

*Missouri Public Service Commission*

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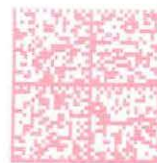
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Missouri Public  
Service Commission

Broadview Networks Holdings, Inc.

Legal Department

2100 Renaissance Blvd.

King of Prussia, PA 19406

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

In the Matter of the Application of Windstream                     )  
Missouri, LLC for Approval of an Interconnection                 ) File No. IK-2018-0112  
Agreement with Broadview Networks, Inc.                         )

### ORDER APPROVING INTERCONNECTION AGREEMENT

Issue Date: November 29, 2017

Effective Date: December 9, 2017

This order approves the Interconnection Agreement executed by the parties and filed by Windstream Missouri, LLC (Windstream).

On October 30, 2017, Windstream filed an application with the Commission for approval of an Interconnection Agreement with Broadview Networks, Inc. (Broadview). The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.<sup>1</sup> Both Windstream and Broadview hold certificates of service authority or are registered to provide basic local exchange telecommunications services in Missouri.

Although Broadview is a party to the Agreement, it did not join in the application. On October 31, 2017, the Commission issued an order making Broadview a party in this case and directing any party wishing to request a hearing to do so no later than November 15, 2017. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on November 21, 2017, recommending that the Agreement be approved.

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

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

Staff 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

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<sup>2</sup> 47 U.S.C. § 252.

further duty to make a copy of every interconnection agreement available for public inspection.<sup>3</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>4</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>5</sup> Based upon its review of the Agreement between Windstream and Broadview 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 ORDERS THAT:**

1. The Interconnection Agreement between Windstream Missouri, LLC and Broadview Networks, Inc., filed on October 30, 2017, is 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.

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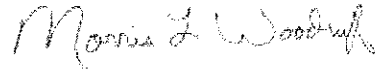
<sup>3</sup> 47 U.S.C. § 252(h).

<sup>4</sup> 47 U.S.C. § 252(e)(1).

<sup>5</sup> 47 U.S.C. § 252(e)(2)(A).

3. This order shall become effective on December 9, 2017.
4. This file may be closed on December 10, 2017.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary



Morris L. Woodruff, Chief Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2016.

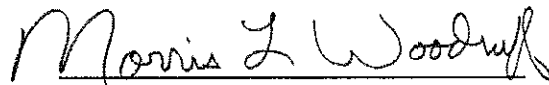
Dated at Jefferson City, Missouri,  
on this 29th day of November, 2017.

**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 29<sup>th</sup> day of November 2017.

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

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 29, 2017**

**File/Case No. IK-2018-0112**

**Missouri Public Service  
Commission**

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**Windstream Missouri, LLC**

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carol.keith@windstream.com

**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.