ordered Paragraph 1, Southwestern Bell Telephone Company shall file direct testimony in support of its application.

3. That, once Southwestern Bell Telephone Company has given the notice described in Ordered Paragraph 1, the Commission will set a date for the filing of rebuttal testimony and an evidentiary hearing, and join any necessary parties.

4. That the Commission has taken under advisement the specific requests for information submitted by Southwestern Bell Telephone Company.

5. That this order shall become effective on September 25, 1997.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Cecil I. Wright", with a stylized flourish at the end.

**Cecil I. Wright
Executive Secretary**

(S E A L)

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

ALJ: Wickliffe