

# 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 )

**File No. TK-2010-0038**

## ORDER DIRECTING NOTICE AND MAKING TELEPORT COMMUNICATIONS GROUP, INC. A PARTY

Issue Date: July 29, 2009

Effective Date: July 29, 2009

This order provides notice of this application to interested parties and joins the other party to the interconnection, collocation and resale agreement, Teleport Communications Group, Inc., as a party to this proceeding.

On July 27, 2009, Embarq Missouri, Inc. d/b/a Embarq filed an application with the Commission for approval of an interconnection, collocation and resale agreement with Teleport under the provisions of the federal Telecommunications Act of 1996. Embarq states that there are no unresolved issues and that the agreement complies with Section 252(e) of the Act in that it is not discriminatory to nonparty carriers and is consistent with the public interest.

Although Teleport is a party to the agreement, it did not join in the application. Because Teleport is a necessary party to a full and fair adjudication of this matter, the Commission will add it as a party to this case.

The Act provides that an 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.<sup>1</sup> 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 shall be allowed 20 days from the issuance of this order to file a motion for hearing. The Commission also finds that notice of this application shall be sent to all interexchange and local exchange telecommunications companies.

**THE COMMISSION ORDERS THAT:**

1. The Commission's Data Center shall send notice to all interexchange and local exchange telecommunications companies.
2. Teleport Communications Group, Inc. is made a party to this case.
3. Any party wishing to request a hearing shall do so by filing a pleading no later than August 18, 2009, with:

Steven C. Reed, Secretary  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

and send copies to:

Craig T. Smith  
Embarq Missouri  
5454 West 110<sup>th</sup> Street  
Mailstop: KSOPKJ0401  
Overland Park, Kansas 66211

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<sup>1</sup> 47 U.S.C. § 252(e).

Teleport Communications Group, Inc.  
Attn: Legal Department  
6304 Highway 5  
Douglasville, Georgia 30135

and:

Office of the Public Counsel  
Post Office Box 2230  
Jefferson City, Missouri 65102

4. The Staff of the Commission shall file a memorandum advising either approval or rejection of this agreement and giving the reasons therefor no later than August 28, 2009.

5. This order shall become effective upon issuance.

**BY THE COMMISSION**



Steven C. Reed  
Secretary

( S E A L )

Nancy Dippell, Deputy Chief Regulatory  
Law Judge, by delegation of authority  
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 29th day of August, 2009.