

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

Application of Mark Twain Communications)	
Company for Approval of a Traffic)	
Termination Agreement under the)	Case No. TO-2006-0258
Telecommunications Act of 1996)	

STAFF RECOMMENDATION

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

1. In the attached Memorandum, labeled Appendix A, the Staff recommends that the Missouri Public Service Commission grant approval of the Agreement characterized as a “Traffic Termination Agreement” between Mark Twain Communications Company and United States Cellular Corporation (the “Agreement”), filed by Mark Twain Communications Company under the provisions of the federal Telecommunications Act of 1996.

2. The terms of the Agreement do not discriminate against telecommunications carriers not a party to the Agreement and are not against the public interest, convenience or necessity. Pursuant to 47 U.S.C. §252(e), the Commission is to approve a negotiated interconnection agreement unless the terms of the agreement discriminate against a telecommunications carrier not a party to the agreement, or implementation of the agreement or any portion thereof is inconsistent with the public interest, convenience, or necessity.

3. Staff further states that Mark Twain Communications Company submitted this negotiated Agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the Agreement as a “Traffic Termination Agreement.” Staff can find no reference in Section 252 to “Traffic Termination Agreement.” Consequently, Staff recommends the Commission issue an Order approving a wireless “interconnection agreement” and not an Order

approving “Traffic Termination Agreement.” The Commission has addressed this topic in a series of proceedings, consolidated for argument with the lead case of *Application of Kingdom Telephone Company for Approval of a Traffic Termination Agreement under the Telecommunications Act of 1996*, Case No. IO-2003-0201, and found the classification of “traffic termination agreement” to be nonexistent. *See, e.g.*, Order Denying Motion for Correction, *In the Matter of the Application of Craw-Kan Telephone Cooperative for Approval of a Traffic Termination Agreement Under the Telecommunications Act of 1996*, Case No. IK-2003-0245 (Sept. 25, 2003).

WHEREFORE, because the terms of the Agreement satisfy the standard set forth in 47 U.S.C. §252(e), Staff recommends the Commission approve the Agreement as a Wireless Interconnection Agreement and direct the parties to submit any future modifications or amendments to the Agreement to the Commission for approval.

Respectfully submitted,

/s/ David A. Meyer

David A. Meyer
Senior Counsel
Missouri Bar No. 46620

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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 12th day of January 2006.

/s/ David A. Meyer

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. **TO-2006-0258**

Party: Mark Twain Communications Company

Type of Certification:

- ☐ None
- ☒ Basic Local
- ☐ Local (restricted to private line)
- ☐ Local (no restrictions)
- ☐ Interexchange

Party: US Cellular

- ☒ None
- ☐ Basic Local
- ☐ Local (restricted to private line)
- ☐ Local (no restrictions)
- ☐ Interexchange

From: Sara Buyak, Telecommunications Department

<u>William Voight</u> <u>1-9-05</u>	<u>David A. Meyer</u> <u>1-9-05</u>
Utility Operations Division/Date	General Counsel Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement

Date: January 9, 2006

Date Filed: December 12, 2005

Staff Deadline: 1-16-05

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted (may check more than one):

- ☐ Resale Agreement
- ☐ Facilities-based Interconnection Agreement
- ☒ Wireless Interconnection Agreement

The parties submitted the proposed Agreement 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 for approval.

- ☐ Staff does not have a serially numbered copy of the Agreement and recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement.
- ☒ Staff has a serially numbered copy of the Agreement.

Interconnection Agreement Review Items

- ☒ No applications to intervene filed.
- ☒ Agreement signed by both Parties.
- ☒ The Company is not delinquent in filing an annual report and paying the PSC assessment.
- ☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.
- (☐ No annual report ☐ Unpaid PSC assessment. Amount owed:)

Is there an attachment to this recommendation indicating any recommendations or special considerations: ☒ Yes ☐ No

The Parties have submitted this negotiated Agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the Agreement as a "Traffic Termination Agreement." Staff can find no reference in Section 252 to "Traffic Termination Agreement." Consequently, Staff recommends the Commission issue an Order approving a wireless "interconnection agreement" and not an Order approving "Traffic Termination agreement."

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Affidavit of Sara Buyak

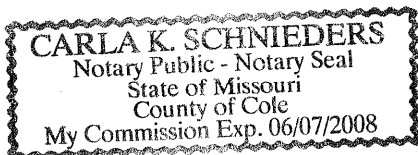
STATE OF MISSOURI)
)ss
COUNTY OF COLE)

Sara Buyak, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in the preparation of the accompanying memorandum, and that the facts therein are true and correct to the best of his or her knowledge and belief.



Sara Buyak
Affiant

Subscribed and affirmed before me this 12th day of January, 2006. I am
commissioned as a notary public within the County of Cole, State of Missouri,
and my commission expires on June 7, 2008.





NOTARY PUBLIC
