

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FullTel, Inc.)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2006-0068</u>
)	
CenturyTel of Missouri, LLC,)	
)	
Respondent.)	

ORDER DENYING MOTION FOR CLARIFICATION

Issue Date: August 21, 2006

Effective Date: August 21, 2006

On June 15, 2006, the Missouri Public Service Commission issued a Report and Order in this matter. Thereafter, CenturyTel of Missouri, LLC filed a motion for clarification and FullTel, Inc. responded. CenturyTel raises two issues in its motion: the nature of traffic to be exchanged and the point(s) of interconnection to be established. In its response, FullTel argues that CenturyTel, through its motion, is simply seeking rehearing or reversal and that the Commission should let its order stand.

Nature of Traffic

In its motion, CenturyTel understands the Commission's order to require it to interconnect with FullTel for the provision of local traffic and that all non-local traffic will be subject to CenturyTel's access tariffs. FullTel understands the Commission's order to direct CenturyTel to interconnect with FullTel for the purpose of transporting ISP-bound traffic. Neither is correct.

With regard to the nature of traffic to be honored under the interconnection agreement, the Commission made no legal conclusions in its order. By the time the issue was argued before the Commission, FullTel had lost its single ISP customer and had no other customers in that exchange. For the Commission to decide an issue beyond the facts presently before it in a case would be declaratory. The Commission will make no conclusions of law where there is no issue before it. However, the Commission will direct the parties to review Title 47, Part 51, Section 309, of the Code of Federal Regulations, which states in part:

(b) A requesting telecommunications carrier may not access an unbundled network element for the sole purpose of providing non-qualifying services.

Points of Interconnection

With regard to the Branson point of interconnection, CenturyTel refers to the Commission's finding of fact. The context of this finding is referred to in the order. It is clear that if and when CenturyTel and FullTel interconnect, the point of interconnection will be Branson, Missouri. Whether there are additional points of interconnection is governed by the Telecommunications Act of 1996. If when additional points of interconnection are contemplated and the parties are unable to agree on an interpretation of the law, then the Commission will resolve the dispute. At this time, however, there is no dispute that Branson, Missouri, will be the point of interconnection. Again, the Commission refers the parties to 47 CFR 51.305, which states in part:

(a)(2) An incumbent LEC shall provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the incumbent LEC's network at any technically feasible point within the incumbent LEC's network

Because granting CenturyTel's motion would answer questions not before the Commission, the motion will be denied.

IT IS ORDERED THAT:

1. CenturyTel of Missouri, LLC's motion for clarification is denied.
2. This order shall become effective on August 21, 2006.

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)

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 21st day of August, 2006.