

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

Application of BPS Telephone Company)
for Approval of an Interconnection) Case No. _____
and Traffic Exchange Agreement)

**APPLICATION OF BPS TELEPHONE COMPANY FOR APPROVAL OF AN
INTERCONNECTION AND TRAFFIC EXCHANGE AGREEMENT**

COMES NOW BPS Telephone Company (“BPS”), pursuant to Commission rule 4 CSR 240-28.080(1), and hereby files this Application for Approval of an Interconnection and Traffic Exchange Agreement between BPS and Level 3 Communications, LLC (“Level 3”) under the Telecommunications Act of 1996 (“the Act”). In support of this Application, BPS states to the Missouri Public Service Commission (“Commission”) as follows:

I. AGREEMENT REACHED

1. BPS is a local exchange carrier operating in Missouri. BPS is a Missouri corporation in good standing with the Missouri Secretary of State. BPS’s annual reports and assessment fees are not overdue.

2. On April 23, 2018, after good faith negotiations, BPS and Level 3 executed an Interconnection and Traffic Exchange Agreement (“the Agreement”) for the state of Missouri pursuant to the terms of the Federal Act (*see* Agreement, Attachment I). Pursuant to Commission rule 4 CSR 240-28.080 and the Act, BPS hereby submits this Agreement for approval by the Commission.

3. The Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement consists of sixty (60)

pages, including attachments. There are no outstanding issues between BPS and Level 3 that need the assistance of mediation or arbitration.

II. REQUEST FOR APPROVAL

4. BPS seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. BPS represents that the implementation of this negotiated and executed Agreement complies fully with Missouri law and Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. BPS respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties. Correspondence, orders and decisions in this matter should be addressed to:

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Jefferson City, MO 65102-0456
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Level 3 Communications, LLC
ATTN: General Counsel, Regulatory
1025 Eldorado Blvd.
Broomfield, CO 80021

Level 3 Communications, LLC
ATTN: VP – Carrier Relations
1025 Eldorado Blvd.
Broomfield, CO 80021

III. COMMISSION AUTHORITY

5. Under the Act, the Commission has the authority to grant the relief requested by BPS. Specifically, Section 252(a) of the Act provides:

(a) AGREEMENTS ARRIVED AT THROUGH NEGOTIATIONS

- (1) VOLUNTARY NEGOTIATIONS.** – Upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate

and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the State commission under subsection (e) of this section.

IV. STANDARD OF REVIEW

Under Section 252 of the Act, the Commission has the authority to approve an agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. The Commission may only reject an agreement if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the Act provides as follows:

GROUND FOR REJECTION. – The State Commission may only reject –

- (A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that –
 - (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity;

BPS states that the Agreement does not discriminate against a telecommunications carrier not a party to the Agreement. BPS further states that implementation of the Agreement is consistent with the public interest, convenience, and necessity.

V. CONCLUSION

WHEREFORE, BPS respectfully requests the Commission to issue an Order that: (1) approves expeditiously the Interconnection and Traffic Exchange Agreement between BPS and Level 3, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ **Brian T. McCartney**

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Attorneys for Kingdom Telephone Company

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served to the following parties on this 1st day of May, 2018:

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

Level 3 Communications, LLC
ATTN: General Counsel, Regulatory
1025 Eldorado Blvd.
Broomfield, CO 80021

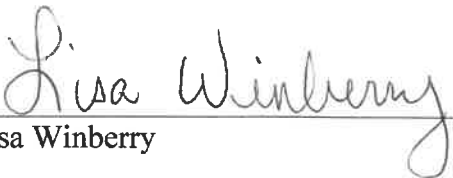
Level 3 Communications, LLC
ATTN: VP – Carrier Relations
1025 Eldorado Blvd.
Broomfield, CO 80021

/s/ **Brian T. McCartney**

VERIFICATION

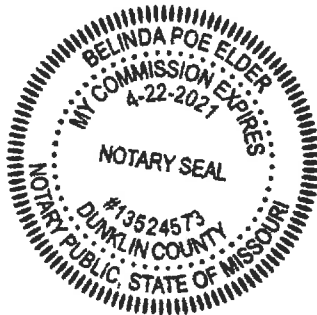
COUNTY OF STODDARD)
) ss.
STATE OF MISSOURI)


I, Lisa Winberry, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and am authorized to act on behalf of BPS Telephone Company regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.



Lisa Winberry

Sworn and subscribed to before me this 30 day of April, 2018.





Notary Public