BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Otelco Mid-Missouri, LLC for Approval of an Amendment to its Traffic Termination Agreement with United States Cellular Corporation on Behalf of its Affiliates	)))))	**File No. IK-2013-0190**

ORDER APPROVING AMENDMENTS TO TRAFFIC TERMINATION AGREEMENT

Issue Date: October 25, 2012 Effective Date: November 4, 2012

This order approves the amendments to the traffic termination agreement between the parties filed by Otelco Mid-Missouri, LLC (Otelco).

On October 12, 2012, Otelco filed an application with the Commission for approval of amendments to its traffic termination agreement with United States Cellular Corporation (USC). Otelco and USC currently have a Commission-approved traffic termination agreement between them. In the current application, the parties have agreed to amend the traffic termination agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.[1] The amendments would change the rate for intraMTA traffic originated by USC, transited to Otelco, and transported and terminated by Otelco. Otelco holds a certificate of service authority to provide basic local exchange telecommunications services in Missouri. USC is a wireless communications company not regulated by the Commission.

[1] *See* 47 U.S.C. § 251, *et seq.*

Although USC is a party to the agreement, it did not join in the application. On October 12, 2012, the Commission issued an order making USC a party in this case and directing any party wishing to request a hearing to do so no later than October 22, 2012.

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 October 22, 2012, the Staff of the Commission filed a memorandum and recommendation. The Staff memorandum 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.[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 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 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 rule 4 CSR 240-3.513(6).

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 Otelco and USC and its findings of fact, the Commission concludes that the

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[2] 47 U.S.C. § 252.

[3] 47 U.S.C. § 252(h).

[4] 4 CSR 240-3.545.

[5] 47 U.S.C. § 252(e)(1).

agreement as amended is neither discriminatory nor inconsistent with the public interest and shall be approved.

The Commission notes that prior to providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

THE COMMISSION ORDERS THAT:

1. The amendments to the traffic termination agreement between Otelco Mid-Missouri, LLC and United States Cellular Corporation, filed on October 12, 2012, are approved.

2. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-3.513(6).

[6] 47 U.S.C. § 252(e)(2)(A).

3. This order shall become effective on November 4, 2012.

4. This file may be closed on November 5, 2012.

BY THE COMMISSION

Steven C. Reed
Secretary

(S E A L)

Harold Stearley, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of October, 2012.