

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

In Re: Interconnection, Collocation and Resale)
Agreement by and between AT&T)
Communications of the Southwest, Inc. And)
Embarq Missouri, Inc. d/b/a Embarq Pursuant)
to Sections 251 and 252 of the)
Telecommunications Act of 1996)

Case No. TK-2010-0039

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. 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 AT&T under the provisions of the federal Telecommunications Act of 1996 (Act).

2. Section 252(e) of the Act provides that a State commission may only reject a negotiated agreement (or any portion thereof) if it finds that the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement or if the implementation of the agreement (or portion) is not consistent with the public interest, convenience, and necessity. 47 U.S.C. § 252(e)

3. In the attached Memorandum, which is labeled Appendix A, the Staff states that the interconnection agreement does not discriminate against telecommunications carriers not a party to the agreement and is not against the public interest, convenience or necessity.

WHEREFORE, the Staff recommends that the Missouri Public Service Commission approve the interconnection agreement pursuant to the Act, and direct the parties to submit any modifications or amendments.

Respectfully submitted,

/s/ Samuel D. Ritchie

Samuel D. Ritchie

Legal Counsel

Missouri Bar No. 61167

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 27th day of August, 2009.

/s/ Samuel D. Ritchie

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TK-2010-0039**
Party: Embark Missouri
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

Party: AT&T Communications of the Southwest, 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.

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Agreement by and Between AT&T)
Communications of the Southwest, Inc.)
and Embarq Missouri, Inc. d/b/a Embarq)
Pursuant to Sections 251 and 252 of the)
Telecommunications Act of 1996)

Case No. TK-2010-0039

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