

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Arbitrated Interconnection
Agreement between Alma Telephone Company
and T-Mobile USA, Inc.

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Case No. TK-2006-0165

**ORDER APPROVING ARBITRATED
INTERCONNECTION AGREEMENT**

Issue Date: November 3, 2005

Effective Date: November 3, 2005

Procedural History:

On June 7, 2005, Alma Telephone Company filed its Petition for Arbitration with the Commission pursuant to Section 252 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, codified as various sections of Title 47, United States Code ("the Act"), and Commission Rule 4 CSR 240-36.040. The Commission docketed Alma's petition as Case No. IO-2005-0468.

The Commission appointed an Arbitrator, who issued his Final Arbitrator's Report on September 23, 2005. After receiving comments from the parties, the Commission issued its Arbitration Order on October 6, 2005.

On October 12, Alma filed its arbitrated interconnection agreement with T-Mobile. On October 13, the Commission opened this case to decide whether to approve or reject the agreement.

The Staff of the Commission filed its Memorandum and Recommendation on October 24. Staff stated that the agreement conforms to the Commission's Arbitration

Order and meets the requirements of § 252 of the Act.¹ Staff recommended that the Commission approve the arbitrated interconnection agreement.

Discussion:

Section 252(e) of the Telecommunications Act provides:

(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 –

* * *

(B) an agreement (or any portion thereof) adopted by arbitration under subsection (b) of this section if it finds that the agreement does not meet the requirements of section 251 of this title, including the regulations prescribed by the Commission pursuant to section 251 of this title, or the standards set forth in subsection (d) of this section.²

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.

¹ Staff noted that Alma filed an unsigned copy of the agreement on October 12, and then filed a signed copy on October 21.

² Subsection (d) contains pricing standards.

The Commission has considered the conformed interconnection agreement and Staff's recommendation. Based upon that review, the Commission finds that the agreement conforms to the Commission's Arbitration Order.

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.³ 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.⁴ 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.⁵

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.

The Commission, under the provisions of § 252(e) of the Telecommunications Act of 1996,⁶ is required to review interconnection agreements. It may only reject an

³ 47 U.S.C. § 252.

⁴ 47 U.S.C. § 252(h).

⁵ 4 CSR 240-3.545.

⁶ 47 U.S.C. § 252(e)(1).

arbitrated agreement if it finds that the agreement does not meet the requirements of § 252 of the Act. Based upon its review of the agreement, and Staff's Memorandum and Recommendation, the Commission concludes that the agreement meets the requirements of § 252 of the Act. The Commission will, therefore, approve the agreement.

IT IS THEREFORE ORDERED:

1. That the Interconnection Agreement between Alma Telephone Company and T-Mobile, USA, Inc., filed on October 12, 2005, is approved.
2. That any changes or amendments to this Interconnection Agreement shall be submitted to the Commission for approval in compliance with Commission Rule 4 CSR 240-3.513(6).
3. That this order shall become effective on November 3, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Ronald D. Pridgin, Regulatory Law
Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of November, 2005.