BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF MISSOURI

Application of KLM Telephone Company for Approval of an Interconnection and Reciprocal Compensation Agreement under the Telecommunications Act of 1996	))))	**Case No. TK-2007-0242**

ORDER APPROVING INTERCONNECTION AND RECIPROCAL COMPENSATION AGREEMENT

Issue Date: January 26, 2007 Effective Date: February 5, 2007

This order approves the Interconnection and Reciprocal Compensation Agreement executed by the parties and filed by KLM Telephone Company ("KLM").

On December 28, 2006,[1] KLM filed an application with the Commission for approval of an Interconnection and Reciprocal Compensation Agreement with Sprint Spectrum, L. P. ("Sprint"). The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.[2] KLM is an incumbent local exchange carrier in Missouri and subject to the jurisdiction of the Commission. Sprint is a provider of commercial mobile radio service operating in Missouri, pursuant to licenses issued by the Federal Communications Commission.

Although Sprint is a party to the Agreement, it did not join in the application. On December 29, 2006, the Commission issued an order making Sprint a party in this case

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[1] All dates throughout this order refer to the year 2006 unless otherwise noted.

[2] *See* 47 U.S.C. § 251, *et seq*.

and directing any party wishing to request a hearing to do so no later than January 18, 2007. No requests for hearing were filed.

The Staff of the Commission filed a memorandum and recommendation on January 22, 2007, recommending that the Agreement be approved.

Discussion

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 memorandum recommends that the Agreement be approved and notes that the Agreement meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any 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 Agreement meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement shall be conditioned upon the parties submitting any 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.[3] 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.[4] 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.[5]

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.

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[3] 47 U.S.C. § 252.

[4] 47 U.S.C. § 252(h).

[5] 4 CSR 240-3.545.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,[6] is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.[7] Based upon its review of the Agreement between KLM and Sprint and its findings of fact, the Commission concludes that the 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 Interconnection and Reciprocal Compensation Agreement between KLM Telephone Company and Sprint Spectrum, L. P., filed on December 28, 2006, is approved.

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

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

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[6] 47 U.S.C. § 252(e)(1).

[7] 47 U.S.C. § 252(e)(2)(A).

4. This case may be closed on February 6, 2007.

BY THE COMMISSION

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 26th day of January, 2007.