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

| | | |
|---|---|---|
| In the Matter of the Application of Southwestern Bell Telephone Company, d/b/a AT&T Missouri, For Approval of an Interconnection Agreement Under the Telecommunications Act of 1996. | ) ) ) ) | **Case No. IK-2010-0145** |

## STAFF RECOMMENDATION

**COMES NOW** the Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and recommends that the Missouri Public Service Commission ("Commission") approve the Interconnection Agreement submitted by Southwestern Bell Telephone Company, d/b/a AT&T Missouri ("AT&T Missouri or Company"). For its *Recommendation*, the Staff respectfully states as follows:

1. On November 10, 2009, AT&T Missouri filed an *Application For Approval Of An Interconnection Agreement* ("*Application*") with Airphone, Inc. ("Airphone"), pursuant to Section 252(e) of the Telecommunications Act of 1996 (Act) and 4 CSR 240-3.513(1).

2. Section 252(e)(1) of the Act provides "[a]ny interconnection agreement adopted by negotiation or arbitration shall be submitted for approval to the State commission. A State commission to which an agreement is submitted shall approve or reject the agreement, with written findings as to any deficiencies."

3. Section 252(e)(2) of the Act provides "[t]he State commission may only reject—(A) an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that—(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity."

4. 4 CSR 240-3.513(1)(B)(1) and (2) require the sequential numbering of all pages of an interconnection agreement reached through negotiation and submitted for the Commission's approval, with the submitted agreement signed by both parties to the agreement.

5. The Commission's November 13, 2009 *Order Directing Notice And Making Airphone, Inc., A Party* directed the Commission's Data Center to send notice to all interexchange and local exchange telecommunications companies in Missouri, added Airphone as a party, as they did not join in the filing of the *Application*, allowed interested parties twenty (20) days to file a motion for hearing, and directed Staff to file a recommendation on or before December 14, 2009.

6. At the time of this filing, the Commission has not received any motions requesting the setting of a hearing in this matter.

7. In the attached *Memorandum*, labeled Appendix A, the Staff states that the Interconnection Agreement "1) [d]oes not discriminate against telecommunications carriers not party to the Agreement and 2) [i]s not against the public interest, convenience or necessity."

8. Additionally, the Staff verifies in the attached *Memorandum* that it received a sequentially numbered agreement and that both AT&T Missouri and Airphone have signed the agreement.

9. As to reporting requirements, Airphone provides wireless service and is not certificated by the Commission

10. AT&T Missouri's *Application* states and the Staff has verified that the Company is current with all Commission assessment and annual report obligations, as well as the Relay Missouri Fund and the Missouri Universal Service Fund remittances.

11. **WHEREFORE,** the Staff respectfully recommends that the Commission approve the Interconnection Agreement pursuant to 252(e) of the Telecommunications Act of 1996, and direct the parties to submit any future modifications or amendments of the Agreement to the Commission.

Respectfully submitted,

**/s/ Jennifer Hernandez**
Jennifer Hernandez
Legal Counsel
Missouri Bar No. 59814

Attorney for the Staff of the
Missouri Public Service Commission
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## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing either by hand delivery, electronic mail, facsimile, or First Class United States Mail, postage prepaid to each attorney and/or party of record for the above-captioned case on this 14th day of December 2009.

/s/ Jennifer Hernandez

**M E M O R A N D U M**

**To:** Missouri Public Service Commission Official Case File
Case No. **IK-2010-0145**
Party: Southwestern Bell Telephone Company d/b/a AT&T Missouri
Type of Carrier:
☒ ILEC
☐ CLEC
☐ Wireless

Party: Airphone Inc.
Type of Carrier:
☐ ILEC
☐ CLEC
☒ Wireless

**From:** Sara Buyak, Telecommunications Department

William Voight 12/4/09
Utility Operations Division/Date

**Subject:** Staff Recommendation for Approval of Interconnection Agreement or Amendment to Interconnection Agreement

**Date:** December 3, 2009

**Date Filed:** November 10, 2009 **Staff Deadline:** December 14, 2009

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted:

☒ Interconnection Agreement

☐ Amendment not previously approved

The parties submitted the proposed Agreement or Amendment to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act). Staff has reviewed the proposed Agreement and believes it meets the limited requirements of the Act. Specifically, the Agreement: 1) does not discriminate against telecommunications carriers not party to the Agreement and 2) is not against the public interest, convenience or necessity. Staff recommends the Commission direct the Parties to submit any modifications or amendments to the Commission.

☐ The applicants have not submitted a serially numbered copy of the Agreement or Amendment. Staff recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement or Amendment.

☒ Staff has a serially numbered copy of the Agreement or Amendment.

**Additional Interconnection Agreement or Amendment Review Items**

☒ No applications to intervene filed.

☒ Agreement or Amendment signed by both Parties.

**Additional recommendations or special considerations (if any):**

☒ The Company is not delinquent in filing an annual report, paying the PSC assessment, paying Relay Missouri, and paying MoUSF.

☐ No annual report ☐ Unpaid PSC assessment. Amount owed:
☐ Unpaid MoUSF ☐ Unpaid Relay Missouri
The Company is either delinquent or is not shown to be submitting revenue into the indicated fund based on the latest records available to the MoPSC. Failure to submit revenue to either the Relay Missouri Fund or the Missouri USF fund should not necessarily reflect the company is delinquent.

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**AFFIDAVIT OF Sara Buyak**

STATE OF MISSOURI )
) ss:
COUNTY OF COLE )

Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying Staff Recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.

Sara Buyak
SARA BUYAK

Subscribed and affirmed before me this 3rd day of December 2009.

Carla K. Schnieders
NOTARY PUBLIC

CARLA K. SCHNIEDERS
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: August 25, 2012
Commission Number: 08533187