

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

In re: Interconnection, Collocation and)
Resale Agreement By and Between)
Bandwidth.com CLEC, LLC and Embarq)
Missouri, Inc. Pursuant to Sections 251)
and 252 of the Telecommunications Act of)
1996

Case No. IK-2009-0017

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation respectfully states:

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant approval of the Interconnection, Collocation, and Resale Agreement between Bandwidth.com CLEC, LLC and Embarq Missouri, Inc. (Embarq) (Agreement) filed by Embarq under the provisions of the federal Telecommunications Act of 1996.

2. The terms of the Agreement do not discriminate against telecommunications carriers not a party to the Agreement and are not against the public interest, convenience or necessity. Pursuant to 47 U.S.C. §252(e), the Commission is to approve a negotiated interconnection agreement unless the terms of the agreement discriminate against a telecommunications carrier not a party to the agreement, or implementation of the agreement or any portion thereof is inconsistent with the public interest, convenience, or necessity.

WHEREFORE, because the terms of the Agreement satisfy the standard set forth in 47 U.S.C. §252(e), Staff recommends the Commission approve the Agreement and

direct the parties to submit any future modifications or amendments to the Agreement to the Commission for approval.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz

Associate General Counsel

Missouri Bar No. 57128

Attorney for the Staff of the

Missouri Public Service Commission

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 7th day of August 2008.

/s/ Jennifer Heintz

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **IK-2009-0017**
Party: Bandwidth.com
Type of Carrier:
☐ ILEC
☒ CLEC
☐ Wireless

Party: Embarr Missouri
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

From: Lisa Mahaney, Telecommunications Department

William Voight	8/7/08	Jennifer Heintz	8/7/08
Utility Operations Division/Date		General Counsel Office/Date	

Subject: Staff Recommendation for Approval of Interconnection Agreement or Amendment to Interconnection Agreement

Date: August 7, 2008

Date Filed: 7/7/08 **Staff Deadline:** 8/18/08

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☒ Interconnection Agreement
- ☐ Amendment not previously approved

The parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

☐ The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.

☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

(☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

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Agreement By and Between)
Bandwidth.com CLEC, LLC d/b/a)
Bandwidth.com and Embarq Missouri, Inc.)
d/b/a Embarq Pursuant to Sections 251 and)
252 of the Telecommunications Act of)
1996)

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AFFIDAVIT OF LISA MAHANEY

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



Lisa Mahaney

Subscribed and affirmed before me this 7th day of August 2008
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC