

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED

MAR 09 2005

Missouri Public  
Service Commission

In the Matter of a Proposed Rulemaking to )  
Codify Procedures for )  
Telecommunications Carriers to Seek )  
Approval, Amendment and Adoption of )  
Interconnection and Resale Agreements. )

Case No. TX-2003-0565

**STAFF COMMENTS IN SUPPORT OF PROPOSED RULE 4 CSR 240-3.513**

COMES NOW the Staff of the Missouri Public Service Commission and for its  
Comments in Support of Proposed Rule 4 CSR 240-3.513 states:

**Introduction:**

Staff initiated a proposed rulemaking to codify the various interconnection agreement processes so that all carriers are aware of and operating under the same guidelines. Throughout the rulemaking process, Staff worked with the industry to develop acceptable proposed rule language. Consensus was reached in all but a few instances as discussed herein. These comments will also address those areas where the proposed procedures deviate from the current process for the particular interconnection agreement process.

**Changes to current procedures:**

4 CSR 240-3.513(1) – Interconnection Agreements Arrived at through Negotiation.

A requirement was added to outline when and how changes can be made to interconnection agreements already filed but pending approval. Changes to pending agreements must be signed by both parties to the agreement. When changes are made to a pending

Exhibit No. 1  
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Reporter KE

agreement more than sixty days after the agreement is filed, the agreement is considered to have been re-filed, thus starting a new 90-day period for Commission action.

4 CSR 240-3.513(4) – Adoptions of Interconnection Agreement Previously Approved by this Commission.

Under the current procedures, adoptions are assigned a contested case number and processed in much the same manner as a new interconnection agreement, with a 90-day effective date. Changes were made to the current procedures to allow for a more streamlined procedure when both parties agree to the adoption, while outlining a procedure for those instances where a party objects to the adoption.

Under the proposed rule, either company to the adoption may submit a letter to the Commission. The letter must include the case number of the previously approved agreement and must also include a copy of the signature page signed by both parties to the adoption. The adoption is deemed approved when properly submitted.

If both parties have not signed the signature page to the adoption, the adopting carrier must submit an application explaining the reasons for the inability to obtain the signature of the other carrier. The non-signatory carrier, after notice from the Commission, will have 20 days to object to the adoption. If an objection is not filed on or before the twentieth day, the adoption will go into effect. If the non-signatory party does object, the Commission will follow standard procedures to determine whether to approve or reject the adoption.

4 CSR 240-3.513(6) – Amendments to Approved Interconnection Agreements or Approved Statements of Generally Available Terms under 47 U.S.C. Section 252(f).

Under the current process, amendments are submitted and processed in much the same manner as non-controversial tariff filings. The amendment is reviewed and a Staff

recommendation is routed through the Commission for review. The current process was modified for amendments not previously reviewed by the Commission to allow complete review and approval by the Commission for these new interconnection agreement proposals.

Under Subsections (A) and (B) of the proposed rulemaking, adoptions of amendments previously approved by the Commission will be processed in much the same manner as adoptions of agreements discussed under Section (4) of these comments.

Under Subsection (C) of the proposed rulemaking, for amendments not previously approved by the Commission, carriers must file an application for approval of the amendment. The application will be processed within ninety days, in much the same manner as a new interconnection agreement.

A process was incorporated to allow changes to pending amendments. Changes to pending amendments must be signed by both parties to the amendment. When changes are made to a pending amendment more than sixty days after the amendment is filed, the amendment is considered to have been re-filed, thus starting a new 90-day period for Commission action.

**Areas of continued disagreement:**

Staff's proposed rulemaking includes language at Sections (4)(A), (5)(A) and (6)(A)4 as follows:

No [agreement] will become effective prior to the date it is properly submitted as set forth in this rule.

Some parties request that this language be deleted as unnecessary. Staff objects to the removal of this language. Some agreements contain language that the agreement was effective X/X/XXXX, often a date prior to submission, filing, review and/or approval by the Commission. Staff proposed this language to clarify that no matter what effective date is listed in the

agreement, the agreement is not effective prior to the appropriate conditions set forth in 4 CSR 240-3.513.

Some parties have proposed language be added to Sections (4)(B)3 and (6)(B)3 such that the Commission notice referenced in these sections include electronic and fax notice. The parties also request the adopting party's application to state where the Commission should send the required notice.

Staff did not include the suggested language for electronic and fax notice since the Commission typically sends such notice to the various parties in paper format.

Staff does not understand the need for the adopting party to indicate where the Commission should send notice. Notice is only sent when both carriers do not sign an adoption. The adopting party (or competitive carrier) submits the application for adoption. The non-signatory party, or incumbent, should then be easily identifiable through current Commission records.

WHEREFORE, the Staff submits these comments in support of proposed rulemaking 4 CSR 240-3.513 Filing and Submission Requirements for Telecommunications Company Applications for Approval of Interconnection Agreements, Amendments to Interconnection Agreements, and for Notices of Adoptions of Interconnection Agreements or Statements of Generally Available Terms.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/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)  
e-mail: [william.haas@psc.mo.gov](mailto: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 17<sup>th</sup> day of February 2005.

/s/ William K. Haas  
William K. Haas

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**AFFIDAVIT OF NATELLE DIETRICH**

STATE OF MISSOURI     )  
                                  )ss.  
COUNTY OF COLE     )

Natelle Dietrich, being of lawful age and after being duly sworn, states that she is employed by the Missouri Public Service Commission as a Regulatory Economist III in the Telecommunications Department, that she participated in the preparation of and read the foregoing Comments of the Staff of the Missouri Public Service Commission, that she has knowledge of the matters set forth in the Commission, and that such matters are true to the best of her knowledge and belief.

  
\_\_\_\_\_  
Natelle Dietrich



Subscribed and sworn to before me this 16th day of February 2005.

TONI M. CHARLTON  
Notary Public - State of Missouri  
My Commission Expires December 28, 2008  
Cole County  
Commission #04474301