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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 17th  
day of February, 1999.

In the Matter of the Joint Application of GTE       )  
Midwest Incorporated, GTE Arkansas Incorporated    )  
and Digital Teleport, Inc. for Approval of         )  
Interconnection, Resale and Unbundling Agree-     )  
ment Under the Telecommunications Act of 1996.     )  
Case No. TO-98-388

**ORDER APPROVING FIRST AMENDMENT BY INTERLINEATION**  
**OF INTERCONNECTION AGREEMENT**

GTE Midwest Incorporated and GTE Arkansas Incorporated,  
hereinafter referred to collectively as "GTE," and Digital Teleport, Inc.  
(DTI) filed a Joint Application on March 11, 1998, requesting that the  
Missouri Public Service Commission approve an interconnection agreement  
(Agreement) between GTE and DTI. The Agreement, which addresses inter-  
connection as well as resale of services and unbundling of network  
elements, was filed pursuant to Section 252(e)(1) of the federal  
Telecommunications Act of 1996 (the Act). See 47 U.S.C. § 251, et seq.

On February 28, 1997, the Commission conditionally granted DTI  
a certificate of service authority to provide basic local and local  
exchange telecommunications services in the portions of Missouri that are  
currently served by Southwestern Bell Telephone Company (SWBT),  
GTE Midwest Incorporated and Sprint Missouri, Inc. (Sprint), in Case  
No. TA-96-406. The order ruled that DTI's certificate would not become

effective until DTI obtained Commission approval of tariffs establishing the rates, terms and conditions of its services.

On June 4, the Commission conditionally approved the interconnection, resale and unbundling agreement between GTE and DTI, in an Order Approving Interconnection, Resale and Unbundling Agreement. The approval was conditioned on the parties amending their Agreement by interlineation no later than June 15, 1998, to include specified notice provisions. The parties were also directed to file pleadings no later than July 6 which address how the Commission should resolve the issue of traffic reporting and compensation to incumbent local exchange carriers (LECs) for wireless carrier traffic that transits the parties' networks. On June 12, counsel for DTI filed a Motion for Extension of Time due to the unavailability of counsel and because the materials could not be prepared and submitted in the requested time frame.

The parties filed a Joint Notice of Amendment by Interlineation of Interconnection Agreement on July 13. In Appendix A to this document, the parties suggest that Article IV, section 4, of the Agreement shall be amended by inserting the following language just prior to the second to last sentence of section 4, on the fourth to last line:

In such event, GTE will provide notice to the Commission that DTI's services will be discontinued due to non-payment by DTI. DTI, at its expense, will provide GTE its current customer data for remaining customers who have not chosen another local service provider so that GTE can inform those customers and the customer's [sic] interexchange carriers that GTE is now the local service provider for such customers. To the extent that it has proper customer data, GTE will inform these customers within five (5) days that their service is being taken over by GTE due to non-payment by DTI. GTE

will also inform such customers that they have the right to select another local service provider.

On July 15, GTE filed a Response of GTE Midwest Incorporated and GTE Arkansas Incorporated in which it indicates that it will be able to provide a summary report of traffic originated on a Commercial Mobile Radio Services (CMRS) provider's network, transiting GTE's network and terminating to a non-GTE end office subtending a GTE access tandem. GTE states that it can record cellular-originated traffic and make this report available only when the traffic originated on the CMRS provider's network is delivered to GTE via a direct interconnection between GTE and the CMRS provider. GTE further notes that it has no means of distinguishing cellular-originated traffic from other local and toll traffic destined for termination to a GTE or subtending LEC's exchange that is delivered to GTE from another LEC, such as DTI. GTE states that the LEC delivering the cellular-originated traffic to GTE and/or the CMRS provider would be required to create the cellular summary usage report and provide the report to both GTE and the subtending LECs for use in billing the CMRS provider.

The Commission issued an Order Regarding Staff Memorandum on January 21, 1998, directing the Staff to file a memorandum addressing: 1) the Joint Notice of Amendment; and 2) the resolution of the issue of traffic reporting and compensation to incumbent local exchange carriers for wireless carrier traffic that transits the parties' networks. The Staff of the Missouri Public Service Commission (Staff) filed a memorandum on January 22 recommending that the Commission approve the

First Amendment to Interconnection, Resale and Unbundling Agreement filed by GTE and DTI. Staff indicated that it has reviewed the Joint Notice of Amendment by Interlineation of Interconnection Agreement and finds the language to be in substantial compliance with the Commission's order. On February 4, 1999, the Staff filed an additional Staff Memorandum. This memorandum notes that Staff has verified with DTI officials that they are in agreement with GTE's filing of July 15, 1998, regarding the traffic reporting and compensation issue. Staff has reviewed the filing and recommends approval.

The Commission has reviewed the Joint Notice of Amendment by Interlineation of Interconnection Agreement, the Response of GTE Midwest Incorporated and GTE Arkansas Incorporated regarding the issue of traffic reporting and compensation to incumbent local exchange carriers for wireless traffic that transits, the Staff memorandums, along with the rest of the case file. The Commission finds that the first amendment by interlineation complies with the Order Approving Interconnection, Resale and Unbundling Agreement issued June 4, 1998. Therefore, the Commission will approve the first amendment by interlineation.

**IT IS THEREFORE ORDERED:**

1. That the amendment by interlineation to the interconnection, resale and unbundling agreement between GTE Midwest Incorporated and GTE Arkansas Incorporated, and Digital Teleport, Inc., filed on July 13, 1998, is approved.
2. That the conditional approval granted in Commission's June 4, 1998, Order Approving Interconnection, Resale and Unbundling Agreement

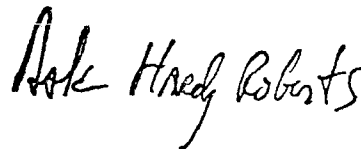
is made absolute conditioned on the parties complying with the filing requirement of Ordered Paragraph 3 below.

3. That GTE Midwest Incorporated and GTE Arkansas Incorporated, and Digital Teleport, Inc., shall file a copy of the Agreement, as finally approved, with the Staff of the Missouri Public Service Commission. The copy shall have the pages numbered seriatim in the lower right-hand corner, and shall be filed no later than 10 days after the effective date of this order.

4. That any further changes or modifications to this Agreement shall be filed with the Commission for approval pursuant to the procedures outlined in the Commission's June 4, 1998 order.

5. That this order shall become effective on March 2, 1999.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

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

( S E A L )

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

Ruth, Regulatory Law Judge