

**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

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

**ORDER APPROVING AMENDMENT TO INTERCONNECTION**  
**AGREEMENT**

Issue Date: February 7, 2007

Effective Date: February 17, 2007

This order approves Amendment No. 2 to the Interconnection Agreement executed by the parties and filed by Embarq Missouri, Inc. d/b/a Embarq ("Embarq").

On December 26, 2006, Embarq filed an application with the Commission for approval of Amendment No. 2 to a previously-approved Interconnection Agreement with Granite Telecommunications LLC ("Granite").<sup>1</sup> This amendment to the Agreement, which was executed by the parties on December 4, 2006, was filed pursuant to Section 252(e)(1) of the federal Telecommunications Act of 1996.<sup>2</sup> Embarq is an incumbent local exchange carrier in Missouri and is subject to the jurisdiction of the Commission. Granite is a competitive local exchange carrier in Missouri and is also subject to the jurisdiction of the Commission.

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<sup>1</sup> The Commission approved the original, underlying interconnection agreement between Embarq and Granite on July 7, 2005 in Case No. IK-2005-0438.

<sup>2</sup> See 47 U.S.C. § 251 *et seq.*

Although Granite is a party to and signatory of the amended Agreement, it did not join in Embarq's application. On January 3, 2007, the Commission issued an order making Granite a party in this case and directing any party wishing to request a hearing to do so no later than January 23, 2007. Although the Commission sent notice of Embarq's application to all interexchange and local exchange telecommunications companies operating in Missouri, no requests for hearing were filed.

On February 5, 2007, the Staff of the Commission filed a memorandum and recommendation concluding that Amendment No. 2 to the Agreement should be approved.

### **Discussion**

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

The Staff memorandum recommends that Amendment No. 2 to the Agreement be approved and notes that the amended Agreement meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff further recommends that the Commission direct the parties to submit any future 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.

The Commission has considered the application, the supporting documentation, and Staff's verified recommendation, which are hereby admitted into evidence. Based

upon that review, the Commission concludes that the amended Agreement meets the requirements of the Act since it does not discriminate against a nonparty carrier and implementation of the amended Agreement is not inconsistent with the public interest, convenience, and necessity. The Commission finds that approval of the amended Agreement shall be conditioned upon the parties submitting any future 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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. All amendments must be submitted for approval pursuant to Commission Rule 4 CSR 240-3.513(6).

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<sup>3</sup> 47 U.S.C. § 252.

<sup>4</sup> 47 U.S.C. § 252(h).

<sup>5</sup> 4 CSR 240-3.545.

### **Conclusions of Law**

The Missouri Public Service Commission has arrived at the following conclusions

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,<sup>6</sup> is required to review negotiated interconnection agreements. It may only reject a negotiated interconnection agreement (or part thereof) upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience, and necessity.<sup>7</sup> Based upon its review of the amended Agreement between Embarq and Granite and its findings of fact, the Commission concludes that the amended Agreement is neither discriminatory nor inconsistent with the public interest and shall be approved.

The Commission notes that prior to 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 amended Interconnection Agreement between Embarq Missouri, Inc. d/b/a Embarq and Granite Telecommunications LLC, as filed with the Commission on December 26, 2006, is approved.
2. Any future changes or amendments to the Agreement shall be submitted in compliance with 4 CSR 240-3.513(6).
3. This order shall become effective on February 17, 2007.

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<sup>6</sup> 47 U.S.C. § 252(e)(1).

<sup>7</sup> 47 U.S.C. § 252(e)(2)(A).

4. This case may be closed on February 18, 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 7th day of February, 2007.