

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
April 19, 2002**

**CASE NO: TO-2002-421**

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**Jaquetta Peace**  
**Director-Legal & Regulatory**  
**Premiere Network Services, Inc.**  
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DeSoto, TX 75115

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

**Sincerely,**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

**Uncertified Copies:**

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

In the Matter of the Master Resale Agreement Between     )  
Sprint Missouri, Inc., d/b/a Sprint, and Premiere Network     )  
Services, Inc.     )     **Case No. TO-2002-421**

**ORDER APPROVING INTERCONNECTION AGREEMENT  
AND CLOSING CASE**

On March 8, 2002, Sprint Missouri, Inc., doing business as Sprint, filed an application with the Commission seeking approval of an interconnection agreement between Sprint and Premiere Network Services, Inc., under the provisions of the federal Telecommunications Act of 1996, codified throughout Title 47, United States Code. The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience and necessity.<sup>1</sup>

Although Premiere Network Services is a party to the agreement, it did not join in the application. Because Premiere Network Services is a necessary party to a full and fair adjudication of this matter, the Commission made Premiere Network Services a party to this case. On March 15, 2002, the Commission issued its Order Directing Notice and Adding a Party making Premiere Network Services a party and allowing interested parties an opportunity to request a hearing. No parties filed either applications to intervene or requests for a hearing.

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<sup>1</sup> The Act, 47 U.S.C. Section 252(e).

The Commission Staff filed a Memorandum and Recommendation on April 8, 2002, recommending that the Agreement be approved. Staff stated in its recommendation that the Agreement meets the limited requirements of the Act in that it does not discriminate toward non-parties and is not contrary to the public interest, convenience or necessity. Staff recommended approval of the Agreement provided that all modifications and amendments to the Agreement be submitted to the Commission for approval. This condition has been applied in prior cases where the Commission has approved similar agreements.

**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.

Sprint Missouri, Inc., and Premiere Network Services are telecommunications carriers. Sprint is an incumbent local exchange carrier, certificated to provide basic local telecommunications service in portions of the state of Missouri. Premiere Network Services is a competitive local exchange carrier and a competitive intrastate interexchange carrier (Case No. TA-2001-235, issued March 2, 2001). Sprint filed the parties' interconnection agreement with this Commission on March 8, 2002.

**Conclusions of Law:**

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

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.<sup>2</sup> Since no one has sought to intervene or requested a hearing in this case, the Commission may grant the relief requested based on the verified application.

The Commission has authority to review an interconnection agreement negotiated between an incumbent local exchange company and another carrier.<sup>3</sup> The Commission may reject such an interconnection agreement only if the agreement is discriminatory against non-party carriers or is inconsistent with the public interest, convenience and necessity.<sup>4</sup>

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission has reached the conclusion that the Agreement meets the requirements of the Act in that it does not unduly discriminate against non-party carriers 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.

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<sup>2</sup> *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

<sup>3</sup> The Act, 47 U.S.C. Section 252(e)(1).

<sup>4</sup> The Act, 47 U.S.C. Section 252(e)(2)(A).

## **Modification Procedure:**

This Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications and amendments, in the Commission's offices.<sup>8</sup> Any proposed modification or amendment must be submitted for Commission approval or recognition, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.<sup>9</sup>

The parties have provided the Telecommunications Staff with a copy of the interconnection agreement with the pages numbered consecutively in the lower right-hand corner. 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

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<sup>5</sup>The Act, 47 U.S.C. Section 252.

<sup>6</sup>The Act, 47 U.S.C. Section 252(h).

<sup>7</sup>See Commission Rule 4 CSR 240-30.010.

<sup>8</sup>The Act, 47 U.S.C. Section 252(h).

<sup>9</sup>The Act, 47 U.S.C. Section 252.

will date-stamp the modified pages and insert them into the Agreement. The Telecommunications Staff will maintain the official record of the original agreement and all modifications in the Commission's Data Center.

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.

**IT IS THEREFORE ORDERED:**

1. That the interconnection agreement between Sprint Missouri, Inc., and Premiere Network Services, Inc., filed on March 8, 2002, is approved.
2. That any changes, amendments or modifications to this agreement shall be filed with the Commission for approval pursuant to the procedure outlined in this order.
3. That this order shall become effective on April 29, 2002.

4. That this case may be closed on April 30, 2002.

**BY THE COMMISSION**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

(SEAL)

Kevin A. Thompson, Deputy Chief  
Regulatory Law Judge, by delegation  
of authority pursuant to Section 386.240,  
RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 19th day of April, 2002.

**FYI: To Be Issued By Delegation**

ALJ/Secretary: Thompson / Pope

4-17 4-22, 10am  
Date Circulated Return Not Later Than

TO-2002-421  
CASE NO.

*OK*

KS  
Simmons, Chair

*[Signature]*  
Murray, Commissioner

*[Signature]*  
Lumpe, Commissioner

*[Signature]*  
Gaw, Commissioner

*[Signature]*  
Forbis, Commissioner

**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 19<sup>th</sup> day of April 2002 .



*Dale Hardy Roberts*

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge