

**BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION**

In re the Paging Facilities Agreement by and )  
Between American Messaging Services, LLC )  
and Southwestern Bell Telephone, L.P., d/b/a ) Case No. \_\_\_\_\_  
SBC Missouri pursuant to Sections 251 and 252 )  
of the Telecommunications Act of 1996 )

**APPLICATION FOR APPROVAL OF PAGING  
FACILITIES AND INTERCONNECTION AGREEMENT**

American Messaging Services, LLC (AMS) respectfully submits the attached paging facilities and interconnection agreement between SBC Missouri<sup>1</sup> and American Messaging Services, LLC and requests the Missouri Public Service Commission (“Commission”) to approve this agreement pursuant to the Telecommunications Act of 1996 (the “Federal Act”). In support of this request, AMS states:

**I. APPLICANT**

1. AMS is a Delaware limited liability company, duly authorized to conduct business in Missouri. Attached as Exhibit A is a copy of AMS’s Certificate of Authority to Transact Business in Missouri issued by the Missouri Secretary of State’s office.

**II. THE AGREEMENT**

2. AMS presents this application to the Commission pursuant to Section 252(e)(1) of the Federal Act. The parties executed the paging facilities and interconnection agreement (the “Agreement”) on July 30, 2004, a copy of which is attached as Exhibit B. There are no outstanding issues related to the Agreement between the parties that require the assistance of mediation or arbitration.

**III. STANDARD FOR REVIEW**

3. The statutory standard of review under Section 252(e) of the Act states:

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<sup>1</sup> Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as “SBC Missouri.”

(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 shall approve or reject the agreement, with written findings as to any deficiencies.

(2) Grounds 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 . . .

AMS states that the Agreement meets the statutory standard for approval, as it is consistent with the public interest, convenience and necessity in that it allows for full and fair competition and greater choice for the consumer. AMS further states that the Agreement does not discriminate against other carriers not a party to the Agreement, as the terms of the Agreement are equally available to any other paging carrier.

#### IV. REQUEST FOR APPROVAL

4. AMS seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. The implementation of this Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services. AMS respectfully requests that the Commission grant approval of the Agreement, without change, suspension or other delay in its implementation.

#### V. MISSOURI LEGISLATION

5. The negotiated and executed Agreement is consistent with the Missouri Legislation, Senate Bill No. 507, which became effective on August 28, 1996.

VI. CONCLUSION

WHEREFORE, for the foregoing reasons, American Messaging Services, LLC prays that the Commission approve the attached paging facilities and interconnection agreement between SBC Missouri and American Messaging Services, LLC.

Respectfully submitted,

/s/ Mark W. Comley

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Certificate of Service

I hereby certify that a true and correct copy of the above and foregoing document was sent via e-mail on this 1st day of February, 2007, to General Counsel's Office at gencounsel@psc.mo.gov; and Office of Public Counsel at opcservice@ded.mo.gov.

/s/ Mark W. Comley

**ATTORNEY VERIFICATION**

STATE OF MISSOURI     )  
                                      ) ss.  
COUNTY OF COLE        )

I, Mark W. Comley, being first duly sworn, do hereby certify, depose and state that I am the attorney for American Messaging Services, LLC, applicant in this proceeding; that I have read the above and foregoing Application for Approval of Paging Facilities and Interconnection Agreement and the allegations therein contained are true and correct to the best of my knowledge, information and belief; and I further state that I am authorized to verify the foregoing application by the above said applicant.

/s/ Mark W. Comley  
Mark W. Comley

Subscribed and sworn to before me, a Notary Public, this 1st day of February, 2007.

/s/ Annette M. Borghardt  
Notary Public for Cole County, MO  
M.C.E. 3-11-2010; Commission #06436657