

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 22nd day
of April, 2009.

Petition of Charter Fiberlink-Missouri, LLC for)	
Arbitration of Interconnection Rates, Terms, Conditions,)	<u>Case No. TO-2009-0037</u>
And Related Arrangements with the CenturyTel of)	
Missouri, LLC Pursuant to 47 U.S.C. § 252(b))	

ORDER APPROVING ARBITRATED INTERCONNECTION AGREEMENT

Issue Date: April 22, 2009

Effective Date: April 22, 2009

Procedural History:

On July 31, 2008, Charter Fiberlink-Missouri, LLC (hereafter "Charter") filed a petition for arbitration with the Commission pursuant to Section 252 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified as various sections of Title 47, United States Code ("the Act"), and Commission Rule 4 CSR 240-36.040. The petition asks the Commission to arbitrate unresolved issues in the negotiation of an interconnection agreement between Charter and CenturyTel of Missouri, LLC (hereafter "CenturyTel").

The Arbitrator conducted a hearing on October 27-28, 2008, and issued a Final Arbitrator's Report on January 6, 2009. At the parties' request, the Commission held an oral argument on February 5, 2009.

Charter and CenturyTel filed the arbitrated interconnection agreement on March 27, 2009. The Staff of the Commission (hereafter "Staff") filed its Recommendation on April 10,

2009, in which it stated it was unable to discern which portions of the filed agreement were negotiated and which were arbitrated. As a result, the Commission ordered Charter and CenturyTel to file an arbitrated agreement that clearly delineated which terms were negotiated and which were arbitrated. Charter and CenturyTel filed such an agreement on April 15, 2009, and Staff filed its Recommendation on April 21, 2009.

Staff stated that the agreement conforms to the Commission's Arbitration Order and meets the requirements of § 252 of the Act. Staff recommended that the Commission approve the arbitrated interconnection agreement, and stated that the agreement does not discriminate against any other carrier, is not against the public interest, and appears to conform to the Arbitrator's Report.

Discussion:

Section 252(e) of the Telecommunications Act provides:

(e) Approval by State commission

(1) Approval required

Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2) Grounds for rejection

The State commission may only reject –

* * *

(B) an agreement (or any portion thereof) adopted by arbitration under subsection (b) of this section if it finds that the agreement does not meet the requirements of section 251 of this title, including the regulations prescribed by the Commission pursuant

to section 251 of this title, or the standards set forth in subsection (d) of this section.¹

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 interconnection agreement and Staff's recommendation. Based upon that review, the Commission finds that the agreement conforms to the relevant standards set forth in the Telecommunications Act and to the Commission's Arbitration Order.

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.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 resale and 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 resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's

¹ Subsection (d) contains pricing standards.

² 47 U.S.C. § 252.

³ 47 U.S.C. § 252(h).

⁴ 4 CSR 240-3.545.

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.

The Commission, under the provisions of § 252(e) of the Telecommunications Act of 1996,⁵ is required to review interconnection agreements. It may only reject an arbitrated agreement if it finds that the agreement does not meet the requirements of § 252 of the Act. Based upon its review of the agreement, and Staff's Memorandum and Recommendation, the Commission concludes that the agreement meets the requirements of § 252 of the Act. The Commission will, therefore, approve the agreement.

THE COMMISSION ORDERS THAT:

1. The interconnection agreement between Charter Fiberlink-Missouri, LLC and CenturyTel of Missouri, LLC filed on March 27, 2009, as clarified on April 15, 2009, is approved.
2. Any changes or amendments to this Interconnection Agreement shall be submitted to the Commission for approval in compliance with Commission Rule 4 CSR 240-3.513(6).

⁵ 47 U.S.C. § 252(e)(1).

3. This order shall become effective on April 22, 2009.
4. This case shall be closed on April 23, 2009.

BY THE COMMISSION

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

Colleen M. Dale
Secretary

(S E A L)

Clayton, Chm., Murray, Davis,
Jarrett, and Gunn, CC., concur.

Pridgin, Senior Regulatory Law Judge