

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

Application of XO Communications Services, )  
Inc. f/k/a XO Missouri, Inc. and Allegiance )  
Telecom of Missouri, Inc. for Approval of an )  
Amendment to its Interconnection Agreement )  
with Southwestern Bell Telephone, L.P. d/b/a )  
SBC Missouri Pursuant to Section 252(e) of )  
the Telecommunications Act of 1996. )

Case No. TK-2005-0504

**STAFF RECOMMENDATION**

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

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant approval of the *Amendment to Interconnection Agreement by and between Southwestern Bell Telephone, L.P. d/b/a SBC Missouri and XO Communications Services, Inc.* (Agreement Amendment) filed by XO Communications Services, Inc. f/k/a XO Missouri, Inc. and Allegiance Telecom of Missouri, Inc. under the provisions of the federal Telecommunications Act of 1996. This Agreement Amendment amends the interconnection agreement in place between XO Communications Services, Inc. and its predecessors, and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (Agreement) adopted in Case No. TO-99-227.

2. The terms of the Agreement Amendment do not discriminate against telecommunications carriers not a party to the Agreement and are not against the public interest, convenience or necessity. Pursuant to 47 U.S.C. §252(e), the Commission is to approve a negotiated interconnection agreement unless the terms of the agreement discriminate against a

telecommunications carrier not a party to the agreement, or implementation of the agreement or any portion thereof is inconsistent with the public interest, convenience, or necessity.

3. Staff notes that in Case No. TK-2006-0049, the Commission approved an arbitrated interconnection agreement between XO Communications Services, Inc. and Southwestern Bell Telephone, L.P. d/b/a SBC Missouri. This arbitrated interconnection agreement resulted from the proceedings in Case No. TO-2005-0336 (a compulsory arbitration of successor interconnection agreements to the Missouri 271 Agreement).

4. Staff recommends that the Commission approve the Agreement Amendment solely as it pertains to the Agreement approved in Case No. TO-99-227. This action would ensure that the records of the Commission are accurate and that the provisions contained in the Amendment Agreement (allowing for name changes and the termination of the interconnection agreement between Southwestern Bell Telephone, L.P. d/b/a SBC Missouri and Allegiance Telecom of Missouri, Inc.) may be properly reflected.

**WHEREFORE**, because the terms of the Agreement Amendment satisfy the standard set forth in 47 U.S.C. §252(e), Staff recommends the Commission approve the Agreement Amendment.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

---

David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[david.meyer@psc.mo.gov](mailto:david.meyer@psc.mo.gov)

**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 15<sup>th</sup> day of August 2005.

**/s/ David A. Meyer**

**To:** Missouri Public Service Commission Official Case File

Case No.: **TK-2005-0504**

**From:** Sara Buyak  
Telecommunications Department

**Date:** August 8, 2005

William Voight 8-8-05  
Utility Operations Division/Date

David A. Meyer 8-8-05  
General Counsel's Office/Date

**Subject:** Staff Recommendation for Approval of Amendment to Interconnection Agreement

**Date Filed:** June 27, 2005

**Staff Deadline:** August 15, 2005

Party: **XO Communications Services, Inc. f/k/a XO Missouri, Inc. and Allegiance Telecom of Missouri, Inc. (XO)**

Type of Certification: ☐ None  
☒ Basic Local  
☐ Local (Restricted to Private Line)  
☐ Local (No Restrictions)  
☒ Interexchange

Party: **Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (please check the correct certifications)**

Type of Certification: ☐ None  
☒ Basic Local  
☐ Local (Restricted to Private Line)  
☐ Local (No Restrictions)  
☐ Interexchange

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
- ☒ Interconnection Agreement Amendment addressing name change from XO Missouri, Inc. and from Allegiance Telecom of Missouri Inc. to XO Communications Services, Inc.

The parties submitted the proposed 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 Amendment:

- 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 for approval.

**Interconnection Agreement Review Items**

☒ No applications to intervene have been filed.

Intervention

Deadline: 8-8-05

☒ The Agreement has been signed by both Parties.

☐ 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.

**Annual Report & Assessment Information**

☒ The Parties are not delinquent in filing annual reports or paying the PSC assessments.

☐ 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:

☐ There is an attachment to this Appendix indicating additional recommendations or special considerations.