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

In the Matter of the Application of Birch Telecom)
of Missouri, Inc., for Approval of an Interconnec-) Case No. TO-98-102
tion Agreement under the Telecommunications Act of)
1996.)
)

ORDER GRANTING PARTICIPATION

Birch Telecom of Missouri, Inc. (BTM) filed an application with the Commission on August 27, 1997, for approval of an agreement between BTM and Southwestern Bell Telephone Company (SWBT) providing for the resale of SWBT's services by BTM and the provision of unbundled network elements by SWBT to BTM. The Commission issued an order establishing a procedural schedule and directing interested parties to file applications to participate no later than September 24. The Commission ordered that only participation, and not intervention, would be permitted in this case.

SWBT filed a timely application for participation. In its application, SWBT merely requested to participate without intervention and did not request a hearing. No other persons have requested to participate without intervention or requested a hearing.

In its application, SWBT states that it has a direct interest in the Commission's decision on BTM's application because it is a party to the subject interconnection agreement. SWBT asserts that its interest as a basic local telecommunications service provider differ from those of the general public, and that no other party to this proceeding will adequately protect SWBT's interest.

The Commission has reviewed the application and finds that it is in substantial compliance with Commission rules regarding participation without intervention and that the applicant has an interest in this matter which is different from that of the general public. In addition, no objections were filed to the participation of this applicant. The Commission concludes that SWBT's request for participation should be granted.

Because no party has made a timely request for a hearing in this case, the Commission will not set a date for a prehearing or a hearing.

THEREFORE, IT IS ORDERED:

1. That Southwestern Bell Telephone Company is granted participation without intervention in this case in accordance with 4 CSR 240-2.075(5).

2. That this order shall be effective on October 28, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(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 28th day of October, 1997.