

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Socket Telecom,)
L.L.C., and CenturyTel of Missouri, L.L.C., for)
Approval of an Amendment to Their Interconnection)
Agreement, and of Socket Telecom, L.L.C., and)
Spectra Communications Group, L.L.C., for Approval)
of an Interim Arrangement, Pursuant to § 252(e) of)
the Telecommunications Act of 1996.)

Case No. TK-2006-0175

ORDER APPROVING INTERCONNECTION AGREEMENTS
AND CLOSING CASE

Issue Date: November 30, 2005

Effective Date: December 3, 2005

Procedural History:

On October 18, 2005, Socket Telecom, L.L.C., and CenturyTel of Missouri, L.L.C., jointly filed their Application for Approval of an Amendment to their Interconnection Agreement. On the same day, Socket and Spectra Communications Group, L.L.C., jointly filed their Application for Approval of an Interim Arrangement.¹ Together with their applications, the parties in each case moved for Commission action within 30 days and also moved to consolidate the two cases.

On November 1, the Commission granted the Motion for Expedited Treatment, consolidated the two cases for all purposes into Case No. TK-2005-0175, and set a deadline for Staff's Memorandum and Recommendation. Staff timely filed its Memorandum and Recommendation on November 8, advising the Commission to approve the

¹ Both CenturyTel of Missouri and Spectra do business as CenturyTel.

amendment filed by Socket and CenturyTel and the interim arrangement filed by Socket and Spectra.

Discussion:

Section 252(e)² of the Telecommunications Act provides:

(e) Approval by State commission

(1) Approval required

Any interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies.

(2) Grounds for rejection

The State commission may only reject -

(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) of this section if it finds that –

(I) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity; or

(B) an agreement (or any portion thereof) adopted by arbitration under subsection (b) of this section if it finds that the agreement does not meet the requirements of section 251 of this title, including the regulations prescribed by the Commission pursuant to section 251 of this title, or the standards set forth in subsection (d) of this section.³

² 47 U.S.C. § 252(e).

³ Subsection (d) contains pricing standards.

Under § 252(e)(1) of the Act, every interconnection agreement must be submitted to the Commission for approval. The Commission may reject a negotiated agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity. The Commission may reject an arbitrated agreement if it finds that the agreement does not meet the requirements of § 251 of the Act, including the F.C.C.'s implementing regulations, or the pricing standards in § 252(d) of the Act. In the present case, it is the former standard that applies.

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.

Socket and CenturyTel filed their proposed amendment on October 18, 2005, accompanied by facsimile signature pages executed by representatives of both of them. The amendment concerns Socket-assigned VNXX numbers, local number portability, network interconnection, and reciprocal compensation. The amendment is intended by the parties as a modification of their existing interconnection agreement, the AT&T-GTE interconnection agreement adopted by Socket in Case No. TK-2002-1085. GTE, later called Verizon, was CenturyTel's predecessor-in-interest as the incumbent local exchange carrier (ILEC) in the exchanges now operated by CenturyTel.

Socket and Spectra filed their proposed interim arrangement on October 18, 2005, accompanied by facsimile signature pages executed by representatives of both of them. An "interim arrangement" is a temporary interconnection agreement. The interim arrangement adopts all but certain specified provisions of the AT&T-GTE interconnection agreement adopted by Socket in Case No. TK-2002-1085, as the interconnection

agreement between Socket and Spectra. GTE, later called Verizon, was Spectra's predecessor-in-interest as the ILEC in the exchanges now operated by Spectra. The interim arrangement also contains provisions relating to Socket-assigned VNXX numbers, local number portability, network interconnection, and reciprocal compensation.

The Commission finds that approval of the agreements should 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.⁴ 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.⁵ 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.⁶

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).

⁴ 47 U.S.C. § 252.

⁵ 47 U.S.C. § 252(h).

⁶ 4 CSR 240-3.545.

Conclusions of Law:

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission concludes that an interim arrangement is legally indistinguishable from other interconnection agreements and is thus subject in all respects to the requirements of the Act.

The Commission, under the provisions of § 252(e) of the Telecommunications Act of 1996,⁷ is required to review interconnection agreements. It may only reject a negotiated arbitrated agreement if it finds that the agreement, or some portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or that the implementation of the agreement is not consistent with the public interest, convenience, and necessity. Based upon its review of the agreements between Socket and CenturyTel and Socket and Spectra, and Staff's Memorandum and Recommendation, the Commission concludes that the agreements do not discriminate against any non-party carrier and that their implementation is consistent with the public interest, convenience, and necessity. For these reasons, the Commission concludes that these agreements should therefore be approved.

IT IS THEREFORE ORDERED:

1. That the amendment to their existing interconnection agreement filed by Socket Telecom, L.L.C., and CenturyTel of Missouri, L.L.C., on October 18, 2005, is approved.

⁷ 47 U.S.C. § 252(e)(1).

2. That the interim arrangement filed by Socket Telecom, L.L.C., and Spectra Communications Group, L.L.C., on October 18, 2005, is approved.

3. That any changes or amendments to these interconnection agreements shall be submitted to the Commission for approval in compliance with Commission Rule 4 CSR 240-3.513(6).

4. That this order shall become effective on December 3, 2005.

5. That this case shall be closed on December 4, 2005.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', is written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Kevin A. Thompson, Deputy Chief
Regulatory Law Judge, by delegation
of authority pursuant to Section 386.240,
RSMo 2000.

Dated at Jefferson City, Missouri,
on this 30th day of November, 2005.