BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of Chariton Valley Communication Corporation, Inc., for Approval of a Direct Interconnection Agreement and for a Related Indirect Transiting Traffic Services Agreement with Southwestern Bell Telephone Company, L.P. d/b/a SBC Missouri, Pursuant to the Telecommunications Act of 1996.	)	Case No. TK-2005-0449

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission approve the Interconnection Agreement between Chariton Valley Communication Corporation, Inc. ("Chariton Valley"), and Southwestern Bell Telephone Company, L.P. d/b/a SBC Missouri ("SBC"). The Interconnection Agreement consists of two agreements between the parties that cover the interconnection terms for direct traffic and for indirect transiting traffic.

2. The Commission's authority to approve or reject this Interconnection Agreement is pursuant to 47 U.S.C. § 252(e) of the Telecommunications Act of 1996.

3. On June 14, 2005, SBC filed objections to Chariton Valley's application, objecting to Chariton Valley's having filed the transit traffic agreement. SBC also objects to "the Commission's proceeding to approve the transit agreement," arguing that the transit traffic agreement "is not an interconnection agreement for which the Commission's approval is required

under the Act." The Commission recently rejected SBC's arguments in a case involving the same interconnection agreement. In Case No. TK-2005-0300, the Commission concluded:

> The Act requires that interconnection agreements be filed for approval with the state commission. An interconnection agreement is any agreement, negotiated or arbitrated, that contains terms of interconnection. Transit service falls within the definition of interconnection service. SBC and CVCI have an agreement covering transit service. Because the transit agreement is an interconnection service, it must be filed with the Commission for approval.[1]

4. The Staff concludes that the Interconnection Agreement does not discriminate against telecommunications carriers not a party to the Agreement and the Agreement is not against the public interest, convenience or necessity. The Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission for approval. The Staff further recommends that the Commission direct the Parties to submit a serially numbered copy of the entire Interconnection Agreement, including the transit traffic agreement.

WHEREFORE, the Staff recommends approval of the Interconnection Agreement.

[1] *In the Matter of the Application of Chariton Valley Communications Corporation, Inc., for Approval of an Interconnection Agreement with Southwestern Bell Telephone Company, L.P. d/b/a SBC Missouri Pursuant to Section 252(e) of the Telecommunications Act of 1996,* Case No. TK-2005-0300, *Order Rejecting Interconnection Agreement,* p. 3, May 19, 2005.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Marc D. Poston

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 17th day of June 2005.

/s/ Marc D. Poston

M E M O R A N D U M

To: Missouri Public Service Commission Official Case File
Case No. **TK-2005-0449**
Party: Chariton Valley Communication Corporation Inc.
Type of Certification:
☒ None
☐ Basic Local
☐ Local (restricted to private line)
☐ Local (no restrictions)
☐ Interexchange

Party: SBC MO
☐ None
☒ Basic Local
☐ Local (restricted to private line)
☐ Local (no restrictions)
☐ Interexchange

From: Lisa Mahaney, Telecommunications Department

William Voight 6/14/05 — Utility Operations Division/Date
/s/ Marc D. Poston 6/14/05 — General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement

Date: June 17, 2005

Date Filed: 5/27/05 **Staff Deadline:** 6/23/05

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted (may check more than one):

☐ Resale Agreement

☐ Facilities-based Interconnection Agreement

☒ Wireless Interconnection Agreement

The parties submitted the proposed Agreement to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission for approval.

☒ Staff does not have a serially numbered copy of the Agreement and recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement.
☐ Staff has a serially numbered copy of the Agreement.

Interconnection Agreement Review Items

☒ No applications to intervene filed.

☒ Agreement signed by both Parties.

☒The Company is not delinquent in filing an annual report and paying the PSC assessment.
☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
(☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

Is there an attachment to this recommendation indicating any recommendations or special considerations: ☒ Yes ☐ No

Attachment 1

Chariton Valley Communication Corporation Inc. (Chariton) first submitted this Application in Case No. TK-2005-0300 without a transiting agreement. The Commission rejected that Application in an Order of May 19, 2005, and directed that Chariton, if it refiled Attachment 1 for approval, was to also file a related transiting services agreement in a new case.

Chariton filed this Application for Approval of both a Direct Interconnection Agreement (Attachment 1) and a related Transit Traffic Services Agreement attached to a Wireless Service Provider (WSP) Agreement (Attachment 2). Attachment 1 includes an amendment which incorporates the FCC's Interim ISP Terminating Compensation Plan.

Although Chariton correctly numbered the pages of the Direct Interconnection Agreement and the Amendment (Attachment 1), it failed to number the WSP Agreement and the attached Transit Traffic Services portion of the Agreement (Attachment 2). Staff recommends that the Commission order Chariton to file the entire agreement, Attachments 1 and 2, numbered in seriatim.