

James M. Fischer Larry W. Dority

### Attorneys at Law Regulatory & Governmental Consultants

101 Madison, Suite 400 Jefferson City, MO 65101 Telephone: (573) 636-6758 Fax: (573) 636-0383

March 24, 2006

### VIA EFIS

Hon. Kennard L. Jones Regulatory Law Judge Missouri Public Service Commission 200 Madison Street Jefferson City, MO 65102

RE:

Case No. TC-2006-0068

Dear Judge Jones:

During the March 10, 2006 hearing in the above-referenced matter, Mr. Simshaw referenced a recent decision of the Oregon PUC and, in response to your specific inquiry, Mr. Simshaw was not able to provide a citation at that time. The referenced decision citation is: In the Matter of Qwest Corporation vs. Level 3 Communications, LLC, Complaint for Enforcement of Interconnection Agreement, Order No. 06-037, Docket No. IC 12, entered January 30, 2006, by the Public Utility Commission of Oregon (<a href="http://apps.puc.state.or.us/orders/disclaim.htm">http://apps.puc.state.or.us/orders/disclaim.htm</a>).

Also, I am in receipt of Mr. Comley's recent filing in response to a request for a list of authorities for easy reference. Please find below a similar list of authorities on behalf of CenturyTel of Missouri, LLC, as referenced in CenturyTel's Brief and the hearings in this matter.

### Federal Statutes and Rules:

Sections 251 and 252 of the 1996 Federal Telecommunications Act ("the Act") (47 U.S.C. §§ 251 and 252)

Section 251(c)(2)(A)

47 U.S.C. 53(47) (defining Telephone Exchange Service)

47 U.S.C. 63(16) (defining Exchange Access)

47 C.F.R. 51.305(b)

### Interconnection Agreement:

Interconnection Agreement between Brooks Fiber Communications of Missouri, Inc., and GTE Midwest Incorporated, d/b/a Verizon Midwest, Case No. CK-2002-1146, as contained in FullTel's submission of September 7, 2005, in Case No. TK-2005-0079 (Exhibit 1 to the Joint Stipulation of Fact filed herein).

Seriatim Page 3 (underlying adoption letter executed by Brooks Fiber) Glossary

Section 2.102 (defining Telephone Exchange Service)

Section 2.39 (defining Exchange Access)

Section 2.54 (defining ISP-bound Traffic)

# FCC Order:

In re Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-Bound Traffic, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001) ("ISP Remand Order"), at  $\P \ 10$ , 13.

## Federal Court Decision:

WorldCom v. FCC, 288 F.3d 429, 430 (D.C. Cir. May 3, 2002).

#### **State Commission Orders:**

In the matter of Petition of Level 3 Communications, LLC, Colorado Public Utilities Commission, Docket No. 00B-601T, Decision No. C01-312, at II., C, 8 (March 16, 2001).

In the Matter of Qwest Corporation vs. Level 3 Communications, LLC, Complaint for Enforcement of Interconnection Agreement, Order No. 06-037, entered January 30, 2006, by the Public Utility Commission of Oregon.

## Missouri Public Service Commission Cases and Proceedings:

Case No. LO-2005-0383 (In the Matter of MCImetro Access Transmission Services, LLC's application for approval of an amendment to its interconnection agreement with CenturyTel of Missouri, LLC) - Order Approving Amendment to Interconnection Agreement, June 2, 2005.

Case No. TC-2006-0068 Page 3

Case No. TK-2006-0126 (In the Matter of the Application of CD Telecommunications, LLC, and CenturyTel of Missouri, LLC, for approval of their negotiated interconnection agreement and addendum) – Order Approving Interconnection Agreement, November 10, 2005.

Sincerely,

Larry W. Dority

cc: Counsel of Record, via Email