

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Interconnection Agreement)
between Southwestern Bell Telephone, L.P., d/b/a)
SBC Missouri and WilTel Local Network, L.L.C.,)
Arbitrated as a Successor Interconnection)
Agreement to the Missouri 271 Agreement)
("M2A"))

Case No. TK-2006-0046

STAFF RECOMMENDATION

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

1. In the Commission's Order of July 14, 2005 in Case No. TO-2005-0336, the Commission directed the parties to the case (a compulsory arbitration of successor interconnection agreements to the Missouri 271 Agreement) to file their compliant interconnection agreements with the Commission by August 3, 2005. On that date, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri and WilTel Local Network, L.L.C. submitted an agreement that included a few disputed issues. On August 9, 2005, the parties to the agreement filed a revised agreement that no longer contained any disputed issues.

2. Under the provisions of the Telecommunications Act of 1996, the Commission may only reject "an agreement (or any portion thereof) adopted by arbitration under subsection (b) if it finds that the agreement does not meet the requirements of section 251, including the regulations prescribed by the Commission, or the standards set forth in subsection (d) of this section." 47 U.S.C. 252(e)(2). The agreement was adopted by arbitration under 47 U.S.C 252(b) and thus this standard applies to the Commission's review.

3. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission approve the agreement.

4. Staff has reviewed the proposed agreement and believes it conforms to the Arbitrator's Report and Commission's Arbitration Order in TO-2005-0336, and further conforms to the standards set forth in 47 U.S.C. 252(e)(2).

5. According the records of the Commission, WilTel Local Network LLC received its certificate of service authority in March 2000 in Case No. TA-2000-468 to provide intrastate interexchange and nonswitched local exchange telecommunications services under the name Williams Local Network, Inc. In April 2001, the entity changed its corporate name before the Commission to Williams Local Network, LLC in Case No. TO-2001-535, and the entity changed its name again to WilTel Local Network LLC in Case No. XN-2005-0011 in August 2004. At no point in its regulatory history does the entity appear to have received authority to provide basic local exchange telecommunications services. Accordingly, although Staff has no objection to the Commission's approval of the proposed interconnection agreement, Staff recommends the Commission include language in its order instructing WilTel Local Network, LLC that it shall not provide basic local service without an approved basic local certificate and properly executed and effective tariffs. See Sections 392.361, 392.410, and 392.450 RSMo. (2000), especially Section 392.410.2 ("No telecommunications company offering or providing, or seeking to offer or provide, any local exchange telecommunications service shall do so until it has applied for and received a certificate of local exchange authority pursuant to the provisions of section 392.420.") and Section 392.450.2 ("... all applicants seeking a certificate to provide basic local telecommunications services [shall] ... (1) File and maintain tariffs with the commission ...").

WHEREFORE, because the terms of this agreement conform to the Arbitrator's Report and Commission's Arbitration Order in TO-2005-0336, and further conforms to 47 U.S.C. 252(e)(2), the Staff recommends the Commission grant approval of the agreement; and also

direct the parties to the agreement to submit any future modifications or amendments to the agreement to the Commission for approval. Staff further recommends that the Commission instruct WilTel Local Network, LLC that it shall not provide basic local service without an approved basic local certificate and properly executed and effective tariffs.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ David A. Meyer

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mailed to all counsel of record this 10th day of August 2005.

/s/ David A. Meyer

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TK-2006-0046
Party: SBC Missouri, Inc.
Type of Certification:
☐ None
☒ Basic Local
☐ Local (restricted to private line)
☐ Local (no restrictions)
☐ Interexchange

Party: WilTel Local Network, LLC
Type of Certification
☐ None
☐ Basic Local
☒ Local (restricted to private line)
☐ Local (no restrictions)
☒ Interexchange

WilTel Local Network does not appear to have a basic local certificate or basic local tariffs.

From: Mike Scheperle, Telecommunications Department

Natelle Dietrich 8/10/05	/s/ David Meyer 8/10/05
Utility Operations Division/Date	General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement

Date: August 10, 2005

Date Filed: August 3, 2005 **Commission Deadline:** August 10, 2005

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 conforms to the Arbitrator's Report and Commission's Arbitration Order in TO-2005-0336 and the Act. Under the provisions of the 1996 Act, the Commission may only reject "an agreement (or any portion thereof) adopted by arbitration under subsection (b) if it finds that the agreement does not meet the requirements of section 251, including the regulations

Appendix A

prescribed by the Commission, or the standards set forth in subsection (d) of this section.” 47 U.S.C. 252(e)(2). Staff recommends approval of the agreement. Since WilTel does not appear to have a basic local certificate or basic local tariffs, Staff recommends the Commission include language in its order instructing WilTel that it shall not provide basic local service without an approved basic local certificate and properly executed and effective tariffs.

Staff further 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 – n/a

☒ Agreement signed by both Parties.

☒ The Companies are 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