

**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 the CLEC Coalition, Including )  
Big River Company, L.L.C., Birch Telecom of )  
Missouri, Inc., Ionex Communications, Inc., )  
NuVox Communications of Missouri, Inc., Socket )  
Telecom, L.L.C., XO Communications Services, )  
Inc., XO Missouri, Inc.; Arbitrated as a Successor )  
Interconnection Agreement to the Missouri 271 )  
Agreement (“M2A”). )

Case No. TK-2006-0049

**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 the CLEC Coalition submitted an unsigned template agreement that included a few 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. The Staff further believes that the proposed Agreement and either proposed resolution to the disputed issues conforms to the standards set forth in 47 U.S.C. 252(e)(2).

5. 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.

**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. The Staff further recommends that the Commission direct the Parties to submit a serially numbered copy 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.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ William K. Haas

William K. Haas  
Deputy General Counsel  
Missouri Bar No. 28701

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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 8<sup>th</sup> day of August 2005.

/s/ William K. Haas

**MEMORANDUM**

**To:** Missouri Public Service Commission Official Case File  
Case No. TK-2006-0049  
Party: SBC Missouri, Inc.  
Type of Certification:  
 None  
 Basic Local  
 Local (restricted to private line)  
 Local (no restrictions)  
 Interexchange

Party: CLEC Coalition (including Big River Company, L.L.C., Birch Telecom of Missouri, Inc., ionex communications, Inc., NuVox Communications of Missouri, Inc., Socket Telecom, L.L.C., XO Communications Services, Inc., XO Missouri, Inc., and Xspedius Management Company Switched Services, L.L.C., doing business as Xspedius Communications, L.L.C.)  
 None  
 Basic Local  
 Local (restricted to private line)  
 Local (no restrictions)  
 Interexchange

**From:** Mike Schepeler, Telecommunications Department

Natelle Dietrich 8/8/05	William K. Haas 8/8/05
Utility Operations Division/Date	General Counsel Office/Date

**Subject:** Staff Recommendation for Approval of Interconnection Agreement

**Date:** August 8, 2005

**Date Filed:** August 8, 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 agreed upon language in 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 prescribed by the Commission, or the standards set forth in subsection (d) of this section.” 47 U.S.C. 252(e)(2). Portions of the agreement remain in dispute. Staff recommends approval of the agreement subject to the Commission's resolution of the outstanding disputed language. Staff has reviewed the disputed language and believes that either company's proposed resolution of the dispute will conform to the provisions of the Act. 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.

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