

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Nexus Communications, Inc. d/b/a TSI and Southwestern Bell Telephone, L.P. d/b/a SBC
Missouri
Case No.

From: Sherri Kohly
Telecommunications Department

Natelle Dietrich 03/18/05
Utility Operations Division/Date

/s/ Marc Poston 03/18/05
General Counsel's Office/Date

Subject: Recommendation to Approve Amendment to M2A

Date: March 18, 2005

On March 3, 2005, Nexus Communications, Inc. d/b/a TSI (TSI) filed a Post-TRO Remand (Loop-Transport Rate Increase and Embedded Base Transition) Amendment under Sections 251 and 252 of the Telecommunications Act of 1996. The Post-TRO Remand Amendment states that TSI is not permitted to obtain the following new unbundled high-capacity loop and dedicated transport elements, either alone or in combination:

*Dark Fiber Loops;

*DS1/DS3 Loops in excess of the caps or to any building served by a wire center described in Rule 51.319(a)(4) or 51.319(a)(5), as applicable;

*DS1/DS3 Transport in excess of the caps or between any pair of wire centers as described in Rule 51.319(e)(2)(ii) or 51.319(e)(2)(iii), as applicable;

*Dark Fiber Transport, between any pair of wire centers as described in Rule 51.319(e)(2)(iv).

These elements are referred to as the "Affected Elements." The Post-TRO Remand Amendment also states that SBC will continue to provide the embedded base of the Affected Element(s) ordered by TSI prior to March 11, 2005, at the existing rates plus fifteen percent (15%). The proposed modification to the M2A does not discriminate against telecommunications carriers not party to the agreement and is not against the public interest, convenience and necessity. Therefore, since the parties have agreed to the amendment, and it meets the limited requirements of the Telecommunications Act of 1996, the Staff has no objections to the amendment.

☒ 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:)