

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

In the Matter of Commercial Mobile Radio )  
Services (CMRS) Interconnection Agreement by and )  
Between 365 Wireless, LLC and Embarq Missouri, ) **File No. TK-2013-0417**  
Inc. db/a/ CenturyLink Pursuant to Sections 251 and )  
252 of the Telecommunications Act of 1996 of the )

## STAFF RECOMMENDATION

**COMES NOW** the Staff of the Missouri Public Service Commission and submits its Recommendation as follows:

1. On March 12, 2013, Embarq Missouri, Inc., d/b/a CenturyLink filed with the Missouri Public Service Commission its Application for Approval of an Interconnection Agreement executed between it and 365 Wireless, LLC.

2. 47 USC 252(e)(2) provides that a state commission may only reject an interconnection agreement adopted by negotiation if the agreement discriminates against a telecommunications carrier not a party to it or its implementation is not consistent with the public interest, convenience, and necessity.

3. Upon review of the Application, the Staff cannot say that the Interconnection Agreement does not discriminate against telecommunications carriers not parties to it, nor is its implementation inconsistent with the public interest, convenience or necessity. The interconnection agreement does not clearly require 365 Wireless, LLC to have termination agreements with carriers to which traffic may be delivered and it has yet to do so. However, the Agreement clearly contemplates instances in which traffic may be passed to third parties (see *e.g.*, ¶¶ 34.4). Because 365 Wireless, LLC cannot control where the traffic given to it for transport may terminate, the Staff supports the Commission either requiring termination agreements with all other carriers prior to

approval of this interconnection agreement (which may require denying approval due to time constraints in federal law if those cannot be reached within 90 days of March 12, 2013), the implementation of blocking to the intervening carriers and approval of the interconnection agreement once that blocking is in place, or 365 Wireless, LLC could enter into a Stipulation and Agreement approved by the Commission wherein it blocks traffic to third-party carriers as a condition of approving this interconnection agreement..

**WHEREFORE,** Staff recommends the Commission approve the Application only under one of the three scenarios described above and direct the parties to submit to the Commission any modifications or amendments to the Interconnection Agreement.

Respectfully submitted,



Colleen M. Dale  
Senior Counsel  
Missouri Bar No. 31624  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-4255 (Telephone)  
[cully.dale@psc.mo.gov](mailto:cully.dale@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 13<sup>th</sup> day of March, 2013.

