

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Amendment to )  
Interconnection Agreement between )  
Southwestern Bell Telephone Company )      **File No. IK-2018-0075**  
d/b/a AT&T Missouri and GC Pivotal, )  
LLC d/b/a Global Capacity      )

## ORDER APPROVING ADOPTION OF AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: November 7, 2017

Effective Date: November 17, 2017

This order approves the adoption by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri) and GC Pivotal, LLC d/b/a Global Capacity (Global Capacity) of an amendment to an interconnection agreement previously approved by the Commission.

### Procedural History

On September 15, 2017, AT&T Missouri filed a letter notifying the Commission of AT&T Missouri and Global Capacity's desire to adopt previously-approved amendments to the interconnection agreement between Level 3 Telecom of Kansas City, LLC and AT&T Missouri, approved by the Commission in File No. IK-2017-0222 on March 10, 2017.

On September 20, 2017, the Commission issued an order directing notice of the adoption to all interexchange and local exchange telecommunication companies and making Global Capacity a party. The notice stated that any party wishing to request a hearing shall do so no later than October 4, 2017. No requests for hearing were filed.

On October 19, 2017, the Staff of the Missouri Public Service Commission recommended that the Commission approve the application.

## **Findings of Fact**

After reviewing the file, the Commission finds that AT&T Missouri and Global Capacity intend to adopt the same terms and conditions of the amendments to the interconnection agreement between Level 3 Telecom of Kansas City, LLC and AT&T Missouri, approved by the Commission in File No. IK-2017-0222, on March 10, 2017. Level 3 Telecom of Kansas City, LLC did not object to the request and AT&T Missouri filed this notice of the adoption of the amendments to the interconnection agreement. No objections have been received.

## **Amendment Procedure**

The Commission has a duty to review all resale and interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.<sup>1</sup> 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 further duty to make a copy of every resale and interconnection agreement available for public inspection.<sup>2</sup>

The parties to each resale or 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 4 CSR 240-28.020 and 4 CSR 240-28.080.

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<sup>1</sup> 47 U.S.C. § 252.

<sup>2</sup> 47 U.S.C. § 252(h).

## **Conclusions of Law**

The adoption of the terms and conditions of a previously approved interconnection agreement is authorized by Section 252(i) of the federal Telecommunications Act of 1996.<sup>3</sup>

Section 252(i) states:

- (i) Availability to Other Telecommunications Carriers. –

A local exchange carrier shall make available any interconnection, services, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.

Federal rule 51.809 (Rule 809) was promulgated to implement Section 252(i) of the Act. Rule 809 provides that the incumbent local exchange company must provide the interconnection, network elements, or services to a requesting telecommunications carrier that notifies the ILEC that it wishes to adopt the interconnection, network elements, or services from a Commission-approved interconnection agreement unless stated conditions are proven to the Commission. An ILEC can deny an adoption if it proves that (1) the cost of providing a particular interconnection, service, or element to the requesting telecommunications carriers is greater than the cost of providing it to the telecommunications carrier that originally negotiated the agreement, or (2) the provision of the particular interconnection, service, or element to the requesting carrier is not technically feasible.<sup>4</sup> Commission rule 4 CSR 240-28.080 allows the Commission to approve the adoption or amendment of previously approved interconnection agreements.

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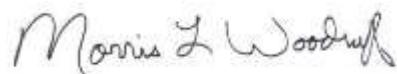
<sup>3</sup> See 47 U.S.C. § 251, *et seq.*

<sup>4</sup> 47 C.F.R. § 51.809(b).

**THE COMMISSION ORDERS THAT:**

1. GC Pivotal, LLC d/b/a Global Capacity's adoption of the terms and conditions contained in the amendments of the interconnection agreement between Level 3 Telecom of Kansas City, LLC and AT&T Missouri, pursuant to Section 252(i) of the Telecommunications Act of 1996, is approved.
2. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-28.020 and 4 CSR 240-28.080.
3. This order shall become effective on November 17, 2017.
4. This file may be closed on November 18, 2017.

**BY THE COMMISSION**

A handwritten signature in black 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 the 7th day of November, 2017.