

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In Re: The Amendment to the Interconnection)
Agreements between MCImetro Access Transmission)
Services, LLC, MCI WorldCom Communications, Inc.,)
Brooks Fiber Communications, Inc., Intermedia) **Case No. TK-2006-0039**
Communications, Inc., and Southwestern Bell Telephone,)
L.P., d/b/a SBC Missouri, Pursuant to Sections 251 and)
252 of the Telecommunications Act of 1996.)

ORDER APPROVING AMENDMENT
TO INTERCONNECTION AGREEMENTS

Issue Date: October 25, 2005

Effective Date: October 27, 2005

This order approves the amendment to the interconnection agreements between the parties, which was filed by Southwestern Bell Telephone, L.P., d/b/a SBC Missouri.

On July 29, 2005, SBC Missouri filed an application with the Commission for approval of an amendment to its interconnection agreements with MCImetro Access Transmission Services, LLC (MCImetro), MCI WorldCom Communications, Inc. (MCI WorldCom), Brooks Fiber Communications, Inc. (Brooks), and Intermedia Communications, Inc. (Intermedia). SBC Missouri notes that MCImetro is the successor-in-interest to MCI WorldCom, Brooks, and Intermedia.

The Commission previously approved an amendment to the agreement between SBC Missouri and Intermedia in Case No. TO-2002-364. The Commission issued an order approving an amendment to an interconnection agreement between MCImetro and Southwestern Bell Telephone Company, now Southwestern Bell Telephone, L.P., in Case No. TO-2002-222. Also in Case No. TO-2002-222, the Commission approved the

amendment to the interconnection agreements between SBC Missouri and MCI WorldCom and Brooks, and approved the agreement between SBC Missouri and MCImetro.

In the current application, the parties have agreed to amend the interconnection agreements. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ Although MCImetro, MCI WorldCom, Brooks, and Intermedia are parties to the Agreements, they did not join in the application. On August 8, 2005, the Commission issued an order making these companies parties in this case and directing any party wishing to request a hearing to do so no later than August 28, 2005. No requests for hearing were filed. On August 9, 2005, the law firm of Curtis, Heinz, Garrett & O'Keefe, P.C., filed an Entry of Appearance on behalf of MCImetro.

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.

On September 2, 2005, the Staff of the Commission filed a memorandum and recommendation. The Staff memorandum recommends that the amendment to the Agreements be approved and notes that the Agreements meet the limited requirements of the Act in that they are not discriminatory toward nonparties and are not against the public interest.

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.

¹ See 47 U.S.C. § 251, *et seq.*

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission concludes that the Agreements as amended meet the requirements of the Act in that they do not discriminate against a nonparty carrier and implementation of the Agreements as amended is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreements as amended shall be conditioned upon the parties submitting any further 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.² 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.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 amendments, in the

² 47 U.S.C. § 252.

³ 47 U.S.C. § 252(h).

⁴ 4 CSR 240-3.545.

Commission's offices. Any proposed amendment must be submitted pursuant to Commission rule 4 CSR 240-3.513(6).

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 amendment to the Agreements between SBC Missouri and MCImetro, MCI WorldCom, Brooks, and Intermedia, and its findings of fact, the Commission concludes that the Agreements as amended are neither discriminatory nor inconsistent with the public interest and shall 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 amendment to the Interconnection Agreements between Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, and MCImetro Access

⁵ 47 U.S.C. § 252(e)(1).

⁶ 47 U.S.C. § 252(e)(2)(A).

Transmission Services, LLC, MCI WorldCom Communications, Inc., Brooks Fiber Communications, Inc., and Intermedia Communications, Inc., filed on July 29, 2005, is approved.

2. That any changes or amendments to the Agreements shall be submitted in compliance with 4 CSR 240-3.513(6).

3. That this order shall become effective on October 27, 2005.

4. That this case may be closed October 28, 2005.

BY THE COMMISSION

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

Colleen M. Dale
Secretary

(S E A L)

Vicky Ruth, Senior Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of October, 2005.