

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application for Approval of)
Amendments to an Interconnection Agreement)
by and between Southwestern Bell Telephone, L.P.,) **Case No. TK-2006-0385**
d/b/a AT&T Missouri and McLeodUSA)
Telecommunications Services, Inc.)

ORDER APPROVING AMENDMENT
TO INTERCONNECTION AGREEMENT

Issue Date: May 12, 2006

Effective Date: May 22, 2006

This order approves an amendment to the interconnection agreement between Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, and McLeodUSA Telecommunications Services, Inc.

On April 6, 2006, AT&T Missouri filed an application, pursuant to Section 252(e)(1) of the Telecommunications Act of 1996,¹ for approval of an amendment to its previously approved interconnection agreement with McLeodUSA. The amendment adds a "Further Amendment Superseding Certain Intervening Law, Compensation, Interconnection and Trunking Provisions."

Although McLeodUSA is a party to the amendment, it did not join in the application. On April 10, the Commission issued an order making McLeodUSA a party, and directing that any party wishing to request a hearing do so no later than May 1. No such request was filed.

¹ See 47 U.S.C. § 251, *et seq.*

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff of the Commission filed a memorandum and recommendation on May 5. Staff notes that the amendment meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Therefore, Staff recommends that the Commission approve the amendment. Staff also advises the Commission to direct the parties to submit any further amendments to the Commission for approval.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

Based upon a review of the application, the supporting documentation, and Staff's recommendation, the Commission concludes that the amendment meets the requirements of the Act in that it does not discriminate against a nonparty carrier. Furthermore, implementation of the amendment is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the amendment shall be conditioned upon the parties submitting any further amendments to the Commission for approval pursuant to the procedure set out below.

Amendment Procedure

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.² In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize amendments to these agreements. The Commission has a further duty to make a copy of every resale and interconnection agreement available for public inspection.³ This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission.⁴

The parties to each resale or interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's offices. Any proposed amendment must be submitted pursuant to Commission rule 4 CSR 240-3.513(6).

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁵ is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its

² 47 U.S.C. § 252.

³ 47 U.S.C. § 252(h).

⁴ 4 CSR 240-3.545.

⁵ 47 U.S.C. § 252(e)(1).

implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.⁶ Based upon its review of the amendment to the Agreement between McLeodUSA and AT&T Missouri and its findings of fact, the Commission concludes that the amendment is neither discriminatory nor inconsistent with the public interest and shall be approved.

The Commission notes that before providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

IT IS ORDERED THAT:

1. The amendment to the Interconnection Agreement between McLeodUSA Telecommunications Services, Inc., and Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, filed on April 6, 2006, is approved.

2. Any changes or amendments to this Agreement shall be submitted in compliance with 4 CSR 240-3.513(6).

⁶ 47 U.S.C. § 252(e)(2)(A).

3. This order shall become effective on May 22, 2006.
4. This case may be closed on May 23, 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)

Morris L. Woodruff, Deputy Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of May, 2006.