

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Application of Southwestern)	
Bell Telephone Company, d/b/a AT&T Missouri,)	Case No. TK-2008-0338
For Approval of an Interconnection Agreement)	
Under the Telecommunications Act of 1996)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and recommends the Missouri Public Service Commission (Commission) approve the submitted Interconnection Agreement. For said recommendation, Staff respectfully states as follows:

1. On April 15, 2008, Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri), filed an Application For Approval Of An Interconnection Agreement with Bandwidth.com CLEC, LLC, d/b/a Bandwidth.com (Bandwidth.com) pursuant to 252(e) of the Telecommunications Act of 1996 (Act), 47 U.S.C. § 252.
2. Section 252(e)(1) of the Act provides “[a]ny 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.”
3. Section 252(e)(2) of the Act provides “[t]he State commission may only reject—(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.”
4. In the Commission’s April 16, 2008, Order Directing Notice And Making Bandwidth.com CLEC, LLC A Party, the Commission’s Data Center was ordered to send

notice of the Application to all interexchange and local exchange telecommunications companies.

5. In the same Order, interested persons were allowed 20 days to file a motion for hearing.
6. As of May 15, 2008, the Commission has not received any motions requesting a hearing be set in this matter.
7. In the attached Memorandum, labeled Appendix A, Staff states the Interconnection Agreement “1) [d]oes not discriminate against telecommunications carriers not party to the Agreement and 2) [i]s not against the public interest, convenience or necessity.”

WHEREFORE, the Staff respectfully recommends the Commission approve the Interconnection Agreement pursuant to 252(e) of the Telecommunications Act of 1996, and direct the parties to submit any modifications or amendments to the Commission.

Respectfully submitted,

/s/ Jennifer Hernandez

Jennifer Hernandez

Legal Counsel

Missouri Bar No. 59814

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing was sent via electronic mail, U.S. mail, postage prepaid, or hand delivery to all parties to this action on this 16th day of May, 2008.

/s/ Dawn M. Carafeno

To: Missouri Public Service Commission Official Case File

Case No.: **TK-2008-0338**

Party: **Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri (AT&T)**

Type of Carrier: ☒ Incumbent Local Exchange Carrier (ILEC)
☐ Competitive Local Exchange Carrier (CLEC)
☐ Wireless Carrier (CMRS)

Party: **Bandwidth.com CLEC, LLC d/b/a Bandwidth.com (Bandwidth.com)**

Type of Carrier: ☐ Incumbent Local Exchange Carrier (ILEC)
☒ Competitive Local Exchange Carrier (CLEC)
☐ Wireless Carrier (CMRS)

From: Arthur P. Kuss
Telecommunications Department

Wm L Voight 05/05/08
Utility Operations Division/Date

Jennifer Hernandez 5/15/2008
General Counsel's Office/Date

Subject: Staff Recommendation for Approval of an Interconnection Agreement

Date: May 05, 2008

Date Filed: April 15, 2008

Staff Deadline: May 16, 2008

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☒ Interconnection Agreement
- ☐ Amendment Not Previously Approved

The Parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement:

- 1) Does not discriminate against telecommunications carriers not party to the Agreement and
- 2) Is not against the public interest, convenience or necessity.

Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

- ☐ The Applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.
- ☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

- ☒ No applications to intervene have been filed. Intervention Deadline: May 06, 2008
- ☒ The Agreement or Amendment has been signed by both Parties.

Additional Recommendations or Special Considerations (if any):

1. The proposed Interconnection Agreement between AT&T and Bandwidth.com does not contain a transiting traffic provision. Transiting traffic is traffic delivered by Bandwidth.com to AT&T and transported by AT&T to a third-party carrier.
2. For reference only, the issues of transiting traffic provisions and separate agreements to be filed before the Commission are addressed under Case Nos. TK-2005-0285, TK-2006-0262, et al.

Annual Report & Assessment Information

- ☒ The Parties are not delinquent in filing Annual Reports or paying PSC Assessments.
- ☐ A Party is delinquent. Staff recommends the Commission grant the requested relief/action on the condition that 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:

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AFFIDAVIT OF Arthur P. Kuss

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Arthur P. Kuss, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in the preparation of the accompanying Memorandum, and that the facts therein are true and correct to the best of his knowledge and belief.

Arthur P. Kuss

Arthur P. Kuss

Subscribed and affirmed before me this 5th day of May, 2008.

I am commissioned as a Notary Public within the County of Callaway, State of Missouri,
and my commission expires on September 21, 2010.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086

Susan L. Sundermeyer

NOTARY PUBLIC