

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In Re: Interconnection, Collocation and Resale)
Agreement By and Between Green Hills Area)
Cellular Telephone Company, Inc. d/b/a Green)
Hills Telecommunications Services and Embarq)
Missouri, Inc., Pursuant to Sections 251 and 252 of)
The Telecommunications Act of 1996)
Case No. TK-2009-0139

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation in Case No. TK-2009-0136 states as follows:

1. On October 16, 2008, Embarq Missouri, Inc. (Embarq or the Company) filed with the Missouri Public Service Commission (the Commission) its *Application Of Embarq Missouri, Inc. For Approval Of A Master Resale Agreement* (Application), in which Embarq seeks approval of an Interconnection, Collocation and Resale Agreement (Interconnection Agreement) between the Company and Green Hills Area Cellular Telephone Company, Inc. d/b/a Green Hills Telecommunications Services (Green Hills) pursuant to the Telecommunication Act of 1996.

2. On October 24, 2008, the Commission issued its *Order Directing Notice and Making Green Hills Telecommunications Services a Party*, directing notice be sent to interexchange and local exchange telecommunications companies, joining Green Hills as party to the case, setting an intervention deadline, and directing Staff to file a memorandum regarding Embarq's Application by November 24, 2008.

3. The statutory standard for review of an interconnection and resale agreement can be found in Section 252(e) of the Telecommunications Act of 1996, which states that an interconnection agreement adopted by negotiation shall be submitted for approval to the state

commission, but that the state commission may only reject such agreement if it discriminates against a telecommunications carrier not a party to the agreement or if its implementation is not consistent with the public interest, convenience, and necessity. 42 U.S.C. § 252(e)(2).

4. In the attached memorandum, labeled Appendix A, Staff states that the Interconnection Agreement does not discriminate against telecommunications carriers not parties to the Interconnection Agreement and that the Interconnection Agreement is not against the public interest, convenience or necessity.

5. Embarras is not delinquent in filing its annual report, or in paying its PSC assessment, or MoUSF and Relay Missouri surcharges.

WHEREFORE, Staff recommends the Commission approve the Application and direct the parties to submit to the Commission any subsequent modifications or amendments to the Interconnection Agreement.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont
Assistant General Counsel
Missouri Bar No. 60892

Attorney for the Staff of the
Missouri Public Service Commission
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 19th day of November, 2008.

/s/ Eric Dearmont

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TK-2009-0139
Party: Embark Missouri, Inc.
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

Party: Green Hills Telecommunications Services
Type of Carrier:
☐ ILEC
☒ CLEC
☐ Wireless

From: Lisa Mahaney, Telecommunications Department

William Voight	11/18/08	Eric Dearmont	11/18/08
Utility Operations Division/Date		General Counsel Office/Date	

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

Date: 11/18/08

Date Filed: 10/16/08

Staff Deadline: 11/24/08

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

- ☒ Interconnection Agreement
- ☐ Amendment not previously approved

The parties submitted the proposed Agreement or 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 Agreement: 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.

☐ The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

Additional Interconnection Agreement or Amendment Review Items

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

Additional recommendations or special considerations (if any):

☒ The Company is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

☐ 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:
☐ Unpaid MoUSF ☐ Unpaid Relay Missouri)

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

In the matter of the Interconnection)
Agreement, Collocation and Resale)
Agreement by and between Green Hills)
Area Cellular Telephone Company, Inc.)
d/b/a Green Hills Telecommunications)
Services and Embarq Missouri, Inc.)
Pursuant to Sections 251 and 252 of the)
Telecommunications Act of 1996)

Case No. TK-2009-0139

AFFIDAVIT OF LISA MAHANEY

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



LISA MAHANEY

Subscribed and affirmed before me this 18th day of November 2008.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC