

BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Interconnection Agreement)
between Southwestern Bell Telephone, L.P., d/b/a)
SBC Missouri and Birch Telecom of Missouri, Inc.,) **Case No. TK-2006-0048**
and ionex communications, Inc., Arbitrated as a)
Successor Interconnection Agreement to the)
Missouri 271 Agreement ("M2A").)

ORDER APPROVING ERRATA AND MODIFYING ORDER APPROVING ARBITRATED INTERCONNECTION AGREEMENT

Issue Date: October 25, 2005

Effective Date: October 25, 2005

On August 12, 2005, the Commission issued its Order Approving Arbitrated Interconnection Agreement in this case. On September 29, the parties filed their Jointly Submitted Errata and Joint Motion to Modify Order Approving Arbitrated Interconnection Agreement, noting that the parties have discovered that when the ICA was filed, a few of the rates reflected in the ICA were incorrectly shown. The incorrect rates are confined to two pages of the parties' filed ICA -- specifically, Date-Stamped pages 194 and 195 -- and are as follows:

Page 194:

- DS3 Loop Crossconnect: monthly rate shown, \$259.43; correct monthly rate, \$34.59.
- DS3 Loop Crossconnect: nonrecurring rate (first) shown, "-"; correct nonrecurring rate (first), \$63.23.
- DS3 Loop Crossconnect: nonrecurring rate (additional) shown, "-"; correct nonrecurring rate (additional), \$48.40.

Page 195:

- PRI Trunk Port, Zones 1 through 4: monthly rate shown, \$4,000.00; correct monthly rate, \$400.00.
- DS1 Trunk Port, Zone 1: monthly rate shown, \$1.00; correct monthly rate, \$200.00.
- Feature Activation per analog arrangement - Personalized Ring: nonrecurring rate (first) shown, \$0.29; correct nonrecurring rate (first), \$0.20.
- Feature Activation per analog arrangement – Hunting Arrangement: nonrecurring rate (first) shown, \$0.20; correct nonrecurring rate (first), \$0.29.

Attached to the parties' filing are corrected versions of pages 194 and 195.

The Commission's Staff filed its Recommendation and Memorandum on October 6, 2005. Staff states that it has reviewed the errata and accompanying motion and believes the errata conforms to the Arbitrator's Report, the Commission's Arbitration Order, and the Telecommunications Act of 1996 ("the Act"). Under the provisions of the Act, the Commission may only reject "an agreement (or any portion thereof) adopted by arbitration under subsection (b) if it finds that the agreement does not meet the requirements of section 251, including the regulations prescribed by the Commission, or the standards set forth in subsection (d) of this section."¹ Staff recommends approval of the errata.

The Commission has reviewed the errata, the motion and Staff's recommendation, and finds that the interconnection agreement filed in this matter as

¹ 47 U.S.C. 252(e)(2).

modified by the errata conforms to the requirements of 47 U.S.C. § 251, and that such modification is necessary, appropriate and in the public interest. The Commission will therefore issue this Order Modifying Interconnection Agreement and Approving Errata to correct the errors that existed in the agreement as originally filed.

IT IS THEREFORE ORDERED:

1. That the Joint Motion to Modify Order Approving Arbitrated Interconnection Agreement filed jointly by Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, and Birch Telecom of Missouri, Inc., and ionex communications, Inc., in this matter on September 29, 2005, is hereby granted.

2. That the Jointly Submitted Errata filed by Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, and Birch Telecom of Missouri, Inc., and ionex communications, Inc., in this matter on September 29, 2005, is hereby approved and made part of the parties' Interconnection Agreement.

3. That this order shall become effective on October 25, 2005.

4. That this case may be closed on October 26, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Kevin A. Thompson, Deputy Chief Regulatory
Law Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 25th day of October, 2005.