

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

Application of Farber Telephone Company)	
For Approval of an Interconnection and)	<u>Case No. IK-2009-0242</u>
Reciprocal Compensation Agreement)	
Under the Telecommunications Act of 1996)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and submits its Staff Recommendation as follows:

1. On December 9, 2008, Farber Telephone Company (Farber or the Company) filed with the Missouri Public Service Commission (the Commission) its *Application Of Farber Telephone Company For Approval Of An Interconnection And Reciprocal Compensation Agreement Under The Telecommunications Act of 1996* (Application), in which Farber seeks approval of a Traffic Termination Agreement (Agreement or Interconnection Agreement) between the Company and Verizon Wireless LLC, Cybertel Cellular Telephone Company, St. Joseph CellTelco and Cellco Partnership (collectively offering service under the d/b/a Verizon Wireless) pursuant to the Telecommunications Act of 1996.

2. On December 10, 2008, the Commission issued its *Order Directing Notice and Making Verizon Wireless a Party*, directing notice be sent to interexchange and local exchange telecommunications companies, joining Verizon Wireless as party to the case, setting an intervention deadline, and directing Staff to file a memorandum regarding Farber's *Application* by January 8, 2008.

3. The statutory standard for review of an interconnection and resale agreement can be found in Section 252(e) of the Telecommunications Act of 1996, which states that an

interconnection agreement adopted by negotiation shall be submitted for approval to the state commission, but that the state commission may only reject such agreement if it discriminates against a telecommunications carrier not a party to the agreement or if its implementation is not consistent with the public interest, convenience, and necessity. 42 U.S.C. § 252(e)(2).

4. In the attached memorandum, labeled Appendix A, Staff states that the Interconnection Agreement does not discriminate against telecommunications carriers not parties to the Interconnection Agreement and that the Interconnection Agreement is not against the public interest, convenience or necessity.

5. Farber Telephone Company is current in the filing of its annual report, in paying its PSC assessment, and in paying its MoUSF surcharge.

6. According to Farber's counsel, the Company is not currently submitting a Relay Missouri (Deaf Relay) Surcharge because the total surcharge amount collected by the Company each month is less than the minimum amount required by the Commission for retention by a local exchange telephone company.

7. RSMo Section 209.257 (2000) provides:

The local exchange telephone company shall deduct and retain a percentage of the total surcharge amount collected each month to recover the billing, collecting, remitting and administrative costs attributed to deaf relay service and equipment distribution program fund surcharge. The commission shall determine the appropriate percentage to be deducted and retained and shall include this percentage as part of its order establishing the deaf relay service and equipment distribution program fund surcharge.

8. In TO-2007-0306, the most recent case examining the amount to be retained by local exchange companies, the Commission continued to apply a retention amount equaling the greater of one percent or thirty (\$30) dollars.

9. Staff indicates in Appendix A that failure by the Company to remit a Relay Missouri Surcharge is not necessarily a reflection that the Company is delinquent in its submission.

WHEREFORE, Staff recommends the Commission approve the *Application*, and direct the parties to submit to the Commission any subsequent modifications or amendments to the Agreement.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont
Assistant General Counsel
Missouri Bar No. 60892

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 6th day of January, 2009.

/s/ Eric Dearmont

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **IK-2009-0242**

Party: Farber Telephone Company

Type of Carrier:

- ☒ ILEC
☐ CLEC
☐ Wireless

Party: Verizon Wireless LLC, Cybertel Cellular Telephone Company, St. Joseph CellTelco and Cellco Partnership a/b/a Verizon Wireless

Type of Carrier:

- ☐ ILEC
☐ CLEC
☒ Wireless

From: Sara Buyak, Telecommunications Department

William Voight 1/5/08
Utility Operations Division/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement or Amendment to Interconnection Agreement

Date: December 31, 2008

Date Filed: December 9, 2008

Staff Deadline: January 8, 2009

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☒ Interconnection Agreement
☐ Amendment not previously approved

The parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

☐ The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

☐ The Company is not delinquent in filing an annual report, paying the PSC assessment, paying Relay Missouri, and paying MoUSF.

☐ No annual report ☐ Unpaid PSC assessment. Amount owed:

☐ Unpaid MoUSF ☒ Unpaid Relay Missouri

The Company is either delinquent or is not shown to be submitting revenue into the indicated fund based on the latest records available to the MoPSC. Failure to submit revenue to either the Relay Missouri Fund or the Missouri USF fund should not necessarily reflect the company is delinquent.

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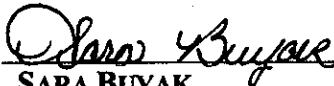
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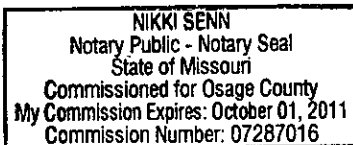
AFFIDAVIT OF Sara Buyak

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.


SARA BUYAK

Subscribed and affirmed before me this 31st day of December, 2008




NOTARY PUBLIC