

**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 Xspedius Management Co. of)	
Kansas City, L.L.C., and Xspedius Management)	Case No. TK-2006-0043
Co. Switched Services, L.L.C.; Arbitrated as a)	
Successor Interconnection Agreement to the)	
Missouri 271 Agreement ("M2A").)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation respectfully states:

1. In the Commission's Order of July 14, 2005 in Case No. TO-2005-0336, the Commission directed the parties to the case (a compulsory arbitration of successor interconnection agreements to the Missouri 271 Agreement) to file their compliant interconnection agreements with the Commission by August 3, 2005. On August 9, 2005, Southwestern Bell Telephone, L.P., d/b/a SBC Missouri filed a proposed agreement between SBC Missouri and Xspedius Management Company Switched Services. The Agreement was signed only by SBC Missouri.

2. On August 11, 2005, Xspedius Management Co. of Kansas City, L.L.C., and Xspedius Management Co. Switched Services, L.L.C. (both d/b/a Xspedius Communications) filed an Errata containing corrected pages with a signature page signed on behalf of both Xspedius companies. The Errata states that "SBC is aware of these corrections and Xspedius understands that SBC agrees to these corrections."

3. Under the provisions of the Telecommunications Act of 1996, 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.” 47 U.S.C. 252(e) (2). The agreement was adopted by arbitration under 47 U.S.C 252(b) and thus this standard applies to the Commission’s review.

4. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission approve the agreement, as corrected.

5. Staff has reviewed the proposed agreement, as corrected, and believes it conforms to the Arbitrator’s Report and Commission’s Arbitration Order in TO-2005-0336 and to the standards set forth in 47 U.S.C. 252(e)(2).

WHEREFORE, because the terms of this agreement, as corrected, conform to the Arbitrator’s Report and Commission’s Arbitration Order in TO-2005-0336, and further conforms to 47 U.S.C. 252(e)(2), the Staff recommends the Commission grant approval of the agreement. The Staff further recommends that the Commission direct the parties to submit any future modifications or amendments to the agreement to the Commission for approval.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ William K. Haas

William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mailed to all counsel of record this 12th day of August 2005.

/s/ **William K. Haas**

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TK-2006-0043
Party: SBC Missouri, Inc.
Type of Certification:
☐ None
☒ Basic Local
☐ Local (restricted to private line)
☐ Local (no restrictions)
☐ Interexchange

Party: Xspedius Management Company of Kansas City, LLC, and
Xspedius Management Co. Switched Services, LLC d/b/a Xspedius
Communications

☐ None
☒ Basic Local
☐ Local (restricted to private line)
☐ Local (no restrictions)
☒ Interexchange

From: Mike Scheperle, Telecommunications Department

Natelle Dietrich 8/12/05 William K. Haas 8/12/05
Utility Operations Division/Date General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement

Date: August 12, 2005

Date Filed: August 9, 2005 Agreement filed with SBC signature only
August 11, 2005 Errata and Xspedius signatures filed

Commission Deadline: N/A

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted (may check more than one):

- ☒ Resale Agreement
☒ Facilities-based Interconnection Agreement
☐ Wireless Interconnection Agreement

The parties submitted the proposed Agreement and Errata to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement as corrected and believes it conforms to the Arbitrator's Report and Commission's Arbitration Order in TO-2005-0336 and the Act. Under the provisions of the 1996 Act, the Commission may only reject "an agreement (or any portion thereof) adopted by arbitration under subsection (b) if it finds

Appendix A

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.” 47 U.S.C. 252(e)(2). Staff recommends approval of the agreement as corrected. Staff further recommends the Commission direct the Parties to submit any modifications or amendments to the Commission for approval.

- ☐ Staff does not have a serially numbered copy of the Agreement and recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement.
- ☒ Staff has a serially numbered copy of the Agreement.

☒ Agreement signed by all Parties.

☒ The Companies are not delinquent in filing an annual report and paying the PSC assessment.

☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

(☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

Is there an attachment to this recommendation indicating any recommendations or special considerations: ☐ Yes ☒ No