

OF THE STATE OF MISSOURI

In the Matter of a Application of the Interconnection )  
 Agreement by and Between Charter Fiberlink - )  
 Missouri, LLC and Embarq Missouri, Inc., ) **Case No. TK-2010-0072**  
 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 (Commission), by and through counsel, and submits its *Staff Recommendation* as follows:

1. On August 26, 2009, Embarq Missouri, Inc., d/b/a Embarq (Embarq or Applicant) submitted to the Commission its Applicant of Embarq Missouri, Inc., d/b/a Embarq for approval of an interconnection, collection, and resale agreement (Agreement) between Charter Fiberlink – Missouri, LLC (Charter) and Embarq pursuant to the Telecommunications Act of 1996.

2. On September 1, 2009, the Commission issued its *Order Directing Notice and Making Charter Fiberlink – Missouri, LLC a Party*, making Charter a party to this case, requesting any party wishing a hearing to file a pleading no later than September 21, 2009, and Staff to file a memorandum no later than October 1, 2009.

3. No party filed a request for a hearing by September 21, 2009.

4. The statutory standard for review of an interconnection and resale agreement can be found in Section 252(e) of the Telecommunications Act of 1996, 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. Embarq 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 Embarq's Application and direct the parties to submit to the Commission any subsequent modifications or amendments to the Interconnection Agreement.

Respectfully submitted,

/s/ Jaime N. Ott

Jaime Ott  
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Missouri Bar No. 60949  
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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 24<sup>th</sup> day of September, 2009.

/s/ Jaime N. Ott

## MEMORANDUM

**To:** Missouri Public Service Commission Official Case File  
Case No. **TK-2010-0072**

Party: Embarq Missouri, Inc. d/b/a Embarq

Type of Carrier:

☒ ILEC  
☐ CLEC  
☐ Wireless

Party: Charter Fiberlink – Missouri, LLC

Type of Carrier:

☐ ILEC  
☒ CLEC  
☐ Wireless

**From:** Sara Buyak, Telecommunications Department

William Voight                      9/22/09  
Utility Operations Division/Date

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

**Date:** September 22, 2009

**Date Filed:** August 31, 2009

**Staff Deadline:** October 1, 2009

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 of a     )  
Master Resale Agreement by and Between     ) Case No. TK-2010-0072  
Charter Fiberlink – Missouri, LLC and     )  
Embarq Missouri, Inc. d/b/a Embarq

**AFFIDAVIT OF   Sara Buyak**

STATE OF MISSOURI             )  
  ) ss:  
COUNTY OF COLE             )

Sara Buyak, 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 staff recommendation and that the facts therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
SARA BUYAK

Subscribed and affirmed before me this 23<sup>rd</sup> day of September 2009.

  
\_\_\_\_\_  
NOTARY PUBLIC

