BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Application of SBC Advanced Solutions, Inc., for Approval of its Interconnection and/or Resale Agreement Under Sections 251 and 252 of the Telecommunications Act of 1996 with Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, Pursuant to 47 U.S.C. § 252.	))))))	**Case No. TK-2005-0459**

ORDER APPROVING INTERCONNECTION AGREEMENT

Issue Date: July 8, 2005 Effective Date: July 18, 2005

This order approves the interconnection agreement executed by the parties and filed by SBC Advanced Solutions, Inc. (SBC-ASI).

On June 1, 2005, SBC-ASI 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.[1] The Agreement would permit the companies to interconnect their networks and facilities for the purpose of providing telephone exchange service. SBC Missouri holds a certificate of service authority to provide basic local exchange telecommunications services in Missouri. SBC-ASI holds a certificate of service authority to provide nonswitched local exchange and interexchange telecommunications services.

Although SBC Missouri is a party to the Agreement, it did not join in the application. On June 7, 2005, the Commission issued an order making SBC Missouri a

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[1] *See* 47 U.S.C. § 251, *et seq*.

party in this case and directing any party wishing to request a hearing to do so no later than June 27, 2005. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on July 1, 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.

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 Agree-

ment 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 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 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]

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 rule 4 CSR 240-3.513(6).

Conclusions of Law

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

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[2] 47 U.S.C. § 252.

[3] 47 U.S.C. § 252(h).

[4] 4 CSR 240-3.545.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,[5] 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.[6] Based upon its review of the Agreement between SBC-ASI and SBC Missouri 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 SBC Advanced Solutions, Inc. and Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, filed on June 1, 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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[5] 47 U.S.C. § 252(e)(1).

[6] 47 U.S.C. § 252(e)(2)(A).

3. That this order shall become effective on July 18, 2005.

4. That this case may be closed on July 19, 2005.

BY THE COMMISSION

Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 8th day of July, 2005.