

Missouri Public Service Commission  
Adjudication Division - Data Center  
P.O. Box 360  
Jefferson City, Missouri 65102-0360

MO 419-2651 (9-01)

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Airphone, Inc.  
Legal Department  
5700 Broadmoor St.  
Shawnee Mission, KS 66202

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

In the Matter of the Application of Southwestern Bell )  
Telephone Company, L.P., d/b/a AT&T Missouri, for ) File No. IK-2010-0145  
Approval of an Interconnection Agreement Under )  
the Telecommunications Act of 1996. )

### ORDER APPROVING INTERCONNECTION AGREEMENT

Issue Date: December 16, 2009

Effective Date: December 26, 2009

This order approves the interconnection agreement executed by the parties and filed by Southwestern Bell Telephone Company, d/b/a AT&T Missouri.

On November 10, 2009, AT&T Missouri filed an application with the Commission for approval of an interconnection agreement with Airphone, Inc. The agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.<sup>1</sup> AT&T Missouri holds a certificate of service authority to provide basic local exchange telecommunications services in Missouri. Airphone is a wireless services provider.

Although Airphone is a party to the agreement, it did not join in the application. On November 13, 2009, the Commission issued an order making Airphone a party in this case and directing any party wishing to request a hearing to do so no later than December 3, 2009. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on December 14, 2009, recommending that the agreement be approved.

#### Discussion

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may

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<sup>1</sup> See 47 U.S.C. § 251, *et seq.*

reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff memorandum recommends that 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 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 meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the agreement shall be conditioned upon the parties submitting any 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>2</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>3</sup> This duty is in keeping with the Commission's practice under its own rules of

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<sup>2</sup> 47 U.S.C. § 252.

<sup>3</sup> 47 U.S.C. § 252(h).

requiring telecommunications companies to keep their rate schedules on file with the Commission.<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 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,<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 agreement between AT&T Missouri and Airphone and its findings of fact, the Commission concludes that the agreement 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.

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<sup>4</sup> 4 CSR 240-3.545.

<sup>5</sup> 47 U.S.C. § 252(e)(1).

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

**THE COMMISSION ORDERS THAT:**

1. The interconnection agreement between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Airphone, Inc., filed on November 10, 2009, is approved.
2. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-3.513(6).
3. This order shall become effective on December 26, 2009.
4. This file may be closed on December 27, 2009.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 16th day of December, 2009.

**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 16<sup>th</sup> day of December 2009.**



A handwritten signature in dark ink, which appears to read "Steven C. Reed", is written over a horizontal line.

**Steven C. Reed**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**December 16, 2009**

**File No. IK-2010-0145**

General Counsel's Office  
P.O. Box 360  
200 Madison Street, Suite 800  
Jefferson City, MO 65102

Lewis R. Mills, Jr.  
P.O. Box 2230  
200 Madison Street, Suite 650  
Jefferson City, MO 65102

**Airphone, Inc.**  
Legal Department  
5700 Broadmoor St.  
Shawnee Mission, KS 66202

**AT&T Missouri**  
Robert Gryzmala  
909 Chestnut St.  
St. Louis, MO 63101

**AT&T Missouri**  
Leo Bub  
One AT&T Center, Rm 3518  
St. Louis, MO 63101

***Enclosed find a certified copy of an ORDER in the above-numbered matter(s).***

**Sincerely,**



**Steven C. Reed  
Secretary**