

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application for Approval of an)
Amendment to an Interconnection Agreement By)
and Between Southwestern Bell Telephone, L.P.,)
d/b/a AT&T Missouri, and Birch Telecom of Missouri,)
Inc., and Ionex Communications, Inc.)

Case No. TK-2007-0019

ORDER DIRECTING NOTICE AND MAKING
BIRCH TELECOM OF MISSOURI, INC.,
AND IONEX COMMUNICATIONS, INC., PARTIES

Issue Date: July 13, 2006

Effective Date: July 13, 2006

This order provides notice of this application to interested parties and joins the other parties to the interconnection agreement, Birch Telecom of Missouri, Inc., and Ionex Communications, Inc. (collectively, Birch), as parties to this proceeding.

On July 11, 2006, Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, filed an application with the Commission for approval of an amendment to its present interconnection agreement with Birch under the provisions of the federal Telecommunications Act of 1996. AT&T Missouri states that the purpose of the amendment is principally to effectuate compensation arrangements that take into consideration which of the parties provides the switching functions associated with traffic being originated and/or terminated, and whether the flow of traffic is balanced. AT&T further states that to its knowledge, this type of interconnection agreement amendment has not previously been approved by the Commission.

Although Birch is a party to the agreement, it did not join in the application. Because Birch is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity.¹ Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously. The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing. The Commission also finds that notice of this application shall be sent to all interexchange and local exchange telecommunications companies.

IT IS ORDERED THAT:

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. Birch Telecom of Missouri, Inc., and Ionex Communications, Inc., are made parties to this case.
3. Any party wishing to request a hearing shall do so by filing a pleading no later than August 2, 2006, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

¹ 47 U.S.C. § 252(e).

and send copies to:

Robert G. Gryzmala, Esq.
Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri
One AT&T Center, Room 3516
St. Louis, Missouri 63101

John Ivanuska
Vice President of Interconnection & Carrier Relations
Birch Telecom of Missouri, Inc., and
Ionex Communications, Inc.
2300 Main Street, Suite 600
Kansas City, Missouri 64108

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than August 14, 2006.

5. This order shall become effective on July 13, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Nancy Dippell, Deputy Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 13th day of July, 2006.