

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Resale Forbearance Amendment )  
to the Resale Agreement Between Spectrotel, Inc. )  
and Embarq Missouri, Inc. d/b/a CenturyLink ) **File No. TK-2020-0381**  
Pursuant to Sections 251 and 252 of the )  
Telecommunications Act of 1996 )

## ORDER APPROVING AMENDMENT TO INTERCONNECTION AGREEMENT

Issue Date: July 2, 2020

Effective Date: August 1, 2020

This order approves an amendment to the Interconnection Agreement between the parties filed by Embarq Missouri, Inc. d/b/a CenturyLink (CenturyLink).

On May 20, 2020, CenturyLink filed an application with the Commission for approval of an amendment to its negotiated Interconnection Agreement with Spectrotel, Inc. (Spectrotel). CenturyLink and Spectrotel 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.<sup>1</sup> CenturyLink is certificated with the Commission as an incumbent local exchange carrier. Spectrotel is certificated with the Commission as a competitive local exchange and an interexchange carrier.

Although Spectrotel is a party to the Agreement, it did not join in the application. On May 27, 2020, the Commission issued an order making Spectrotel a party in this case and directing any party wishing to request a hearing to do so no later than June 11, 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 June 26, 2020, the Staff of the Commission filed a recommendation. Staff recommends that the amendments 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 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.<sup>2</sup> In order for the Commission's role of review and approval to be effective, the Commission must also review

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<sup>1</sup> See 47 U.S.C. § 251, *et seq.*

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.<sup>3</sup>

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,<sup>4</sup> 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.<sup>5</sup> Based upon its review of the amendments to the Agreement between CenturyLink and Spectrotel 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.

### **THE COMMISSION ORDERS THAT:**

1. The amendment to the Interconnection Agreement between CenturyLink and Spectrotel, filed on May 20, 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.

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<sup>2</sup> 47 U.S.C. § 252.

<sup>3</sup> 47 U.S.C. § 252(h).

<sup>4</sup> 47 U.S.C. § 252(e)(1).

3. This order shall become effective on August 1, 2020.
4. This file may be closed on August 2, 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 2nd day of July, 2020.

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<sup>5</sup> 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 3<sup>rd</sup> day of July 2020.**



  
**Morris L. Woodruff**  
**Secretary**

**MISSOURI PUBLIC SERVICE COMMISSION**

**July 3, 2020**

**File/Case No. TK-2020-0381**

**Missouri Public Service  
Commission**

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

**Sincerely,**



**Morris L. Woodruff  
Secretary**

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