

**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,	)	
For Approval of an Amendment to	)	File No. IK-2014-0233
An Interconnection Agreement	)	
Under the Telecommunications Act of 1996	)	

APPLICATION TO INTERVENE

COMES tw telecom of kansas city llc ("tw telecom") by and through counsel, and files its Application to Intervene in this case pursuant to Sections 386.410 and 386.420, RSMo, and 4 CSR 240-2.075. In support of this application, tw telecom states as follows:

1. tw telecom of kansas city llc is a Delaware corporation with its principal place of business located at 10475 Park Meadows Drive, Suite 400, Littleton, Colorado (CO) 80124. Its telephone number is 303-566-1000. tw telecom is a provider of basic local (CLEC), interexchange (IXC) and local exchange (LE) telecommunications services in Missouri, pursuant to certificates of service authority issued in Case Nos. CA-2002-1153 (*Order* effective March 30, 2003), XA-2002-1154 (*Order* effective February 8, 2003) and LA-2003-0001 (*Order* effective February 28, 2003).¹ The nature of Applicant's business is the provision of telecommunications services. Applicant is authorized to do business in Missouri. Its certificate of authority to transact business in Missouri is on-file with the Commission in the record of Case No. CN-2008-0363 and is hereby incorporated by reference pursuant to

¹ See *also*, MoPSC Case No. TM-2007-0472, CA-2007-0473 and CN-2008-0363.

Commission Rule 4 CSR 240-2.060(1)(G). tw telecom is an “alternative local exchange telecommunications company” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those terms is defined in Section 386.020, RSMo.

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

William D. Steinmeier
WILLIAM D. STEINMEIER, P.C.
2031 Tower Drive
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3. tw telecom of kansas city llc has no pending action or unsatisfied final judgment or decision against it from any state or federal agency or court which involves Missouri retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Notice. No Missouri annual reports or assessment fees are overdue.
4. On February 20, 2014, Southwestern Bell Telephone Company, d/b/a AT&T Missouri (“AT&T Missouri”) filed an application with the Commission for approval of an amendment to a negotiated interconnection agreement with AT&T Corp. under the provisions of the federal Telecommunications Act of 1996. AT&T Missouri 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, convenience and necessity and is not discriminatory to nonparty carriers.

5. On February 21, 2014, the Commission issued its *Order Directing Notice, Setting Intervention Deadline, and Making AT&T Corp. a Party* in this matter. The order established a deadline of March 10, 2014 to intervene or request a hearing. This Application to Intervene is timely filed.
6. Pursuant to 4 CSR 240-2.075 (2) (E), tw telecom states that, as a competitive telecommunications provider, it is concerned that the transit rates included in the amendment submitted in this docket do not appear to be TELRIC rates, as heretofore required by the FCC and by this Commission. AT&T Missouri has cited no authority for transit rates to be “commercially negotiated” rather than offered at TELRIC rates.² tw telecom also notes that AT&T Missouri and AT&T Corp. are affiliated companies.

² Total element long run incremental cost (TELRIC) is a common measure applied by telecommunications regulators in some jurisdictions to set access prices with the help of cost-based measures. In the United States, the Federal Communications Commission (FCC) provides a price ceiling to ensure that incumbent local exchange carriers (ILECs) charge competitive local exchange carriers a fair price for interconnection and co-location.

The FCC used the term TELRIC for the first time when it interpreted TELRIC's role under the 1996 Telecommunications Act. This particular act was predicated on a higher level of unbundling by ILECs. Therefore, the act was centered on the idea that ILECs would have to lease components of the local telephone network to prospective competitors. Such competitors would then expect to blend these components together, possibly using their own elements to offer appropriate services to end users.

7. Since the rate proposed in AT&T's amendment in this docket could impact the balance of payments for transit traffic exchanged between parties in the state of Missouri, the proposed amendment may, in fact, be discriminatory and not consistent with the public interest, convenience and necessity. (47 U.S.C. Section (e) (2).)
8. As a competitive telecommunications company, tw telecom has an interest in this matter which is different from that of the general public and which may be adversely affected by a final order arising from this case. Granting the instant Application to Intervene would serve the public interest.
9. Pursuant to 4 CSR 240-2.075 (2) (F), tw telecom states that it neither supports nor opposes the proposed amendment at the present time, pending receipt of additional information from AT&T Missouri and the Missouri PSC Staff concerning the authority to establish a commercially-negotiated transit rate that differs from TELRIC.

WHEREFORE, tw telecom of kansas city llc respectfully requests that the Missouri Public Service Commission grant this Application to Intervene and make tw telecom a party to this proceeding.

Respectfully submitted,

/s/ William D. Steinmeier

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COUNSEL FOR tw telecom of kansas
city llc

CERTIFICATE OF SERVICE

I hereby certify that the undersigned has caused a complete copy of the attached document to be electronically filed and served on the Commission's Office of General Counsel (at staffcounsel@psc.mo.gov), the Office of Public Counsel (at opcservice@ded.mo.gov), and all counsel of record on this 10th day of March 2014.

/s/ William D. Steinmeier