

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of NuVox)
Communications of Missouri, Inc. for an)
Investigation into the Wireless Centers that) **Case No. TO-2006-0360**
AT&T Missouri Asserts are Non-Impaired)
Under the TRRO.)

ORDER DENYING INTERVENTION

Issue Date: August 7, 2006

Effective Date: August 7, 2006

Background

On March 17, 2006, NuVox Communications of Missouri, Inc. filed an application for an investigation into the wire centers that AT&T Missouri asserts are non-impaired under the Federal Communications Commission's Triennial Review Order (TRRO). Also, on March 17, XO Communications Services, Inc. and McLeodUSA Telecommunications Services, Inc. filed applications to intervene, which were later granted.

On June 15, 2006, the Commission issued an order directing that notice be sent to all interexchange and local exchange telecommunications companies. In the order, the Commission set an intervention deadline of June 30. On July 14, MCI WorldCom Communications Services, Inc. d/b/a Verizon Business Services filed an application to intervene.

The Application to Intervene

In its application to intervene, Verizon states that it seeks to intervene "because the Commission's decision will affect Verizon's interests as a provider of telecommunications services and a CLEC." Verizon asserts that because of its expertise in the

telecommunications industry, the public interest will be served by Verizon's intervention. Verizon further states that it neither supports nor opposes the application as it is currently unsure of its position.

With regard to having filed its application out of time, Verizon states:

Verizon acknowledges that this Application was not filed by the deadline established by the Commission. Verizon asserts there is good cause to [grant] this Application, in that Verizon will contribute its expertise to this proceeding and no party will be adversely affected by the Commission allowing it to intervene at this early state of the proceedings.

No party filed a response to Verizon's application.

Discussion

Commission rule 4 CSR 240-2.075(5) states that applications to intervene filed out of time may be granted upon a showing of good cause. In its application to intervene, Verizon does not state a reason for having filed its application out of time. Verizon has therefore failed to make a showing of good cause.

Commission rule 4 CSR 240-2.075(6) states that any person, not a party to a case, may petition the Commission for leave to file a brief as *amicus curiae*. Verizon states that its reason for seeking intervention is to provide the Commission with its expertise. Further, Verizon states that it takes no position in this matter. The Commission's opportunity to benefit from Verizon's expertise as a provider of telecommunications services can be served by allowing Verizon to file a brief as *amicus curiae*. Therefore, as this matter progresses and the necessity for briefs becomes evident, the Commission will invite Verizon to offer its input as *amicus curiae*. However, because Verizon has filed its request out of time without stating any reason for having done so, the Commission will deny the company's request to intervene.

IT IS ORDERED THAT:

1. MCI World Communications Services, Inc. d/b/a Verizon Business Services' application to intervene is denied.
2. MCI World Communications Services, Inc. d/b/a Verizon Business Services shall be notified and invited to file a brief as *amicus curiae*, when and if the necessity arises.
3. This order shall become effective on August 7, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kennard L. Jones, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 7th day of August, 2006.