

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Wireline E911 Network Services)
Commercial Interconnection Agreement between)
Communications Venture Corporation d/b/a INdigital) **File No. TK-2020-0246**
and Embarras Missouri, Inc. d/b/a CenturyLink)
Pursuant to Sections 251 and 252 of the)
Telecommunications Act of 1996)

ORDER APPROVING INTERCONNECTION AGREEMENT

Issue Date: March 11, 2020

Effective Date: April 10, 2020

This order approves a Wireline E911 Network Services Commercial Interconnection Agreement between the parties filed by Embarras Missouri, Inc. d/b/a CenturyLink (CenturyLink).

On February 13, 2020, CenturyLink filed an application with the Commission for approval of a Wireline E911 Network Services Commercial Interconnection Agreement with Communications Venture Corporation d/b/a INdigital (INdigital). The Agreement was filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ CenturyLink is certificated with the Commission as an incumbent local exchange carrier. INdigital is certificated with the Commission as a competitive local exchange and an interexchange carrier and is also registered to provide IVoIP service.

Although INdigital is a party to the Agreement, it did not join in the application. On February 24, 2020, the Commission issued an order making INdigital a party in this case and directing any party wishing to request a hearing to do so no later than March 10, 2020. 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 March 5, 2020, the Staff of the Commission filed a recommendation. 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 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.² 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

¹ See 47 U.S.C. § 251, *et seq.*

further duty to make a copy of every Interconnection Agreement available for public inspection.³

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 20 CSR 4240-28.020(5) and 20 CSR 4240-28.080.

Conclusions of Law

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁴ 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.⁵ Based upon its review of the amendments to the Agreement between CenturyLink and INdigital 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 Interconnection Agreement between Embark Missouri, Inc. d/b/a CenturyLink and Communications Venture Corporation d/b/a INdigital, filed on February 13, 2020, is 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.

² 47 U.S.C. § 252.

³ 47 U.S.C. § 252(h).

⁴ 47 U.S.C. § 252(e)(1).

3. This order shall become effective on April 10, 2020.
4. This file may be closed on April 11, 2020.



BY THE COMMISSION

A handwritten signature in dark ink that reads "Morris L. Woodruff".

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 11th day of March, 2020.

⁵ 47 U.S.C. § 252(e)(2)(A).

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 11th day of March 2020.**




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

March 11, 2020

File/Case No. TK-2020-0246

**Missouri Public Service
Commission**

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

Office of the Public Counsel

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

CenturyLink (Embarq Missouri)

Paul Gardner
801 NW Vesper
Blue Springs, MO 64015
paulgardnerlaw@gmail.com

INdigital

Legal Department
1616 Directors Row
Fort Wayne, IN 46808
dprather@indigital.net

**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.