

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 7th day of
June, 2005.

In the Matter of the Request for Approval of)
Interconnection Agreement between Chariton)
Valley Telephone Corporation and Missouri)
RSA No. 5 Partnership, d/b/a Chariton Valley) **Case No. TK-2002-1121**
Wireless, Pursuant to Section 252(e) of the)
Telecommunications Act of 1996.)

**ORDER APPROVING MODIFICATION TO
INTERCONNECTION AGREEMENT**

Issue Date: June 7, 2005

Effective Date: June 17, 2005

This order approves the modification to the interconnection agreement between the parties filed by Chariton Valley Telephone Corporation.

On April 6, 2005, Chariton Valley Telephone Corporation filed a request for the Commission to take notice of a modification to the Agreement for Interconnection and Reciprocal Compensation between it and Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless which was previously approved by the Commission. In the current application, the parties have agreed to modify the interconnection agreement. The modification was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ The modification provides for a 3.5-cent intra-MTA rate. Chariton Valley Telephone holds a certificate of service authority to provide basic local exchange telecommunications services in Missouri.

¹ See 47 U.S.C. §252, *et seq.*

On May 31, 2005, the Staff of the Commission filed a memorandum recommending that the Commission approve the modification.

Discussion

The Commission has previously approved an Interconnection Agreement between Chariton Valley and Chariton Valley Wireless. The parties now seek Commission approval to modify that Agreement.

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

The Staff memorandum recommends that the modification to the Agreement be approved. Staff states that the modification meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest.

Findings of Fact

The Missouri Public Service Commission, having considered all of the competent and substantial evidence upon the whole record, makes the following findings of fact.

The Commission has considered the application, the supporting documentation, and Staff's recommendation. Based upon that review, the Commission finds that the Agreement as modified meets the requirements of the Act in that it does not discriminate against nonparty carriers and implementation of the Agreement as modified is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement as modified should be conditioned upon the parties submitting any further

modifications or amendments to the Commission for approval pursuant the procedure set out below.

Modification Procedure

The Commission has a duty to review all interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.² In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize modifications to these agreements. The Commission has a further duty to make a copy of every interconnection agreement available for public inspection.³ This duty is in keeping with the Commission's practice under its own rules of requiring telecommunications companies to keep their rate schedules on file with the Commission.⁴

The parties to each interconnection agreement must maintain a complete and current copy of the agreement, together with all modifications, in the Commission's offices.

Any proposed modification must be submitted for Commission approval or recognition, whether the modification arises through negotiation, arbitration, or other means of alternative dispute resolution procedures.

Modifications to an agreement must be submitted to the Staff for review. When approved or recognized, the modified pages will be substituted in the agreement, which should contain the number of the page being replaced in the lower right-hand corner. Staff will date-stamp the pages when they are inserted into the agreement. The official record of

² 47 U.S.C. §252.

³ 47 U.S.C §252(h).

⁴ 4 CSR 240-3.545.

the original agreement and all the modifications made will be maintained in the Commission's Data Center.

The Commission does not intend to conduct a full proceeding each time the parties agree to a modification. Where a proposed modification is identical to a provision that has been approved by the Commission in another agreement, the Commission will take notice of the modification once Staff has verified that the provision is an approved provision and has prepared a recommendation. Where a proposed modification is not contained in another approved agreement, Staff will review the modification and its effects and prepare a recommendation advising the Commission whether the modification should be approved. The Commission may approve the modification based on the Staff recommendation. If the Commission chooses not to approve the modification, the Commission will establish a case, give notice to interested parties and permit responses. The Commission may conduct a hearing if it is deemed necessary.

Conclusions of Law

The Missouri Public Service Commission has arrived at the following conclusions of law.

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁵ is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.⁶ Based upon its review of the modification to the Agreement between Chariton Valley and Chariton Valley Wireless and its findings of fact, the

⁵ 47 U.S.C §252(e)(1).

⁶ 47 U.S.C. §252(e)(2)(A).

Commission concludes that the Agreement as modified is neither discriminatory nor inconsistent with the public interest and should be approved.

The Commission notes that prior to providing telecommunications services in Missouri, a party shall possess the following: (1) an interconnection agreement approved by the Commission; (2) except for wireless providers, a certificate of service authority from the Commission to provide interexchange or basic local telecommunications services; and (3) except for wireless providers, a tariff approved by the Commission.

IT IS THEREFORE ORDERED:

1. That the modification to the Interconnection Agreement between Chariton Valley Telephone Corporation and Missouri RSA No. 5 Partnership d/b/a Chariton Valley Wireless, filed on April 6, 2005, is approved.

2. That any changes or modifications to this Agreement shall be filed with the Commission pursuant to the procedure outlined in this order.

3. That this order shall become effective on June 17, 2005.

4. That this case may be closed on June 18, 2005.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton,
and Appling, CC., concur.

Jones, Regulatory Law Judge