M E M O R A N D U M

To: Missouri Public Service Commission Official Case File
Case No. TK-2006-0168
Party: Chariton Valley Telephone Corporation
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."