

Application of Fidelity Telephone )  
Company for Approval of an ) Case No. \_\_\_\_\_  
Interconnection Agreement )

COMES NOW Fidelity Telephone Company (“Fidelity”), pursuant to Commission rule 4 CSR 240-28.080(1), and hereby files this Application for Approval of an Interconnection Agreement between Fidelity and Charter Fiberlink-Missouri, LLC (“Charter”) under the Telecommunications Act of 1996 (“the Act”). In support of this Application, Fidelity states to the Missouri Public Service Commission (“Commission”) as follows:

## I. AGREEMENT REACHED

1. Fidelity is a local exchange carrier operating in Missouri. Fidelity is a Missouri corporation in good standing with the Missouri Secretary of State. Fidelity's annual reports and assessment fees are not overdue.

2. On October 1, 2018, after good faith negotiations, Fidelity and Charter executed an Interconnection Agreement (“the Agreement”) for the state of Missouri pursuant to the terms of the Federal Act (*see* Agreement, Attachment I). Pursuant to Commission rule 4 CSR 240-28.080 and the Act, Fidelity hereby submits this Agreement for approval by the Commission.

3. The Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement consists of thirty-two (32) pages and Attachments A, B, C, and D and an Appendix A. There are no outstanding issues between Fidelity and Charter that need the assistance of mediation or arbitration.

## **II. REQUEST FOR APPROVAL**

4. Fidelity seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. Fidelity represents that the implementation of this negotiated and executed Agreement complies fully with Missouri law and Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Fidelity respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties. Correspondence, orders and decisions in this matter should be addressed to:

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ATTN: Carrier Relations – Regulatory  
12405 Powerscourt Drive  
St. Louis, MO 63131

Charles A. Hudak, Esq.  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Suite 1700  
Atlanta, GA 30346

## **III. COMMISSION AUTHORITY**

5. Under the Act, the Commission has the authority to grant the relief requested by Fidelity. Specifically, Section 252(a) of the Act provides:

**(a) AGREEMENTS ARRIVED AT THROUGH NEGOTIATIONS**

- (1) VOLUNTARY NEGOTIATIONS.** – Upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the State commission under subsection (e) of this section.

**IV. STANDARD OF REVIEW**

Under Section 252 of the Act, the Commission has the authority to approve an agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. The Commission may only reject an agreement if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the Act provides as follows:

**GROUND FOR REJECTION.** – The State Commission may only reject –

- (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –
- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
  - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

Fidelity states that the Agreement does not discriminate against a telecommunications carrier not a party to the Agreement. Fidelity further states that implementation of the Agreement is consistent with the public interest, convenience, and necessity.

## V. CONCLUSION

WHEREFORE, Fidelity respectfully requests the Commission to issue an Order that: (1) approves expeditiously the Interconnection Agreement between Fidelity and Charter, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ W.R. England, III  
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Attorneys for Fidelity Telephone Company

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served to the following parties on this 29<sup>th</sup> day of October, 2018:

General Counsel  
Missouri Public Service Commission  
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Jefferson City, MO 65102

Office of the Public Counsel  
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Charter Communications, Inc.  
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12405 Powerscourt Drive  
St. Louis, MO 63131

Charter Communications, Inc.  
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St. Louis, MO 63131

Charles A. Hudak, Esq.  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Suite 1700  
Atlanta, GA 30346

By /s/ W.R. England, III

**VERIFICATION**

COUNTY OF Franklin                    )  
  ) ss.  
STATE OF MISSOURI                    )

I, Carla Cooper, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and am authorized to act on behalf of Fidelity Telephone Company regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.

*Carla Cooper*  
Carla Cooper

Sworn and subscribed to before me this 23 day of October, 2018.



JESSICA L. CAROLLO  
My Commission Expires  
January 16, 2022  
Franklin County  
Commission #12384990

*Jessica L Carollo*  
Notary Public