

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

Petition of Socket Telecom, LLC for Compulsory)	
Arbitration of Interconnection Agreements with)	
CenturyTel of Missouri, LLC and Spectra)	Case No. TO-2006-0299
Communications, LLC, pursuant to Section 251(b)(1))	
of the Telecommunications Act of 1996)	

CONCURRING OPINION OF COMMISSIONER CONNIE MURRAY

In its Order, the Commission approved the Arbitration Order establishing terms of an Interconnection Agreement between Socket Telecom, LLC ("Socket") and CenturyTel of Missouri, LLC ("CenturyTel"). In addressing when Socket would have to establish a "Point of Interconnection" ("POI") in any exchange, the Commission ruled:

"For each exchange in which there are 1000 or less CenturyTel access lines, a POI will be established in that exchange when access lines directly attributable to Socket increase to a DS1 or 24-channel threshold."

In addition, the Commission set a similar threshold for each exchange with more than 1000 CenturyTel access lines with 2.4 percent per 1,000 access lines.¹ While I believe that the Arbitration Order when taken as a whole is reasonable, I write separately to note that this provision is unreasonable and arbitrary.

The Commission used these threshold numbers in response to the parties request that the Commission further define what "technical infeasibility" means for purposes of requiring Socket to establish a new point of interconnect. These thresholds, however, were arbitrarily chosen and have no relation whatsoever to any

¹ An example of the second threshold is as follows: if an exchange has 2,412 access lines, Socket would have to establish a new POI when its access lines reach approximately 2.4 DS1s or 57.6 access lines.

facts that would establish that it was technically infeasible for CenturyTel to continue to interconnect with Socket through an established POI.

Pursuant to the 1996 Telecommunications Act, the Federal Communication Commission enacted in 47 C.F.R. § 51.305, which requires that an incumbent local exchange carrier ("LEC") must allow any requesting telecommunications carrier to interconnect with the incumbent LEC's network at any point in the incumbent LEC's network that is "technically feasible" that will provide the level of quality equal to what the incumbent LEC provides to itself. Further, 47 C.F.R. § 51.305(e) states that an incumbent LEC that denies a request for interconnection at a particular point must prove to its state Commission that interconnection at that point in its network is not technically feasible. The parties in this case did ask the arbitrator to define the term "technically feasible" to presumably avoid arguments in the future when CenturyTel declared that a POI was not technically feasible any longer.²

I believe, however, that setting arbitrary thresholds is not a good solution to this problem, and that the Commission simply should have continued to simply find that, "CenturyTel may require an additional POI within the LATA if CenturyTel can show to this Commission that it is technically infeasible to keep using the POI(s) already in place." This would have brought disputes between CenturyTel and Socket before the Commission to allow us to make determinations based on facts and circumstances in the record, rather than potentially imposing unnecessary burdens upon Socket.

One such burden could occur in a situation wherein Socket enters a CenturyTel market with one business customer that has 24 lines. This is a customer that could

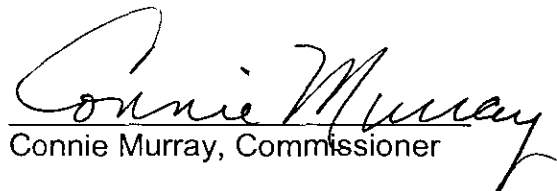
² CenturyTel and Socket requested clarification of the term "technically feasible"; however both offered definitions that were completely unacceptable, leaving the Commission to determine what was acceptable. We failed.

switch to another carrier easily after Socket goes to the expense of building its own POI, leaving Socket with a facility in an exchange in which it no longer has a customer. And this will be forced upon Socket even if CenturyTel has a POI that still has the technical feasibility of carrying this traffic. If such a dispute were brought before the Commission, we would have the facts to determine whether or not it was necessary to place this burden of risk on Socket. This would be a more reasonable course of action.

Finally, 47 C.F.R. 51.305 requires that CenturyTel interconnect with Socket "[a]t any technically feasible point within the incumbent LEC's network". Requiring Socket to build a POI exchange-by-exchange could very easily become a barrier to entry in CenturyTel's markets. I am a strong advocate of requiring competitive telecommunications companies to build facilities, but this Commission needs to allow a reasonable basis for initially entering the market until the conditions are adequate to make building facilities cost effective to the competitor.

The Commission should use sound reason and facts to craft the provisions of an interconnection agreement. We should not try to add "clarity" when the outcome is this arbitrary and unsupported by either sound reason or facts.

Respectfully submitted,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri
on this 27th day of June, 2006.