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In Re: The Interconnection Agreement
for Termination of Traffic of Sprint
Missouri, Inc. d/b/a Sprint and ExOp
of Missouri, Inc.

Case No. TO-98-382

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participate or requested a hearing in this case, the Commission may grant the relief requested based upon the verified application.

Discussion

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

The initial term of the Agreement between Sprint Missouri and ExOp is for a period of two years; thereafter, the Agreement shall continue in effect until one of the parties gives a 180-day written notice of termination.

The Agreement establishes the rates, terms, and conditions for local interconnection and for the purchase of certain unbundled network elements. The Agreement also contains provisions which detail the rights of the parties concerning audits and examinations, intellectual property rights, and dispute resolution procedures. The rates for interconnection and reciprocal compensation include compensation for the exchange of local traffic, for the termination of toll traffic, for the origination of 800 traffic between the interconnecting parties, for transiting, and for use of the other party's access tandem to terminate a local call to a third party.

For purposes of interconnection, the parties agree to make available to each other a sufficient number of two-way trunks for the reciprocal exchange of combined local traffic and non-equal access intraLATA toll traffic. Trunking will be at the DS-0, DS-1, DS-3/OC-3 level or higher. The parties will interconnect their networks using SS7 signaling where

technically feasible. The parties also agree to be jointly responsible for trunk forecasting, to use an ASR for trunk servicing, and to calculate the terminating interconnection minutes of use based on standard AMA recordings made within each party's network. In the event a party cannot measure minutes terminating on its network, each party shall provide to the other a usage report regarding traffic sent by the recording party over the local interconnection trunk groups, whether the arrangement is through direct interconnection or transit through a third party.

Staff filed its recommendation on May 14. Staff notes that the Kearney exchange is currently the only Sprint exchange covered by this interconnection agreement. Staff also notes that the terms of the Agreement are similar to those contained in previously approved interconnection agreements, and that the rates for the exchange of local traffic are also similar to rates contained in other approved interconnection agreements. Staff states that it has reviewed the proposed Interconnection Agreement for Termination of Traffic and believes that the Agreement meets the limited requirements of the Telecommunications Act of 1996. Specifically, Staff states that the Agreement does not appear to discriminate against telecommunications carriers not a party to the interconnection agreement, and does not appear to be against the public interest. Staff recommends that the Commission approve the Agreement.

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 joint application, the Interconnection Agreement for Termination of Traffic, and Staff's recommendation. Based upon on that review, the Commission finds that the

Interconnection Agreement for Termination of Traffic filed on March 10 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.

Modification Procedure

This Commission's first duty is 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 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, whether the modification arises through negotiation, arbitration, or by means of alternative dispute resolution procedures.

The parties shall provide the Telecommunications Staff with a copy of the resale or 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 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 modification will be approved once Staff has verified that the provision is an approved provision, and prepared a recommendation advising approval. 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 interconnection 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 interconnection agreement between Sprint Missouri and ExOp, and its findings of fact, the Commission concludes that the interconnection

agreement filed on March 10 is neither discriminatory nor inconsistent with the public interest, and should be approved.

IT IS THEREFORE ORDERED:

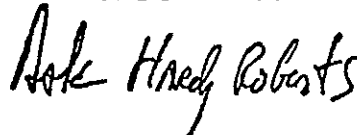
1. That the Interconnection Agreement for Termination of Traffic filed on March 10, 1998 between Sprint Missouri, Inc. d/b/a Sprint and ExOp of Missouri, Inc. is approved.

2. That Sprint Missouri, Inc. d/b/a Sprint and ExOp of Missouri, Inc. shall file a copy of the Interconnection Agreement for Termination of Traffic with the Staff of the Missouri Public Service Commission, with the pages numbered seriatim in the lower right-hand corner, no later than June 22, 1998.

3. That any changes or modifications to this Agreement shall be filed with the Commission for approval pursuant to the procedure outlined in this order.

4. That this order shall become effective on June 8, 1998.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray
and Schemenauer, CC., concur.
Crumpton, C., absent.

Bensavage, Regulatory Law Judge

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MISSOURI PUBLIC SERVICE COMMISSION
ST. LOUIS, MISSOURI 63102