

**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-2009-0383
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 the undersigned counsel, and recommends the Missouri Public Service Commission (Commission) approve the Interconnection Agreement submitted by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri or Company). For its *Staff Recommendation*, the Staff respectfully states to the Commission as follows:

1. On April 24, 2009, AT&T Missouri 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 (Application)* with Netelligent Corporation (Netelligent).

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 May 5, 2009 *Order Directing Notice And Making Netelligent Corporation A Party*, the Commission's Data Center was directed to send notice to all interexchange and local exchange telecommunications companies in Missouri, Netelligent was added as a party as they did not join in the filing of the *Application*, interested parties were allowed twenty (20) days to file a motion for hearing, and Staff was directed to file a recommendation on or before June 5, 2009.

5. As of this filing, 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. Netelligent is current with all Commission assessments and annual report obligations. At this time, Staff cannot verify whether Netelligent is current with the Relay Missouri Fund or Missouri Universal Service Fund remittances.

9. 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 of the Agreement 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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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served on Timothy P. Leahy, Leo J. Bub, and Robert J. Gryzmala, Attorneys for Southwestern Bell Telephone Company, d/b/a AT&T Missouri, One AT&T Center, Room 3516, Saint Louis, MO 63101, Robert.gryzmala@att.com ; Netelligent Corporation, Legal Department, 405 South Mill Rd., Ste 105, Chesterfield, MO 63017; and The Office of Public Counsel, 200 Madison Street P.O. Box 2230, Jefferson City, MO 65102, opcservice@ded.mo.gov this 5th day of June, 2009, either by hand delivery, electronic mail or First Class United States Mail, postage prepaid.

/s/ Jennifer Hernandez

MEMORANDUM

To: Missouri Public Service Commission Official Case File

Case No. **IK-2009-0383**

Party: AT&T Missouri

Type of Carrier:

- ☒ ILEC
☐ CLEC
☐ Wireless

Party: Netelligent Corporation

Type of Carrier:

- ☐ ILEC
☒ CLEC
☐ Wireless

From: Sara Buyak, Telecommunications Department

William Voight 5-27-09
Utility Operations Division/Date

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

Date: May 26, 2009

Date Filed: April 24, 2009

Staff Deadline: June 5, 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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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

Subscribed and affirmed before me this 26th day of May 2009.


NOTARY PUBLIC

CARLA K. SCHNIEDERS
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: August 25, 2012
Commission Number: 08533187