

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

In the Matter of the Application of Fidelity)
Telephone Company for Approval of an)
Interconnection Agreement)

File No. IK-2019-0113

ORDER APPROVING INTERCONNECTION AGREEMENT

Issue Date: November 27, 2018

Effective Date: December 7, 2018

This order approves the Interconnection Agreement executed by the parties and filed by Fidelity Telephone Company (“Fidelity”).

On October 29, 2018, Fidelity filed an application with the Commission for approval of an Interconnection Agreement with Charter Fiberlink-Missouri, LLC (“Charter”). The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ Both Fidelity and Charter hold certificates of service authority or are registered to provide basic local exchange telecommunications services in Missouri.

Although Charter is a party to the Agreement, it did not join in the application. On November 2, the Commission issued an order making Charter a party in this case and directing any party wishing to request a hearing to do so no later than November 17. No requests for hearing were filed.

The Staff of the Commission filed a recommendation on November 21, recommending that the Agreement be approved.

¹ See 47 U.S.C. § 251, *et seq.*

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.

Staff recommended that the Agreement be approved and noted 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 recommended that the Commission direct the parties to submit any amendments to the Commission for approval.

Findings of Fact

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission finds 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 Agreement shall 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

² 47 U.S.C. § 252.

further duty to make a copy of every interconnection agreement available for public inspection.³

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 rules 4 CSR 240-28.020(5) and 4 CSR 240-28.080.

Conclusions of Law

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁴ 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.⁵ Based upon its review of the Agreement between Fidelity and Charter and its findings of fact, the Commission concludes that the Agreement is neither discriminatory nor inconsistent with the public interest and shall be approved.

THE COMMISSION ORDERS THAT:

1. The Interconnection Agreement between Fidelity Telephone Company and Charter Fiberlink-Missouri, LLC, filed on October 29, 2018, is approved.
2. Any changes or amendments to this Agreement shall be submitted in compliance with 4 CSR 240-28.020(5) and 4 CSR 240-28.080.

³ 47 U.S.C. § 252(h).

⁴ 47 U.S.C. § 252(e)(1).

⁵ 47 U.S.C. § 252(e)(2)(A).

3. This order shall become effective on December 7, 2018.
4. This file may be closed on December 8, 2018.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 27th day of November, 2018.

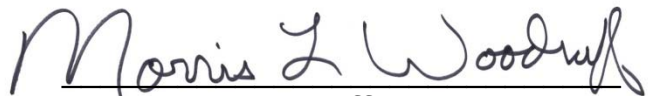
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 27th day of November 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

November 27, 2018

File/Case No. IK-2019-0113

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

**Charter Fiberlink - Missouri,
LLC**

Legal Department
12405 Powerscourt Drive
St. Louis, MO 63131
cfl.regulatory@chartercom.com

Fidelity Telephone Company

W R England
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
trip@brydonlaw.com

Fidelity Telephone Company

Brian T McCartney
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102
bmccartney@brydonlaw.com

**Missouri Public Service
Commission**

Travis Pringle
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Travis.Pringle@psc.mo.gov

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.