

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

In Re: The Master Interconnection,)
Collocation, and Resale Agreement by and)
Between Sprint Missouri, Inc. and KMC)
Telecom III, LLC, Pursuant to Sections)
251 and 252 of the Telecommunications)
Act of 1996.)

Case No. IK-2006-0018

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation states:

1. In the attached Memorandum, which is labeled Appendix A, the Staff recommends that the Missouri Public Service Commission approve the Interconnection Agreement between Sprint Missouri, Inc. (“Sprint”) and KMC Telecom III, LLC (“KMC”).

2. The Commission’s authority to approve or reject this Interconnection Agreement is pursuant to 47 U.S.C. § 252(e) of the Telecommunications Act of 1996.

3. The Staff concludes that the Interconnection Agreement does not discriminate against telecommunications carriers not a party to the Agreement and the Agreement is not against the public interest, convenience or necessity.

4. The Staff also advises the Commission that on August 11, 2005, the Staff filed a motion to cancel KMC’s certificate of service authority and associated tariffs. In Case No. TD-2006-0078, *In the Matter of the Cancellation of the Certificates of Service Authority of KMC Telecom III, LLC*, the Staff advised the Commission that KMC is no longer providing telecommunications services in the State of Missouri and would like to relinquish its certificate.

Staff is not certain if the parties will actually need this interconnection agreement in Missouri; however, Staff recommends approval of the interconnection agreement as it meets the requirements of the Telecommunications Act of 1996.

WHEREFORE, the Staff recommends approval of the Interconnection Agreement.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Marc D. Poston

Marc D. Poston
Senior Counsel
Missouri Bar No. 45722

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 12th day of August 2005.

/s/ Marc D. Poston

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **IK-2006-0018**

Party: KMC Telecom III, LLC

Type of Certification:

- ☐ None
- ☒ Basic Local
- ☒ Local (restricted to private line)
- ☐ Local (no restrictions)
- ☒ Interexchange

Party: Sprint Missouri, Inc. d/b/a Sprint

- ☐ None
- ☒ Basic Local
- ☐ Local (restricted to private line)
- ☐ Local (no restrictions)
- ☐ Interexchange

From: Sherri Kohly, Telecommunications Department

William L. Voight 08/11/05
Utility Operations Division/Date

Marc Poston 08/11/05
General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement

Date: August 12, 2005

Date Filed: July 14, 2005

Staff Deadline: August 14, 2005

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted (may check more than one):

- ☐ Resale Agreement
- ☒ Facilities-based Interconnection Agreement
- ☐ Wireless Interconnection Agreement

The parties submitted the proposed Agreement to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission for approval.

- ☐ Staff does not have a serially numbered copy of the Agreement and recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement.
- ☒ Staff has a serially numbered copy of the Agreement.

Interconnection Agreement Review Items

- ☒ No applications to intervene filed.
- ☒ Agreement signed by both Parties.
- ☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.
- ☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- (☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

Is there an attachment to this recommendation indicating any recommendations or special considerations: ☒ Yes ☐ No

Attachment I

On August 11, 2005, the Staff of the Missouri Public Service Commission filed a Motion to Open Case and Cancel Certificates of Service Authority and Associated Tariffs of KMC Telecom III, LLC (Case No. TD-2006-0078). In March 2003, KMC Telecom III, LLC requested the cancellation of its certificate of service authority at the federal level. On August 10, 2005, the Director of Governmental Affairs, on behalf of KMC Telecom III, LLC, indicated via e-mail to David Meyer, Senior Counsel, that KMC Telecom III, LLC's asset sale was completed on June 30, 2005 and that KMC Telecom III would like to relinquish/cancel its certification in Missouri. Given the impending cancellation of KMC Telecom III, LLC's certificate, Staff is not certain if the parties will actually need this interconnection agreement in Missouri; however, Staff will recommend approval of the interconnection agreement as it meets the requirements of the Telecommunications Act of 1996.