

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
March 19, 1998**

**CASE NO: TO-98-115**

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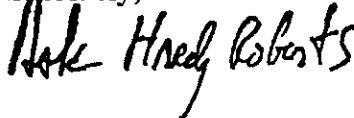
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Kansas City, MO 64108

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

Sincerely,



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

**Uncertified Copy:**

**Mark Witcher**  
AT&T Communications  
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Columbia, MO 65201-7931

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 19th  
day of March, 1998.

In the Matter of AT&T Communications of the )  
Southwest, Inc.'s Petition for Second Compulsory )  
Arbitration Pursuant to Section 252(b) of the ) **Case No. TO-98-115**  
Telecommunications Act of 1996 to Establish an )  
Interconnection Agreement with Southwestern Bell )  
Telephone Company. )

**ORDER APPROVING AGREEMENT FILED IN COMPLIANCE  
WITH COMMISSION ORDER**

On December 23, 1997, the Commission entered its Report and Order, resolving the issues presented by the parties for arbitration. This case was established for the purpose of addressing the issues that were not previously arbitrated in Case No. TO-97-40. The Commission's December 23 Report and Order specified language to be used by Southwestern Bell Telephone Company (SWBT) and AT&T Communications of the Southwest (AT&T) to resolve the interconnection issues remaining between them, ordered SWBT and AT&T to submit an interconnection agreement implementing this language and the language which they had previously agreed to by February 1, 1998, and set interim rates for certain services to be provided to AT&T by SWBT. The Report and Order also determined a procedure for the establishment of permanent rates.

On December 29, 1997, SWBT filed its objections to the process for establishing permanent rates, and on December 31, SWBT filed an Application for Rehearing of the Commission's December 23 Report and Order. SWBT's

objections and application for rehearing are under consideration and will be addressed by the Commission by separate order or orders.

AT&T filed a motion on January 27, requesting an extension of time for approximately one month to comply with Ordered Paragraph 3 of the Commission's December 23 Report and Order. According to AT&T, despite diligent efforts on the part of SWBT and AT&T, the parties had not been able to devote sufficient resources to comply with the Commission's February 1 filing deadline because their subject matter experts had obligations to meet in other state arbitration proceedings. No party opposed AT&T's motion.

On March 4, SWBT and AT&T filed an interconnection agreement that had been executed by the parties on February 27 (Agreement) to implement the Report and Order. Pursuant to Ordered Paragraph 3 of the Commission's December 23 Report and Order, the Agreement is supposed to include: 1) all language implementing the terms agreed to by the parties and not submitted for arbitration, and 2) all language that the Commission ordered the parties to include to resolve the issues submitted for arbitration. The Commission reserved its ruling on any terms that were not arbitrated until the complete agreement was filed so that it could review the agreement in its entirety for compliance with the federal Telecommunications Act of 1996 (the Act), 47 U.S.C. § 151 *et seq.* The Commission directed Staff to file a Memorandum recommending approval or rejection of the Agreement.

Staff filed a Memorandum on March 17, recommending approval of the Agreement. Staff stated that the agreement will take effect upon Commission approval and will expire after a three-year initial term. The agreement may be extended twice for one-year periods unless written notice is given. The Agreement covers terms for the resale of all services except

operator services at a 19.2 percent discount from SWBT's retail prices. Operator services are to be discounted 13.9 percent from SWBT's wholesale prices. Some of the prices established for unbundled network elements (UNEs) are the rates that the Commission ordered in Case No. TO-97-40. The Agreement provides for the remaining prices, established on an interim basis in the Commission's December 23 Report and Order in this case, to be reviewed by the Arbitration Advisory Staff, with a true-up to follow the establishment of permanent rates by the Commission.

The Agreement also specifies terms for network interconnection architecture and compensation, collocation, rights-of-way, conduits, pole attachments, interim number portability, 911/E911, network security and law enforcement, failures to meet performance criteria, exchange of directory listing information, white pages, clearinghouse, numbering, facilities-based directory assistance and facilities-based operator services.

The Commission finds that AT&T's motion for additional time to file a signed interconnection agreement should be granted. The Commission further finds that the Agreement filed with the Commission on March 4 should be approved. The standard for deciding arbitration cases was set forth in the Commission's December 23 Report and Order, and the Commission previously determined that the arbitrated portions of the agreement meet those standards. Staff stated in its Memorandum that there were instances where the parties did not implement the exact determination set forth in the Commission's prior arbitration orders in this case and in Case No. TO-97-40, but in each of those instances the parties had reached agreement and included language in the Agreement to implement their modifications.

When parties submit a voluntary agreement to a state commission for approval, the agreement may only be approved if it 1) does not discriminate against telecommunications carriers not a party to the agreement and 2) is not against the public interest. See § 252(e)(2)(A) of the Act. The Commission has reviewed the Agreement between SWBT and AT&T, and the Staff's recommendation, and determined that the Agreement complies with the Act.

**IT IS THEREFORE ORDERED:**

1. That the interconnection agreement filed by Southwestern Bell Telephone Company and AT&T Communications of the Southwest, Inc. pursuant to the Commission's Report and Order of December 23, 1997, is approved.
2. That this order shall become effective on March 30, 1998.

**BY THE COMMISSION**



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

( S E A L )

Lumpe, Ch., Drainer and  
Murray, CC., concur.  
Crompton, C., dissents.

Randles, Regulatory Law Judge

ALJ/Sec'y: Randall / Payne

3-19  
Date Circulated

TO-98-115  
CASE NO.

SL  
Lumpe, Chair

NO  
Crompton, Commissioner

CM  
Murray, Commissioner

\_\_\_\_\_  
Commissioner

add  
Drainer, Vice-Chair

3-19  
Agenda Date

Action taken: 3-1 AS

Must Vote Not Later Than \_\_\_\_\_

**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 19th day of March, 1998.



Dale Hardy Roberts

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