

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

Application for Approval of an )  
Interconnection Agreement Between BPS ) **File No. IK-2022-0041**  
Telephone Company and Teleport )  
Communications America, LLC )

## **ORDER DIRECTING NOTICE, SETTING INTERVENTION DEADLINE, AND MAKING TELEPORT COMMUNICATIONS AMERICA, LLC A PARTY**

Issue Date: August 16, 2021

Effective Date: August 16, 2021

This order provides notice of this application to interested parties, establishes a deadline for intervention and for requesting a hearing, and joins the other party to the Interconnection Agreement, Teleport Communications America, LLC as a party to this proceeding.

On August 13, 2021, BPS Telephone Company, filed an application with the Commission for approval of a negotiated Interconnection Agreement with Teleport Communications America, LLC under the provisions of the Federal Telecommunications Act of 1996. BPS Telephone Company states that there are no unresolved issues and that the Agreement complies with Section 252(e) of the Act in that it is consistent with the public interest, convenient and necessary, and is not discriminatory to nonparty carriers.

Although Teleport Communications America, LLC is a party to the Agreement, it did not join in the application. Because it is a necessary party to a full and fair adjudication of this matter, the Commission will add Teleport Communications America, LLC 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> 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. The Commission finds that proper persons shall be allowed 15 days from the issuance of this order to file a motion for hearing. The Commission also finds that notice of this application shall be sent to all interexchange and local exchange telecommunications companies.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. Teleport Communications America, LLC is made a party to this case.
3. Any party wishing to intervene or request a hearing shall do so by filing a pleading no later than September 1, 2021, with:

Morris L. Woodruff, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

Or by using the Commission's electronic filing and information system (EFIS).

4. The Staff of the Commission shall file a recommendation advising either approval or rejection of this Agreement and giving the reasons therefor no later than September 15, 2021.

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<sup>1</sup> 47 U.S.C. § 252(e).

5. This order shall be effective when issued.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is written in a cursive style.

Morris L. Woodruff  
Secretary

Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 16<sup>th</sup> day of August, 2021.

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

Application for Approval of an )  
Interconnection Agreement between )  
BPS Telephone Company and ) Case No. \_\_\_\_\_  
Teleport Communications America, LLC )

**APPLICATION FOR APPROVAL OF INTERCONNECTION AGREEMENT  
AND REQUEST FOR WAIVER OF 20 CSR 4240-4.017**

Comes now BPS Telephone Company (hereinafter "Company"), pursuant to 47 U.S.C. 252 and 20 CSR 4240-28.013(2)(A), and hereby requests that the Commission approve an Interconnection Agreement ("Agreement") between Company and Teleport Communications America, LLC ("TCA"). In support of this Application, Company states as follows:

1. Company is a Missouri corporation and an incumbent local exchange telecommunications company (ILEC), properly certificated and authorized to do business in Missouri. The names and addresses of its principal contacts for this case are as follows:

W.R. England, III  
Brian T. McCartney  
Brydon, Swearengen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
(573) 635-7166 voice  
(573) 634-7431 fax  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

2. The implementation of this Agreement complies with Section 252(e) of the Act in that the Agreement is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier.

3. Company has no pending actions or final, unsatisfied adverse judgments or decisions which involve customer service or rates that have occurred within the last three years from the date of this Application.

4. Company has no annual report or assessment fees that are overdue.

#### **REQUEST FOR WAIVER**

5. Rule 20 CSR 4240-4.017(1) provides that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” A notice was not filed 60 days prior to the filing of this Application, and Applicant seeks a waiver of the 60-day notice requirement.

6. Rule 20 CSR 4240-4.017(1) provides that a waiver may be granted for good cause. Good cause exists in this case. Company declares (as verified below) that it has had no communication with the office of the Commission (as defined by Commission Rule 20 CSR 4240-4.015(10) within the prior 150 days regarding any substantive issue likely to be in this case, other than those pleadings filed of record. Accordingly, for good cause shown, Company moves for a waiver of the 60-day notice requirement of Rule 20 CSR 4240-4.017(1) and acceptance of this Application.

WHEREFORE, Company respectfully requests that the Commission enter an Order approving this Agreement.

Respectfully submitted,

/s/ Brian T. McCartney  
W.R. England, III Mo. Bar #23975  
Brian T. McCartney Mo. Bar #47788  
Brydon, Swearngen & England P.C.  
312 East Capitol Avenue  
P.O. Box 456  
Jefferson City, MO 65102-0456  
(573) 635-7166  
(573) 634-7431 FAX  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was delivered by electronic mail this 13<sup>th</sup> day of August, 2021, to counsel of record.

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102  
[opc@ded.mol.gov](mailto:opc@ded.mol.gov)

/s/ Brian T. McCartney

AFFIDAVIT

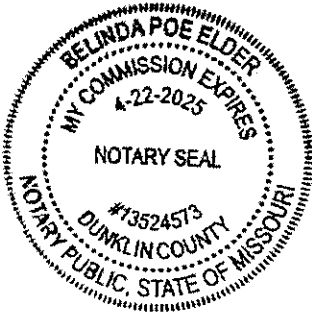
COUNTY OF Dunklin )  
 ) ss.  
STATE OF MISSOURI )

I, Lisa Winberry, a natural person, do hereby swear and affirm that I am Manager of BPS Telephone Company, the Applicant in the above Application ("Applicant"), and that the information and statements contained in this Application are true and correct to the best of my knowledge and belief.

By signing this form, I hereby certify that neither I, nor any other members of this filing party, has had communications with a Commissioner, a member of the Commission's Advisory Staff, or the Commission's Regulatory Law Judges in the 150 days prior to the filing date of this application regarding any substantive issue included in this filing.

Lisa Winberry  
Lisa Winberry

Sworn and subscribed to before me this 6 day of August, 2021.



Belinda Poe Elder  
Notary Public


**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 16<sup>th</sup> day of August, 2021.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 16, 2021**

**File/Case No. IK-2022-0041**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
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Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

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**BPS Telephone Company**

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**BPS Telephone Company**

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**Teleport Communications  
America, LLC**

Legal Department  
Room 3B110C  
1 AT&T Way  
Bedminster, NJ 08817

***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

**Distributed to all Interexchange and Local Exchange Telecommunications Companies**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.