

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

In the Matter of the Application of Orchard Farm)	
Telephone Company for Approval of an)	
Amendment to its Traffic Termination)	<u>File No. IK-2012-0414</u>
Agreement with New Cingular Wireless and its)	
Operating Affiliates d/b/a AT&T Mobility)	

**ORDER APPROVING AMENDMENTS
TO TRAFFIC TERMINATION AGREEMENT**

Issue Date: July 13, 2012

Effective Date: July 23, 2012

This order approves the amendments to the traffic termination agreement between the parties filed by Orchard Farm Telephone Company (Orchard Farm).

On June 12, 2012, Orchard Farm filed an application with the Commission for approval of amendments to its traffic termination agreement with New Cingular Wireless and its Operating Affiliates, d/b/a AT&T Mobility (AT&T Mobility). Orchard Farm and AT&T Mobility currently have a Commission-approved traffic termination agreement between them. In the current application, the parties have agreed to amend the 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 AT&T Mobility, transited to, and transported and terminated by Orchard Farm. Orchard Farm holds a certificate of service authority to provide basic local exchange telecommunications services in Missouri. AT&T Mobility is a wireless carrier, not regulated by the Commission.

¹ See 47 U.S.C. § 251, *et seq.*

Although AT&T Mobility is a party to the agreement, it did not join in the application. On June 13, 2012, the Commission issued an order making AT&T Mobility a party in this case and directing any party wishing to request a hearing to do so no later than June 28, 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 June 14, 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 Orchard Farm and AT&T Mobility and its findings of fact, the Commission

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).

concludes that the 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 Orchard Farm Telephone Company and New Cingular Wireless and its Operating Affiliates, d/b/a AT&T Mobility, filed on June 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 July 23, 2012.
4. This file may be closed on July 24, 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 13th day of July, 2012.