

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

Petition of MCImetro Access Transmission	)	
Services LLC d/b/a Verizon Access Transmission	)	
Services for Arbitration of an Interconnection	)	Case No.
Agreement with Embarq Missouri, Inc.	)	
Under Section 252(b) of the	)	
Telecommunications Act of 1996	)	

**MCIMETRO ACCESS TRANSMISSION SERVICES LLC D/B/A VERIZON  
ACCESS TRANSMISSION SERVICES PETITION FOR ARBITRATION**

August 8, 2007

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Embarq Under Section 252(b) of the	)	
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**MCIMETRO ACCESS TRANSMISSION SERVICES LLC D/B/A VERIZON  
ACCESS TRANSMISSION SERVICES PETITION FOR ARBITRATION**

MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (“Verizon Access”) submits this Petition for Arbitration (“Petition”) under 47 U.S.C. § 252(b)(1), Section 386.230 RSMo., 4 CSR 240-2 and 4 CSR 240-36, and other applicable law, asking the Missouri Public Service Commission (“Commission”) to resolve disputes arising from Verizon Access’s negotiation of an interconnection agreement (“ICA”) with Embarq Missouri, Inc. (“Embarq”).

**PARTIES**

1. MCImetro Access Transmission Services, LLC (Verizon Access) is a Delaware limited liability company in good standing duly authorized to conduct business in Missouri with regulatory offices at 600 Hidden Ridge, HQE02H45, P.O. Box 152092, Irving, Texas 75015-2092, telephone number (972) 718-2415, facsimile number (972) 718-0936, E-mail contact [chuck.carrathers@verizon.com](mailto:chuck.carrathers@verizon.com). Its fictitious name Verizon Access Transmission Services is duly registered with the Missouri Secretary of State.<sup>1</sup> A Certificate of Good Standing from the

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<sup>1</sup> MCImetro filed a copy of the registration of the fictitious name "Verizon Access Transmission Services" with the Commission on December 23, 2005. See, In the Matter of the name Change of MCImetro Access Transmission Services to Verizon Access Transmission Services, Case No. LN-2006-0276.

Missouri Secretary of State is attached hereto. Verizon Access is authorized as a competitive local exchange carrier under certificate granted and tariffs approved by the Commission.

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

Carl J. Lumley  
Leland B. Curtis  
Curtis, Heinz, Garrett & O'Keefe, P.C.  
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3. Pursuant to 4 CSR 240-2.060(1)(K), Verizon Access states that there are no pending actions or final unsatisfied judgments or decisions against it in any state or federal agency or court which involve customer service or rates for which action, judgment, or decision has occurred within three (3) years of the date of this Petition. Pursuant to 4 CSR 240-2.060(1)(L),

Verizon Access hereby states that it does not have any overdue annual reports or assessment fees owed to the Missouri Public Service Commission.

4. Embarq is an incumbent local exchange carrier, *see* 47 U.S.C. § 251(h), subject to the jurisdiction of the Commission. It provides regulated intrastate telecommunications services, including local telephone service, within its Missouri service areas and is not an exempt “rural telephone company” under FTA § 251(f) or “rural carrier” under FTA § 251(f)(2). It is a Missouri corporation in good standing, with offices at 5454 W. 110<sup>th</sup>, Overland Park, Kansas 66211.

### **JURISDICTION**

5. On March 1, 2007, Verizon Access sent a letter to Embarq initiating negotiation of a successor ICA. A copy of the letter is attached hereto in compliance with 4 CSR 240-36.040(3).

6. Under § 252(b)(1) of the Telecommunications Act of 1996 (“Act”), the period for filing a petition for arbitration opened on July 11, 2007 and closes on August 8, 2007.

7. This Commission has jurisdiction over Verizon Access’s Petition under 47 U.S.C. § 252(b), Section 386.230 RSMo., Chapter 36 of the Commission’s Rules, 4 Code of State Regulations § 240.36, *et seq.*, and other applicable law.

### **STANDARD FOR ARBITRATION**

8. Disputed issues between the parties must be resolved in accordance with “the requirements of section 251, including the regulations prescribed by the [Federal Communications] Commission pursuant to section 251.” 47 U.S.C. § 252(c)(1).

### **DISPUTED ISSUES**

9. As required by section 240.36.040(3) of the Commission's Rules, 4 CSR § 240.36.40(3), and 47 U.S.C. § 252(b)(2)(A), attached to this Petition are the relevant documents concerning the unresolved issues of which Verizon Access is aware, the position of each party on those issues (to the extent Verizon Access is aware of Embarq's position), and other issues addressed and resolved by the parties. Attachment A to this Petition is a list of disputed issues and the parties' positions. Attachment B is a matrix reflecting the ICA provisions in dispute with respect to these issues. Attachment C is a copy of Verizon Access's proposed ICA, showing disputed and agreed-upon language.

### **RELIEF REQUESTED**

Verizon Access asks the Commission to arbitrate the disputed issues identified in the attachments to this Petition, adopt Verizon Access's proposed contract language on those issues, and order the parties to sign an interconnection agreement reflecting Verizon Access's proposed language and the parties' agreed-upon language.

Respectfully submitted,

Dated: August 8, 2007

CURTIS, HEINZ,  
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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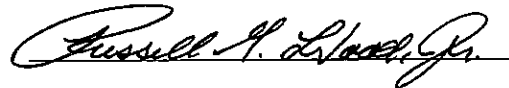
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**Attorneys for MCImetro Access Transmission Services  
LLC d/b/a Verizon Access Transmission Services**

COUNTY OF LOUDOUN            )  
  )  
STATE OF VIRGINIA            )

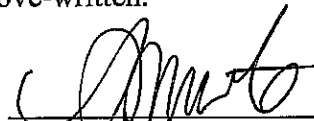
**VERIFICATION**

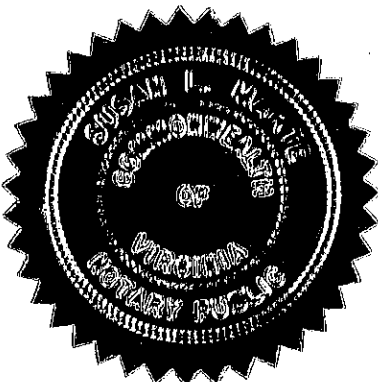
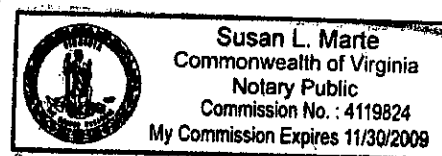
I, Russel Wood, first being duly sworn, state on my oath that I am over the age of twenty-one years, sound of mind, and authorized to act on behalf of MCImetro Access Transmission Services, LLC, regarding the foregoing document. I have read the foregoing pleading and I am informed and believe that the matters contained therein are true. Further, I hereby confirm that Carl J. Lumley, Leland B. Curtis, and Curtis, Heinz, Garrett & O'Keefe, P.C., 130 S. Bemiston, Suite 200, Clayton, Missouri 63105, are authorized to sign all pleadings and documents necessary to obtain the decision of the Missouri Public Service Commission on the foregoing, and to represent MCImetro Access Transmission Services, LLC in this proceeding.



On this 7 day of August, 2007, before me, a Notary Public, personally appeared Russel Wood, and being first duly sworn upon his oath stated that he is over twenty-one years, he signed the foregoing document as Assistant Secretary of MCImetro Access Transmission Services, LLC, and the facts contained therein are true and correct according to the best of his information, knowledge and belief.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year above-written.

  
\_\_\_\_\_  
Notary Public



**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 [gencounsel@psc.mo.gov](mailto:gencounsel@psc.mo.gov)), the Office of Public Counsel (at [opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)), and counsel for Embark Missouri, Kevin Zarling (at [kevin.k.zarling@embark.com](mailto:kevin.k.zarling@embark.com)) on this the 8th day of August, 2007.

/s/ Carl J. Lumley

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