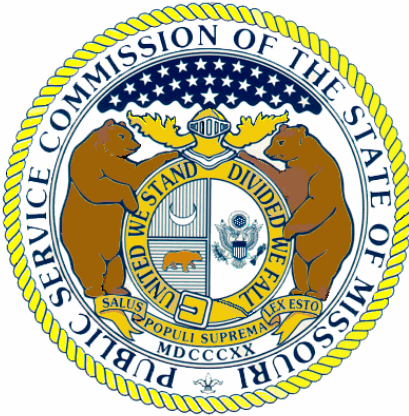


**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**



FullTel, Inc.,

Complainant,

v.

CenturyTel of Missouri, LLC,

Respondent.

Case No. TC-2006-0068

REPORT AND ORDER

Issue Date: June 15, 2006

Effective Date: June 25, 2006

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FullTel, Inc.,)	
)	
Complainant,)	
)	
v.)	<u>Case No. TC-2006-0068</u>
)	
CenturyTel of Missouri, LLC,)	
)	
Respondent.)	

Appearances

Mark. W. Comley, Newman, Comley & Ruth P.C., 600 Monroe Street, Suite 301, Post Office Box 537, Jefferson City, Missouri 65102, for Complainant FullTel, Inc.

Andrew M. Klein, Klein Law Group, PLLC, 1200 19th Street, NW, Suite 200, Washington DC 20836, for Complainant FullTel, Inc.

Larry W. Dority, Fischer & Dority, P.C., 101 Madison Street, Suite 400, Jefferson City, Missouri 65101, for Respondent CenturyTel of Missouri, LLC

Calvin K. Simshaw, VP-Associate General Counsel-Regulatory, CenturyTel, 805 Broadway, Vancouver, Washington 98660, for Respondent CenturyTel of Missouri, LLC.

William K. Haas, Deputy General Counsel, Missouri Public Service Commission, Post Office Box 360, Jefferson City, Missouri 65102, for the Staff of the Missouri Public Service Commission.

REGULATORY LAW JUDGE: **Kennard L. Jones, Judge**

REPORT AND ORDER

Procedural History

On August 8, 2005, FullTel, Inc. filed a complaint with the Missouri Public Service Commission against CenturyTel of Missouri, LLC, for enforcement of an interconnection agreement between the two companies. After numerous pleadings, including a Joint Stipulation of Facts, Legal Briefs, and responses to orders directing filing, the Commission held an evidentiary hearing on March 10, 2006. Since that time, the parties have each filed a list of authorities in support of their positions, with CenturyTel filing an addendum to that list on April 20.

Discussion

FullTel and CenturyTel have entered into an interconnection agreement that has been approved by this Commission. CenturyTel, however, refused to implement the agreement because FullTel intended to send only ISP-bound traffic over the proposed interconnection facility. However, over the course of these proceedings, FullTel has lost its sole customer, an internet service provider. It is therefore irrelevant that FullTel once intended to transmit internet traffic through its interconnection agreement with CenturyTel.

It is conceivable that a competitive local exchange company would enter into an interconnection agreement prior to having any customers. In fact, this may be preferred because service may be delayed if interconnection is not already in place. This being said, FullTel is now in the same position of many CLECs that have entered into interconnection agreements. CenturyTel is therefore obligated to honor its interconnection agreement with FullTel and will be directed to take whatever steps are necessary to do so.

Findings of Fact

1. Complainant is FullTel, Inc., an Oklahoma corporation authorized by the Commission to provide telecommunications service to the public in the State of Missouri.¹

2. Respondent is CenturyTel of Missouri, LLC, a Louisiana limited liability company providing telecommunications services in the State of Missouri regulated by the Missouri Public Service Commission.

3. FullTel and CenturyTel have entered into an interconnection agreement approved by the Missouri Commission.²

4. CenturyTel refused to allow FullTel to interconnect because CenturyTel objected to the nature of the traffic FullTel intends to provide.³

5. FullTel's provision of ISP-bound traffic was at the request of one Missouri internet service provider.⁴

6. FullTel's only customer, the ISP provider, has terminated its contract with FullTel and FullTel has returned the company's deposit.⁵

7. Although FullTel's has lost its only customer, FullTel still seeks to interconnect with CenturyTel under the terms of the interconnection agreement without a specific FullTel customer in mind.⁶

¹ Tr. p. 104, lines 5-16; p. 105, line 6.

² Tr. p. 84, line 8.

³ Tr. p. 133, lines 11-15; Tr. p. 147, lines 6-19; Tr. p. 186; Tr. p. 188.

⁴ Tr. p. 63, lines 15-19.

⁵ Tr. 64, lines 11-12.

⁶ Tr. p. 125, lines 5-14.

8. Under such interconnection, FullTel's single point of interconnection with CenturyTel shall be in Branson, Missouri.⁷

9. FullTel expects to operate as a local exchange carrier in Ava, Mansfield, Willow Springs and Gainesville.⁸

Conclusions of Law

Obligations under the Telecommunications Act

CenturyTel has an obligation to interconnect with the facilities and equipment of FullTel.⁹ CenturyTel further has "[t]he duty to provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the local exchange carrier's network."¹⁰ Other than objecting to the nature of the traffic FullTel intended to transmit, CenturyTel has offered no reason for refusing to allow FullTel to interconnect. FullTel no longer has the one customer whose traffic FullTel intended to transmit as its first customer. Therefore, CenturyTel's only reason for denying interconnection no longer exists. The Commission will therefore direct CenturyTel to take whatever steps are necessary to effect its interconnection with FullTel such that traffic may be exchanged if and when FullTel acquires a customer in the exchanges served by that interconnection. The Commission will further order FullTel to file a notice when such interconnection is complete. Upon such notice, the Commission will close this matter.

⁷ Tr. p. 61, lines 11-15.

⁸ Tr. p. 107, line 3-4.

⁹ 47 U.S.C §251 (a)(1).

¹⁰ 47 U.S.C §251 (c)(2).

IT IS ORDERED THAT:

1. CenturyTel of Missouri, LLC shall honor the interconnection agreement it has with FullTel, Inc., by taking whatever steps are necessary to actually interconnect and exchange traffic with FullTel.
2. FullTel Inc. shall, upon CenturyTel of Missouri, LLC complying with the Commission's order in ordered paragraph 1, file a notice informing the Commission of such.
3. This order shall become effective on June 25, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, and Gaw, CC., concur.
Clayton and Appling, CC., dissent.

Dated at Jefferson City, Missouri,
on this 15th day of June, 2006.