

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Amendment to the Interconnection)
Agreement between Southwestern Bell Telephone) **File No. IK-2017-0156**
Company d/b/a AT&T Missouri and YMax)
Communications Corp.)

ORDER APPROVING ADOPTION OF AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: December 30, 2016

Effective Date: January 10, 2017

This order approves the adoption by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri) and YMax Communications Corp. (YMax) of an amendment to an interconnection agreement previously approved by the Commission.

Procedural History

On November 29, 2016, AT&T Missouri filed a letter notifying the Commission of AT&T Missouri and YMax's desire to adopt previously-approved amendments to interconnection agreements between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Onvoy, LLC, approved by the Commission in File No. TK-2016-0241 on April 13, 2016, and Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Peerless Network of Missouri, LLC in File No. IK-2017-0054 on September 22, 2016.

On November 29, 2016, the Commission issued an order directing notice of the adoption to all interexchange and local exchange telecommunication companies and making YMax a party. The notice stated that any party wishing to request a hearing shall do so no later than December 21, 2016. No requests for hearing were filed.

On December 8, 2016, the Staff of the Missouri Public Service Commission recommended that the Commission approve the application.

Findings of Fact

After reviewing the file, the Commission finds that AT&T Missouri and YMax's desire to adopt the same terms and conditions of the amendments to the interconnection agreement between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Onvoy, LLC, approved by the Commission in File No. TK-2016-0241 on April 13, 2016, and Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Peerless Network of Missouri, LLC in File No. IK-2017-0054 on September 22, 2016. AT&T Missouri did not object to the request and filed this notice of the adoption of the amendments to the interconnection agreement. No objections have been received.

Amendment Procedure

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.¹ 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 resale and interconnection agreement available for public inspection.²

The parties to each resale or 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 and 4 CSR 240-28.080.

¹ 47 U.S.C. § 252.

Conclusions of Law

The adoption of the terms and conditions of a previously approved interconnection agreement is authorized by Section 252(i) of the federal Telecommunications Act of 1996.³

Section 252(i) states:

(i) Availability to Other Telecommunications Carriers. –

A local exchange carrier shall make available any interconnection, services, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

Federal rule 51.809 (Rule 809) was promulgated to implement Section 252(i) of the Act. Rule 809 provides that the incumbent local exchange company must provide the interconnection, network elements, or services to a requesting telecommunications carrier that notifies the ILEC that it wishes to adopt the interconnection, network elements, or services from a Commission-approved interconnection agreement unless stated conditions are proven to the Commission. An ILEC can deny an adoption if it proves that (1) the cost of providing a particular interconnection, service, or element to the requesting telecommunications carriers is greater than the cost of providing it to the telecommunications carrier that originally negotiated the agreement, or (2) the provision of the particular interconnection, service, or element to the requesting carrier is not technically feasible.⁴ Commission rule 4 CSR 240-28.080 allows the Commission to approve the adoption or amendment of previously approved interconnection agreements.

² 47 U.S.C. § 252(h).

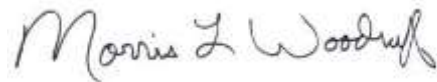
³ See 47 U.S.C. § 251, *et seq.*

⁴ 47 C.F.R. § 51.809(b).

THE COMMISSION ORDERS THAT:

1. YMax Communications Corp.'s adoption of the terms and conditions contained in the amendments of the interconnection agreement between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Onvoy, LLC, pursuant to Section 252(i) of the Telecommunications Act of 1996, is approved.
2. YMax Communications Corp.'s adoption of the terms and conditions contained in the amendments of the interconnection agreement between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Peerless Network of Missouri, LLC, pursuant to Section 252(i) of the Telecommunications Act of 1996, is approved.
3. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-28.020 and 4 CSR 240-28.080.
4. This order shall become effective on January 10, 2017.
5. This file may be closed on January 11, 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 2000.

Dated at Jefferson City, Missouri,
on the 30th day of December, 2016.

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 30th day of December 2016.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 30, 2016

File/Case No. IK-2017-0156

**Missouri Public Service
Commission**

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

Sincerely,



**Morris L. Woodruff
Secretary**

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