

## MEMORANDUM

**To:** Missouri Public Service Commission Official Case File  
Case No. TK-2006-0167  
Party: Mid-Missouri Telephone Company  
Type of Certification:  
 None  
 Basic Local  
 Local (restricted to private line)  
 Local (no restrictions)  
 Interexchange

Party: T-Mobile USA, Inc.  
 None  
 Basic Local  
 Local (restricted to private line)  
 Local (no restrictions)  
 Interexchange

**From:** Walt Cecil, Telecommunications Department

William L. Voight October 24, 2005    William K. Haas October 24, 2005  
Utility Operations Division/Date    General Counsel Office/Date

**Subject:** Staff Recommendation for Approval of Interconnection Agreement

**Date:** October 24, 2005

**Date Filed:** October 12, 2005                      **Commission Deadline:** November 11, 2005

The Telecommunications Department Staff (Staff) recommends the Parties be granted approval of the submitted (may check more than one):

- Resale Agreement
- Facilities-based Interconnection Agreement
- Wireless Interconnection Agreement

The parties submitted the proposed arbitrated Agreement to the Missouri Public Service Commission (Commission) pursuant to the terms of the Telecommunications Act of 1996 (Act) and the Commission's arbitration rule 4 CSR 240-36.040. Staff has reviewed the agreed upon language in the proposed Agreement and believes it conforms to the Arbitrator's Report and Commission's Arbitration Order in IO-2005-0468 and the Act. Under the provisions of the 1996 Act, the Commission may only reject "an agreement (or any portion thereof) adopted by arbitration under subsection (b) if it finds that the agreement does not meet the requirements of section 251, including the regulations prescribed by the Commission, or the standards set forth in subsection (d) of this section." 47 U.S.C. 252(e)(2). Staff has reviewed the proposed language and believes the language conforms to the provisions of the Act and the Commission's rules. Staff

recommends the Commission approve the proposed arbitrated agreement. Staff further recommends the Commission direct the Parties to submit any modifications or amendments to the instant agreement to the Commission for approval.

- Staff does not have a serially numbered copy of the Agreement and recommends the Commission direct the Parties to submit a serially numbered copy of the Agreement.
- Staff has a serially numbered copy of the Agreement.

The Companies are not delinquent in filing an annual report and paying the PSC assessment.

The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

( No annual report  Unpaid PSC assessment. Amount owed:    )

The Parties have submitted this negotiated agreement pursuant to Section 252 of the Telecommunications Act of 1996, and characterized the agreement as both a "traffic termination agreement" and a "reciprocal compensation agreement." The Commission addressed these and other matters in Case No. IK-2003-0223. Staff can find no reference in Section 252 to "traffic termination agreement." Furthermore, 47 U.S.C 251(b)(5) refers to "Obligations of All Local Exchange Carriers" and "reciprocal compensation arrangements", not "agreements," as referred to in the above text. As reciprocal compensation arrangements are typically handled in an interconnection agreement, Staff does not see the two items as separate and distinct. Consequently, Staff recommends the Commission issue an Order approving a wireless "interconnection agreement" and not an Order approving either a "traffic termination agreement" or reciprocal compensation agreement."