

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Application for Approval of a Master)
Resale Agreement Between American)
Fiber Network, Inc. and Embarq Missouri,)
Inc. Pursuant to the Telecommunications)
Act of 1996)
)

Case No. TO-2008-0265

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On February 19, 2008, Embarq Missouri, Inc., d/b/a Embarq filed an application with the Commission for approval of a master resale agreement with American Fiber Network, Inc. under the provisions of the federal Telecommunications Act of 1996. Embarq states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

2. Section 252(e) of the federal Telecommunications Act of 1996 provides that a State commission may only reject a negotiated agreement (or any portion thereof) if it finds that the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement or if the implementation of the agreement (or portion) is not consistent with the public interest, convenience, and necessity. 47 U.S.C. § 252(e)

3. In the attached Memorandum, which is labeled Appendix A, the Staff states that the agreement does not discriminate against telecommunications carriers not a party to the agreement and is not against the public interest, convenience or necessity.

WHEREFORE, the Staff respectfully recommends that the Missouri Public Service Commission approve the master resale agreement pursuant to the Act, and direct the parties to submit any modifications or amendments.

Respectfully submitted,

/s/ Sarah Kliethermes
Sarah L. Kliethermes
Legal Counsel
Missouri Bar No. 60024

Attorney for the Staff of the
Missouri Public Service Commission
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 18th day of March, 2008.

/s/ Sarah Kliethermes
Sarah L. Kliethermes

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TO-2008-0265**

Party: Embark Missouri, Inc. d/b/a Embark

Type of Carrier:

☒ ILEC
☐ CLEC
☐ Wireless

Party: American Fiber Network, Inc.

Type of Carrier:

☐ ILEC
☒ CLEC
☐ Wireless

From: Sara Buyak, Telecommunications Department

William Voight 3-13-08
Utility Operations Division/Date

William Haas 3-13-08
General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement or
Amendment to Interconnection Agreement

Date: March 13, 2008

Date Filed: 2-20-08

Staff Deadline: 3-24-08

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☒ Interconnection Agreement
- ☐ Amendment not previously approved

The parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

☐ The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.

☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

(☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

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AFFIDAVIT OF Sara Buyak

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.


Sara Buyak

Subscribed and affirmed before me this 13th day of March 2008.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086


NOTARY PUBLIC