

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) **File No. IK-2021-0210**
Agreement Under the Telecommunications Act)
of 1996)

ORDER APPROVING AMENDMENT TO INTERCONNECTION AGREEMENT

Issue Date: February 17, 2021

Effective Date: March 19, 2021

This order approves an amendment to the Interconnection Agreement between the parties filed by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri).

On January 8, 2021, AT&T Missouri filed an application with the Commission for approval of an amendment to its negotiated Interconnection Agreement with Fusion Cloud Services, LLC f/k/a Birch Telecom of Missouri, Inc. (Fusion Cloud Services). AT&T Missouri and Fusion Cloud Services currently have a Commission-approved Interconnection Agreement between them. In the current application, the parties have agreed to amend the Interconnection Agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ AT&T Missouri is certificated with the Commission as an incumbent local exchange and interexchange carrier and is registered to provide IVoIP service. Fusion Cloud Services is certificated with the Commission as a competitive local exchange and interexchange carrier.

¹ See 47 U.S.C. § 251, *et seq.*

Although Fusion Cloud Services is a party to the Agreement, it did not join in the application. On January 13, 2021, the Commission issued an order making Fusion Cloud Services a party in this case and directing any party wishing to request a hearing to do so no later than January 28, 2021. 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 February 10, 2021, 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. Staff recommends that the Commission direct the parties to submit any further amendments to the Commission for approval.

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 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.² 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.³

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 20 CSR 4240-28.020(5) and 20 CSR 4240-28.080.

Conclusions of Law

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁴ 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.⁵ Based upon its review of the amendments to the Agreement between AT&T Missouri and Fusion Cloud Services and its findings of fact, the Commission concludes that the Agreement as amended is neither discriminatory nor inconsistent with the public interest and shall be approved.

² 47 U.S.C. § 252.

³ 47 U.S.C. § 252(h).

⁴ 47 U.S.C. § 252(e)(1).

⁵ 47 U.S.C. § 252(e)(2)(A).

THE COMMISSION ORDERS THAT:

1. The amendment to the Interconnection Agreement between AT&T Missouri and Fusion Cloud Services, filed on January 8, 2021, is approved.
2. Any changes or amendments to this Agreement shall be submitted in compliance with 20 CSR 4240-28.020(5) and 20 CSR 4240-28.080.
3. This order shall become effective on March 19, 2021.
4. This file may be closed on March 20, 2021.



BY THE COMMISSION

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

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 17th day of February, 2021.