

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Amendment No. 2 to the Master Interconnection,)	
Collocation, and Resale Agreement by and)	<u>Case No. TK-2007-0229</u>
between Embarq Missouri, Inc. and Granite)	
Telecommunications LLC)	

ORDER DIRECTING NOTICE AND JOINING GRANITE
TELECOMMUNICATIONS LLC AS A PARTY

Issue Date: January 3, 2007

Effective Date: January 3, 2007

Syllabus: This order provides notice of this application to interested parties and joins the other party to the interconnection agreement, Granite Telecommunications LLC (“Granite”), as a party to this proceeding.

On December 26, 2006, Embarq Missouri, Inc. d/b/a Embarq (“Embarq”) filed an application with the Commission for approval of Amendment No. 2 to a negotiated interconnection, collocation, and resale agreement with Granite under the applicable provisions of the federal Telecommunications Act of 1996. In its application, which appears to be in substantial compliance with all filing and submission requirements specified by Commission Rules 4 CSR 240-2.060 and 4 CSR 240-3.513, Embarq states that the negotiated amended agreement complies with Section 252(e) of the Act in that it is

consistent with the public interest, convenience and necessity, and is not discriminatory to nonparty carriers. Embarq requests expeditious approval of the amended agreement.¹

Although Granite is a party to and signatory of the amended agreement, it did not join in Embarq's application. Because Granite is a necessary party to a full and fair adjudication of this matter, the Commission will join Granite as a party to this case.

The Act provides that a negotiated 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.² 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. The Commission finds that proper persons should be allowed 20 days from the date of the issuance of this order to file a motion for intervention or hearing. The Commission also finds that notice of this application should be sent to all interexchange and local exchange telecommunications companies.

IT IS ORDERED THAT:

1. The Commission's Data Center shall send notice of this application to all interexchange and local exchange telecommunications companies operating in Missouri.
2. Granite Telecommunications LLC is made a party to this case.

¹ The Commission approved the original interconnection agreement between Embarq and Granite in Case No. IK-2005-0438. Although Embarq's application avers that Amendment No. 1 to the original agreement was submitted to the Commission for approval on August 4, 2005, Embarq does not state whether, when, or in what case such approval was ever granted.

² 47 U.S.C. § 252(e)(2).

3. Any party wishing to intervene or request a hearing shall do so by filing a pleading no later than January 23, 2007, with:

Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102-0360

and also serving a copy on the following parties:

Linda K. Gardner
Attorney for Applicant Embark Missouri, Inc.
5454 West 110th Street
Mailstop: KSOPKJ0401
Overland Park, Kansas 66211

Granite Telecommunications LLC
c/o Geoff Cookman
100 Newport Avenue Ext.
Quincy, Massachusetts 02170

Office of the Public Counsel
200 Madison Street
Post Office Box 2230
Jefferson City, Missouri 65102-2230

Office of the General Counsel
Missouri Public Service Commission
200 Madison Street
Post Office Box 360
Jefferson City, Missouri 65102-0360

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of the amended agreement and giving the reasons therefor no later than February 5, 2007.

5. This order shall become effective on January 3, 2007.

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)

Benjamin H. Lane, Regulatory
Law Judge, by delegation of authority
under Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 3rd day of January, 2007.