

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

In the Matter of the Application of Southwestern     )  
Bell Telephone Company, d/b/a AT&T Missouri,     )     Case No. \_\_\_\_\_  
For Approval of an Amendment to an     )  
Interconnection Agreement Under the     )  
Telecommunications Act of 1996.     )

**AT&T MISSOURI'S APPLICATION FOR APPROVAL OF  
AN AMENDMENT TO AN INTERCONNECTION AGREEMENT**

AT&T Missouri,<sup>1</sup> pursuant to Section 252(e) of the Telecommunications Act of 1996 ("the Act")<sup>2</sup> and 4 CSR 240-3.513(6)(C), respectfully submits this Application for Approval of an Amendment to an Interconnection Agreement ("Amendment") by and between AT&T Missouri and Cricket Communications, Inc. ("Cricket") and requests that the Commission approve the Amendment.

In support of this Application, AT&T Missouri states:

1. AT&T Missouri is a Missouri corporation with its principal Missouri office at One AT&T Center, Room 3520, St. Louis, Missouri 63101. It may be contacted at the regular and electronic mail addresses and telephone and facsimile numbers of its attorneys, as set out under the signature block of this Application. AT&T Missouri is authorized to do business in Missouri<sup>3</sup> and its fictitious name is duly registered with the Missouri Secretary of State.<sup>4</sup> AT&T Missouri is a "local exchange telecommunications company" and a "public utility," and is duly

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<sup>1</sup> Southwestern Bell Telephone Company, d/b/a AT&T Missouri ("AT&T Missouri").

<sup>2</sup> 47 U.S.C. §252(e).

<sup>3</sup> In accordance with 4 CSR 240-2.060(1) and (G), a certified copy of Southwestern Bell Telephone Company's Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on August 15, 2007, in Case No. IK-2008-0044.

<sup>4</sup> In accordance with 4 CSR 240-2.060(1)(E) and (G), a copy of the registration of the fictitious name "AT&T Missouri" was filed with the Commission on July 17, 2007, in Case No. TO-2002-185.

authorized to provide "telecommunications service" within the State of Missouri, as each of those phrases is defined in Section 386.020, RSMo 2000.<sup>5</sup>

2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Leo J. Bub  
Robert J. Gryzmala  
Attorneys for Southwestern Bell Telephone Company  
d/b/a AT&T Missouri  
One AT&T Center, Room 3516  
St. Louis, Missouri 63101

3. AT&T Missouri has no final unsatisfied judgments or decisions against it from any state or federal agency or court, which involve retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. Moreover, AT&T Missouri has no pending actions which satisfy the listed criteria in Arkansas, Kansas, Missouri or Oklahoma. AT&T Texas (the fictitious name under which Southwestern Bell Telephone Company operates in Texas) has six pending formal complaints or lawsuits from end-user customers in Texas which involve retail customer service or rates.<sup>6</sup>

4. AT&T Missouri does not have any annual report or assessment fees that are overdue in Missouri.

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<sup>5</sup> Following its June 26, 2007, Order in Case No. TO-2002-185 allowing Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, to alter its status from a Texas limited partnership to a Missouri corporation, the Commission approved tariff revisions to reflect the new corporate name, Southwestern Bell Telephone Company d/b/a AT&T Missouri. *See, Order Granting Expedited Treatment and Approving Tariffs*, Case No. TO-2002-185, issued June 29, 2007.

<sup>6</sup> The pending lawsuits in Texas involving customer service or rates are (1) *Irvings Holding, Inc. v. SBC Communications, Inc.*, Docket No. CC-05-07415-C and (2) *David Lavine, M.D. and David Lavine, M.D., P.A. d/b/a Center for Cosmetic and Reconstructive Surgery v. AT&T Inc.*, Cause No. 07-54771-2. The pending formal complaints before the Texas Public Utility Commission involving customer service or rates are as follows: (1) Complaint of Harris County Hospital District Against AT&T Texas, Docket No. 34332; (2) Complaint of Harris County Hospital District Against AT&T Texas, Docket No. 34940; (3) Formal Complaint Pursuant to PUC Procedural Rule 22.242 Against AT&T On Behalf Of The River Oaks Imaging, Docket No. 34511 and (4) Complaint of John J. Gitlin, Esq. Against AT&T Texas, Docket No. 34348.

5. AT&T Missouri seeks approval of the Amendment attached hereto (which has been signed by the parties) pursuant to Section 252(e)(1) of the Act. The Commission must approve the Amendment unless it determines that the Amendment (or any portion thereof) (1) discriminates against a telecommunications carrier not a party to the Amendment, or (2) the implementation of such Amendment is not consistent with the public interest, convenience, and necessity.<sup>7</sup>

6. AT&T Missouri states that the Amendment does not discriminate against a telecommunications carrier not a party to the Interconnection Amendment. AT&T Missouri further states that the implementation of the Amendment is consistent with the public interest, convenience, and necessity. The Amendment establishes an originating interMTA traffic factor to be used in determining inter-carrier compensation and provides for a method to be used in developing a new Originating Landline to CMRS Switched Access traffic factor for future use.

WHEREFORE, AT&T Missouri respectfully requests that the Commission approve the Amendment to the Interconnection Agreement between AT&T Missouri and Cricket Communications, Inc.

Respectfully submitted,

Southwestern Bell Telephone Company  
d/b/a AT&T Missouri

BY   
LEO J. BUB #34326  
ROBERT J. GRYZMALA #32454

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d/b/a AT&T Missouri  
One AT&T Center, Room 3518  
St. Louis, Missouri 63101  
314-235-2508 (Telephone)/314-247-0014(Facsimile)  
[leo.bub@att.com](mailto:leo.bub@att.com)

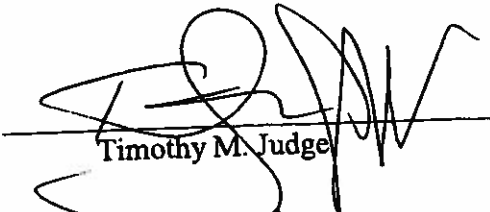
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<sup>7</sup> See, 47 U.S.C. § 252(e)(2).

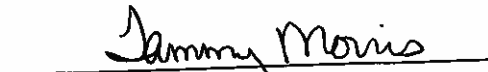
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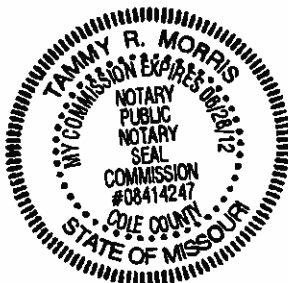
**VERIFICATION**

I, Timothy M. Judge, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and Director-Regulatory of AT&T Services, Inc. I am authorized to act on behalf of AT&T Missouri 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.

  
\_\_\_\_\_  
Timothy M. Judge

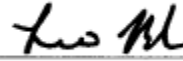
Sworn and subscribed to before me this 24 day of August, 2009.

  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on August 24, 2009.



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Leo J. Bub

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Missouri Public Service Commission  
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**AMENDMENT TO  
CELLULAR-PCS INTERCONNECTION AGREEMENT  
BY AND BETWEEN  
SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T MISSOURI  
AND  
CRICKET COMMUNICATIONS, INC.**

The Interconnection Agreement, dated October 18, 2005 ("the Agreement") by and between Southwestern Bell Telephone Company d/b/a AT&T Missouri<sup>1</sup> ("AT&T Missouri") and Cricket Communications, Inc. ("CARRIER") is hereby amended as follows:

(1) The Parties agree to delete Section 8.3.4.4 of the Appendix ITR (Interconnection Trunking Requirements) and replace it with the new Section 8.3.4.4 below:

8.3.4.4 The Parties agree that the Originating Landline to CMRS Switched Access percentage, i.e., Originating InterMTA factor, is one percent (1%), and such percentage shall remain in effect unless and until the Parties agree upon a new Originating Landline to CMRS Switched Access percentage, and the Agreement is amended to reflect such new percentage. No sooner than one year from the Effective Date and no more frequently than once every twenty-four (24) months thereafter, either Party may request an audit to develop a new Originating Landline to CMRS Switched Access traffic percentage. Within thirty (30) Days of the notice of either Party's desire to audit, unless otherwise agreed, the Parties shall retain a mutually acceptable third party who shall be allowed to conduct an audit of the Parties' records (to obtain and verify the data necessary for this formula) to be completed within ninety (90) Days of an audit request. The Parties shall share the costs of the third party audit equally.

(2) This Amendment shall not modify or extend the Effective Date or Term of the underlying Agreement, but rather, shall be coterminous with such Agreement.

(3) EXCEPT AS MODIFIED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

(4) In entering into this Amendment, neither Party waives, and each Party expressly reserves, any rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the underlying Agreement (including intervening law rights asserted by either Party via written notice predating this Amendment) with respect to any orders, decisions, legislation or proceedings and any remands thereof, which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further review.

(5) This Amendment shall be filed with and is subject to approval by the Missouri Public Service Commission and shall become effective ten (10) days following approval by such Commission.

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<sup>1</sup> On December 30, 2001, Southwestern Bell Telephone Company (a Missouri corporation) was merged with and into Southwestern Bell Texas, Inc. (a Texas corporation) and, pursuant to Texas law, was converted to Southwestern Bell Telephone, L.P., a Texas limited partnership. On June 29, 2007, Southwestern Bell Telephone, L.P., a Texas limited partnership, was merged with and into SWBT Inc., a Missouri corporation, with SWBT Inc. as the survivor entity. Simultaneous with the merger, SWBT Inc. changed its name to Southwestern Bell Telephone Company. Southwestern Bell Telephone Company is doing business in Missouri as "AT&T Missouri".

Cricket Communications, Inc.

By: [Signature]

Printed: Dan GAF

Title: Director, Switch & C Engineering  
(Print or Type)

Date: 7-14-09

Southwestern Bell Telephone Company d/b/a AT&T  
Missouri, by AT&T Operations, Inc., its authorized  
agent

By: [Signature]

Printed: Eddie A. Reed, Jr.

Title: Director-Interconnection Agreements

Date: 7-16-09