

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

Application of Missouri RSA No. 5 Partnership, d/b/a )  
Chariton Valley Wireless, for Approval of a Direct )  
Interconnection Agreement and for a Related Indirect ) **Case No. TK-2005-0447**  
Transiting Traffic Services Agreement with Southwestern )  
Bell Telephone Company, L.P., d/b/a SBC Missouri, )  
Pursuant to the Telecommunications Act of 1996. )

### **ORDER APPROVING INTERCONNECTION AGREEMENT**

Issue Date: July 20, 2005

Effective Date: July 30, 2005

This order approves the Interconnection Agreement executed by the parties and filed by Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless.

On May 27, 2005, Chariton filed an application with the Commission for approval of an Interconnection Agreement with Southwestern Bell Telephone, L.P. d/b/a SBC Missouri. The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.<sup>1</sup> SBC holds a certificate of service authority to provide basic local exchange telecommunications services in Missouri.

Although SBC is a party to the Agreement, it did not join in the application. Although SBC is a party to the Agreement, it did not join in the application. On June 1, 2005, the Commission issued an order making SBC a party in this case and directing any

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

party wishing to request a hearing to do so no later than June 13, 2005. Although no requests for hearing were filed, the Missouri Independent Telephone Group filed an application to intervene. However, during a prehearing conference held on July 13, 2005, the MITG withdrew its request.

The Staff of the Commission filed a memorandum and recommendation on June 16, 2005, recommending that the Agreement be approved.

### **Discussion**

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.

The Staff memorandum recommends that 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. Staff also recommends that the Commission order the parties to submit with the Interconnection Agreement, the Wireless Service Provider Agreement and the attached Transit Traffic Services agreement, numbered in seriatim.

### **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 application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission concludes that the

Agreement meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement should be conditioned upon the parties submitting any 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).

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

### **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 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 Agreement between Chariton and SBC and its findings of fact, the Commission concludes that the Agreement is neither discriminatory nor inconsistent with the public interest and should 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 THEREFORE ORDERED:**

1. That the Interconnection Agreement between Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri, filed on May 27, 2005, is approved.

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

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<sup>5</sup> 47 U.S.C. § 252(e)(1).

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

3. That no later than July 29, 2005, Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri shall submit with the Interconnection Agreement, the Wireless Service Provider Agreement and the attached Transit Traffic Services agreement, numbered in seriatim. On the same date, Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri shall file a notice in the official case file advising the Commission that they have complied with this order.

4. That this order shall become effective on July 30, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Kennard L. Jones, Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 20th day of July, 2005.