

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application for)
Approval of an Amendment to the)
Interconnection Agreement between)
Cbeyond Communications, LLC and)
Southwestern Bell Telephone, L.P. d/b/a)
AT&T Missouri)
)
)
)

Case No. TK-2008-0263

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On February 13, 2008, Cbeyond Communications, LLC, (Cbeyond) filed an application seeking Commission approval of an amendment to the Interconnection Agreement with AT&T Missouri pursuant to Section 252(e) of the Federal Telecommunications Act of 1996.

2. Cbeyond stated that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act because it is not discriminatory to nonparty carriers and it is consistent with the public interest.

3. Even though AT&T is a party to the agreement, it did not join in the application, therefore, the Commission joined AT&T as a party on February 19, 2008 in order to ensure a full and fair adjudication of this matter.

4. The federal Telecommunications Act of 1996 provides that an interconnection or resale agreement must be approved unless the Commission determines that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is inconsistent with the public interest, convenience, or necessity.

5. The Staff of the Missouri Public Service Commission has reviewed the proposed agreement and prepared a memorandum, attached hereto as Appendix A.

6. In its memorandum, Staff states that it believes that the proposed amendment to the interconnection agreement meets the limited requirements of the Telecommunications Act of 1996.

7. Specifically, Staff believes that the proposed amendment does not discriminate against telecommunications carriers not a party to the agreement, and the proposed amendment is not against the public interest, convenience, or necessity.

8. Furthermore, Staff recommends that the Commission direct the parties to submit any modifications or amendments to the Commission.

WHEREFORE, the Staff recommends that the Commission approve the amendment to the interconnection agreement and find that the proposed agreement does not discriminate against telecommunications carriers not a party to the agreement, and the proposed amendment is not against the public interest, convenience, or necessity. Staff further recommends that the Commission direct the parties to submit any modifications or amendments to the Commission.

Respectfully submitted,

/ **Blane Baker**

Blane Baker

Missouri Bar No. 58454

Attorney for the Staff of the
Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19th day of March 2008.

/ Blane Baker

Blane Baker

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TK-2008-0263**

Party: Cbeyond Communications, LLC

Type of Carrier:

☐ ILEC
☒ CLEC
☐ Wireless

Party: AT&T Missouri

Type of Carrier:

☒ ILEC
☐ CLEC
☐ Wireless

From: Lisa Mahaney, Telecommunications Department

William Voight	3/17/08	Blane Baker	3/17/08
Utility Operations Division/Date		General Counsel Office/Date	

Subject: Staff Recommendation for Approval of Interconnection Agreement or Amendment to Interconnection Agreement

Date: March 17, 2008

Date Filed: 2/13/08

Staff Deadline: 3/20/08

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☐ Interconnection Agreement
- ☒ Amendment not previously approved

The parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

☐ The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

Amends Agreement to conform to District Court Order in Case No. 4:05-CV-126 CAS and extends term date for a period of three years.

☒ The Company is 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:)

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Application for Approval of Amendment to)
Interconnection Agreement)

Case No. TK-2008-0263

AFFIDAVIT OF LISA MAHANEY

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



Lisa Mahaney

Subscribed and affirmed before me this 17th day of March 2008.
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942066



NOTARY PUBLIC