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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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### Missouri Public Service Commission

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February 10, 1993

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Executive Secretary

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Director, Utility Services

SAM GOLDAMMER  
Director, Utility Operations

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Director, Policy & Planning

DANIEL S. ROSS  
Director, Administration

CECIL I. WRIGHT  
Chief Hearing Examiner

MARY ANN YOUNG  
General Counsel

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FOC MAIL ROOM

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

RE: CC Docket No. 91-141 - In the Matter of Expanded  
Interconnection with Local Telephone Company Facilities

CC Docket No. 92-222 - In the Matter of Amendment of the  
Part 69 Allocation of General Support Facility Costs

Dear Secretary Searcy:

Enclosed is an original and nine copies of **REQUEST OF THE MISSOURI PUBLIC SERVICE COMMISSION FOR A DECLARATORY RULING ON THE SUFFICIENCY OF ITS STATE ACTION** for filing in the above-referenced matter.

Please file stamp the extra copy for return to our office.  
Thank you for your attention to this matter.

Sincerely,

Colleen M. Dale  
Senior Counsel  
314-751-7431

CMD:sgl

Enclosures

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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FEB 11 1993

FCC MAIN ROOM

In the Matter of	)	
Expanded Interconnection with	)	CC Docket No. 92-141
Local Telephone Company Facilities	)	Phase I
	)	
Amendment of the Part 69 Allocation	)	CC Docket No. 92-222
of General Support Facility Costs	)	

REQUEST OF THE MISSOURI PUBLIC SERVICE COMMISSION FOR A  
DECLARATORY RULING ON THE SUFFICIENCY OF ITS STATE ACTION

In its REPORT AND ORDER AND NOTICE OF PROPOSED RULEMAKING in this docket, the Federal Communications Commission (referred to as the "FCC") proposed that local exchange telecommunications companies ("companies") should provide physical collocation of interconnectors' equipment unless virtual collocation was mutually preferable, unless physical collocation was impossible due to space limitations or unless a state regulatory agency had made a final state decision, after notice and an opportunity to be heard, in favor of virtual rather than physical collocation, or in favor of allowing the companies to choose.

The Missouri Public Service Commission ("MoPSC") submitted an emergency rule to the Administrative Rules Division of the Missouri Secretary of State's Office on January 5, 1993. A copy of that submission is incorporated herein and appended hereto as "Attachment 1". The emergency rule, to be effective on February 10, 1993 had a comment

period from the date of publication of the rule in the Missouri Register on January 19, 1993 until February 1, 1993. As emergency rules are effective ten days after submission unless a later date is specified, the time period between the end of the comment period and the date of effectiveness of the rule would allow the MoPSC to incorporate any changes to the emergency rule prior to effectiveness. The MoPSC considered the comments of all parties filed in response to the emergency rule and determined that no changes were warranted at that time. The emergency rule became effective on February 10, 1993. The MoPSC has complied, as closely as it is able, to the requirements set forth in this docket and requests that the FCC find the emergency rule to be sufficient to support a waiver of this docket's mandate that companies provide physical collocation.

In addition to the emergency rulemaking, the MoPSC has proposed a rule that presently is the same as the emergency rule. In Missouri, the regular rulemaking process takes approximately nine months. A proposed rule, identical to the emergency rule, was submitted with the emergency rule to begin the process and to start running the mandatory times. The proposed rule provides significantly longer comment periods and provides for reply comments. This process will permit a more thorough investigation into interconnection and thereby permit much greater detail in the rule itself. The MoPSC anticipates that the proposed rule will set forth the terms and conditions of interconnection in a full and fair fashion and will, when finally adopted, continue to give companies the ultimate decision concerning the type of interconnection, although it will require that the interconnector's preference be given certain weight and assure that the company does not exercise its prerogative in an arbitrary fashion. The MoPSC requests that, if the FCC does not find the

emergency rule to be sufficient, it will grant Missouri companies additional time in which to file the tariffs required in this docket, until the MoPSC issues its Final Order of Rulemaking, whereupon the FCC may evaluate the sufficiency of the proposed rule.

The goal of these rulemakings is not to thwart the FCC's goals or to hinder or impede interconnection. The MoPSC believes it is moving quickly to a fair, reasoned and balanced resolution to the difficult issues raised by interconnection. We hope that the FCC will understand the time constraints under which state agencies work and proceed reasonably to permit the MoPSC the time it needs to address these issues in a thorough, thoughtful fashion.

Respectfully submitted,



Colleen M. Dale  
Senior Counsel

Attorney for the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, Missouri 65102  
314-751-7431

TX-93-215

Title 4 - DEPARTMENT OF  
ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 32 - Telecommunications Service

EMERGENCY RULE

4 CSR 240-32.090 Connection of Equipment to the Telephone Network

PURPOSE: The purpose of this amendment is to permit local exchange telecommunications companies to choose either physical collocation or any type of virtual collocation of interconnectors' access facilities.

EMERGENCY STATEMENT: The Federal Communications Commission has, in its Docket 91-141, In the Matter of Expanded Interconnection with Local Telephone Company Facilities, mandated that local exchange telecommunications companies physically locate other parties' equipment within the companies' central offices and permit those parties to have access to that equipment within the central office, unless the company is exempted from the requirement due to "a formal decision by a state legislature or public utility regulatory agency, after proceedings allowing all interested parties a reasonable opportunity to be heard, in favor of virtual collocation rather than physical collocation for intrastate expanded interconnection, or in favor of allowing LECs to choose which form of interconnection to use for intrastate expanded interconnection" and such state action is taken by the date on which the company files its federal tariff in this matter in mid-February. The Missouri Public Service Commission is of the opinion that requiring local exchange telecommunications companies to permit such unfettered access to central offices may pose a danger to the integrity of the telecommunications network. Therefore, the Missouri Public Service Commission proposes this emergency rule in order to limit access to central offices until the matter can be more fully studied and the proper safeguards can be put into place.

MISSOURI  
PUBLIC SERVICE COMMISSION

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(2) Each local exchange telecommunications company may choose the type of interconnection of customers' access transmission facilities to the company's central offices and to other rating points used for intrastate access. If a company decides to allow an interconnector's equipment to be

located on company property, the company shall provide space on the property on a non-discriminatory, first-come, first-served basis.

Auth: Sections 386.040 RSMo (1986), 386.250 RSMo Supp. (1992), 386.310 RSMo (1986) and 392.200 RSMo Supp. (1992). Original rule filed July 13, 1978, effective Jan. 13, 1979.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this emergency rule with Brent Stewart, Executive Secretary, Missouri Public Service Commission, P.O. Box 360, Jefferson City, Missouri, 65102, on or before February 1, 1993.

Title 4 - DEPARTMENT OF  
ECONOMIC DEVELOPMENT

Division 240 - Public Service Commission

Chapter 32 - Telecommunications Service

PROPOSED RULE

4 CSR 240-32.090 Connection of Equipment to the Telephone  
Network

PURPOSE: The purpose of this amendment is to permit local exchange telecommunications companies to choose either physical collocation or any type of virtual collocation of interconnectors' access facilities.

(2) Each local exchange telecommunications company may choose the type of interconnection of customers' access transmission facilities to the company's central offices and to other rating points used for intrastate access. If a company decides to allow an interconnector's equipment to be located on company property, the company shall provide space on the property on a non-discriminatory, first-come, first-served basis.

Auth: Sections 386.040 RSMo (1986), 386.250 RSMo Supp. (1992), 386.310 RSMo (1986) and 392.200 RSMo Supp. (1992). Original rule filed July 13, 1978, effective Jan. 13, 1979.

STATE AGENCY COST: This Proposed Rule will not cost state agencies or political subdivisions more than five hundred dollars in the aggregate.

PRIVATE ENTITY COST: This Proposed Rule will not cost private entities more than five hundred dollars in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to these rulemakings with the Missouri Public Service Commission, Brent Stewart, Executive Secretary, P.O. Box 360, Jefferson City, MO 65102, (314)751-3048. To be considered, initial comments must be received on or before February 19, 1993, and reply comments must be received on or before March 1, 1993. No public hearing is scheduled.

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