

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application for Approval of )  
the Resale Agreement By and Between Otelco )  
Telecommunications, LLC and CenturyTel of )  
Missouri, LLC d/b/a CenturyLink, and Spectra )  
Communications Group, LLC d/b/a CenturyLink )  
Pursuant to Sections 251 and 252 of the )  
Telecommunications Act of 1996 )

**File No. TK-2018-0081**

## ORDER APPROVING RESALE AGREEMENT

Issue Date: November 22, 2017

Effective Date: December 2, 2017

This order approves the Resale Agreement executed by the parties and filed by CenturyTel of Missouri, LLC d/b/a CenturyLink and Spectra Communications Group, LLC d/b/a CenturyLink (CenturyLink).

On September 22, 2017, CenturyLink filed an application with the Commission for approval of an Resale Agreement with Otelco Telecommunications, LLC (Otelco). The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.<sup>1</sup> Both CenturyLink and Otelco hold certificates of service authority or are registered to provide basic local exchange telecommunications services in Missouri.

Although Otelco is a party to the Agreement, it did not join in the application. On September 26, 2017, the Commission issued an order making Otelco a party in this case and directing any party wishing to request a hearing to do so no later than October 12, 2017. No requests for hearing were filed.

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<sup>1</sup> See 47 U.S.C. § 251, *et seq.*

The Staff of the Commission filed a memorandum and recommendation on October 25, 2017, recommending that the Agreement be approved.

### **Discussion**

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.

Staff recommends that the Agreement be approved and notes that the Agreement meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any amendments to the Commission for approval.

### **Findings of Fact**

The Commission has considered the application, the supporting documentation, and Staff's verified recommendation. Based upon that review, the Commission finds that the Agreement meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the Agreement is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the Agreement shall be conditioned upon the parties submitting any amendments to the Commission for approval pursuant to the procedure set out below.

### **Amendment Procedure**

The Commission has a duty to review all interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.<sup>2</sup> In order for the

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<sup>2</sup> 47 U.S.C. § 252.

Commission's role of review and approval to be effective, the Commission must also review and approve or recognize amendments to these agreements. The Commission has a further duty to make a copy of every interconnection agreement available for public inspection.<sup>3</sup>

The parties to each interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's offices. Any proposed amendment must be submitted pursuant to Commission rules 4 CSR 240-28.020(5) and 4 CSR 240-28.080.

### **Conclusions of Law**

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,<sup>4</sup> 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.<sup>5</sup> Based upon its review of the Agreement between CenturyLink and Otelco and its findings of fact, the Commission concludes that the Agreement is neither discriminatory nor inconsistent with the public interest and shall be approved.

### **THE COMMISSION ORDERS THAT:**

1. The Resale Agreement between CenturyTel of Missouri, LLC d/b/a CenturyLink and Spectra Communications Group, LLC d/b/a CenturyLink and Otelco Telecommunications, LLC, filed on September 22, 2017, is approved.

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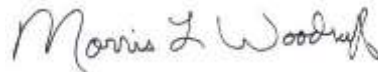
<sup>3</sup> 47 U.S.C. § 252(h).

<sup>4</sup> 47 U.S.C. § 252(e)(1).

<sup>5</sup> 47 U.S.C. § 252(e)(2)(A).

2. Any changes or amendments to this Agreement shall be submitted in compliance with 4 CSR 240-28.020(5) and 4 CSR 240-28.080.
3. This order shall become effective on December 2, 2017.
4. This file may be closed on December 3, 2017.

**BY THE COMMISSION**



Morris L. Woodruff  
Secretary



Morris L. Woodruff, Chief Regulatory Law  
Judge, by delegation of authority pursuant  
to Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,  
on this 22nd day of November, 2017.

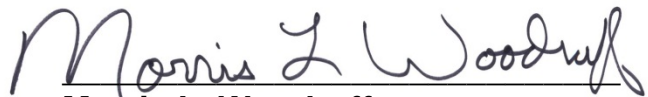
**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

**I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 22<sup>nd</sup> day of November 2017.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**November 22, 2017**

**File/Case No. TK-2018-0081**

**Missouri Public Service  
Commission**

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***Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).***

***Sincerely,***



**Morris L. Woodruff  
Secretary**

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Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.