

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

| | | |
|---|---|-----------------------|
| NuVox Communications of Missouri, Inc., |) | |
| |) | |
| Complainant, |) | Case No. CC-2009-0435 |
| |) | |
| vs. |) | |
| |) | |
| |) | |
| Southwestern Bell Telephone |) | |
| Company d/b/a AT&T Missouri, |) | |
| |) | |
| Respondent. |) | |

STIPULATION

COME NOW NuVox Communications of Missouri, Inc. (NuVox) and Southwestern Bell Telephone Company d/b/a AT&T Missouri (AT&T Missouri), pursuant to Commission Order Directing Filing and stipulate to the following matters for purposes of this proceeding

1. NuVox is a competitive telecommunications company authorized to provide local exchange and interexchange telecommunications services in Missouri. It is also authorized by the FCC to provide interstate and international telecommunications services. NuVox is in good standing with the Missouri Secretary of State. Its principal Missouri offices are currently located at 12400 Olive Blvd, Suite 430, St. Louis, MO 63141.

2. AT&T Missouri is a Missouri corporation in good standing. It provides local exchange telecommunications services to the public. It also provides telecommunications wholesale products and services to other local exchange telecommunications services providers, such as NuVox, in connection with their own offerings and sale of local exchange telecommunications services to the public. It has offices located at One AT&T Center, Suite 3520, St. Louis, Missouri 63101.

3. NuVox and AT&T Missouri are parties to an interconnection agreement (ICA) that was arbitrated and approved by the Commission and became effective in 2005 in Case No. TK-2006-0072, as subsequently amended and extended including in matter VT-2008-0029. The Commission should take notice of the ICA as amended and its related orders and proceedings which are contained in its files and incorporated herein by this reference, including the copy of the ICA that has been filed in this case pursuant to Commission order.

4. NuVox obtains DS1 Enhanced Extended Links (also sometimes referred to as Enhanced Extended Loops or “EELs”) from AT&T Missouri pursuant to Attachment 6 and Appendix Pricing UNE of the ICA.

5. NuVox uses EELs to connect its network to customers that subtend an AT&T end office in which NuVox does not have a collocation. The EEL extends to a different AT&T central office where it connects to the NuVox network (at a collocation or multiplexer) where traffic of other NuVox customers is aggregated. The FCC has stated that the availability of EELs “extends the geographic reach for competitive [local exchange carriers] because EELs enable requesting carriers to serve customers by extending a customer’s loop from the end office serving that customer to a different end office in which the competitive LEC is already located” which arrangement allows them “to reduce their collocation costs by aggregating loops at fewer collocation locations and then transporting the customer’s traffic to their own switches.” *Triennial Review Order*, 18 FCC Rcd. 16978 (2003), para. 576.

6. In addition to charging NuVox a monthly rate of \$14.51 for each cross-connect AT&T Missouri provides between the end of an EEL and the applicable NuVox collocation or multiplexer (which charges NuVox does not challenge), AT&T Missouri has also been charging NuVox a monthly rate of \$14.51 for another cross-connect which AT&T Missouri contends it

provides between the loop and transport elements of each EEL. AT&T Missouri asserts that this particular charge per EEL corresponds to the “DS-1 to loop” dedicated transport cross-connect referenced at section 15.4.3 of Attachment 6 of the ICA (set forth on serially-numbered page 155 of the ICA filed with the Commission) and the “DS1 with test equipment – Install” dedicated transport cross-connect rate (set forth on serially-numbered page 182 of the ICA filed with the Commission).

7. Section 13 of the General Terms and Conditions of the ICA between NuVox and AT&T Missouri governs dispute resolution.

WHEREFORE, the parties by and through the undersigned counsel request the Commission to accept the foregoing stipulation.

CURTIS, HEINZ,
GARRETT & O'KEEFE, P.C.

/s/ Carl J. Lumley

Carl J. Lumley, #32869
130 S. Bemiston, Suite 200
St. Louis, Missouri 63105
(314) 725-8788
(314) 725-8789 (Fax)
Email: clumley@lawfirmemail.com

Attorneys for NuVox Communications
of Missouri, Inc.

/s/ Robert J. Gryzmala (By: Carl J. Lumley)

Robert J. Gryzmala, #32454
Leo J. Bub, #34326
One AT&T Center, Room 3516
St. Louis, Missouri 63101
(314) 235-6060
(314) 247-0014 (FAX)
robert.gryzmala@att.com

Attorneys for Southwestern Bell Telephone
Company, d/b/a AT&T Missouri

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was either mailed, faxed, or emailed this 30th of September, 2009, to the persons listed on the attached service list.

/s/ Carl J. Lumley

Lewis Mills
Office of Public Counsel
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Jennifer Hernandez
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-2690 (Telephone)
(573) 751-9285 (Fax)
jennifer.hernandez@psc.mo.gov