

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

In the Matter of the Application for Interconnection,)	
Collocation and Resale Agreement by and Between)	
Teleport Communication Group, Inc. and Embarq)	<u>Case No. TK-2010-0038</u>
Missouri, Inc. d/b/a Embarq Pursuant to Sections 251)	
and 252 of the Telecommunications Act of 1996.)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and submits its Staff Recommendation as follows:

1. On July 27, 2009, Embarq Missouri, Inc., d/b/a Embarq (Embarq or the Company) filed with the Missouri Public Service Commission (the Commission) its Application Of Embarq Missouri, Inc. d/b/a Embarq For Approval Of An Interconnection, Collocation and Resale Agreement (Application), seeking approval of an Interconnection, Collocation and Resale Agreement (Interconnection Agreement) between the Company and Teleport Communications Group, Inc. (Teleport) pursuant to the Telecommunications Act of 1996.

2. On July 29, 2009, the Commission issued its Order Directing Notice and Making Teleport Communications Group, Inc. A Party, directing notice be sent to interexchange and local exchange telecommunications companies, joining Teleport as party to the case, setting an intervention deadline, and directing Staff to file a memorandum regarding Embarq's Application by August 28, 2009.

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. Embark is not delinquent in the filing of its Annual Report, or in the payment 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
P. O. Box 360

Jefferson City, MO 65102

(573) 751-5472 (Telephone)

(573) 751-9285 (Fax)

eric.dearmont@psc.mo.gov

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 24th day of August, 2009.

/s/ Eric Dearmont

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TK-2010-0038**
Party: Embark Missouri
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

Party: Teleport Communications Group, Inc.
Type of Carrier:
☐ ILEC
☒ CLEC
☐ Wireless

From: Lisa Mahaney, Telecommunications Department

William Voight 8/20/09
Utility Operations Division/Date

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

Date: 8/20/09

Date Filed: 7/27/09

Staff Deadline: 8/28/09

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, paying Relay Missouri, and paying MoUSF.

☐ No annual report ☐ Unpaid PSC assessment. Amount owed:

☐ Unpaid MoUSF ☐ Unpaid Relay Missouri

The Company is either delinquent or is not shown to be submitting revenue into the indicated fund based on the latest records available to the MoPSC. Failure to submit revenue to either the Relay Missouri Fund or the Missouri USF fund should not necessarily reflect the company is delinquent.

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

In the Matter of the Application for)
Interconnection, Collocation and Resale)
Agreement by and Between Teleport)
Communications Group, Inc. and Embarq)
Missouri, Inc. d/b/a Embarq Pursuant to)
Sections 251 and 252 of the)
Telecommunications Act of 1996)

Case No. TK-2010-0038

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 20th day of August 2009.



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



NOTARY PUBLIC