

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of the Application for Approval of )  
Amendments to the Interconnection Agreement ) **Case No. TK-2008-0047**  
Between Southwestern Bell Telephone Company )  
d/b/a AT&T Missouri and Sage Telecom, Inc. )

## **ORDER APPROVING AMENDMENTS** **TO INTERCONNECTION AGREEMENT**

Issue Date: October 5, 2007

Effective Date: October 15, 2007

This order approves the amendments to the interconnection agreement between the parties filed by Southwestern Bell Telephone Company d/b/a AT&T Missouri (“AT&T Missouri”).

On August 20, 2007, AT&T Missouri filed an application with the Commission for approval of amendments to its interconnection agreement with Sage Telecom, Inc. (“Sage”). AT&T Missouri and Sage currently have a Commission-approved interconnection agreement (“Agreement”) between them, which the Commission approved in Case No. TO-2005-0287. In the current application, the parties have agreed to amend the interconnection agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.<sup>1</sup> The amendments, *inter alia*, put into place a Missouri-specific pricing schedule for unbundled 2-wire analog loops. Both AT&T Missouri and Sage hold certificates of service authority to provide basic local exchange telecommunications services in Missouri.

Although Sage is a party to the Agreement, it did not join in the application. On August 21, 2007, the Commission issued an order making Sage a party in this case and directing any party wishing to request a hearing to do so no later than September 10, 2007. On September 14, 2007, AT&T Missouri filed an amended application. Consequently, the Commission issued an order allowing any interested party an additional ten days to respond to the amended application, i.e. September 20, 2007. No entity responded to the application or the amended application. No entity requested intervention or a hearing.

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may only reject a negotiated agreement (or any portion thereof) if it finds that the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement or if implementation of the agreement (or any portion thereof) is not consistent with the public interest, convenience and necessity.

On October 1, 2007, the Staff of the Commission filed a memorandum and recommendation. The Staff memorandum recommends that the amendments to 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 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.

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<sup>1</sup> See 47 U.S.C. § 251, *et seq.*

The Commission has considered the application, the supporting documentation, and Staff's verified recommendation, which are hereby admitted into evidence. Based upon that review, the Commission concludes that the Agreement, as amended, meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement as amended is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement, 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's offices. Any proposed amendment must be submitted pursuant to Commission rule 4 CSR 240-3.513(6).

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<sup>2</sup> 47 U.S.C. § 252.

<sup>3</sup> 47 U.S.C. § 252(h).

### **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,<sup>5</sup> is required to review negotiated interconnection agreements. It may only reject a negotiated agreement (or any portion thereof) upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.<sup>6</sup> Based upon its review of the amendments to the Agreement between AT&T Missouri and Sage and its findings of fact, the Commission concludes that the Agreement, as amended, is 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 ORDERED THAT:**

1. The amendments to the agreement between Southwestern Bell Telephone Company d/b/a AT&T Missouri and Sage Telecom, Inc., filed on August 20, 2007 and subsequently amended on September 14, 2007, are approved.

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<sup>4</sup> 4 CSR 240-3.545.

<sup>5</sup> 47 U.S.C. § 252(e)(1).

<sup>6</sup> 47 U.S.C. § 252(e)(2)(A).

2. Any additional changes or amendments to this Agreement shall be submitted in compliance with 4 CSR 240-3.513(6).

3. This order shall become effective on October 15, 2007.

4. This case may be closed on October 16, 2007.

**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 )

Harold Stearley, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 5th day of October, 2007.