

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Relative Use Factor (RUF) Amendment )  
to the Commercial Mobile Radio Services (CMRS) )  
Interconnection Agreement between CenturyTel of )  
Missouri, LLC dba CenturyLink, Spectra Communications ) **File No. TK-2017-0101**  
Group, LLC dba CenturyLink and New Cingular Wireless )  
PCS, LLC and its Commercial Mobile Radio Service )  
Affiliates Pursuant to Sections 251 and 252 of the )  
Telecommunications Act of 1996 )

## ORDER APPROVING AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: November 8, 2016

Effective Date: November 18, 2016

This order approves the amendments to the commercial mobile radio services interconnection agreement between the parties filed by CenturyTel of Missouri, LLC d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink (CenturyLink).

On October 5, 2016, CenturyLink filed an application with the Commission for approval of amendments to its commercial mobile radio services interconnection agreement with New Cingular Wireless PCS, LLC (New Cingular). CenturyLink and New Cingular currently have a Commission-approved interconnection agreement between them. 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 would add the percentage rates for the Relative Use Factor. Both CenturyLink and New Cingular hold certificates of service authority or are

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

registered to provide basic local exchange telecommunications services in Missouri. New Cingular is a wireless telecommunications company not regulated by the Commission.

Although New Cingular is a party to the agreement, it did not join in the application. On October 7, 2016, the Commission issued an order making New Cingular a party in this case and directing any party wishing to request a hearing to do so no later than October 24, 2016. No requests for hearing were filed.

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 October 5, 2016, the Staff of the Commission filed a memorandum and recommendation. Staff 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 Commission has considered the application, the supporting documentation, and Staff's verified recommendation. Based upon that review, the Commission finds 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 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 interconnection agreement available for public inspection.<sup>3</sup>

The parties to each 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 rules 4 CSR 240-28.020(5) and 4 CSR 240-28.080.

### **Conclusions of Law**

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,<sup>4</sup> 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.<sup>5</sup> Based upon its review of the amendments to the agreement between CenturyLink and New Cingular and its findings of fact, the Commission concludes

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<sup>2</sup> 47 U.S.C. § 252.

<sup>3</sup> 47 U.S.C. § 252(h).

<sup>4</sup> 47 U.S.C. § 252(e)(1).

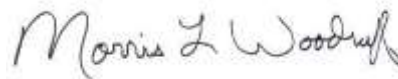
<sup>5</sup> 47 U.S.C. § 252(e)(2)(A).

that the agreement as amended is neither discriminatory nor inconsistent with the public interest and shall be approved.

**THE COMMISSION ORDERS THAT:**

1. The amendments to the commercial mobile radio services interconnection agreement between CenturyTel of Missouri, LLC d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink and New Cingular Wireless PCS, LLC, filed on October 5, 2016, are approved.
2. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-28.020(5) and 4 CSR 240-28.080.
3. This order shall become effective on November 18, 2016.
4. This file may be closed on November 19, 2016.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary



Morris L. Woodruff, Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 8th day of November, 2016.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 8<sup>th</sup> day of November 2016.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 8, 2016**

**File/Case No. TK-2017-0101**

**Missouri Public Service  
Commission**

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**Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).**

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.