

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)
Amendment to an Interconnection)
Agreement Under the Telecommunications)
Act of 1996)

File No. IK-2019-0162

ORDER APPROVING AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: December 28, 2018

Effective Date: January 7, 2019

This order approves the amendments to the interconnection agreement between the parties filed by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T).

On November 30, 2018, AT&T filed an application with the Commission for approval of amendments to its interconnection agreement with Airus, Inc (Airus). AT&T and Airus currently have a Commission-approved interconnection agreement between them. In the current application, the parties have agreed to amend the interconnection agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ The amendments would add the State of South Carolina to the Agreement². Both AT&T and Airus hold certificates of service authority or are registered to provide basic local exchange telecommunications services in Missouri.

Although Airus is a party to the agreement, it did not join in the application. On December 7, 2018, the Commission issued an order making Airus a party in this case and

¹ See 47 U.S.C. § 251, *et seq.*

² *AT&T Missouri's Application for Approval of an Amendment to an Interconnection Agreement with Airus Inc.*, Amendment to the Agreement, p. 1 of 2.

directing any party wishing to request a hearing to do so no later than December 22, 2018. No requests for hearing were filed.

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.

On December 12, 2018, the Staff of the Commission filed a recommendation. Staff recommends that the amendment to 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 further 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 as amended meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the agreement as amended is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the agreement as amended shall be conditioned upon the parties submitting any further 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.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 interconnection agreement available for public inspection.⁴

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 1996,⁵ 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.⁶ Based upon its review of the amendments to the agreement between AT&T and Airus and its findings of fact, the Commission concludes that the agreement as amended is neither discriminatory nor inconsistent with the public interest and shall be approved.

³ 47 U.S.C. § 252.

⁴ 47 U.S.C. § 252(h).

⁵ 47 U.S.C. § 252(e)(1).

⁶ 47 U.S.C. § 252(e)(2)(A).

THE COMMISSION ORDERS THAT:

1. The amendments to the interconnection agreement between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and Airus, Inc., filed on November 30, 2018, are approved.
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 January 7, 2019.
4. This file may be closed on or after January 8, 2019.

BY THE COMMISSION



Morris L. Woodruff

Morris L. Woodruff
Secretary

Charles Hatcher, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2016.

Dated at Jefferson City, Missouri,
on this 28th day of December, 2018.

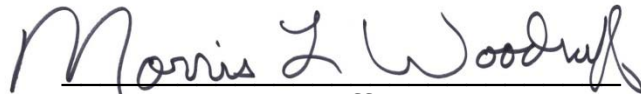
STATE OF MISSOURI

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 28th day of December 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

December 28, 2018

File/Case No. IK-2019-0162

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Marc Poston
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opcservice@ded.mo.gov

Airus, Inc.

Legal Department
840 South Canal Street, 7th Floor
Chicago, IL 60607
regulatory@airustel.com

AT&T Missouri

Leo J Bub
1010 Pine Street, Room 19E-D-01
St. Louis, MO 63101
leo.bub@att.com

**Missouri Public Service
Commission**

Whitney Payne
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
whitney.payne@psc.mo.gov

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

Sincerely,



**Morris L. Woodruff
Secretary**

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