

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 27th day  
of July, 2006.

Petition of Socket Telecom, LLC for Compulsory	)	
Arbitration of Interconnection Agreements with	)	
CenturyTel of Missouri, LLC and Spectra	)	<b><u>Case No. TO-2006-0299</u></b>
Communications, LLC, Pursuant to Section 251(b)(1)	)	
of the Telecommunications Act of 1996	)	

**NOTICE REGARDING MOTION FOR RECONSIDERATION  
AND NOTICE OF CLARIFICATION**

Issue Date: July 27, 2006

**Background**

On June 28, 2006, Socket Telecom, LLC filed a motion for reconsideration of the Commission's decision in this matter on the threshold for the establishment of additional points of interconnection (POIs). Socket states that the "criteria used in the Decision are different from the criteria related to POIs in any other interconnection agreement of which Socket is aware." Socket also emphasizes that the Federal Communications Commission's rules require incumbent local exchange companies to interconnect with competitive local exchange companies at any technically feasible point. CenturyTel of Missouri, LLC responded to Socket's motion on June 29.

CenturyTel states that the Commission has developed language that does not reflect either party's position but is a middle ground that it is willing to adopt. CenturyTel urges the Commission to reject Socket's motion.

## **Motion for Reconsideration**

This Arbitration process is governed by Federal Law.<sup>1</sup> These rules do not include reconsideration as a remedy for aggrieved parties. Further, a request for reconsideration is not necessary for review of the Commission's decision. At 252(e)(6):

In any case in which a State commission makes a determination under this section, any party aggrieved by such determination may bring an action in an appropriate Federal district court to determine whether the agreement or statement meets the requirements of section 251 of this title and this section.

In light of federal law, the Commission finds that it is unnecessary to rule on the motion for reconsideration. However, the Commission will clarify its decision with regard to thresholds for the establishment of additional points of interconnection.

## **Notice of Clarification**

The Telecommunications Act allows a state Commission to reject an arbitrated interconnection agreement if the state Commission:

finds that the agreement does not meet the requirements of section 251 of [title 47], including the regulations prescribed by the [Federal Communications] Commission pursuant to section 251 of [title 47] or the standards set forth in subsection (d) of this section.<sup>2</sup>

In compliance with this standard, and in response to Socket's request for more guidance on this issue, the Commission established the following methodology for the establishment of additional POIs:

1. For each exchange in which there are 1,000 or less CenturyTel access lines, a POI will be established in that exchange when access lines directly attributable to Socket increase to a DS1 or 24-channel threshold.
2. For each exchange in which there are more than 1,000 CenturyTel access lines, the parties will apply a threshold of 2.4 percent per 1,000 access lines. In other words, if an exchange has 2,412 access lines, a new POI will be

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<sup>1</sup> 47 U.S.C §252.

<sup>2</sup> 47 U.S.C. §252(e)(2)(B).

established when Socket's access lines reach the level of approximately 2.4 DS1s.

3. These thresholds apply to access lines attributable to Socket.
4. If the parties have a dispute as to the number of CenturyTel access lines in an exchange, the Commission Staff will assist in this dispute. If a dispute continues regarding the number of CenturyTel access lines in an exchange, either party can file seeking resolution from the Commission without following the normal dispute resolution process in the interconnection agreement.

To better state and clarify the above language, the Commission restates the above language as follows:

1. For each exchange in which there are 1000 or fewer CenturyTel access lines, a point of interconnection (POI) will be established when traffic to/from that existing POI exceeds a DS1 or 24-channel threshold at peak over three consecutive months in that exchange.
2. For each exchange in which there are more than 1000 CenturyTel access lines, the parties will apply a threshold of 2.4 percent per 1000 access lines to determine the threshold by which traffic to/from the existing POI must exceed at peak over three consecutive months. In other words, if an exchange has 2412 access lines, a new POI will be established when traffic to/from the existing POI exceeds the level of approximately 2.4 DS1s in that exchange.
3. If the parties have a dispute as to the number of CenturyTel access lines in an exchange, the Staff of the Commission will assist. If the dispute persists, either party may seek resolution from the Commission without following the normal dispute resolution process in the interconnection agreement.

( S E A L )

Davis, Chm., Gaw, and Clayton,  
CC., concur.  
Murray, C., concurs, with separate  
concurring opinion attached.  
Appling, C., abstains.

Jones, Regulatory Law Judge

**BY THE COMMISSION**



Colleen M. Dale  
Secretary