

Application of Farber Telephone )  
Company for Approval of an ) Case No. \_\_\_\_\_  
Interconnection Agreement )

COMES NOW Farber Telephone Company (“Farber”), pursuant to Commission rule 4 CSR 240-28.080(1), and hereby files this Application for Approval of an Interconnection Agreement between Farber and Charter Fiberlink-Missouri, LLC (“Charter”) under the Telecommunications Act of 1996 (“the Act”). In support of this Application, Farber states to the Missouri Public Service Commission (“Commission”) as follows:

## I. AGREEMENT REACHED

1. Farber is a local exchange carrier operating in Missouri. Farber is a Missouri corporation in good standing with the Missouri Secretary of State. Farber's annual reports and assessment fees are not overdue.

2. On September 20, 2018, after good faith negotiations, Farber and Charter executed an Interconnection Agreement (“the Agreement”) for the state of Missouri pursuant to the terms of the Federal Act (*see* Agreement, Attachment I). Pursuant to Commission rule 4 CSR 240-28.080 and the Act, Farber hereby submits this Agreement for approval by the Commission.

3. The Agreement complies fully with Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. The Agreement consists of thirty-one (31)

pages and Attachments A, B, C, and D and an Appendix A. There are no outstanding issues between Farber and Charter that need the assistance of mediation or arbitration.

## **II. REQUEST FOR APPROVAL**

4. Farber seeks the Commission's approval of the Agreement, consistent with the provisions of the Federal Act and Missouri law. Farber represents that the implementation of this negotiated and executed Agreement complies fully with Missouri law and Section 252(e) of the Federal Act because the Agreement is consistent with the public interest, convenience and necessity and does not discriminate against any telecommunications carrier. Farber respectfully requests that the Commission grant expeditious approval of this Agreement, without change, suspension or delay in its implementation. This is a bilateral agreement, reached as a result of negotiations and compromise between the parties. Correspondence, orders and decisions in this matter should be addressed to:

Charlie Crow  
Farber Telephone Company  
201 South Main  
Farber, MO 63345  
[ccrow@ftco.net](mailto:ccrow@ftco.net)

W.R. England, III/Brian T. McCartney  
Brydon, Swearengen & England P.C.  
P.O. Box 456  
312 East Capital Avenue  
Jefferson City, MO 65102-0456  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)

Charter Communications, Inc.  
ATTN: Legal Department  
12405 Powerscourt Drive  
St. Louis, MO 63131

Charter Communications, Inc.  
ATTN: Carrier Relations – Regulatory  
12405 Powerscourt Drive  
St. Louis, MO 63131

Charles A. Hudak, Esq.  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Suite 1700  
Atlanta, GA 30346

## **III. COMMISSION AUTHORITY**

5. Under the Act, the Commission has the authority to grant the relief requested by Farber. Specifically, Section 252(a) of the Act provides:

**(a) AGREEMENTS ARRIVED AT THROUGH NEGOTIATIONS**

- (1) VOLUNTARY NEGOTIATIONS.** – Upon receiving a request for interconnection, services, or network elements pursuant to section 251, an incumbent local exchange carrier may negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of section 251. The agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement. The agreement, including any interconnection agreement negotiated before the date of enactment of the Telecommunications Act of 1996, shall be submitted to the State commission under subsection (e) of this section.

**IV. STANDARD OF REVIEW**

Under Section 252 of the Act, the Commission has the authority to approve an agreement negotiated between an incumbent local exchange company (ILEC) and other telecommunications carriers. The Commission may only reject an agreement if the agreement is discriminatory to a nonparty or is inconsistent with the public interest, convenience, and necessity. Section 252(e)(2) of the Act provides as follows:

**GROUND FOR REJECTION.** – The 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;

Farber states that the Agreement does not discriminate against a telecommunications carrier not a party to the Agreement. Farber further states that implementation of the Agreement is consistent with the public interest, convenience, and necessity.

## V. CONCLUSION

WHEREFORE, Farber respectfully requests the Commission to issue an Order that: (1) approves expeditiously the Interconnection Agreement between Farber and Charter, and (2) grants such other relief as is reasonable in the circumstances.

Respectfully submitted,

By /s/ W.R. England, III  
W.R. England, III Mo. #23975  
Brian T. McCartney Mo. #47788  
BRYDON, SWEARENGEN & ENGLAND P.C.  
312 East Capitol Avenue, P.O. Box 456  
Jefferson City, MO 65102-0456  
[trip@brydonlaw.com](mailto:trip@brydonlaw.com)  
[bmccartney@brydonlaw.com](mailto:bmccartney@brydonlaw.com)  
(573) 635-7166  
(573) 634-7431 (FAX)

Attorneys for Farber Telephone Company

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served to the following parties on this 18<sup>th</sup> day of October, 2018:

General Counsel  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, MO 65102

Charter Communications, Inc.  
ATTN: Legal Department  
12405 Powerscourt Drive  
St. Louis, MO 63131

Charter Communications, Inc.  
ATTN: Carrier Relations – Regulatory  
12405 Powerscourt Drive  
St. Louis, MO 63131


Charles A. Hudak, Esq.  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Suite 1700  
Atlanta, GA 30346

/s/ W.R. England, III

**VERIFICATION**

COUNTY OF AUDRAIN                    )  
  ) ss.  
STATE OF MISSOURI                    )

I, Charlie Crow, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and am authorized to act on behalf of Farber Telephone Company regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.

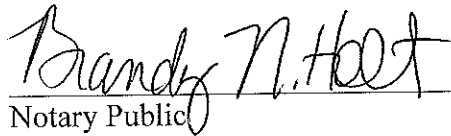


Charlie Crow

Sworn and subscribed to before me this 10<sup>th</sup> day of October, 2018.



BRANDY N. HOLT  
My Commission Expires  
October 21, 2018  
Audrain County  
Commission #14630898



Notary Public