

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

MCImetro Access Transmission Services, LLC,)	
Brooks Fiber Communications of Missouri, Inc.,)	
and Intermedia Communications, Inc.,)	Case No. _____
)	
Complainants,)	
)	
vs.)	
)	
CenturyTel of Missouri, Inc.,)	
)	
Respondent.)	

COMPLAINT TO ENFORCE INTERCONNECTION AGREEMENTS

COME NOW MCImetro Access Transmission Services, LLC, Brooks Fiber Communications of Missouri, Inc. and Intermedia Communications, Inc. (collectively hereinafter referred to as "MCI"), pursuant to Sections 386.040, 386.250, 386.320, 386.330, 386.390, 386.400, 392.200.1 and .6, and 392.240.2 and .3 R.S.Mo., Sections 251 (b) and (c) and 252 of the Telecommunications Act of 1996, 47 CFR 51.203, 51.305 and 51.321, and 4 CSR 240-2.070 and for their Complaint against CenturyTel of Missouri, Inc. ("CenturyTel"), state to the Commission:

MCI has requested interconnection arrangements with CenturyTel pursuant to its interconnection agreements to provide local service in Branson and Columbia and has requested a new NPA/NXX in Columbia. MCI has provided CenturyTel with the necessary Location Routing Number ("LRN") information to effectuate the porting of telephone numbers; however, CenturyTel has refused to comply with MCI's request, despite the interconnection, Local Number Portability (LNP) and attendant LRN obligations imposed on incumbent local exchange carriers by the 1996 Telecommunications Act and relevant FCC rules and orders implementing same, and despite the provisions of the applicable interconnection agreements. Further, CenturyTel has recently refused to provision additional local trunks in Branson, despite its obligations and agreements. CenturyTel's

actions unlawfully prevent MCI from providing local services to the detriment of the public. MCI seeks relief from CenturyTel's unlawful, abusive and anticompetitive actions.

In support of its complaint MCI states:

1. Brooks Fiber Communications of Missouri, Inc. was incorporated under Delaware law and duly authorized to conduct business in Missouri with regulatory offices at 701 Brazos, Suite 600, Austin, Texas 78701. Brooks Fiber Communications of Missouri, Inc. was certificated as a competitive local exchange carrier by the Commission.

2. MCImetro Access Transmission Services, LLC is the successor in interest to Brooks Fiber Communications of Missouri, Inc. MCImetro is a Delaware limited liability corporation in good standing duly authorized to conduct business in Missouri with regulatory offices at 701 Brazos, Suite 600, Austin, Texas 78701. See Case No. TM-2004-0146. MCImetro is authorized as a competitive local exchange carrier under certificates granted and tariffs approved by the Commission.

3. Intermedia Communications, Inc., is a Delaware corporation in good standing duly authorized to conduct business in Missouri with regulatory offices at 701 Brazos, Suite 600, Austin, Texas 78701. Intermedia Communications, Inc., is authorized as a competitive local exchange carrier under certificates granted and tariffs approved by the Commission.

4. MCI can be reached as follows:

Stephen F. Morris
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Austin, Texas 78701
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5. All communications and pleadings in this case should be directed to:

Carl J. Lumley
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Notices, correspondence, communications, orders, decisions, and other papers may be served upon MCI's attorneys and such service shall be deemed to be service upon MCI in this matter.

6. CenturyTel is a limited liability company organized and existing under the laws of the State of Louisiana authorized to conduct business in the State of Missouri. It is a public utility subject to the jurisdiction of the Commission and provides telecommunications services in its service area within the State of Missouri under authority granted and tariffs approved by the Commission. It is an incumbent local exchange carrier as defined in Section 251(h) of the Telecommunications Act of 1996 and a noncompetitive large local exchange carrier as defined in Sections 386.020, 392.361, and 392.245 R.S.Mo. It has offices at 525 Cherry Street, Columbia, Missouri 65201, Phone: 573-636-5748; Fax: 573-636-0383; e-mail: lwdority@sprintmail.com.

7. CenturyTel is the ILEC successor-in-interest of two pertinent interconnection agreements: one between Brooks Fiber Communications of Missouri, Inc. and GTE Midwest Incorporated, d/b/a Verizon Midwest, which was approved by the Commission on August 5, 2002 in Case No. CK-2002-1146, *In the Matter of the Adoption of Brooks Fiber Communications of Missouri, Inc. of the Verizon/ICG Telecom Group, Inc. Interconnection Agreement*; and the other between Intermedia Communications, Inc. and GTE Midwest Incorporated d/b/a Verizon Midwest, which was approved by the Commission on August 5, 2002 in Case No. CK-2002-1145, *In the*

Matter of the Adoption of Intermedia Communications, Inc. of the Verizon/ICG Telecom Group, Inc., Interconnection Agreement. The Commission should take notice of the agreements, MCI's adoption thereof, and its related orders and proceedings which are contained in its files and incorporated herein by this reference.

8. On or about May 31, 2002, the Commission approved CenturyTel's acquisition of the assets of GTE Midwest, Inc. in Missouri in Case No. TM-2002-232, which occurred at a closing subsequent to August 5, 2002, subject among other things to the provisions of a Stipulation and Agreement. The Stipulation and Agreement provided, among other things that CenturyTel would abide by the provisions of existing GTE Midwest, Inc. interconnection agreements until such agreements were replaced. To date, the parties have continued to operate under the adopted agreements and have not replaced them. The Commission should take notice of the foregoing matters, which are contained in its files and incorporated herein by this reference.

9. The Commission has general jurisdiction over both MCI and CenturyTel as telecommunications companies and their telecommunications facilities, including pursuant to Section 386.250 R.S.Mo., and all powers necessary or proper to enable it to carry out fully and effectually all its regulatory purposes as provided in Section 386.040. The Commission has jurisdiction to supervise CenturyTel and its facilities pursuant to Section 386.320 R.S.Mo. The Commission has jurisdiction to pursue complaints regarding unlawful conduct by telecommunications companies, such as this one against CenturyTel, pursuant to Sections 386.330, 386.390 and 386.400 R.S.Mo. and Section 252 of the Telecommunications Act. As described herein below: CenturyTel has violated Sections 392.200.1 and .6 and 392.240.2 and .3 R.S.Mo., as well as Section 251(b) and (c)(2) of the Telecommunications Act and 47 CFR 51.203, 51.305 and 51.321 by

failing and refusing to process MCI's orders for additional interconnection arrangements pursuant to the interconnection agreements and the Commission's orders relating thereto.

10. In April 2004, MCI notified CenturyTel that it requested interconnection at a point of interconnection (POI) in the Columbia exchange in order to provide local service. MCI provided CenturyTel the applicable NXX and LRN information in order to port local Columbia NXXs based on MCI's LRN. MCI intends to serve this area through its switch located in St. Louis. CenturyTel erroneously asserts that the NXXs provided by MCI are not "local" to the Columbia exchange and further erroneously asserts that MCI is not complying with the LNP rules.

11. MCI's request to port NXXs complies with the FCC's LNP rules. MCI plans to provide services that will require the porting of CenturyTel numbers to MCI. This is called "service provider portability" and CenturyTel is required to provide it.

12. CenturyTel did provision, and continues to provide, the local serving arrangement for MCI between the CenturyTel switch serving the exchange of Branson and MCI's POI in that exchange, which is served by MCI's switch located in Springfield. This arrangement is the same as the arrangements described in paragraphs 10 and 11 which CenturyTel has refused to provide.

13. CenturyTel is the only ILEC in the United States that has refused to honor its interconnection agreements with MCI in this manner or, to MCI's knowledge, which has misread the LNP rules in this way. MCI currently offers local service via similar interconnection agreements with other incumbent LECs throughout the United States.

14. CenturyTel has compounded the dispute between the parties by asserting for the first time on September 21, 2004 that there is no interconnection agreement between it and Brooks. Based on this false assertion, CenturyTel refused to provision additional interconnection trunks in the Branson exchange so that MCI can continue to provide local service. But on September 24,

2004, CenturyTel sent a letter stating it was terminating the Brooks agreement. MCI immediately responded informing CenturyTel that it had no right to terminate the agreement in this manner.

15. MCI has gone to great lengths to try to resolve the situation informally. Further, MCI has invoked dispute resolution provisions of the interconnection agreements, but such efforts have not resulted in a resolution of the dispute.

16. CenturyTel's failure and refusal to process MCI's orders for additional interconnection arrangements violates the interconnection agreements and the Commission's orders related thereto, all in violation of Sections 392.200.1 and .6 and 392.240.2 and .3 R.S.Mo., Sections 251(b) and (c)(2) of the Telecommunications Act of 1996 and 47 CFR 51.203, 51.305 and 51.321.

17. CenturyTel's failure and refusal to process MCI's orders for interconnection is not in good faith, contrary to the express requirements of the interconnection agreements and the common law. CenturyTel has thereby violated Commission orders and Sections 392.200.1 and .6 and 392.240.2 and .3 R.S.Mo., Sections 251(b) and (c)(2) of the Telecommunications Act of 1996 and 47 CFR 51.203, 51.305 and 51.321.

18. MCI urges the Commission to address this Complaint as quickly as possible, given the negative impacts on its ability to provide local services to the public. Because of the delays caused by CenturyTel, MCI has had to return an NXX code and has incurred significant costs.

WHEREFORE, MCI urges the Commission to:

- (1) serve this Complaint and notice upon CenturyTel directing CenturyTel to answer this Complaint within thirty (30) days;
- (2) set an intervention deadline and early prehearing conference for the purposes of developing a proposed procedural schedule;
- (3) order CenturyTel to fulfill MCI's requests for interconnection; and

(4) to grant such other and further relief as the Commission deems necessary and proper.

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

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of Missouri, Inc. and Intermedia Communications, Inc.

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served upon the parties identified on the attached service list on this 30th day of September, 2004, by placing same in the U.S. Mail, postage paid.

/s/ Carl J. Lumley

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