

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

Application of Holway Telephone Company)	
for Approval of a Traffic Termination)	
Agreement under the Telecommunications)	Case No. TO-2006-0270
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 Holway Telephone Company and United States Cellular Corporation (the “Agreement”), filed by Holway Telephone 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 Holway Telephone 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/ William K. Haas

William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7510 (Telephone)
(573) 751-9285 (Fax)
william.haas@psc.mo.gov

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 18th day of January 2006.

/s/ William K. Haas

To: Missouri Public Service Commission Official Case File

Case No.: **TO-2006-0270**

From: Arthur P. Kuss
Telecommunications Department

Date: January 12, 2006

William L Voight 01/12/06
Utility Operations Division/Date

/s/ William K. Haas 01/12/06
General Counsel's Office/Date

Subject: Staff Recommendation for Approval of Interconnection Agreement

Date Filed: December 21, 2005

Staff Deadline: January 21, 2006

Party: **Holway Telephone Company** (Holway)

Type of Certification: ☐ None
☒ Basic Local
☐ Local (Restricted to Private Line)
☐ Local (No Restrictions)
☐ Interexchange

Party: **United States Cellular Corporation** (US Cellular)

Type of Certification: ☒ None
☐ Basic Local
☐ Local (Restricted to Private Line)
☐ Local (No Restrictions)
☐ Interexchange

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.

Interconnection Agreement Review Items☒ No applications to intervene have been filed.

Intervention

Deadline: January 11, 2006

☒ The Agreement has been signed by both Parties.☐ 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.**Annual report & Assessment Information**☒ The Parties are not delinquent in filing annual reports or paying the PSC assessments.☐ 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:☒ There is an attachment to this Appendix indicating additional recommendations or special considerations. See below.**Attachment:**

1. 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 a "Traffic Termination Agreement."
2. The Interconnection Agreement (IA) includes rate schedules addressing compensation for traffic transited by means of networks of third party telecommunications providers.
3. The Parties represent that a confidential concurrent agreement resolves all past claims related to traffic exchanged between the Parties (Section 5.4).

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

Application of Holway Telephone
Company for approval of a Traffic
Termination Agreement under the
Telecommunications Act of 1996

)
)
)
)

Case No. **TO-2006-0270**

AFFIDAVIT OF Arthur P. Kuss

STATE OF MISSOURI

)

)

ss:

COUNTY OF COLE

)

Arthur P. Kuss, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in the preparation of the accompanying Memorandum, and that the facts therein are true and correct to the best of his knowledge and belief.

Arthur P. Kuss

Arthur P. Kuss

Subscribed and affirmed before me this 13th 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

Carla K. Schnieders
NOTARY PUBLIC

