

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

Application of XO Communications Services, Inc., )  
f/k/a XO Missouri, Inc., and Allegiance Telecom of )  
Missouri, Inc., for Approval of an Amendment to its ) **Case No. TK-2005-0465**  
Interconnection Agreements with Southwestern )  
Bell Telephone, L.P., d/b/a SBC Missouri, Pursuant )  
to §252(e) of the Telecommunications Act of 1996. )

### **ORDER APPROVING AMENDMENTS** **TO INTERCONNECTION AGREEMENT**

Issue Date: July 13, 2005

Effective Date: July 23, 2005

This order approves the amendments to the interconnection agreement between the parties filed by XO Communications Services, Inc., f/k/a XO Missouri, Inc., and Allegiance Telecom of Missouri, Inc. (Applicants).

On June 2, 2005, Applicants filed an application with the Commission for approval of amendments to its interconnection agreement with Southwestern Bell Telephone, L.P. d/b/a SBC Missouri. Applicants and SBC currently have a Commission-approved interconnection agreement between them. In the current application, the parties have agreed to amend the interconnection agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.<sup>1</sup> The amendments address certain intervening law, compensation, interconnection and trunking provisions. Both Applicants and SBC hold certificates of service authority to provide basic local

---

<sup>1</sup> See 47 U.S.C. § 251, *et seq.*

exchange telecommunications services in Missouri. SBC also holds a certificate to provide interexchange telecommunications services.

Although SBC is a party to the Agreement, it did not join in the application. On June 7, 2005, the Commission issued an order making SBC a party in this case and directing any party wishing to request a hearing to do so no later than June 27, 2005.

The Staff of the Commission filed a memorandum and recommendation on July 7, 2005, recommending that the Agreement be approved.

### **Discussion**

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff memorandum recommends that the amendments to the Agreement be approved and notes that the amendment meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any further modifications or amendments to the Commission for approval.

### **Findings of Fact**

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission concludes that the Agreement as amended meets the requirements of the Act in that it does not discriminate

against a nonparty carrier and implementation of the Agreement as amended is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement as amended should be conditioned upon the parties submitting any further modifications or amendments to the Commission for approval pursuant to the procedure set out below.

### **Amendment Procedure**

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.<sup>2</sup> In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize amendments to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection.<sup>3</sup> This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission.<sup>4</sup>

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's offices. Any proposed amendment must be submitted pursuant to Commission rule 4 CSR 240-3.513(6).

---

<sup>2</sup> 47 U.S.C. § 252.

<sup>3</sup> 47 U.S.C. § 252(h).

<sup>4</sup> 4 CSR 240-3.545.

## **Conclusions of Law**

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,<sup>5</sup> is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.<sup>6</sup> Based upon its review of the amendments to the Agreement between Applicants and SBC and its findings of fact, the Commission concludes that the Agreement as amended is neither discriminatory nor inconsistent with the public interest and should be approved.

The Commission notes that prior to providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

### **IT IS THEREFORE ORDERED:**

1. That the amendments to the Interconnection Agreement between XO Communications Services, Inc., f/k/a XO Missouri, Inc., and Allegiance Telecom of Missouri, Inc., and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, filed on June 2, 2005, are approved.

---

<sup>5</sup> 47 U.S.C. § 252(e)(1).

<sup>6</sup> 47 U.S.C. § 252(e)(2)(A).

2. That any amendments to this Agreement shall be submitted to the Commission pursuant to Commission rule 4 CSR 240-3.513(6).

3. That this order shall become effective on July 23, 2005.

4. That this case may be closed on July 24, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Cully M. Dale', written over a horizontal line.

Cully M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Regulatory Law  
Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 13th day of July, 2005.