BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of Metropolitan Telecommunications of Missouri, Inc., for Approval of a Resale Agreement with Southwestern Bell Telephone Company Pursuant to the Telecommunications Act of 1996.	))))	**Case No. TK-2006-0041**

ORDER APPROVING NEGOTIATED INTERCONNECTION AGREEMENT

Issue Date: September 16, 2005 Effective Date: September 26, 2005

Procedural History:

On July 25, 2005, Metropolitan Telecommunications of Missouri, Inc. ("MetTel") filed an application with the Commission for approval of an interconnection agreement with Southwestern Bell Telephone, L.P., doing business as SBC Missouri ("SBC"), pursuant to § 252(e) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified as various sections of Title 47, United States Code ("the Act"). Although SBC is a party to the agreement, it did not join in the application. On August 3, the Commission issued an order making SBC a party in this case and directing any party wishing to request a hearing to do so no later than August 23. No requests for hearing were filed.

The Staff of the Commission filed its Memorandum and Recommendation on August 30, stating that the parties' interconnection agreement does not discriminate against any non-party carrier and that implementation of the agreement would be consistent with the public interest, convenience and necessity. Staff recommends that the parties' interconnection agreement be approved.

Discussion:

Section 252(e) of the Telecommunications Act provides:

(e) Approval by State commission

(1) Approval required

Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2) Grounds for rejection

The State commission may only reject -

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) of this section if it finds that –

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

(B) an agreement (or any portion thereof) adopted by arbitration under subsection (b) of this section if it finds that the agreement does not meet the requirements of section 251 of this title, including the regulations prescribed by the Commission pursuant to section 251 of this title, or the standards set forth in subsection (d) of this section.[1]

Under § 252(e)(1) of the Act, every interconnection agreement must be submitted to the Commission for approval. The Commission may reject a negotiated agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest,

[1] Subsection (d) contains pricing standards.

convenience and necessity. The Commission may reject an arbitrated agreement if it finds that the agreement does not meet the requirements of § 251 of the Act, including the F.C.C.'s implementing regulations, or the pricing standards in § 252(d) of the Act. In the present case, it is the former standard that applies.

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.

The Commission has considered the parties' application, agreement and Staff's recommendation. Based upon that review, the Commission concludes that the parties' agreement does not discriminate against any non-party carrier and that its implementation is consistent with the public interest, convenience and necessity.

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]

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[2] 47 U.S.C. § 252.

[3] 47 U.S.C. § 252(h).

[4] 4 CSR 240-3.545.

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).

Conclusions of Law:

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission, under the provisions of § 252(e) of the Telecommunications Act of 1996,[5] is required to review interconnection agreements. It may only reject a negotiated agreement if it finds that the agreement discriminates against a non-party carrier or that its implementation is contrary to the public interest, convenience and necessity. Based upon its review of the interconnection agreement between SBC and MetTel, the application, and Staff's Memorandum and Recommendation, the Commission concludes that the agreement does not discriminate against a non-party carrier and that its implementation is not contrary to the public interest, convenience and necessity, and that it shall therefore be approved.

IT IS THEREFORE ORDERED:

1. That the Interconnection Agreement between Metropolitan Telecommunications of Missouri, Inc., and Southwestern Bell Telephone, L.P., doing business as SBC Missouri, filed on July 25, 2005, is approved.

[5] 47 U.S.C. § 252(e)(1).

2. That any changes or amendments to this Interconnection Agreement shall be submitted to the Commission for approval in compliance with Commission Rule 4 CSR 240-3.513(6).

3. That this order shall become effective on September 26, 2005.

4. That this case may be closed on September 27, 2005.

BY THE COMMISSION

Colleen M. Dale
Secretary

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to Section 386.240,
RSMo 2000.

Dated at Jefferson City, Missouri,
on this 16th day of September, 2005.