

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Application of Trans National)
Communications International, Inc. for Approval) **Case No. CK-2006-0475**
of an Interconnection Agreement Under the)
Telecommunications Acts of 1996.)

ORDER APPROVING INTERCONNECTION AGREEMENT

Issue Date: July 27, 2006

Effective Date: August 6, 2006

This order approves the Interconnection Agreement, including a transiting traffic agreement, executed by the parties and filed by Trans National Communications International, Inc.

On June 15, 2006, Trans National filed an application with the Commission for approval of an Interconnection Agreement with Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri. The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ Both Trans National and AT&T Missouri hold certificates of service authority to provide basic local exchange telecommunications services in Missouri.

Although AT&T Missouri is a party to the Agreement, it did not join in the application. On June 19, 2006, the Commission issued an order making AT&T Missouri a party in this case and directing any party wishing to request a hearing to do so no later than July 10, 2006. No requests for hearing were filed.

¹ See 47 U.S.C. § 251, *et seq.*

The Staff of the Commission filed a memorandum and recommendation on July 13, 2006, recommending that the Agreement be approved. On July 18, 2006, the Staff filed a Supplemental Staff Recommendation clarifying that in its initial recommendation it used the “term interconnection agreement to refer to two documents — (1) the Interconnection Agreement under Section 251 and 252 of the Telecommunications Act of 1996 and (2) the Commercial Agreement² — which together constitute the whole interconnection agreement.” The Staff further confirmed it recommends approval of the whole Agreement between Trans National and AT&T Missouri.

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.

The Staff memorandum 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. Staff also recommends that the Commission order the parties to submit a sequentially numbered copy of the Agreement.

² The Commercial Agreement is the companies’ transit service agreement.

Findings of Fact

Based on the verified application, the supporting documentation, and the verified recommendation of its Staff, which are admitted into evidence, the Commission makes the following findings of fact.

The Commission concludes 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 resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.³ In order for the 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 resale and interconnection agreement available for public inspection.⁴ 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.⁵

³ 47 U.S.C. § 252.

⁴ 47 U.S.C. § 252(h).

⁵ 4 CSR 240-3.545.

The parties to each resale or 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 rule 4 CSR 240-3.513(6).

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 1996,⁶ 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.⁷ Based upon its review of the Agreement between Trans National and AT&T Missouri 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 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.

⁶ 47 U.S.C. § 252(e)(1).

⁷ 47 U.S.C. § 252(e)(2)(A).

IT IS ORDERED THAT:

1. The Interconnection Agreement between Trans National Communications International, Inc. and Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, filed on June 15, 2006, is approved.
2. Any changes or amendments to this Agreement shall be submitted in compliance with 4 CSR 240-3.513(6).
3. No later than August 6, 2006, Trans National Communications International, Inc. and Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri shall submit a copy of the Agreement to the Staff of the Missouri Public Service Commission, with the pages sequentially numbered. On the same date, Trans National Communications International, Inc. and Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri shall file a notice in the official case file advising the Commission that they have complied with this order.
4. This order shall become effective on August 6, 2006.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Cherlyn D. Voss, Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 27th day of July, 2006.