

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Adoption of the CenturyTel)
Of Missouri, LLC/WWC License LLC)
Interconnection and Reciprocal Compensation)
Agreement by Cricket Communications, Inc.,)
and the Approval of the Addendum to)
Interconnection and Reciprocal Compensation)
Agreement Between CenturyTel of Missouri,)
LLC and Cricket Communications, Inc.,)
Pursuant to Sections 252(e) and 252(i) of the)
Telecommunications Act of 1996)

Case No. IK-2008-0378

ORDER RECOGNIZING ADOPTION OF AND
APPROVING ADDENDUM TO INTERCONNECTION
AND RECIPROCAL COMPENSATION AGREEMENT

Issue Date: July 2, 2008

Effective Date: July 12, 2008

This order recognizes the adoption by Cricket Communications, Inc. (Cricket) of an interconnection and reciprocal compensation agreement previously approved by the Commission.

Procedural History

On May 30, 2008, CenturyTel of Missouri, LLC (CenturyTel) filed a pleading entitled Notice of Adoption of Interconnection and Reciprocal Compensation Agreement and Application for Approval of Addendum to Interconnection and Reciprocal Compensation Agreement. Cricket notified CenturyTel that it desired to adopt the terms of the interconnection agreement between WWC License LLC and CenturyTel, approved by the Commission in Case No. TK-2004-0499 on May 11, 2004. In addition, CenturyTel's application requested the approval of an addendum to the interconnection and reciprocal

compensation agreement. The addendum was filed pursuant to Section 252(e) of the Telecommunications Act of 1996. The addendum promotes interconnectivity and diversity in providers, and will increase customer choices for telecommunications services.

On May 30, 2008, the Commission issued an order directing notice of the adoption to all interexchange and local exchange telecommunication companies and making Cricket a party. The notice stated that any party wishing to request a hearing shall do so no later than June 19, 2008. No requests for hearing were filed.

On June 23, 2008, the Staff of the Missouri Public Service Commission recommended that the Commission take notice of the adoption. Staff also requested the Commission to direct the parties to submit to Staff a copy of the executed Addendum with pages numbered *seriatim*.

Findings of Fact

After reviewing the file, the Commission finds that Cricket notified CenturyTel of its desire to adopt the same terms and conditions of the interconnection and reciprocal compensation agreement between WWC License LLC and CenturyTel, approved by the Commission in Case No. TK-2004-0499 on May 11, 2004. CenturyTel did not object to the request and filed this notice of the adoption of the interconnection and reciprocal compensation agreement. No objections have been received. Therefore, the Commission will take notice of the adoption.

Amendment Procedure

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.¹ In order for

¹ 47 U.S.C. § 252.

the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize amendments to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection.² This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission.³

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's offices. Any proposed amendment must be submitted pursuant to Commission rule 4 CSR 240-3.513(6).

Conclusions of Law

The adoption of the terms and conditions of a previously approved interconnection agreement is authorized by Section 252(i) of the federal Telecommunications Act of 1996.⁴ Section 252(i) states:

(i) Availability to Other Telecommunications Carriers. –

A local exchange carrier shall make available any interconnection, services, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

Federal rule 51.809 (Rule 809) was promulgated to implement Section 252(i) of the Act. Rule 809 provides that the incumbent local exchange company must provide the interconnection, network elements, or services to a requesting telecommunications carrier

² 47 U.S.C. § 252(h).

³ 4 CSR 240-3.545.

that notifies the ILEC that it wishes to adopt the interconnection, network elements, or services from a Commission-approved interconnection agreement unless stated conditions are proven to the Commission. An ILEC can deny an adoption if it proves that (1) the cost of providing a particular interconnection, service, or element to the requesting telecommunications carriers is greater than the cost of providing it to the telecommunications carrier that originally negotiated the agreement, or (2) the provision of the particular interconnection, service, or element to the requesting carrier is not technically feasible.⁵

The Commission notes that prior to providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

IT IS ORDERED THAT:

1. Cricket Communications, Inc.'s adoption of the terms and conditions contained in the interconnection and reciprocal compensation agreement between WWC License LLC, and CenturyTel of Missouri, LLC, pursuant to Section 252(i) of the Telecommunications Act of 1996, is hereby recognized.

2. No later than July 12, 2008, CenturyTel of Missouri, LLC and Cricket Communications, Inc. shall submit a copy of the addendum of the interconnection and reciprocal compensation agreement to the Staff of the Missouri Public Service Commission, with the pages sequentially numbered. On the same date, CenturyTel of Missouri, LLC and

⁴ See 47 U.S.C. § 251, *et seq.*

⁵ 47 C.F.R. § 51.809(b).

Cricket Communications, Inc. shall file a notice in the official case file advising the Commission that it has complied with this order.

3. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-3.513(6).

4. This order shall become effective on July 12, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 2nd day of July, 2008.