

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

In the Matter of the Adoption of the Spectra	)	
Communications Group, LLC / CD Telecommunica-	)	
tions, LLC Interconnection Agreement by Ozark	)	
Telecom, LLC, and the Approval of the First	)	
Addendum to Interconnection Agreement Between	)	<b><u>Case No. IK-2007-0084</u></b>
Spectra Communications, LLC, and Ozark Telecom,	)	
LLC pursuant to Sections 252(e) and 252(i) of the	)	
Telecommunications Act of 1996.	)	

**ORDER DIRECTING NOTICE AND MAKING**  
**OZARK TELECOM, LLC, A PARTY**

Issue Date: August 29, 2006

Effective Date: August 29, 2006

This order provides notice of this application to interested parties and joins the other party to the interconnection agreement, Ozark Telecom, LLC, as a party to this proceeding.

On August 23, 2006, Spectra Communications Group, LLC filed a Notice of Adoption of Interconnection Agreement, notifying the Commission that Ozark desires to adopt the terms of the interconnection agreement between CD Telecommunications, LLC, and Spectra, pursuant to Section 252(i) of the federal Telecommunications Act of 1996. The agreement between CD Telecommunications and Spectra was approved by the Commission in Case No. TK-2006-0125. Spectra also requested approval of the accompanying First Addendum to Interconnection Agreement between Spectra and Ozark.

Although Ozark is a party to the agreement, it did not join in the application. Because Ozark is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity.<sup>1</sup> The Act provides further that a local exchange carrier “shall make available any interconnection, services, or network element provided under an agreement . . . to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.”<sup>2</sup> This provision has been interpreted as permitting any carrier to adopt any interconnection agreement previously entered into by any local exchange carrier with any other carrier. The Federal Communications Commission has adopted 47 C.F.R. Section 51.809 (Rule 809), referred to as the “pick and choose” rule, to implement Section 252(i). Rule 809 requires an incumbent local exchange company to make available to any requesting telecommunications carrier “any individual interconnection, service or network element arrangement contained in any agreement to which it is a party that is approved by a state commission pursuant to section 252 of the Act. . . .”

The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing.

Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously.

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<sup>1</sup> 47 U.S.C. § 252(e).

<sup>2</sup> 47 U.S.C. § 252(i).

The Commission finds that notice of this case shall be sent to all interexchange and local exchange telecommunications companies.

**IT IS ORDERED THAT:**

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.

2. Ozark Telecom, LLC is made a party to this case.

3. Any party wishing to request a hearing shall do so by filing a pleading no later than September 18, 2006, with:

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

and send copies to:

Larry W. Dority, Esq.  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Attorney for Spectra Communications Group, LLC

Ozark Telecom, LLC  
ATTN: John Noakes  
3201 North Highway 63  
West Plains, Missouri 65775

and:

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, Missouri 65102

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than September 28, 2006.

5. This order shall become effective on August 29, 2006.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale  
Secretary

( S E A L )

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

Dated at Jefferson City, Missouri,  
on this 29th day of August, 2006.