

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,)	<u>Case No. TK-2008-0263</u>
LLC and Southwestern Bell Telephone, L.P.)	
d/b/a AT&T Missouri)	

ORDER DIRECTING NOTICE AND MAKING
SOUTHWESTERN BELL TELEPHONE, L.P.
D/B/A AT&T MISSOURI A PARTY

Issue Date: February 19, 2008

Effective Date: February 19, 2008

This order provides notice of this application to interested parties and joins the other party to the interconnection agreement, Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri, as a party to this proceeding.

On February 13, 2008, Cbeyond Communications, LLC filed an application with the Commission for approval of an amendment to an interconnection agreement with AT&T Missouri under the provisions of the federal Telecommunications Act of 1996. Cbeyond states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

Although AT&T Missouri is a party to the agreement, it did not join in the application. Because AT&T Missouri 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. Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri is made a party to this case.
3. Any party wishing to request a hearing shall do so by filing a pleading no later than March 10, 2008, 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:

Carl J. Lumley
Curtis, Heinz, Garrett & O'Keefe, P.C.
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105

Leo Bub
AT&T Missouri
One SBC Center, Room 3518
St. Louis, Missouri 63101

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 March 20, 2008.

5. This order shall become effective on February 19, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 19th day of February, 2008.