

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

**FILED<sup>2</sup>**

AUG 01 2003

**Missouri Public  
Service Commission**

In Re: The Paging Facilities Agreement By and )  
Between MO-ARK Communications, Inc. and )  
Southwestern Bell Telephone, L.P. d/b/a SBC )  
Missouri Pursuant to Sections 251 and 252 of the )  
Telecommunications Act of 1996. )

**APPLICATION FOR APPROVAL OF PAGING  
FACILITIES AND INTERCONNECTION AGREEMENT**

SBC Missouri<sup>1</sup> respectfully submits the attached paging facilities and interconnection agreement between MO-ARK Communications, Inc. ("MO-ARK") and SBC Missouri and requests the Missouri Public Service Commission ("Commission") to approve this agreement pursuant to the Telecommunications Act of 1996 (the "Federal Act"). In support of this request, SBC Missouri states:

**I. APPLICANT**

SBC Missouri is a Texas limited partnership, duly authorized to conduct business in Missouri with its principal Missouri office at One SBC Center, St. Louis, Missouri 63101. SBC Missouri is a "local exchange telecommunications company" and a "public utility" and is duly authorized to provide "telecommunications service" within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo. (2000).

**II. TRAFFIC TERMINATION AGREEMENT**

SBC Missouri presents this application to the Commission pursuant to Section 252(e)(1) of the Federal Act. The parties executed the attached paging facilities and interconnection agreement (the "Agreement") on March 6, 2003. There are no outstanding

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<sup>1</sup> Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri."

issues related to the Agreement between the parties that require the assistance of mediation or arbitration.

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

The statutory standard of review under Section 252(e) of the Act states:

#### **(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. . .

SBC Missouri states that the Agreement meets the statutory standard for approval, as it is consistent with the public interest, convenience and necessity in that it allows for full and fair competition and greater choice for the consumer. SBC Missouri further states that the Agreement does not discriminate against other carriers not a party to the Agreement, as the terms of the Agreement are equally available to any other paging carrier.

### **IV. REQUEST FOR APPROVAL**

SBC Missouri seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act. The implementation of this 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 promotes diversity in providers, provides interconnectivity, and increases customer choices for telecommunications services. SBC Missouri respectfully requests that the Commission grant approval of the Agreement, without change, suspension or other delay in its implementation.

## **V. MISSOURI LEGISLATION**

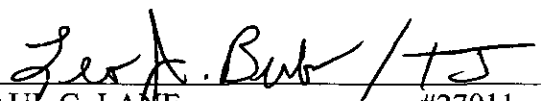
The negotiated and executed Agreement is consistent with the Missouri Legislation, Senate Bill No. 507, which became effective on August 28, 1996.

## **VI. CONCLUSION**

WHEREFORE, for the foregoing reasons, SBC Missouri prays that the Commission approve the attached paging facilities and interconnection agreement between MO-ARK and SBC Missouri.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE, L.P.

By   
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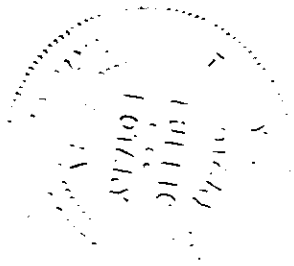
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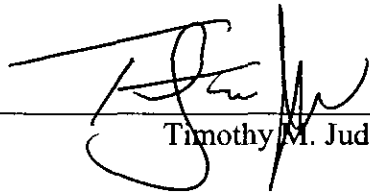
314-247-0014 (Fax)

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**VERIFICATION**

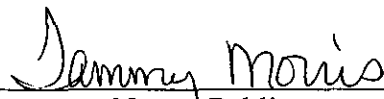
I Timothy M. Judge, a duly authorized representative of SBC Missouri hereby verify and affirm that I have read the foregoing Application and that the statements contained therein are true and correct to the best of my information and belief.



  
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Timothy M. Judge

Subscribed and sworn to before me on this 1<sup>ST</sup> day of August, 2003.

TAMMY R MORRIS  
NOTARY PUBLIC STATE OF MISSOURI  
COLE COUNTY  
MY COMMISSION EXP. APR. 4, 2004

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

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 15 day of August, 2003, a copy of the above and foregoing and any attachments were served by U.S. Mail, postage prepaid or hand delivery on each of the following:

  
Leo J. Bub

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