

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

APPLICATION OF MCImetro ACCESS)
TRANSMISSION SERVICES, LLC FOR)
APPROVAL OF AN AMENDMENT TO)
ITS INTERCONNECTION)
AGREEMENT WITH CENTURYTEL OF) CASE NO. _____
MISSOURI, LLC PURSUANT TO § 252(e))
OF THE TELECOMMUNICATIONS)
ACT OF 1996)
)

**APPLICATION FOR APPROVAL OF AN AMENDMENT
TO THE INTERCONNECTION AGREEMENT
BETWEEN MCImetro ACCESS TRANSMISSION SERVICES, LLC
AND
CENTURYTEL OF MISSOURI, LLC**

COMES NOW MCImetro Access Transmission Services, LLC ("MCI") and, for its application for approval of an amendment ("the Amendment") to its interconnection agreement with CenturyTel of Missouri, LLC ("CenturyTel") pursuant to § 252(e) of the Telecommunications Act of 1996 ("the Federal Act"), Section 392.220 RSMo, and 4 CSR 240-2.060, states to the Commission as follows:

I. Parties

1. MCI is a Delaware limited liability corporation in good standing duly authorized to conduct business in Missouri with regulatory offices at 701 Brazos, Suite 600, Austin, Texas 78701. MCI is authorized as a competitive local exchange and interexchange carrier under certificates granted and tariffs approved by the Commission. A certificate of good standing to conduct business in Missouri is attached hereto.

2. MCI can be reached as follows:

Stephen F. Morris
MCI
701 Brazos, Suite 600
Austin, Texas 78701
(512) 495-6727
(512) 495-6706 (FAX)
stephen.morris@mci.com

3. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be directed to:

Carl J. Lumley
Leland B. Curtis
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

and

Stephen F. Morris
MCI
701 Brazos, Suite 600
Austin, Texas 78701
(512) 495-6727
(512) 495-6706 (FAX)
stephen.morris@mci.com

4. CenturyTel is a limited liability company organized and existing under the laws of the State of Louisiana authorized to conduct business in the State of Missouri. It is a public utility subject to the jurisdiction of the Commission and provides telecommunications services in its service area within the State of Missouri under authority granted and tariffs approved by the Commission. It is an incumbent local exchange carrier as defined in Section 251(h) of the

Telecommunications Act of 1996 and a noncompetitive large local exchange carrier as defined in Sections 386.020, 392.361, and 392.245 R.S.Mo. Its address in Missouri is 220 Madison Street, Jefferson City, Missouri, 65101 (tel. 573-636-7196, fax 573-636-6826, email Arthur.martinez@centurytel.com).

5. CenturyTel provides services to MCI under the terms of two identical interconnection agreements (the Agreement): one between Brooks Fiber Communications of Missouri, Inc. and GTE Midwest Incorporated, d/b/a Verizon Midwest, which was approved by the Commission on August 5, 2002 in Case No. CK-2002-1146, *In the Matter of the Adoption of Brooks Fiber Communications of Missouri, Inc. of the Verizon/ICG Telecom Group, Inc. Interconnection Agreement*; and the other between Intermedia Communications, Inc. and GTE Midwest Incorporated d/b/a Verizon Midwest, which was approved by the Commission on August 5, 2002 in Case No. CK-2002-1145, *In the Matter of the Adoption of Intermedia Communications, Inc. of the Verizon/ICG Telecom Group, Inc., Interconnection Agreement*. (See Case No. TM-2002-232). MCI is the successor-in-interest to Brooks and Intermedia. (See Case Nos. TM-2004-0146 and TM-2005-0129). The Commission should take notice of the Agreement, MCI's adoption thereof, the cited merger cases, and its related orders and proceedings which are contained in its files and incorporated herein by this reference.

II. Allegations of Fact

6. MCI presents to this Commission for approval the Amendment to its Agreement with CenturyTel, attached hereto as Exhibit 1, negotiated and executed pursuant to the terms of the Federal Act. All issues have been successfully negotiated and agreed upon. No arbitration of

any issue is required. Both parties have signed the Amendment. The Amendment resolves matters that were in dispute between the parties in Case No. LC-2005-0080.

7. Except as modified by the Amendment, all other terms and conditions of the Agreement between the parties shall remain unchanged and in full force and effect.

8. MCI seeks the Commission's approval of the Amendment to its Agreement with CenturyTel consistent with the provisions of the Federal Act and Missouri law. MCI believes that the implementation of the Amendment complies fully with § 252(e) of the Federal Act because the Amendment is non-discriminatory and consistent with the public interest, convenience and necessity. The Amendment will promote diversity in providers, provide for interconnectivity between the parties, and will lead to increased customer choices for telecommunications services.

9. MCI respectfully requests that the Commission grant approval of the Amendment without change, suspension, or other delay in implementation. This is a bilateral Amendment, entered into as a result of negotiations and compromise between competitors, and MCI believes that procedures for review of the Amendment should be designed to permit expeditious implementation thereof, and that interventions should be strictly limited consistent with the scope of review specified by the Federal Act and the Commission's applicable rules.

10. The Applicable standard of review is set forth in § 252(e) of the Federal Act and provides as follows:

(e) APPROVAL BY STATE COMMISSION –

- (1) **APPROVAL REQUIRED** – Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted to shall approve or reject the agreement, with written findings as to any deficiencies.

- (2) GROUND FOR REJECTION – The State commission may only reject –
- (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –
- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience and necessity.

11. MCI does not have any pending actions or unsatisfied final judgments or decisions against it from any state or federal agency or court which involve customer service or customer rates, which action, judgment or decision has occurred within three years of the date of this Application.

12. MCI does not have any overdue annual reports or assessment fees.

IV. Relief Sought

WHEREFORE, MCI respectfully requests that the Commission approve the Amendment to the Interconnection Agreement between MCI and CenturyTel and grant additional relief as the Commission deems proper and reasonable.

Respectfully submitted,

/s/ Carl J. Lumley

Carl J. Lumley MBE 32869
Leland B. Curtis MBE 20550
Curtis, Heinz, Garrett & O'Keefe, PC
130 S. Bemiston, Suite 200
Clayton, Missouri 63105
Telephone: (314) 725-8788
Facsimile: (314) 725-8789
Email: clumley@lawfirmemail.com
lcurtis@lawfirmemail.com

ATTORNEYS FOR MCImetro ACCESS
TRANSMISSION SERVICES, LLC

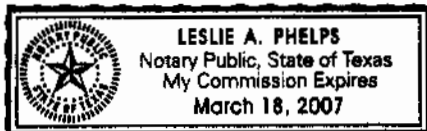
VERIFICATION

STATE OF TEXAS)
)
COUNTY OF TRAVIS) SS.

I, STEPHEN F. MORRIS, being first duly sworn, depose and state that I am over the age of 21 years, sound of mind, and Senior Attorney of MCImetro Access Transmission Services, LLC, and that I am authorized to make this Verification on behalf of MCImetro Access Transmission Services, LLC; that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief. I also verify that Carl J. Lumley, Leland B. Curtis, and Curtis, Heinz, Garrett & O'Keefe, PC, 130 S. Bemiston, Suite 200, Clayton, Missouri, 63105 are authorized to sign all pleadings and documents necessary to receive the approval of the Missouri Public Service Commission of the foregoing Application, and to represent MCImetro Access Transmission Services, LLC in this proceeding.

Stephen F. Morris

Subscribed and sworn to before me this 22nd day of April, 2005.



[Signature]

My commission expires: 3/18/07

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this 22nd day of April, 2005 by email or by placing same in the U.S. Mail, postage prepaid.

/s/ Carl J. Lumley

Carl J. Lumley

Office of the Public Counsel
PO Box 7800
Jefferson City, Missouri 65102

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102

Larry Dority
Fisher & Dority
101 Madison, Suite 400
Jefferson City, Missouri 65101