

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 and)
Fidelity Cablevision, Inc; Fidelity Communications)
Services, Inc.; and Fidelity Link, LLC for Approval of)
an Interconnection Agreement Adoption)

File No. IK-2017-0170

ORDER DIRECTING NOTICE AND MAKING FIDELITY CABLEVISION INC.; FIDELITY COMMUNICATION SERVICES III, INC.; AND FIDELITYLINK, LLC A PARTY

Issue Date: December 7, 2016

Effective Date: December 7, 2016

This order provides notice of a proposal to adopt an interconnection agreement and joins the other parties, Fidelity Cablevision Inc.; Fidelity Communication Services III, Inc.; and FidelityLink, LLC, d/b/a Fidelity Telecommunications Services (collectively Fidelity), to the agreement as parties to this proceeding.

On December 2, 2016, Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri) filed an Application for Approval of Interconnection Agreement Adoption, notifying the Commission that Fidelity has adopted the Interconnection Agreement between AT&T Missouri and S-Go Leasing Company, d/b/a S-Go Local, pursuant to Section 252(i) of the federal Telecommunications Act of 1996.¹ The Agreement between AT&T Missouri and S-Go Local was approved by the Commission in Case No. TK-2017-0048.

¹ See 47 U.S.C. § 252, et seq.

Although Fidelity is a party to the agreement, it did not join in the notice. Because Fidelity is a necessary party to a full and fair adjudication of this matter, the Commission will add it 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.² The Act provides further that a local exchange carrier “shall make available any interconnection, services, or network element provided under an agreement . . . to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.”³ This provision has been interpreted as permitting any carrier to adopt any interconnection agreement previously entered into by any local exchange carrier with any other carrier. The Federal Communications Commission has adopted 47 C.F.R. Section 51.809 (Rule 809), referred to as the “pick and choose” rule, to implement Section 252(i). Rule 809 requires an incumbent local exchange company to make available to any requesting telecommunications carrier “any individual interconnection, service or network element arrangement contained in any agreement to which it is a party that is approved by a state commission pursuant to section 252 of the Act. . . .”

The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing.

² 47 U.S.C. § 252(e).

³ 47 U.S.C. § 252(i).

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. Therefore, the Commission will proceed with this case expeditiously.

The Commission finds that notice of this case 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. Fidelity Cablevision Inc.; Fidelity Communication Services III, Inc.; and FidelityLink, LLC, d/b/a Fidelity Telecommunications Services are made a party to this case.

3. Any party wishing to request a hearing shall do so by filing a pleading no later than December 28, 2016, with:

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

Or by using the Commission's electric filing and information system (EFIS).

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of the proposed adoption of the Interconnection Agreement, and giving its reasons therefor, no later than January 10, 2017.

5. This order shall become effective on December 7, 2016.

BY THE COMMISSION



Morris L. Woodruff

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 7th day of December, 2016.

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 8th day of December 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 8, 2016

File/Case No. IK-2017-0170

**Missouri Public Service
Commission**

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FidelityLink, LLC

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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 all 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.