

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

)
) Case No. TO-2009-0037

AFFIDAVIT OF William Voight

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

William Voight employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in preparing the accompanying Staff Recommendation, and that the facts therein are true and correct to the best of his knowledge and belief.



WILLIAM VOIGHT

Subscribed and affirmed before me this 10th day of April 2009.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case Number TO-2009-0037

*In the Matter of Charter Fiberlink-Missouri, LLC Seeking Expedited
Resolution and Enforcement of Interconnection Agreement Terms Between
Charter Fiberlink-Missouri, LLC and CenturyTel of Missouri, LLC*

From: William Voight
Telecommunications Department

Subject: Staff Recommendation for the Commission to Order the Parties to submit
additional Documents.

Date: April 10, 2009

On February 25, 2009, the Commission issued its Order Adopting Final Arbitrator's Report. In its Order, the Commission instructed the parties to file an interconnection agreement that conforms to the Arbitrator's Report.

On March 27, 2009, CenturyTel submitted a 154 page Interconnection Agreement purporting to comply with the Arbitrator's Report. The submitted document contains both negotiated and arbitrated provisions governing the rates, terms, and conditions of service between CenturyTel and Charter. Staff notes that the submitted Interconnection Agreement is not accompanied by signed affidavits.

Concurrently, CenturyTel and Charter each filed pleadings which variously stated that the submitted Agreement does not comply with federal law. In particular, CenturyTel provided a written summary of twelve issues decided by the Arbitrator which are claimed by CenturyTel to be a violation of federal law. For its part, Charter simply stated that certain provisions (13(a); 17, 27, 31, 32, and 40) do not conform to the governing legal authority.

The Commission's review and approval of interconnection agreements is governed by federal law which requires adherence to both public interest and discrimination standards. Staff's review of interconnection agreements is conducted in light of the same standards which are required of the Commission. As previously mentioned, the agreement in the instant case carries the added responsibility of assuring that the arbitrated aspects of the

agreement comply with the Arbitrator's Report, which contains approximately 38 separate items of dispute decided by the Arbitrator.¹

Staff has reviewed the 154 page Agreement and is unable to determine if the agreement is discriminatory or against the public interest and in particular, Staff is unable to determine adherence to the Arbitrator's Report. When Staff contacted CenturyTel to ask questions about the submittal, CenturyTel refused to answer questions about it.

Staff requests the Commission to order CenturyTel and Charter to provide a copy of the signed Agreement which highlights or otherwise denotes those portions of the Agreement which are being submitted pursuant to the Arbitrators Report, from those portions which have been voluntarily negotiated. Staff also requests the Commission order the parties to submit affidavits attesting to conformance of the Commission's Order. Alternatively, Staff files this recommendation without an opinion of whether or not the Agreement conforms to federal law and the Arbitrator's Report.

If the Commission orders submission of the requested documents, the Staff would anticipate a review period of less than one week from the date of receiving the requested material.

The Staff is unaware of any other matter that may affect the matters in this case.

¹ Final Arbitrator's Report issued January 6, 2009.