

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>3</sup>

DEC 3 0 2002

Missouri Public  
Service Commission

In the matter of the Application of )  
Spectra Communications Group, LLC )  
for approval of its Resale Agreement with )  
Phone Connection, Inc. dba Affordable )  
Phone under 47 U.S.C. § 252. )

Case No. \_\_\_\_\_

**APPLICATION OF SPECTRA COMMUNICATIONS GROUP, LLC  
FOR APPROVAL OF RESALE AGREEMENT WITH  
PHONE CONNECTION, INC. DBA AFFORDABLE PHONE**

COMES NOW Spectra Communications Group, LLC ("Spectra") and hereby applies for approval by the Missouri Public Service Commission ("Commission") of the accompanying Resale Agreement voluntarily entered into by Spectra and Phone Connection, Inc. dba Affordable Phone ("Affordable Phone"), pursuant to the federal Telecommunications Act of 1996 (the "Act") under 47 U.S.C. § 252(e).

1. Spectra is a Delaware Limited Liability Company authorized to do business in Missouri as evidenced by the certificate of authority issued by the Missouri Secretary of State which was filed in Case No. TM-2000-182 and incorporated herein by reference. Spectra's principle place of business is 1151 CenturyTel Drive, Wentzville, Missouri 63885.

2. All correspondence, communications, and orders and decisions of the Commission issued in this matter should be sent to:

Larry W. DORITY  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383

3. Affordable Phone is a Missouri certificated competitive basic local exchange carrier (Case No. TA-2002-367, issued July 2, 2002).

4. Spectra has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application. No Missouri annual reports or assessment fees are overdue.

In support of this Application, Spectra states the following:

#### **I. RESALE AGREEMENT REACHED**

Spectra presents to this Commission for approval the Resale Agreement Between Spectra Communications Group, LLC and Phone Connection, Inc. dba Affordable Phone ("Agreement") that was negotiated and executed pursuant to the terms of the Act. Following good faith negotiations to address all of the complex issues involved in such an agreement, the parties signed the Resale Agreement on December 5, 2002, and hereby file the Agreement, together with two appendices incorporated therein. There are no outstanding issues between Spectra and Affordable Phone that need the assistance of mediation or arbitration.

#### **II. REQUEST FOR APPROVAL**

Spectra seeks the Commission's approval of the Agreement, consistent with the provisions of the Act. Spectra believes that the implementation of this Agreement complies fully with Section 252(e) of the Act because the Agreement is consistent with the public interest, convenience and necessity, and does not discriminate against any telecommunications carrier. The Agreement promotes interconnectivity and diversity in providers, and will increase customer choices for telecommunications services.

Spectra respectfully requests that the Commission grant approval of this Agreement, without change, suspension or other delay in its implementation. This is a bilateral agreement, reached as a result of negotiation and compromise between Spectra and Affordable Phone.

### **III. STANDARD FOR REVIEW**

The statutory standards of review are set forth in Section 252(e) of the Act, which provides:

#### **(e) APPROVAL BY STATE COMMISSION**

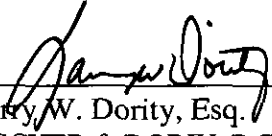
- (1) APPROVAL REQUIRED.** – Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.
- (2) GROUNDS 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; . . . .

### **IV. MISSOURI LEGISLATION**

The negotiated and executed Agreement is consistent with Missouri Senate Bill 507, which became effective on August 28, 1996.

**WHEREFORE**, Spectra Communications Group, LLC respectfully requests the Commission to enter an Order approving its Resale Agreement with Phone Connection, Inc. dba Affordable Phone.

Respectfully submitted,

  
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Larry W. Dority, Esq. MBN 25617  
FISCHER & DORITY, P.C.  
101 Madison, Suite 400  
Jefferson City, Missouri 65101  
Telephone: (573) 636-6758  
Facsimile: (573) 636-0383  
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Attorneys for Spectra Communications Group, LLC

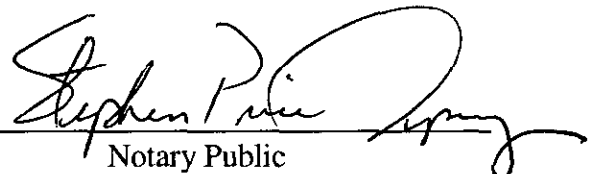
**AFFIDAVIT OF VERIFICATION**

STATE OF LOUISIANA                    )  
  ) ss.  
PARISH OF OUACHITA                 )

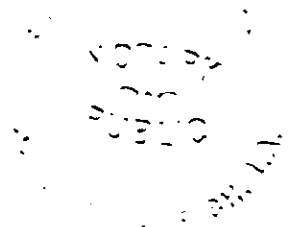
Jeffrey S. Glover, being first duly sworn, on his oath and in his capacity as Vice President, External Relations, CenturyTel, states that he is authorized to make this verification on behalf of Spectra Communications Group, LLC; that he has knowledge of the matters stated in this Application; and that said matters are true and correct to the best of his knowledge, information and belief.

  
\_\_\_\_\_  
Jeffrey S. Glover

Subscribed and sworn to before me this 20th day of December, 2002.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: AT DEATH



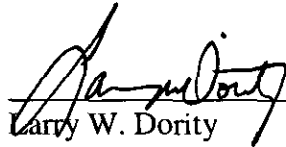
## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 30~~th~~ day of December, 2002, to:

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City MO 65102

Dana K. Joyce  
General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City MO 65102

Charles H. Huck, President  
Phone Connection, Inc. dba  
Affordable Phone  
808 S. Baker Street  
Mountain Home, AR 72653

  
Larry W. Dority