

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

Application of KLM Telephone Company for )	
Approval of a Traffic Termination Agreement )	
under the Telecommunications Act of 1996 )	Case No. TO-2006-0269
)	

**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 KLM Telephone Company and United States Cellular Corporation (the "Agreement"), filed by KLM 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 KLM 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

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Missouri Public Service Commission  
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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 18<sup>th</sup> day of January 2006.

/s/ William K. Haas

## MEMORANDUM

**To:** Missouri Public Service Commission Official Case File  
Case No. **TO-2006-0269**  
Party: KLM Telephone Company  
Type of Certification:  
☐ None  
☒ Basic Local  
☐ Local (restricted to private line)  
☐ Local (no restrictions)  
☐ Interexchange

Party: United States Cellular Corporation (US Cellular)  
☒ None  
☐ Basic Local  
☐ Local (restricted to private line)  
☐ Local (no restrictions)  
☐ Interexchange

**From:** Sherri Kohly, Telecommunications Department

William L. Voight 01/13/06      /s/ William K. Haas 01/13/06  
Utility Operations Division/Date      General Counsel Office/Date

**Subject:** Staff Recommendation for Approval of Interconnection Agreement

**Date:** January 18, 2006

**Date Filed:** December 21, 2005      **Staff Deadline:** January 21, 2006

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 (see below) ☐ No

### **Attachment:**

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 an "Interconnection Agreement".

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

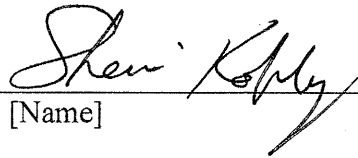
Application of KLM Telephone Company    )  
for Approval of a Traffic Termination    )  
Agreement Under the Telecommunications    )  
Act of 1996

Case No.   **TO-2006-0269**

**AFFIDAVIT OF   SHERRI L. KOHLY**

STATE OF MISSOURI            )  
                                      )   ss:  
COUNTY OF COLE            )

Sherri Kohly, 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 pleading, and that the facts therein are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
[Name]

Subscribed and affirmed before me this    13<sup>th</sup>   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

