

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of	)	
YourTel America, Inc. for Approval of an	)	
Amendment to its Interconnection Agreement	)	Case No. _____
With Southwestern Bell Telephone, L.P.	)	
d/b/a AT&T Missouri	)	

**APPLICATION FOR APPROVAL OF  
AMENDMENT TO INTERCONNECTION AGREEMENT**

COMES NOW YourTel America, Inc. ("YourTel" or "Applicant"), and hereby files this Application for Approval of an Amendment to the Interconnection Agreement (the "Agreement") between YourTel and Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri ("AT&T"), under the Telecommunications Act of 1996, Public Law No. 104-104 ("Federal Act"), and 4 CSR 240-3.513, stating the following:

**A. PRELIMINARY MATTERS**

1. YourTel is a competitive local exchange carrier ("CLEC") in Missouri. In Case No. TA-99-115, the Commission granted The Pager Company certificate of service authority to provide basic local and local exchange telecommunications services. In Case No. TO-2002-165, the Commission acknowledged the addition of a fictitious name, i.e., The Pager Company d/b/a The Pager & Phone Company. On December 15, 2006, The Pager Company d/b/a The Pager & Phone Company filed adoption notices and revised tariff title sheets, with a proposed effective date of January 17, 2007, to reflect its change of corporate name to YourTel America, Inc. in Case No. CN-2007-0218. The Commission recognized YourTel's name change by Order dated January 3, 2007. YourTel's office and principal place of business are located at 2800 E. 18<sup>th</sup> St., Kansas City, Missouri.

2. By this Application, YourTel seeks Commission approval of an Amendment to Interconnection Agreement between YourTel and AT&T. The original Interconnection Agreement was approved by the Commission in Case No. TK-2006-0048. YourTel adopted this interconnection agreement and the Commission indicated that this adoption was effective on August 29, 2005 (tracking no. VT-2008-0014). AT&T's office and principal place of business is located at One SBC Center, Room 3520, St. Louis, Missouri 63101. AT&T is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases are defined in Section 386.020, RSMo. 2000.

3. YourTel is a Missouri corporation and its Certificate of Good Standing is attached as Exhibit A.

4. Correspondence, pleadings, and orders in this matter should be addressed to:

Mark P. Johnson  
Roger W. Steiner  
SONNENSCHN NATH & ROSENTHAL LLP  
4520 Main Street  
Suite 1100  
Kansas City, MO 64111  
816/460-2400  
816/531-7545 (facsimile)  
mjohnson@sonnenschein.com  
rsteiner@sonnenschein.com

#### **B. AMENDMENT TO INTERCONNECTION AGREEMENT REACHED**

5. YourTel presents to this Commission for approval an Amendment to an Interconnection Agreement negotiated, executed, and approved pursuant to the terms of the Federal Act. After comprehensive, good faith negotiations, YourTel and AT&T executed the Amendment on January 28, 2008. The Amendment is appended hereto.

### **C. REQUEST FOR APPROVAL**

6. YourTel seeks the Commission's approval of the Amendment, consistent with the provisions of the Federal Act and Missouri law. YourTel believes that the implementation of this Amendment complies fully with Section 252(e) of the Telecommunications Act of 1996 because the Amendment is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier. The Amendment promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services.

7. YourTel respectfully requests that the Commission grant expeditious approval of this Amendment, without change, suspension or other delay in its implementation. This is a bilateral Amendment, reached as a result of negotiations and compromise between competitors, and intervention by other parties is neither necessary nor appropriate.

### **D. STANDARD FOR REVIEW**

8. The statutory standards of review are set forth in Section 252(e) of the Telecommunications Act of 1996 which provides as follows:

- (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) **GROUND FOR REJECTION.**--The State commission may only reject --
  - (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that --
    - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; . . .

9. The Agreement fully complies with the criteria applicable for approval, and does not violate any of the criteria to be applied for rejection. Thus, the Amendment should be approved.

10. YourTel does not have any pending action or final unsatisfied judgments or unsatisfied judgments or adverse decisions from any state or federal agency or court which involve customer service or rates, which action, judgment, or decision has occurred within three years of the date of this Application.

11. YourTel does not have any annual report or assessments which are overdue.

#### **E. CONCLUSION**

WHEREFORE, YourTel respectfully requests that the Commission approve the attached Amendment to the Interconnection Agreement between YourTel and AT&T.

Respectfully submitted,

SONNENSCHN NATH & ROSENTHAL LLP

/s/ Roger W. Steiner

Mark P. Johnson MO Bar #30740

Roger W. Steiner MO Bar #39586

4520 Main Street, Suite 1100

Kansas City, Missouri 64111

Telephone: (816) 460-2400

Facsimile: (816) 531-7545

ATTORNEYS FOR YOURTEL AMERICA, INC.

**AMENDMENT TO  
INTERCONNECTION AGREEMENT UNDER SECTIONS 251 AND 252 OF THE  
TELECOMMUNICATIONS ACT OF 1996  
BETWEEN  
SOUTHWESTERN BELL TELEPHONE COMPANY d/b/a AT&T MISSOURI  
AND  
YOURTEL AMERICA, INC.**

The Interconnection Agreement dated August 19, 2005 by and between Southwestern Bell Telephone Company d/b/a AT&T Missouri ("AT&T")<sup>1</sup> and YourTel America, Inc. (f/k/a The Pager Company d/b/a The Pager & Phone Company) ("YourTel") ("Agreement") effective in the State of Missouri is hereby amended as follows:

1. Section 4.0 Effective Date and Term of Agreement of the General Terms and Conditions is amended by adding the following section:
  - 4.2.2 Notwithstanding anything to the contrary in this Section 4.0, the original expiration date of this Agreement, as modified by this Amendment, will be extended for a period of three (3) years from November 10, 2008 until November 10, 2011 (the "Extended Expiration Date"). The Agreement shall expire on the Extended Expiration Date; provided, however, that during the period from the effective date of this Amendment until the Extended Expiration Date, the Agreement may be terminated earlier either by written notice from YourTel, by AT&T Missouri pursuant to the Agreement's early termination provisions, by mutual agreement of the parties, or upon the effective date of a written and signed superseding agreement between the parties.
2. The Parties acknowledge and agree that AT&T Missouri shall permit the extension of this Agreement, subject to amendment to reflect future changes of law as and when they may arise.
3. EXCEPT AS MODIFIED HEREIN, ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.
4. In entering into this Amendment, neither Party waives, and each Party expressly reserves, any rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the underlying Agreement (including intervening law rights asserted by either Party via written notice predating this Amendment) with respect to any orders, decisions, legislation or proceedings and any remands thereof, which the Parties have not yet fully incorporated into this Agreement or which may be the subject of further review.
5. This Amendment shall be filed with and is subject to approval by the Missouri Public Service Commission and shall become effective ten (10) days following approval by such Commission.

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<sup>1</sup> On December 30, 2001, Southwestern Bell Telephone Company (a Missouri corporation) was merged with and into Southwestern Bell Texas, Inc. (a Texas corporation) and, pursuant to Texas law, was converted to Southwestern Bell Telephone, L.P., a Texas limited partnership. On June 29, 2007, Southwestern Bell Telephone, L.P., a Texas limited partnership, was merged with and into SWBT Inc., a Missouri corporation, with SWBT Inc. as the survivor entity. Simultaneous with the merger, SWBT Inc. changed its name to Southwestern Bell Telephone Company. Southwestern Bell Telephone Company is doing business in Missouri as "AT&T Missouri".

IN WITNESS WHEREOF, this Amendment to the Agreement was exchanged in triplicate on this 28<sup>th</sup> day of January, 2008, by AT&T Missouri, signing by and through its duly authorized representative, and YourTel, signing by and through its duly authorized representative.

YourTel America, Inc.

By: \_\_\_\_\_

Name: \_\_\_\_\_

(Print or Type)

Title: \_\_\_\_\_

(Print or Type)

Date: \_\_\_\_\_

Southwestern Bell Telephone Company d/b/a AT&T Missouri by AT&T Operations, Inc., its authorized agent

By: \_\_\_\_\_

Name: \_\_\_\_\_

(Print or Type)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

FACILITIES-BASED OCN # \_\_\_\_\_

UNE OCN # 064A

RESALE OCN # 4545

ACNA PXP

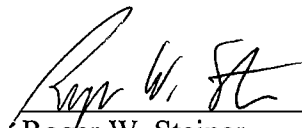
VERIFICATION

STATE OF MISSOURI     )  
                                      )  
COUNTY OF JACKSON    )     SS:

COMES NOW Roger W. Steiner, being of lawful age and duly sworn, who swears and affirms as follows:

1.     My name is Roger W. Steiner, and I am an attorney for YourTel America, Inc. In that capacity, I am authorized to verify the statements contained in the Application above, and the information contained therein, on behalf of YourTel America, Inc.

2.     The information contained in the above-described document is true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Roger W. Steiner

Subscribed and sworn to before me this 12th day of February, 2008.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been mailed electronically this 12th day of February, 2008, to:

Office of the Public Counsel  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102-2230

General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-2230

Robert J. Gryzmala  
Attorneys for Southwestern Bell Telephone, L.P.  
d/b/a/ AT&T Missouri  
One SBC Center, Suite 3520  
St. Louis, MO 63101

/s/ Roger W. Steiner  
Attorney for YourTel America, Inc.



# Exhibit A

## STATE OF MISSOURI



Robin Carnahan  
Secretary of State

**CORPORATION DIVISION  
CERTIFICATE OF GOOD STANDING**

I, ROBIN CARNAHAN, Secretary of the State of Missouri, do hereby certify that the records in my office and in my care and custody reveal that

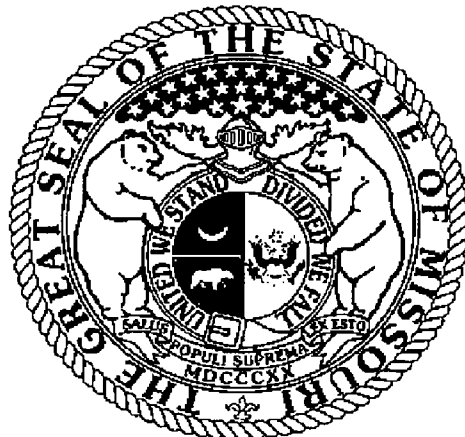
**YOURTEL AMERICA, INC.  
00417098**

was created under the laws of this State on the 4th day of October, 1995, and is in good standing, having fully complied with all requirements of this office.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 11th day of February, 2008

A handwritten signature in cursive script that reads "Robin Carnahan".

Secretary of State



Certification Number: 10429385-1    Reference:  
Verify this certificate online at <http://www.sos.mo.gov/businessentity/verification>