

Missouri Public Service Commission

Data Center

P.O. Box 360

Jefferson City, Missouri 65102-0360

MO 419-2651 (9-10)

FILED

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**Missouri Public
Service Commission**

NOW Communications (Birch)

Legal Department

2300 Main Street, Ste. 340

Kansas City, MO 64108-2414

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**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)	<u>File No. IK-2016-0108</u>
Approval of an Amendment to an Interconnection)	
Agreement Under the Telecommunications Act of 1996)	

**ORDER DIRECTING NOTICE, SETTING
INTERVENTION DEADLINE, AND MAKING
BIRCH TELECOM AND IONEX COMMUNICATIONS A PARTY**

Issue Date: November 9, 2015

Effective Date: November 9, 2015

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, Birch Telecom of Missouri, Inc. and Ionex Communications, Inc. ("Birch Telecom"), as a party to this proceeding.

On November 6, 2015, 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 the interconnection agreement with Birch Telecom 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.

Although Birch Telecom is a party to the agreement, it did not join in the application. Because Birch Telecom is a necessary party to a full and fair adjudication of this matter, the Commission will add Birch Telecom 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.¹ 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. Birch Telecom of Missouri, Inc. and Ionex Communications, Inc. 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 November 24, 2015, with:

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

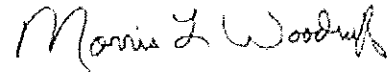
Or by using the Commission's electronic filing and information service.

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 December 9, 2015.

¹ 47 U.S.C. § 252(e).

5. This order shall become effective upon issuance.

BY THE COMMISSION



Morris L. Woodruff
Secretary



Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

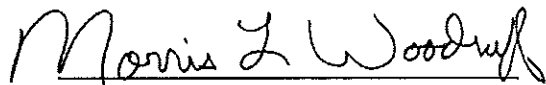
Dated at Jefferson City, Missouri,
on this 9th day of November, 2015.

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 10th day of November 2015.


Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 10, 2015

File/Case No. IK-2016-0108

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

Sincerely,



**Morris L. Woodruff
Secretary**

Distributed to Interexchange and Local Exchange Telecommunications Companies.

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