

# BEFORE THE PUBLIC SERVICE COMMISSION

## OF THE STATE OF MISSOURI

In the Matter of the Application of )  
CD Telecommunications, LLC, and CenturyTel of )  
Missouri, LLC, for Approval of Their Negotiated )  
Interconnection Agreement and Addendum under )  
Section 252(e)(1) of the Telecommunications Act )

**Case No. TK-2006-0126**

### **ORDER APPROVING INTERCONNECTION AGREEMENT**

Issue Date: November 10, 2005

Effective Date: November 20, 2005

This order approves the Interconnection Agreement executed and filed by the parties.

On September 21, 2005, CD Telecommunications, LLC, and CenturyTel of Missouri, LLC, filed a joint application with the Commission for approval of an Interconnection Agreement under the provisions of the Telecommunications Act of 1996.<sup>1</sup> Along with the Agreement, the parties submitted for approval a First Addendum to modify and clarify certain provisions of the Agreement. The Agreement would permit CD Telecommunications to interconnect its facilities with CenturyTel. Both CD Telecommunications and CenturyTel hold certificates of service authority to provide basic local exchange telecommunications services in Missouri.

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<sup>1</sup> See 47 U.S.C. § 251, *et seq.*

The Commission issued an order and notice on September 26, directing any party wishing to request a hearing to do so no later than October 17. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on November 4, recommending that the Agreement be approved.

### **Discussion**

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff memorandum recommends that the Agreement be approved and notes that the Agreement meets the limited requirements of the Act in that it is not discriminatory against nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any further amendments to the Commission for approval.

### **Findings of Fact**

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission concludes that the Agreement meets the requirements of the Act in that it does not discriminate against a nonparty carrier and that implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the

Agreement shall be conditioned upon the parties submitting any amendments to the Commission for approval pursuant to the procedure set out below.

### **Amendment Procedure**

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.<sup>2</sup> In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize amendments to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection.<sup>3</sup> This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission.<sup>4</sup>

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's offices. Any proposed amendment must be submitted pursuant to Commission rule 4 CSR 240-3.513(6).

### **Conclusions of Law**

The Missouri Public Service Commission has arrived at the following conclusions of law.

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<sup>2</sup> 47 U.S.C. § 252.

<sup>3</sup> 47 U.S.C. § 252(h).

<sup>4</sup> 4 CSR 240-3.545.

The Commission, under the provisions of Section 252(e)(1) of the Telecommunications Act of 1996,<sup>5</sup> is required to review negotiated interconnection agreements. It may only reject an agreement if it finds that implementing the agreement would be discriminatory to a nonparty or that it is not consistent with the public interest, convenience and necessity.<sup>6</sup> Based upon its review of the Agreement between CD Telecommunications and CenturyTel and its findings of fact, the Commission concludes that the Agreement is neither discriminatory nor inconsistent with the public interest and shall be approved.

The Commission notes that before providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

**IT IS THEREFORE ORDERED:**

1. That the Interconnection Agreement of CD Telecommunications, LLC, and CenturyTel of Missouri, LLC, as well as the First Addendum to that agreement, both filed on September 21, 2005, are approved.

2. That any changes or amendments to this Agreement shall be submitted in compliance with 4 CSR 240-3.513(6).

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<sup>5</sup> 47 U.S.C. § 252(e)(1).

<sup>6</sup> 47 U.S.C. § 252(e)(2)(A).

3. That this order shall become effective on November 20, 2005.
4. That this case may be closed on November 21, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Morris L. Woodruff, Senior Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 10th day of November, 2005.