BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

In the Matter of the Adoption of the Spectra Communications Group, LLC / CD Telecommunications, LLC Interconnection Agreement by Rystec, Inc., and the Approval of the First Addendum to Interconnection Agreement Between Spectra Communications Group, LLC, and Rystec, Inc., pursuant to Sections 252(e) and 252(i) of the Telecommunications Act of 1996.	)))))))	**Case No. TK-2007-0101**

ORDER DIRECTING NOTICE AND MAKING RYSTEC, INC., A PARTY

Issue Date: September 15, 2006 Effective Date: September 15, 2006

This order provides notice of this application to interested parties and joins the other party to the interconnection agreement, Rystec, Inc., as a party to this proceeding.

On September 13, 2006, Spectra Communications Group, LLC filed a Notice of Adoption of Interconnection Agreement, notifying the Commission that Rystec desires to adopt the terms of the interconnection agreement between CD Telecommunications, LLC, and Spectra, pursuant to Section 252(i) of the federal Telecommunications Act of 1996. The agreement between CD Telecommunications and Spectra was approved by the Commission in Case No. TK-2006-0125. Spectra also requested approval of the accompanying First Addendum to Interconnection Agreement between it and Rystec.

Although Rystec is a party to the agreement, it did not join in the application. Because Rystec is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The Act provides that an interconnection or resale agreement must be approved unless the state commission finds that the agreement discriminates against a telecommunications carrier not a party to the agreement, or that implementation of the agreement is not consistent with the public interest, convenience, and necessity.[1] The Act provides further that a local exchange carrier "shall make available any interconnection, services, or network element provided under an agreement . . . to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement."[2] This provision has been interpreted as permitting any carrier to adopt any interconnection agreement previously entered into by any local exchange carrier with any other carrier. The Federal Communications Commission has adopted 47 C.F.R. Section 51.809 (Rule 809), referred to as the "pick and choose" rule, to implement Section 252(i). Rule 809 requires an incumbent local exchange company to make available to any requesting telecommunications carrier "any individual interconnection, service or network element arrangement contained in any agreement to which it is a party that is approved by a state commission pursuant to section 252 of the Act. . . ."

The Commission finds that proper persons shall be allowed 20 days from the issuance of this order to file a motion for hearing.

Section 252(e)(4) of the Act provides that if the Commission has not approved an agreement within 90 days after submission, the agreement shall be deemed approved. Therefore, the Commission will proceed with this case expeditiously.

[1] 47 U.S.C. § 252(e).

[2] 47 U.S.C. § 252(i).

The Commission finds that notice of this case shall be sent to all interexchange and local exchange telecommunications companies.

IT IS ORDERED THAT:

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.

2. Rystec, Inc., is made a party to this case.

3. Any party wishing to request a hearing shall do so by filing a pleading no later than October 5, 2006, with:

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

and send copies to:

Larry W. Dority, Esq.
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101
Attorney for Spectra Communications Group, LLC

Rystec, Inc.
Attn: Marc Rys, President
515 South 2nd Street
Branson, Missouri 65616

and:

Office of the Public Counsel
Post Office Box 2230
Jefferson City, Missouri 65102

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than October 16, 2006.

5. This order shall become effective on September 15, 2006.

BY THE COMMISSION

Colleen M. Dale
Secretary

(S E A L)

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

Dated at Jefferson City, Missouri,
on this 15th day of September, 2006.