

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Southwestern )  
Bell Telephone Company d/b/a AT&T Missouri )  
for Approval of an Amendment to an )  
Interconnection Agreement Under the )  
Telecommunications Act of 1996 )

**File No. IK-2019-0016**

## ORDER APPROVING AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: August 28, 2018

Effective Date: September 7, 2018

This order approves the amendments to the interconnection agreement between the parties filed by Southwestern Bell Telephone Company d/b/a AT&T Missouri (Southwestern Bell).

On July 20, 2018, Southwestern Bell filed an application with the Commission for approval of an Amendment to the Interconnection Agreement between Southwestern Bell and XO Communications Services, LLC f/k/a XO Communications Services, Inc. (XO Communications Services). In the current application, the parties have agreed to amend the interconnection agreement. The amendments incorporate terms and conditions substantially the same as those in interconnection agreement amendments previously approved by the Commission.<sup>1</sup> The amendments were filed pursuant to Section 252 (e)(1) of the Telecommunications Act of 1996.<sup>2</sup> The amendment to the interconnection agreement adds specific terms, conditions, and rates as set forth in therein.

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<sup>1</sup> Approved by the Commission in File No. IK-2017-0054 and File No. IK 2016-0323

<sup>2</sup> See 47 U.S.C. Section 251 *et seq.*

Southwestern Bell is certificated with the Commission as an incumbent local exchange carrier. XO Communications Services is certificated with the Commission as a competitive local exchange carrier, interexchange carrier, and IVoIP provider.

Although XO Communications Services is a party to the agreement, it did not join in the application. On July 25, 2018, the Commission issued an order making XO Communications Services a party in this case and directing any party wishing to request a hearing to do so no later than August 9, 2018. No requests for hearing were filed.

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 August 27, 2018, the Staff of the Commission filed a recommendation. Staff 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.

### **Findings of Fact**

The Commission has considered the application, the supporting documentation, and Staff's 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 modifications or 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.<sup>3</sup> 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.<sup>4</sup>

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 Rules 4 CSR 240-28.020(5) and 4 CSR 240-28.080.

### **Conclusions of Law**

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,<sup>5</sup> 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.<sup>6</sup> Based upon its review of the amendments to the agreement between Southwestern Bell and Charter and its findings of fact, the Commission

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<sup>3</sup> 47 U.S.C. Section 252

<sup>4</sup> 47 U.S.C. Section 252(h)

<sup>5</sup> 47 U.S.C. Section 252(e)(1)

<sup>6</sup> 47 U.S.C. Section 252(e)(2)(A)

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

**THE COMMISSION ORDERS THAT:**

1. The amendments to the interconnection agreement between Southwestern Bell Telephone Company d/b/a AT&T Missouri and XO Communications Services, LLC, f/k/a XO Communications Services, Inc. filed on July 20, 2018, are approved.
2. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-28.020(5) and 4 CSR 240-28.080.
3. This order shall be effective on September 7, 2018.
4. This file may be closed on September 8, 2018.



**BY THE COMMISSION**

A handwritten signature in black ink that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

Paul T. Graham, Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 28<sup>th</sup> day of August, 2018.

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 28<sup>th</sup> day of August 2018.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**August 28, 2018**

**File/Case No. IK-2019-0016**

**Missouri Public Service  
Commission**

Staff Counsel Department  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
staffcounsel@psc.mo.gov

**Office of the Public Counsel**

Hampton Williams  
200 Madison Street, Suite 650  
P.O. Box 2230  
Jefferson City, MO 65102  
opc@psc.mo.gov

**AT&T Missouri**

Leo J Bub  
1010 Pine Street, Room 19E-D-01  
St. Louis, MO 63101  
leo.bub@att.com

**Missouri Public Service  
Commission**

Ron Irving  
200 Madison Street, Suite 800  
P.O. Box 360  
Jefferson City, MO 65102  
Ron.Irving@psc.mo.gov

**XO Communications Services,  
LLC**

Legal Department  
22001 Loudoun County Parkway  
Ashburn, VA 20147

***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.