

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF MISSOURI**

Application for Approval of an Interconnection )  
Agreement between Brightspeed of West Missouri, )  
LLC and Barr Tell USA, LLC Pursuant to the ) Docket No. \_\_\_\_\_  
Telecommunications Act of 1996 )  
)

**APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT**

COMES NOW, Brightspeed of West Missouri, LLC (“Brightspeed”) and files this Application for Approval of an Interconnection Agreement (“Agreement”) between Brightspeed and Barr Tell USA, LLC (“Barr Tell”) pursuant to the Telecommunications Act of 1996 (the “Federal Act”). In support of its Application, Brightspeed states the following:

**I. APPLICANT**

Brightspeed is a Missouri corporation with offices at 1120 South Tryon Street, Suite 700, Charlotte, NC 28203. Brightspeed is authorized to transact business within the State of Missouri and is authorized by the Missouri Public Service Commission (“Commission”) to provide basic local and interexchange telecommunications service within the state.

To Brightspeed’s knowledge, there are no overdue assessments or annual reports or final unsatisfied judgments or decisions against it involving customer service or rates occurring within the last three years.

**II. INTERCONNECTION AGREEMENT**

Brightspeed presents to the Commission the attached Agreement for approval pursuant to the terms of the Federal Act. The implementation of the Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement promotes diversity in providers and increases customer choice for telecommunications services.

### **III. STANDARD OF REVIEW**

The statutory standard of review under Section 252(e) of the Federal Act states:

(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 –

(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.

### **IV. REQUEST FOR APPROVAL**

Brightspeed seeks the Commission’s approval of the Agreement, consistent with the provisions of the Act. The Agreement is bilateral, reached as a result of negotiation and compromise between the parties. There are no outstanding issues involving the limited subject matter of the Agreement that require the assistance of mediation or arbitration. Brightspeed and Barr Tell do not believe a docket or intervention by other parties is necessary or appropriate.

Brightspeed requests that the Commission grant expeditious approval of the Agreement, without change, suspension, or other delay in its implementation.

### **V. CONTACT INFORMATION**

In addition to undersigned counsel, all communications regarding this Application should be addressed to the following representatives:

**Brightspeed:**  
Legal Department / Regulatory Notices  
P.O. Box 1330  
Fayetteville, NC 28302-1330

Phone: 833-692-7773  
[carrieragreements@brightspeed.com](mailto:carrieragreements@brightspeed.com)

**Barr Tell:**

Harold Barr  
President  
218 East Park Ave., Suite 522  
Long Beach, NY 11561-3521  
Phone: 516-708-0111  
Email: [hb@bartell.com](mailto:hb@bartell.com)

Harold Barr  
President  
452 Broadway  
Brooklyn, NY 11211-7438  
Phone: 212-226-4420 x 108  
Email: [hb@bartell.com](mailto:hb@bartell.com)

**VI. CONCLUSION**

WHEREFORE, for the reasons set forth above, Brightspeed respectfully requests that the Commission enter an Order approving this Interconnection Agreement between Brightspeed and Barr Tell.

Respectfully,

**/s/ Tim Opitz**

Tim Opitz, Mo. Bar No. 65082  
Opitz Law Firm, LLC  
308 E. High Street, Suite B101  
Jefferson City, MO 65101  
(573) 825-1796  
[Tim.opitz@opitzlawfirm.com](mailto:Tim.opitz@opitzlawfirm.com)

**REQUEST FOR WAIVER**

By signing this form, I hereby certify that neither I, nor any other members of this filing party, has had communications with a Commissioner, Commissioner Advisor, Regulatory Law Judge, or any member of their support team in the one hundred fifty (150) days prior to the filing date of this application regarding any substantive issue included in this filing.

Respectfully submitted,

**/s/ Tim Opitz**

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29<sup>th</sup> day of March 2024, a copy of the above and foregoing Application of Brightspeed and Barr Tell for Approval of an Interconnection Agreement was served via email and/or U.S. Mail, postage prepaid, to each of the following:

**Office of the Public Counsel**

Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

**Office of the General Counsel**

Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101  
[staffcounsel@psc.mo.gov](mailto:staffcounsel@psc.mo.gov)

**Brightspeed:**

Legal Department / Regulatory Notices  
P.O. Box 1330  
Fayetteville, NC 28302-1330  
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[carrieragreements@brightspeed.com](mailto:carrieragreements@brightspeed.com)

**Barr Tell:**

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President  
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Long Beach, NY 11561-3521  
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/s/ Tim Opitz