

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application for )  
Approval of an Amendment to the )  
Interconnection Agreement Between ) **File No. TK-2018-0136**  
Embarq Missouri, Inc. d/b/a CenturyLink )  
and Neutral Tandem-Missouri, LLC )  
Pursuant to Sections 251 and 252 of the )  
Telecommunications Act of 1996 )

## ORDER APPROVING AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: December 4, 2017

Effective Date: January 3, 2018

This order approves the amendments to the traffic exchange agreement between the parties filed by Embarq Missouri, Inc. d/b/a CenturyLink and Neutral Tandem-Missouri, LLC.

On November 15, 2017, CenturyLink filed an application with the Commission for approval of amendments to its traffic exchange agreement with Neutral Tandem-Missouri. CenturyLink and Neutral Tandem-Missouri currently have a Commission-approved traffic exchange agreement between them. In the current application, the parties have agreed to amend the agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.<sup>1</sup> The amendments would add specific terms and conditions under which the CLEC exchanges traffic with CenturyLink. Both CenturyLink and Neutral Tandem-Missouri hold certificates of service authority or are registered to provide basic local exchange telecommunications services in Missouri.

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<sup>1</sup> See 47 U.S.C. § 251, *et seq.*

Although Neutral Tandem-Missouri is a party to the agreement, it did not join in the application. On November 16, 2017, the Commission issued an order making Neutral Tandem-Missouri a party in this case and directing any party wishing to request a hearing to do so no later than December 1, 2017. No requests for hearing were filed.

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

On November 29, 2017, the Staff of the Commission filed a recommendation. Staff recommends that the amendments to the agreement be approved and notes that the agreement meets the limited requirements of the Act, in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any further amendments to the Commission for approval.

### **Findings of Fact**

The Commission has considered the application, the supporting documentation, and Staff's verified recommendation. Based upon that review, the Commission finds that the agreement as amended meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the agreement as amended is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the agreement as amended shall be conditioned upon the parties submitting any further amendments to the Commission for approval pursuant to the procedure set out below.

### **Amendment Procedure**

The Commission has a duty to review all interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.<sup>2</sup> 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 interconnection agreement available for public inspection.<sup>3</sup>

The parties to each 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 rules 4 CSR 240-28.020(5) and 4 CSR 240-28.080.

### **Conclusions of Law**

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,<sup>4</sup> is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.<sup>5</sup> Based upon its review of the amendments to the agreement between CenturyLink and Neutral Tandem-Missouri and its findings of fact, the Commission concludes that the agreement as amended is neither discriminatory nor inconsistent with the public interest and shall be approved.

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<sup>2</sup> 47 U.S.C. § 252.

<sup>3</sup> 47 U.S.C. § 252(h).

<sup>4</sup> 47 U.S.C. § 252(e)(1).

<sup>5</sup> 47 U.S.C. § 252(e)(2)(A).

**THE COMMISSION ORDERS THAT:**

1. The amendments to the traffic exchange agreement between Embark Missouri, Inc. d/b/a CenturyLink and Neutral Tandem-Missouri, LLC, filed on November 15, 2017, are approved.
2. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-28.020(5) and 4 CSR 240-28.080.
3. This order shall become effective on January 3, 2018.
4. This file may be closed on January 4, 2018.



**BY THE COMMISSION**

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Secretary

John T. Clark, Regulatory Law Judge,  
by delegation of authority pursuant to  
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 4<sup>th</sup> day of December, 2017.

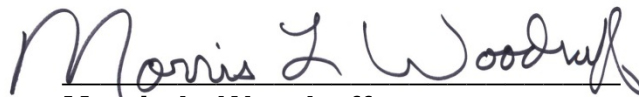
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 4<sup>th</sup> day of December 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

***December 4, 2017***

**File/Case No. TK-2018-0136**

**Missouri Public Service  
Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.