

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) **Case No. IK-2007-0084**
Spectra Communications, LLC, and Ozark Telecom,)
LLC pursuant to Sections 252(e) and 252(i) of the)
Telecommunications Act of 1996.)

¹ See 47 U.S.C. § 251, *et seq.*

any party wishing to request a hearing to do so no later than September 18. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on September 26, recommending that the Notice be recognized and the addendum be approved.

Discussion

The Commission recognizes that Spectra requests the Commission recognize the adoption of an interconnection agreement. However, Spectra also requests that an addendum to that agreement be approved. Section 252(i) of the Telecommunications Act of 1996, upon which Spectra rests its Notice, requires as follows:

A local exchange carrier shall make available any interconnection, service, 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 provide in the agreement.

Spectra is requesting that the Commission recognize the adoption of an agreement, previously approved by the Commission, and approve an amendment to that the agreement. However, the terms of the adopted agreement with the Addendum are not the same terms and condition as those provided only in the agreement without the Addendum. Therefore, the Commission will treat this as a new agreement.

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff memorandum recommends that the adoption be recognized and the Addendum be approved and notes that the Addendum meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any amendments to the Commission for approval

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has considered the Notice and Addendum, the supporting documentation, and Staff's verified recommendation, which are hereby admitted into evidence. Based upon that review, the Commission concludes that the Agreement meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement shall be conditioned upon the parties submitting any amendments to the Commission for approval pursuant to the procedure set out below.

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.² In order for 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

² 47 U.S.C. § 252.

public inspection.³ 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.⁴

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 Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁵ is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.⁶ Based upon its review of the Agreement between Spectra and Ozark and its findings of fact, the Commission concludes that the Agreement is neither discriminatory nor inconsistent with the public interest and shall be approved.

The Commission notes that prior to providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved

³ 47 U.S.C. § 252(h).

⁴ 4 CSR 240-3.545.

⁵ 47 U.S.C. § 252(e)(1).

⁶ 47 U.S.C. § 252(e)(2)(A).

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. The Interconnection Agreement between Spectra Communications Group, LLC and Ozark Telecom, LLC, filed on August 23, 2006, is approved.
2. Any changes or amendments to this Agreement shall be submitted in compliance with 4 CSR 240-3.513(6).
3. This order shall become effective on October 21, 2006.
4. This case may be closed on October 22, 2006.

BY THE COMMISSION



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 11th day of October, 2006.