

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

In the Matter of the Application for Approval of an)
Interconnection Agreement between KLM Telephone)
Company dba American Broadband and Level 3)
Communications, LLC)

File No. IK-2023-0014

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and submits its *Recommendation* as follows:

1. On July 8, 2022, KLM Telephone Company dba American Broadband (“Company”) filed with the Missouri Public Service Commission its *Application for Approval of an Interconnection Agreement and Request for Waiver of 20 CSR 4240-4.017* between itself and Level 3 Communications, LLC.

2. 47 USC 252(e)(2) provides that a state commission may reject an interconnection agreement adopted by negotiation only if the agreement discriminates against a telecommunications carrier not a party to it or its implementation is not consistent with the public interest, convenience, and necessity.

3. Rule 20 CSR 4240-4.017(1) provides that “(a)ny person that intends to file a case shall file a notice with the secretary of the commission a minimum of sixty (60) days prior to filing such case.” Rule 20 CSR 4240-4.017(1)(D) provides that a waiver may be granted for good cause including if the Company had no communication with the office of the Commission within the prior 150 days regarding any substantive issue likely to be in the case. In its Application the Company declares that it has had no communication with the office of the Commission within the prior 150 days regarding any substantive issue likely to be in the case, other than those pleadings filed of record.

4. In lieu of a Memorandum, Staff hereby states that the Interconnection Agreement does not discriminate against telecommunications carriers not parties to it, nor is its implementation inconsistent with the public interest, convenience or necessity. A copy of the Agreement was filed with the *Application*. KLM Telephone Company dba American Broadband is certificated with the Commission as an incumbent local exchange and interexchange carrier. Level 3 Communications, LLC is certificated with the Commission as a competitive local exchange and interexchange carrier.

WHEREFORE, Staff recommends the Commission grant KLM Telephone Company dba American Broadband waiver of Commission Rule 20 CSR 4240-4.017(1), approve the *Application*, and grant such other and further relief as the Commission finds appropriate in the circumstances.

Respectfully submitted,

/s/ Ron Irving

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 17th day of August, to all counsel of record.

/s/ Ron Irving