

**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,)	Case No. IK-2009-0269
For Approval of an Interconnection Agreement)	
Under the Telecommunications Act of 1996)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), through Counsel, and recommends the Missouri Public Service Commission (Commission) approve the submitted Interconnection Agreement. The Staff respectfully states as follows:

1. On January 20, 2009, Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri or Company), filed pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act) and 4 CSR 240-3.513(1), an Application for Approval of an Interconnection Agreement with Airespring, Inc. (Application).

2. Section 252(e)(1) of the Act provides “[a]ny interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.”

3. Section 252(e)(2) of the Act provides “[t]he State commission may only reject—(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.”

4. In the Commission’s January 21, 2009 Order Directing Notice and Making Airespring, Inc. a Party, the Commission’s Data Center was directed to send notice to all interexchange and

local exchange telecommunications companies. Also, interested parties were allowed twenty (20) days to file a motion for hearing.

5. As of February 20, 2009, the Commission has not received any motions requesting a hearing be set in this matter.

6. In the attached Memorandum, labeled Appendix A, Staff states the Interconnection Agreement “1) [d]oes not discriminate against telecommunications carriers not party to the Agreement and 2) [i]s not against the public interest, convenience or necessity.”

7. AT&T Missouri states, and Staff has verified, that the Company is current with all Commission assessment and annual report obligations, as well as the Relay Missouri Fund and the Missouri Universal Service Fund remittances.

8. AT&T Missouri states that it has no final unsatisfied judgments or decisions against it from any state or federal agency or court, which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. AT&T Missouri does state in its Application that Southwestern Bell Telephone Company, d/b/a AT&T Texas, has six pending formal complaints or lawsuits from end-user customers in Texas, involving retail customer service or rates.

WHEREFORE, the Staff respectfully recommends the Commission approve the Interconnection Agreement pursuant to 252(e) of the Telecommunications Act of 1996, and direct the parties to submit any modifications or amendments to the Commission.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission

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(573) 751-8706 (Telephone)

(573) 751-9285 (Fax)

jennifer.hernandez@psc.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 20th day of February 2009.

/s/ Jennifer Hernandez

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. IK-2009-0269
Party: AT&T Missouri
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

Party: Airespring, Inc.
Type of Carrier:
☐ ILEC
☒ CLEC
☐ Wireless

From: Sara Buyak,
Telecommunications Department

William Voight 2-11-09
Utility Operations Division/Date

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

Date: February 10, 2009

Date Filed: January 20, 2009 **Staff Deadline:** February 20, 2009

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.

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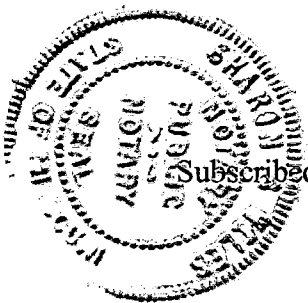
In the Matter of the Application of)
Southwestern Bell Telephone Company,) Case No. IK-2009-0269
d/b/a AT&T Missouri, For Approval of an)
Interconnection Agreement.)

AFFIDAVIT OF Sara Buyak

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Sara Buyak, 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 staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.

Sara Buyak
SARA BUYAK



Subscribed and affirmed before me this

10th day of February 2009

Sharon S. Wiles
NOTARY PUBLIC

SHARON S. WILES
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: October 23, 2010
Commission Number: 06429091