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JOINT APPLICATION OF PATHWAY
COM-TEL, INC. AND T- MOBILE USA,
INC. f/k/a VOICESTREAM WIRELESS
CORPORATION FOR APPROVAL OF
INTERCONNECTION AGREEMENT
UNDER PURA AND THE
TELECOMMUNICATIONS ACT OF 1996 §

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PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

**ORDER NO. 1
ESTABLISHING PROCEDURAL SCHEDULE FOR ADMINISTRATIVE REVIEW**

On July 31, 2003, Pathway Com-Tel, Inc. (Pathway) and T-Mobile USA, Inc. f/k/a Voicestream Wireless Corporation (Voicestream) (collectively, Applicants) filed a joint application for approval of an interconnection agreement (the Agreement) under the Telecommunications Act of 1996 (FTA)¹ and the Public Utility Regulatory Act.² The joint application included a copy of the Agreement.

This proceeding will be processed in accordance with P.U.C. PROC. R. 22.308.

35-Day Deadline

The Commission shall issue a decision regarding this docket no later than September 4, 2003, unless, at any point during the review, the Commission, for good cause, determines that a formal review is necessary pursuant to P.U.C. PROC. R. 22.308(c)(2).

Number of Copies

The Applicants shall file 3 copies of any filing in this case.

Sufficiency of the Application

The Commission finds that the joint application submitted by Applicants provides sufficient information to allow the Commission to properly review the interconnection agreement under the FTA. The Applicants have filed affidavits explaining how the Agreement is consistent with the public interest, convenience, and necessity, including all relevant requirements of State law.

Notice

¹ Pub. L. No. 104-104, 110 Stat. 56 (1996) (codified as amended in scattered sections of 15 and 47 U.S.C.) (FTA).

² TEX. UTIL. CODE ANN. Chapters 52 and 60 (Vernon 1998 & Supp. 2003) (PURA).

The Commission finds that additional notice of the filing of the interconnection agreement is required. Decisions made by the Commission during this proceeding may be of interest to other entities who are currently involved in negotiations with either or both Applicants. Accordingly, Pathway shall provide direct notice of the filing of this application to all other entities who are currently engaged in negotiations with Pathway concerning the subjects addressed in the interconnection agreement. Notice shall be provided by first class mail to the authorized representatives of the entities involved in such negotiations. Pathway shall complete all notice requirements by August 22, 2003, and shall file affidavits attesting to the completion of notice requirements by August 29, 2003. Additionally, the Commission shall provide notice of this application for publication in the *Texas Register*. A copy of the text of the *Texas Register* notice is attached to this Order.

Comments

The Commission finds that additional public comment should be allowed before the Commission issues a final decision approving or rejecting the interconnection agreement. Any interested person may file written comments on the application by filing 3 copies of the comments with the Commission's Filing Clerk and serving a copy of the comments on each of the Applicants. As a part of the comments an interested person may request that a public hearing be conducted. The comments, including any request for public hearing, shall be filed by September 2, 2003, and shall include:

- 1) a detailed statement of the person's interests in the agreement, including a description of how approval of the agreement may adversely affect those interests;
- 2) specific allegations that the agreement, or some portion thereof:
 - a) discriminates against a telecommunications carrier that is not a party to the agreement; or
 - b) is not consistent with the public interest, convenience, and necessity; or
 - c) is not consistent with other requirements of state law; and
- 3) the specific facts upon which the allegations are based.

Issuance of Approval, Denial, or Further Review of Application

Issuance of a notice of approval, denial, or further review shall be made in writing with copies to Applicants and any interested person who filed comments in the proceeding.

Subsequent Filing of Complete Interconnection Agreement

In the event the Commission approves the Agreement, Applicants shall file two complete interconnection agreement within 10 days of the date of the Commission's decision if one has not already been filed.

SIGNED AT AUSTIN, TEXAS the 1st day of August 2003.

PUBLIC UTILITY COMMISSION OF TEXAS


MICHAEL E. FIELD
DIRECTOR, DOCKET MANAGEMENT
POLICY DEVELOPMENT DIVISION