

Application of Seneca Telephone Company )  
for Approval of an Interconnection Agreement ) Case No. \_\_\_\_\_  
under the Telecommunications Act of 1996 )

COMES NOW Seneca Telephone Company ("Company") and hereby files its Application for Approval of the Agreement between Company and MCC Telephony of Missouri, LLC ("MCC") under the Telecommunications Act of 1996 ("the Act"). In support of this Application, Company states to the Commission as follows:

Company is a local exchange carrier operating in Missouri. Company is a Missouri corporation in good standing with the Missouri Secretary of State. In Case No. TK-2004-0167, the Company filed a Certificate of Good Standing from the Missouri Secretary of State which the Company requests be incorporated by reference in this case. The Company is not aware of any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates. The Company's annual report and assessment fees are not overdue. This information is still current and correct, as evidenced by the notarized affidavit of Jay Mitchell, President (Attachment I).

On May 17, 2010, after good faith negotiations, the parties executed an Interconnection Agreement (“the Agreement”) for the state of Missouri pursuant to the terms of the Federal Act (see Agreement, Attachment II). Pursuant to the Act, the Company hereby submits this Agreement for approval by the Commission. The Agreement complies fully with Section 252(e) of the Federal Act because the

Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement consists of fifty-two (52) pages. There are no outstanding issues that need the assistance of mediation or arbitration.

## **II. REQUEST FOR APPROVAL**

The Company seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. The Company represents that the implementation of this negotiated and executed Agreement complies fully with both Missouri law and Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Company respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties. Correspondence, orders and decisions in this matter should be addressed to:

Brian T. McCartney  
Brydon, Swearingen & England P.C.  
312 E. Capitol Ave.  
P.O. Box 456  
Jefferson City, MO 65102-0456  
bmccartney@brydonlaw.com

Denise N. Smith  
Kelley Drye & Warren LLP  
3050 K Street, NW  
Washington, D.C. 20007-5108  
dsmith@kelleydrye.com

## **III. COMMISSION AUTHORITY**

Under the Federal Telecommunications Act of 1996 ("the Act"), the Commission has the authority to grant the relief requested by the Company. Specifically, Section 252(a) of the Act provides:

**(a) AGREEMENTS ARRIVED AT THROUGH NEGOTIATION**

(1) **VOLUNTARY NEGOTIATIONS.** -- Upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the State commission under subsection (e) of this section.

**III. STANDARD OF REVIEW**

Under Section 252 of the Act, the Commission has the authority to approve an agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. The Commission may only reject an agreement if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the Act provides as follows:

**GROUND FOR REJECTION.**-- The 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;

The affidavit of Jay Mitchell, President of Seneca Telephone Company, establishes that the Agreement satisfies these standards. (See Attachment I)

#### IV. CONCLUSION

WHEREFORE, the Company respectfully requests the Commission to issue an Order that: (1) approves the Agreement expeditiously, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

/s/ Brian T. McCartney

W.R. England, III                      Mo. #23975  
Brian T. McCartney                  Mo. #47788  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue, P.O. Box 456  
Jefferson City, MO 65102-0456  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)  
(573) 635-7166  
(573) 634-7431 (FAX)

Attorneys for the Company

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivered on this 28th day of May, 2010, to the following parties:

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

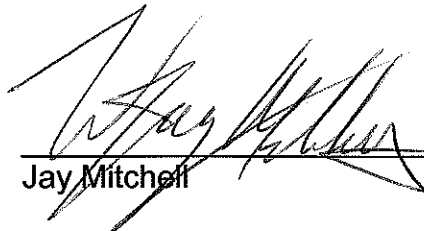
Lewis Mills  
Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, Missouri 65102

Denise N. Smith  
Kelley Drye & Warren LLP  
3050 K Street, NW  
Washington, D.C. 20007-5108  
[dsmith@kelleydrye.com](mailto:dsmith@kelleydrye.com)

/s/ Brian T. McCartney  
Brian T. McCartney

## VERIFICATION

I, Jay Mitchell, President of Seneca Telephone Company hereby verify and affirm that I have read the foregoing *APPLICATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT UNDER THE TELECOMMUNICATIONS ACT OF 1996* and that the statements contained herein are true and correct to the best of my information and belief.

  
Jay Mitchell

STATE OF MISSOURI     )  
                                      ) ss  
COUNTY OF *Newton*     )

Subscribed and sworn to me, a Notary Public, on this 24<sup>th</sup> day of May, 2010.

  
Notary Public

My Commission expires Feb 10, 2012

