

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of)
Southwestern Bell Telephone Company)
d/b/a AT&T Missouri, for Approval of an)
Amendment to an Interconnection)
Agreement Under the Telecommunications)
Act of 1996)

File No. TK-2019-0130

ORDER APPROVING AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: December 10, 2018

Effective Date: December 20, 2018

This order approves the amendments to the interconnection agreement between the parties filed by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T).

On November 6, 2018, AT&T filed an application with the Commission for approval of amendments to its interconnection agreement with New Horizons Communications Corp. (New Horizons). AT&T and New Horizons currently have a Commission-approved interconnection agreement between them. In the current application, the parties have agreed to amend the interconnection agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ The amendments would implement the FCC ICC Reform Order². Both AT&T and New Horizons hold certificates of service authority or are registered to provide basic local exchange telecommunications services in Missouri.

¹ See 47 U.S.C. § 251, *et seq.*

² *AT&T Missouri's Application for Approval of an Amendment to an Interconnection Agreement with New Horizons Communications Corp.*, Amendment to the Agreement, p. 1 of 2, citing *Connect America Fund et al.*, WC Docket No. 10-90 et al, Report and Order issued by the Federal Communications Commission on November 18, 2011 (FCC 11-161), and as amended by the FCC on December 23, 2011 (FCC 11-189).

Although New Horizons is a party to the agreement, it did not join in the application. On November 13, 2018, the Commission issued an order making New Horizons a party in this case and directing any party wishing to request a hearing to do so no later than November 28, 2018. No requests for hearing were filed.

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.

On December 10, 2018, the Staff of the Commission filed a recommendation. Staff recommends that the amendments to the agreement be approved and notes 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 recommends that the Commission direct the parties to submit any further amendments to the Commission for approval.

Findings of Fact

The Commission has considered the application, the supporting documentation, and Staff's verified recommendation. Based upon that review, the Commission finds that the agreement as amended meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the agreement as amended is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the agreement as amended shall be conditioned upon the parties submitting any further 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.³ 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 interconnection agreement available for public inspection.⁴

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 1996,⁵ 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.⁶ Based upon its review of the amendments to the agreement between AT&T and New Horizons and its findings of fact, the Commission concludes that the agreement as amended is neither discriminatory nor inconsistent with the public interest and shall be approved.

³ 47 U.S.C. § 252.

⁴ 47 U.S.C. § 252(h).

⁵ 47 U.S.C. § 252(e)(1).

⁶ 47 U.S.C. § 252(e)(2)(A).

THE COMMISSION ORDERS THAT:

1. The amendments to the interconnection agreement between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and New Horizons Communications Corp., filed on November 6, 2018, are 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. This order shall become effective on December 20, 2018.
4. This file may be closed on December 21, 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 10th day of December, 2018.

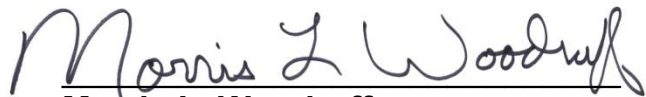
STATE OF MISSOURI

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 10th day of December 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 10, 2018

File/Case No. TK-2019-0130

**Missouri Public Service
Commission**

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**New Horizons Communications
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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.