

**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)	Case No. IK-2009-0245
Amendment to an Interconnection Agreement)	
Under the Telecommunications Act of 1996)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation to approve the amendment not previously approved respectfully states:

1. In the attached Memorandum, labeled Appendix A, Staff recommends that the Missouri Public Service Commission (Commission) grant approval of the *Amendment to Interconnection Agreement* (Amendment) filed by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T) under the provisions of the Telecommunications Act of 1996. The Amendment modifies the interconnection agreement currently in place between AT&T and Birch Telecom of Missouri, Inc. (Birch) and Ionex Communications, Inc. (Ionex). The Amendment is intended to reflect the Memorandum and Order and Declaratory Judgment and Permanent Injunction entered by the United States District Court for the Eastern District of Missouri in case No. 4:05-CV-1264 CAS (September 14, 2006).

2. Pursuant to 47 U.S.C. §252(e), the Commission is to approve a negotiated interconnection agreement or a portion thereof unless the terms of the agreement discriminate against a telecommunications carrier not a party to the agreement, or implementation of the agreement or any portion thereof is inconsistent with the public interest, convenience, or necessity. In its Memorandum, Staff states that the terms of the Amendment do not discriminate

against telecommunications carriers not parties to the agreement and that the Amendment is not against the public interest, convenience or necessity.

3. Staff has a serially numbered copy of the Amendment. Staff recommends the Commission to direct the parties to submit any amendments or modifications to the Commission.

WHEREFORE, because the terms of the Amendment satisfy the standard set forth in 47 U.S.C. § 252(e), Staff recommends the Commission approve the Amendment. Staff further recommends that the Commission direct the parties to submit any amendments or modifications of the Agreement to the Commission.

Respectfully submitted,

/s/ Jennifer Heintz

Jennifer Heintz
Senior Counsel
Missouri Bar No. 57128

Attorney for the Staff of the
Missouri Public Service Commission
PO Box 360
Jefferson City, MO 65102
(573) 751-8701 (Telephone)
(573) 751-9285 (Fax)
jennifer.heintz@psc.mo.gov

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 14th day of January 2009.

/s/ Jennifer Heintz

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. IK-2009-0245
Party: AT&T Missouri
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

Party: Birch Telecom of Missouri, Inc. and Ionex Communications, Inc.
Type of Carrier:
☐ ILEC
☒ CLEC
☐ Wireless

From: Lisa Mahaney, Telecommunications Department

William Voight 1/9/09
Utility Operations Division/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement or
Amendment to Interconnection Agreement

Date: 1/9/09

Date Filed: 12/11/08

Staff Deadline: 1/15/09

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☐ Interconnection Agreement
- ☒ Amendment not previously approved

The parties submitted the proposed Agreement or Amendment 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.

☐ The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

☒ The Company is not delinquent in filing an annual report, paying the PSC assessment, paying Relay Missouri, and paying MoUSF.

☐ No annual report ☐ Unpaid PSC assessment. Amount owed:

☐ Unpaid MoUSF ☐ Unpaid Relay Missouri

The Company is either delinquent or is not shown to be submitting revenue into the indicated fund based on the latest records available to the MoPSC. Failure to submit revenue to either the Relay Missouri Fund or the Missouri USF fund should not necessarily reflect the company is delinquent.

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

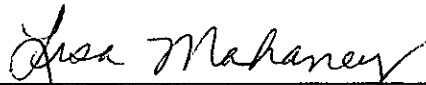
In the Matter of the Application of)
Southwestern Bell Telephone Company,)
d/b/a AT&T Missouri, For Approval of an)
Amendment to an Interconnection)
Agreement Under the Telecommunications)
Act of 1996)

Case No. IK-2009-0245

AFFIDAVIT OF LISA MAHANEY

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



LISA MAHANEY

Subscribed and affirmed before me this 9th day of January 2009.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC