

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

THE MATTER OF THE ADOPTION OF THE SPECTRA	)	
COMMUNICATIONS GROUP, LLC/ GREEN HILLS	)	
TELECOMMUNICATIONS SERVICES	)	
INTERCONNECTION AND UNBUNDLING AGREEMENT	)	CASE NO. _____
BY KMC TELECOM III, LLC AND KMC TELECOM V, INC.,	)	
PURSUANT TO SECTION 252(i) OF THE	)	
TELECOMMUNICATIONS ACT OF 1996	)	

**NOTICE OF ADOPTION OF INTERCONNECTION AGREEMENT**

COMES NOW Spectra Communications Group, LLC ("Spectra") and respectfully files this Notice of Adoption of Interconnection Agreement ("Notice of Adoption") as permitted by 4 CSR 240-2.080 (3).<sup>1</sup> In connection with this filing, Spectra states as follows:

1. Spectra is a Delaware Limited Liability Company authorized to do business in Missouri as evidenced by the certificate of authority issued by the Missouri Secretary of State which was filed in Case No. TM-2000-182 and incorporated herein by reference. Spectra's principle place of business is 1151 CenturyTel Drive, Wentzville, Missouri 63885. The designated contact for purposes of the above-captioned, adopted Agreement is:

Larry W. Dority  
Fischer & Dority, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
(573) 636-6758  
(573) 636-0383 (fax)  
E-mail: [lw Dority@sprintmail.com](mailto:lw Dority@sprintmail.com)

---

<sup>1</sup> Spectra is filing this Notice of Adoption consistent with the manner approved by the Commission in Case Nos. TO-2000-756, -757 and -758.

2. Pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "Federal Act"), KMC Telecom III, LLC and KMC Telecom V, Inc. (collectively referred to as "KMC") notified Spectra that they desired to adopt the terms of the Interconnection and Unbundling Agreement ("Terms") between Spectra and Green Hills Telecommunications Services ("Green Hills") approved by the Missouri Public Service Commission ("Commission") in Case Number TO-2001-187 ("Underlying Agreement"). Subsequent to this, Spectra and KMC signed a short cover letter relating to KMC's adoption of the Terms. A copy of said cover letter is attached to this filing as Attachment 1.

3. Section 252(i) of the Federal Act provides as follows:

(i) AVAILABILITY TO OTHER TELECOMMUNICATIONS CARRIERS.-

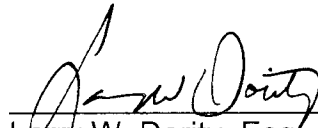
A local exchange carrier shall make available any interconnection services, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and condition as those provided in the agreement.

A copy of the Commission's October 30, 2000 Order approving the Underlying Agreement is attached hereto as Attachment 2. A copy of the approved Underlying Agreement between Spectra and Green Hills, for adoption by KMC, is attached as Attachment 3. As described in the Order, the Commission approved the Underlying Agreement pursuant to Section 252(e) of the Federal Act by finding that it was consistent with the public interest, convenience and necessity and did not discriminate against any telecommunications carrier. Furthermore, the Commission found that the Underlying Agreement was consistent with Missouri Senate Bill No. 507, which became effective on

August 28, 1996. Accordingly, the Terms are adopted by KMC and will apply to KMC and Spectra pursuant to Section 252(i) of the Act. There are no outstanding issues between Spectra and KMC relating to such adoption.

WHEREFORE, Spectra respectfully submits this Notice of Adoption of Interconnection Agreement and requests that the Commission take notice of such adoption pursuant to its authority to regulate telecommunications carriers in the state of Missouri.

Respectfully submitted,




Larry W. Dority, Esq. MBN 25617  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383  
E-mail: lwdority@sprintmail.com

Attorneys for Spectra Communications Group,  
LLC

## VERIFICATION

STATE OF TEXAS )  
 ) SS  
COUNTY OF Bowie )

I, Susan W. Smith, of lawful age, being first duly sworn upon my oath, state that I am the Director of External Affairs, CenturyTel, and that I am authorized to make this verification on behalf of Spectra Communications Group, L.L.C.; and that the facts set forth in the foregoing "Notice of Adoption of Interconnection Agreement" are true to the best of my knowledge, information and belief.

  
Susan W. Smith

Subscribed and sworn to before me this 10<sup>th</sup> day of December, 2002.

Patricia S. Cheatham  
Notary Public

My Commission expires:

5-29-02

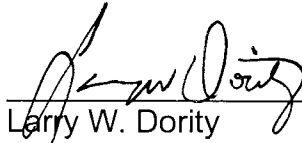
## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document was hand-delivered to Dale Hardy Roberts, Secretary/Chief Administrative Law Judge, Missouri Public Service Commission, 200 Madison Street, Suite 100, Jefferson City, Missouri 65101, and was hand-delivered or mailed, postage prepaid, this 11<sup>th</sup> day of December, 2002 to the following:

Office of the Public Counsel  
200 Madison Street  
Jefferson City, MO 65101

Dana K. Joyce, General Counsel  
Missouri Public Service Commission  
200 Madison Street  
Jefferson City, MO 65101

Marva Brown Johnson  
Senior Counsel  
KMC Telecom  
1755 North Brown Road  
Lawrenceville, Georgia 30043

  
Larry W. Dority

November 14, 2002

KMC Telecom  
ATTN: Marva Brown Johnson, Carrier Management  
1755 North Brown Road  
Lawrenceville, GA 30043  
Tel: 678 985-6339  
Fax: 678 985-6556

Dear Ms. Johnson:

SPECTRA COMMUNICATIONS GROUP, LLC ("SPECTRA") has received your notice stating that, under Section 252 (i) of the Telecommunications Act of 1996 (the "Act"), KMC TELECOM III, LLC and KMC TELECOM V, INC. (collectively referred to as "KMC") wishes to adopt the terms of the Interconnection and Unbundling Agreement between SPECTRA and Green Hills Telecommunications Services ("Green Hills") that was approved by the Missouri Public Service Commission as an effective Agreement in the State of Missouri in Case Number TO-2001-187 (the "Terms"). This letter shall confirm that you have a copy of the Terms. Please note the following with respect to your adoption of the Terms.

By your countersignature on this letter, you hereby represent and commit to the following:

1. Except as set forth below, KMC adopts the Terms of the Green Hills agreement for Interconnection and Unbundling with SPECTRA and in applying the Terms, agrees that KMC shall be substituted in place of Green Hills in the Terms wherever appropriate.
2. KMC requests that notice to KMC as may be required under the Terms shall be provided as follows:

To: KMC Telecom  
Attn: Marva Brown Johnson  
Carrier Management  
1755 North Brown Road  
Lawrenceville, GA 30043  
Tel: 678 985-6339  
Fax: 678 985-6556

3. **KMC represents and warrants that it is a certified provider of local telecommunications service in the State of Missouri, and that its adoption of the Terms will cover services in the State of Missouri only.**

4. KMC's adoption of the Green Hills Terms shall become effective upon approval of this Agreement by the Missouri Public Service Commission and shall terminate pursuant to the Green Hills Terms. The Green Hills Agreement is currently scheduled to expire on July 30, 2003.
5. As the Terms are being adopted by you pursuant to your statutory rights under Section 252(i), SPECTRA does not provide the Terms to you as either a voluntary or negotiated agreement. The filing and performance by SPECTRA of the Terms does not in any way constitute a waiver by SPECTRA of any position as to the Terms or a portion thereof, nor does it constitute a waiver by SPECTRA of all rights and remedies it may have to seek review of the Terms, or to seek review in any way of any provisions included in these Terms as a result of KMC's 252(i) election.
6. Pursuant to the FCC's ruling in Implementation of the local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP-bound Traffic, CC Docket No. 96-98, CC Docket No. 99-68, (April 27, 2001), local exchange carriers may not as of May 15, 2001, opt into an existing Interconnection Agreement with regard to the rates paid for the exchange of ISP-bound traffic. Thus, to the extent that compensation for the exchange of ISP-bound traffic is addressed in the Green Hills agreement, the Parties acknowledge that such compensatory arrangement is not a part of this Adoption Agreement.
7. The Terms shall be subject to any and all applicable laws, rules, or regulations that subsequently may be prescribed by any federal, state or local governmental authority. To the extent required by any such subsequently prescribed law, rule, or regulation, the Parties agree to modify, in writing, the affected term(s) and condition(s) of this Agreement to bring them into compliance with such law, rule, or regulation.
8. SPECTRA reserves the right to deny KMC's adoption and/or application of the Terms, in whole or in part, at any time:
  - (A) when the costs of providing the Terms to KMC are greater than the costs of providing it to Green Hills;
  - (B) if the provision of the Terms to KMC is not technically feasible; and/or to the extent KMC already has an existing Interconnection and Unbundling Agreement (or existing 252(i) adoption) with SPECTRA and the Terms were approved before the date of approval of the existing Interconnection and Unbundling Agreement (or the effective date of the existing 252(i) adoption); or
  - (C) when Non-Recurring charges applicable to Resale or in SPECTRA's local tariff apply without discount.
9. Should KMC attempt to apply the Terms in a manner that conflicts with the provisions set forth herein, SPECTRA reserves its rights to seek appropriate legal and/or equitable relief.

Please indicate your agreement to the provisions of this letter by signing this letter on the space provided below and return it to the undersigned.

Sincerely,

SPECTRA COMMUNICATIONS GROUP, LLC

Loran Smith "F" Guy Miller  
(SIGNATURE)

Guy Miller  
(Print Name)

Director Carrier Relations  
(Print Title)

Reviewed and countersigned:

KMC TELECOM III, LLC and KMC TELECOM V, INC.

Shonda Johnson  
(SIGNATURE)

Shonda Johnson  
(Print Name)

Senior Counsel - KMC Telecom III, LLC & KMC Telecom V, Inc.  
(Print Title)



# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

RECEIVED  
OCT 30 2000

In the Matter of the Application of  
Spectra Communications Group, LLC, for  
Approval of an Interconnection and  
Unbundling Agreement with Green Hills  
Telecommunications Services under the  
Telecommunications Act of 1996

)  
)  
)  
)  
)  
)  
)

BRIDGES, SWANSON & ENGLISH P.C.

Case No. TO-2001-187

### ORDER APPROVING INTERCONNECTION AGREEMENT

On September 18, 2000, Spectra Communications Group LLC (Spectra) filed an application with the Commission for approval of an interconnection agreement (Agreement) with Green Hills Communications Services (Green Hills). The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996 (the Act). See 47 U.S.C. § 251, et seq. The Agreement would permit Green Hills to resell local telecommunications services.

Although Green Hills is a party to the Agreement, it did not join in the application. On September 29, 2000, the Commission issued an order making Green Hills a party in this case and directing any party wishing to request a hearing to do so no later than October 19, 2000. No requests for hearing were filed.

The requirement for a hearing is met when the opportunity for hearing has been provided and no proper party has requested the opportunity to present evidence. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2d 494, 496 (Mo. App. 1989). Since no one has requested a hearing, the Commission may grant the relief requested based on the application.

The Staff of the Commission (Staff) filed a memorandum and recommendation on October 26, 2000, recommending that the Agreement be approved.

### Discussion

The Commission, under the provisions of Section 252(e) of the Act, has authority to approve an interconnection or resale agreement negotiated between an incumbent local exchange company and a new provider of basic local exchange service. The Commission may reject an interconnection or resale agreement only if the agreement is discriminatory or is inconsistent with the public interest, convenience and necessity.

The Staff memorandum recommends that the Agreement be approved, and notes that the Agreement meets the limited requirements of the Act in that it does not appear to be discriminatory toward nonparties, and does not appear to be against the public interest. Staff recommends that the Commission direct the parties to submit any further modifications or amendments to the Commission for approval.

### Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission concludes that the Agreement meets the requirements of the Act in that it does not unduly 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 should be conditioned upon the parties submitting any

modifications or amendments to the Commission for approval pursuant to the procedure set out below.

### Modification 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. 47 U.S.C. § 252. In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize modifications to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection. 47 U.S.C. § 252(h). This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission. 4 CSR 240-30.010.

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices. Any proposed modification must be submitted for Commission approval or recognition, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

Modifications to an agreement must be submitted to the Staff for review. When approved or recognized, the modified pages will be substituted in the agreement, which should contain the number of the page being replaced in the lower right-hand corner. Staff will date-stamp the pages when they are inserted into the agreement. The official record of the original agreement and all the modifications made will be maintained by the Telecommunications Staff in the Commission's tariff room.

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is

identical to a provision that has been approved by the Commission in another agreement, the Commission will take notice of the modification once Staff has verified that the provision is an approved provision and prepared a recommendation. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects, and prepare a recommendation advising the Commission whether the modification should be approved. The Commission may approve the modification based on the Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

### **Conclusions of Law**

The Missouri Public Service Commission has arrived at the following conclusions of law.

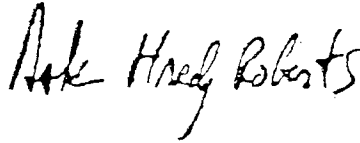
The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996, 47 U.S.C. 252(e)(1), is required to review negotiated resale agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity under Section 252(e)(2)(A). Based upon its review of the Agreement between Spectra and Green Hills and its findings of fact, the Commission concludes that the Agreement is neither discriminatory nor inconsistent with the public interest and should be approved.

### **IT IS THEREFORE ORDERED:**

1. That the interconnection agreement between Spectra Communications Group LLC and Green Hills Communications Services, filed on September 18, 2000, is approved.

2. That any changes or modifications to this Agreement shall be filed with the Commission pursuant to the procedure outlined in this order.
3. That this order shall become effective on November 9, 2000.
4. That this case may be closed on November 10, 2000.

BY THE COMMISSION



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

( S E A L )

Mills, Deputy Chief Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,  
on this 30th day of October, 2000.

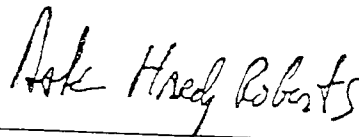
STATE OF MISSOURI

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 30<sup>th</sup> day of Oct. 2000.



---

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
October 30, 2000

CASE NO: TO-2001-187

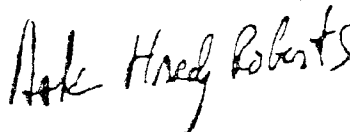
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

✓ **Sondra B. Morgan**  
Brydon, Swearingen & England P.C.  
312 E. Capitol Avenue  
PO Box 456  
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge