BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In Re: The Master Interconnection, Collocation and Resale Agreement by and between Sprint Missouri, Inc., and New Edge Networks Pursuant to Sections 251 and 252 of the Telecommunications Act of 1996	))))	**Case No. TK-2005-0446**

ORDER APPROVING INTERCONNECTION, COLLOCATION, AND RESALE AGREEMENT

Issue Date: June 27, 2005 Effective Date: July 7, 2005

This order approves the Interconnection, Collocation, and Resale Agreement executed by the parties and filed by Sprint Missouri, Inc. d/b/a Sprint.

On May 20, 2005, Sprint filed an application with the Commission for approval of an Interconnection Agreement with New Edge Network, Inc. d/b/a New Edge Networks. The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.[1] The Agreement would permit New Edge to resell local telecommunications services by interconnecting its facilities with Sprint. Both Sprint and New Edge hold certificates of service authority to provide basic local exchange telecommunications services in Missouri. New Edge is also certificated to provide interexchange service.

Although New Edge is a party to the Agreement, it did not join in the application. On May 27, the Commission issued an order making New Edge a party in this case and

[1] See 47 U.S.C. § 251, et seq.

directing any party wishing to request a hearing to do so no later than June 16. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on June 22 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 Agreement be approved and notes that the Agreement 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 meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the

Agreement should be conditioned upon the parties submitting any modifications or amendments to the Commission for approval pursuant to the procedure set out below.

Modification 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.[2] In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize modifications to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection.[3] 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.[4]

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices. Any proposed modification must be submitted for Commission approval or recognition, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

Modifications to an agreement must be submitted to the Staff for review. When approved or recognized, the modified pages will be substituted in the agreement, which should contain the number of the page being replaced in the lower right-hand corner. Staff will date-stamp the pages when they are inserted into the agreement. The official record of

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[2] 47 U.S.C. § 252.

[3] 47 U.S.C. § 252(h).

[4] 4 CSR 240-3.545.

the original agreement and all the modifications made will be maintained in the Commission's Data Center.

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is identical to a provision that has been approved by the Commission in another agreement, the Commission will take notice of the modification once Staff has verified that the provision is an approved provision and has prepared a recommendation. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects and prepare a recommendation advising the Commission whether the modification should be approved. The Commission may approve the modification based on the Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

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,[5] 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.[6] Based upon its review of the Agreement between

[5] 47 U.S.C. § 252(e)(1).

[6] 47 U.S.C. § 252(e)(2)(A).

Sprint and New Edge and its findings of fact, the Commission concludes that the Agreement 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 Interconnection Agreement between Sprint Missouri, Inc. d/b/a Sprint and New Edge Network, Inc. d/b/a New Edge Networks, filed on May 20, 2005, is approved.

2. That any changes or modifications to this Agreement shall be filed with the Commission pursuant to the procedure outlined in this order.

3. That this order shall become effective on July 7, 2005.

4. That this case may be closed on July 8, 2005.

BY THE COMMISSION

Colleen M. Dale
Secretary

(S E A L)

Morris L. Woodruff, Senior Regulatory Law Judge, by delegation of authority pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of June, 2005.