

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

The Matter of the Adoption of the Spectra Communications)
Group, LLC/WWC License LLC Interconnection and)
Reciprocal Compensation Agreement by Cellco)
Partnership d/b/a Verizon Wireless, Verizon Wireless) **Case No. TO-2005-0395**
(VAW) LLC d/b/a Verizon Wireless, St. Joseph Celltelco)
d/b/a/ Verizon Wireless, and Cybertel Cellular Telephone)
Company d/b/a Verizon Wireless (Verizon Wireless))
Pursuant to Section 252(i) of the Telecommunications)
Act of 1996)

ORDER RECOGNIZING ADOPTION OF INTERCONNECTION AGREEMENT

Issue Date: June 10, 2005

Effective Date: June 20, 2005

This order recognizes the adoption by Cellco Partnership, d/b/a Verizon Wireless, Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless, St. Joseph Celltelco d/b/a Verizon Wireless, and Cybertel Cellular Telephone Company, d/b/a Verizon Wireless (Verizon Wireless) of an interconnection agreement previously approved by the Commission.

Procedural History

On May 2, 2005, Spectra Communications Group, LLC filed a pleading entitled Notice of Adoption of Interconnection and Reciprocal Compensation Agreement. Verizon Wireless notified Spectra that it desired to adopt the terms of the interconnection agreement between WWC License LLC and Spectra, approved by the Commission in Case No. TK-2003-0306 on May 1, 2003.

On May 6, 2005, the Commission issued an order directing notice of the adoption to all interexchange and local exchange telecommunication companies and making Verizon Wireless a party. The notice stated that any party wishing to request a hearing should do so no later than May 26, 2005. No requests for hearing were filed.

On June 1, 2005, the Staff of the Missouri Public Service Commission recommended that the Commission take notice of the adoption.

Findings of Fact

After reviewing the file, the Commission finds that Verizon Wireless notified Spectra of its desire to adopt the same terms and conditions of the interconnection agreement between WWC License LLC and Spectra, approved by the Commission in Case No. TK-2003-0306 on May 1, 2003. Spectra did not object to the request and filed this notice of the adoption of the interconnection agreement. No objections have been received. Therefore, the Commission will take notice of the adoption.

Conclusions of Law

The adoption of the terms and conditions of a previously approved interconnection agreement is authorized by Section 252(i) of the federal Telecommunications Act of 1996.¹ Section 252(i) states:

(i) Availability to Other Telecommunications Carriers. –

A local exchange carrier shall make available any interconnection, services, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

¹ See 47 U.S.C. § 251, et seq.

Federal rule 51.809 (Rule 809) was promulgated to implement Section 252(i) of the Act. Rule 809 provides that the incumbent local exchange company must provide the interconnection, network elements, or services to a requesting telecommunications carrier that notifies the ILEC that it wishes to adopt the interconnection, network elements, or services from a Commission-approved interconnection agreement unless stated conditions are proven to the Commission. An ILEC can deny an adoption if it proves that (1) the cost of providing a particular interconnection, service, or element to the requesting telecommunications carriers is greater than the cost of providing it to the telecommunications carrier that originally negotiated the agreement, or (2) the provision of the particular interconnection, service, or element to the requesting carrier is not technically feasible.²

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.

Modification of the Agreement

The Staff recommended that the parties be directed to file any modifications or amendments to the interconnection agreement with the Commission for approval. The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.³ In order for the

² 47 C.F.R. § 51.809(b).

³ 47 U.S.C. § 252.

Commission's review and approval to be effective, the Commission must also review and approve modifications to these agreements.

The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection.⁴ This duty is set forth in the Commission's rules which require telecommunications companies to keep their rate schedules on file with the Commission.⁵

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices. Any proposed modification must be submitted for Commission approval, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

Modifications to the agreement must be submitted to the Staff for review. When approved, the modified pages will be substituted in the agreement, which should contain the number of the page being replaced in the lower right-hand corner. Staff will date-stamp the pages when they are inserted into the agreement. The official record of the original agreement and all the modifications made will be maintained in the Commission's Data Center.

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is identical to a provision that has been approved by the Commission in another agreement, the Commission will take notice of the modification once Staff has verified that the provision is an approved

⁴ 47 U.S.C. § 252(h).

⁵ 4 CSR 240-3.545.

provision, and prepared a recommendation. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects and prepare a recommendation advising the Commission whether the modification should be approved. The Commission may approve the modification based on the Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

IT IS THEREFORE ORDERED:

1. That Cellco Partnership, d/b/a Verizon Wireless, Verizon Wireless (VAW) LLC, d/b/a Verizon Wireless, St. Joseph Celltelco d/b/a Verizon Wireless, and Cybertel Cellular Telephone Company, d/b/a Verizon Wireless's adoption of the terms and conditions contained in the interconnection agreement between WWC License LLC, and Spectra Communications Group, LLC, pursuant to Section 252(i) of the Telecommunications Act of 1996, is hereby recognized.
2. That any changes or modifications to this agreement shall be filed with the Commission for approval pursuant to the procedure outlined in this order.
3. That this order shall become effective on June 20, 2005.

4. That this case may be closed on June 21, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Ronald D. Pridgin, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 10th day of June, 2005.