

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: September 19, 2006	2. BUREAU AGENDA NO. SEP-2006-OSA-0253*
3. BUREAU: Office of Special Assistants	
4. SECTION(S):	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: C.W. Davis 7-1827 Mgr/Spvr: R. Marinko 3-3930 Legal Review: A. Arnold AA7-8032	September 28, 2006
7. PERSONS IN CHARGE: G. Stella 7-1023	9. EFFECTIVE DATE OF FILING: November 8, 2006
8. DOCKET NO.: A-310518F7000	DOCUMENT FOLDER

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

(a) Joint Petition of Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania Inc.) (Verizon PA) and New Cingular Wireless Services, Inc. (f/k/a AT&T Wireless Services, Inc.) (New Cingular Wireless) for Approval of Amendment No. 3 to an Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996.

(b) On August 8, 2006, Verizon PA and New Cingular Wireless filed a Joint Petition seeking approval of Amendment No. 3 to an existing Interconnection Agreement. Notice of the Joint Petition was published in the *Pennsylvania Bulletin* on September 2, 2006. No comments have been received.

(c) The Office of Special Assistants recommends that the Commission adopt a proposed Opinion and Order which grants the Joint Petition.

DOCKETED
DEC 11 2006

Order Doc. No. 630105v1

Calendar Doc. No. 630108v1

11. **MOTION BY:** Commissioner Chm. Holland
SECONDED: Commissioner Cawley
 Commissioner Shane - Yes
 Commissioner Pizzingrilli - Yes
 Commissioner Fitzpatrick - Yes

CONTENT OF MOTION: Staff recommendation adopted.



September 29, 2006

A-310518F7000

KURT C MAASS
VICE PRESIDENT-ENTERPRISE SUPPORT
5000 CARILLON POINT
KIRKLAND WA 98033

**DOCUMENT
FOLDER**

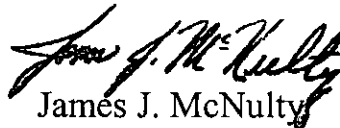
Joint Petition of Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania Inc.) and
New Cingular Wireless Services, Inc. (f/k/a AT&T Wireless Services, Inc.) for Approval of
Amendment No. 3 to an Interconnection Agreement Under Section 252(e) of the
Telecommunications Act of 1996

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on September 28,
2006 has adopted an Opinion and Order in the above-entitled proceeding.

An Opinion and Order has been enclosed for your records.

Very truly yours,


James J. McNulty
Secretary

Enclosure
Certified Mail
JF

DANIEL E MONAGLE
SUSAN D PAIVA
1717 ARCH STREET
10TH FLOOR ROOM W
PHILADELPHIA PA 19103

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held September 28, 2006

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Bill Shane
Kim Pizzingrilli
Terrance J. Fitzpatrick

Joint Petition of Verizon Pennsylvania Inc.
(f/k/a Bell Atlantic-Pennsylvania Inc.) and
New Cingular Wireless Services, Inc. (f/k/a
AT&T Wireless Services, Inc.) for Approval of
Amendment No. 3 to an Interconnection
Agreement Under Section 252(e) of the
Telecommunications Act of 1996

A-310518F7000

OPINION AND ORDER

BY THE COMMISSION:

Before the Commission for consideration is the Joint Petition for approval of Amendment No. 3 to an Interconnection Agreement (Joint Petition) between Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania Inc.) (Verizon PA) and New Cingular Wireless Services, Inc. (f/k/a AT&T Wireless Services, Inc.) (New Cingular Wireless), filed pursuant to the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as amended in scattered sections of Title 47, United States Code) (TA-96), including 47 U.S.C. §§ 251, 252, and 271, and the Commission's Orders in *Re*:

Implementation of the Telecommunications Act of 1996, Docket No. M-00960799 (Order entered on June 3, 1996; Order on Reconsideration entered on September 9, 1996); see also *Proposed Modifications to the Review of Interconnection Agreements* (Order entered on May 3, 2004). (*Implementation Orders*).

History of the Proceeding

On August 8, 2006, Verizon PA and New Cingular Wireless filed the Joint Petition seeking approval of Amendment No. 3 (Amendment) which supplements the terms of the Interconnection Agreement (Agreement) which was approved by the Commission by Order entered on February 22, 2001, at Docket No. A-310518. This Amendment will be attached to, and made part of, the Agreement.

The Commission published notice of the Joint Petition and the Amendment in the *Pennsylvania Bulletin* on September 2, 2006, advising that any interested parties could file comments within ten days. No comments have been received.

The Amendment has an effective date of January 31, 2006, and a termination date of January 30, 2008. The Amendment shall remain in effect until its termination date, unless it is cancelled earlier by one of the Parties as provided for in the Amendment. Thereafter, the Amendment shall remain in effect, unless it is cancelled by one of the Parties as provided for in the Amendment. Amendment at 1-2.

Verizon PA is an Incumbent Local Exchange Company (ILEC) authorized to provide local exchange telephone service in Pennsylvania. New Cingular Wireless is licensed by the Federal Communications Commission (FCC) to provide Commercial Mobile Radio Services in Pennsylvania.

A. Standard of Review

The standard for review of a negotiated interconnection agreement is set out in Section 252(e)(2) of TA-96, 47 U.S.C. § 252(e)(2). Section 252(e)(2) provides in pertinent part, that:

- (2) *Grounds 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

With these criteria in mind, we shall review the Amendment submitted by Verizon PA and New Cingular Wireless.

B. Summary of Terms

Amendment No. 3 contains the terms and provisions arising from the Parties' desire to change the Agreement with respect to the Directory Listing Services Discount. Pursuant to the Amendment, there will no longer be any Directory Listing Services Discount.

C. Disposition

We shall approve the Amendment, finding that it satisfies the two-pronged criteria of Section 252(e) of TA-96. We note that in approving this privately negotiated Agreement, including any provisions limiting unbundled access to Verizon PA's network, we express no opinion regarding the enforceability of our independent state authority preserved by 47 U.S.C. § 251(d)(3) and any other applicable law.

We shall minimize the potential for discrimination against other carriers not parties to the Amendment by providing here that our approval of this Amendment shall not serve as precedent for agreements to be negotiated or arbitrated by other parties. This is consistent with our policy of encouraging settlements. 52 Pa. Code § 5.231; *see also*, 52 Pa. Code §§ 69.401 *et seq.*, relating to settlement guidelines, and our Statement of Policy relating to the Alternative Dispute Resolution Process, 52 Pa. Code §§ 69.391 *et seq.* On the basis of the foregoing, we find that the Amendment does not discriminate against a telecommunications carrier not a party to the negotiations.

TA-96 requires that the terms of the Amendment be made available for other parties to review. 47 U.S.C. § 252(h). However, this availability is only for purposes of full disclosure of the terms and arrangements contained therein. The accessibility of the Amendment and its terms to other parties does not connote any intent that our approval will affect the status of negotiations between other parties. In this context, we will not require Verizon PA and New Cingular Wireless to embody the terms of the Amendment in a filed tariff.

Consistent with our May 3, 2004 Order at Docket No. M-00960799, we shall require that the ILEC file an electronic, true and correct copy of the Amendment to

the Interconnection Agreement in “.pdf format” for inclusion on the Commission’s website, within thirty days of the entry date of this Opinion and Order.

Conclusion

Based on the foregoing and pursuant to Section 252(e) of TA-96, *supra*, and our *Implementation Orders*, we determine that Amendment No. 3 to the Interconnection Agreement between Verizon PA and New Cingular Wireless is non-discriminatory to other telecommunications companies not parties to it and that it is consistent with the public interest; **THEREFORE,**

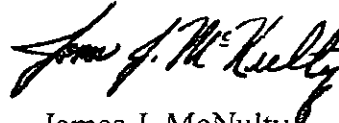
IT IS ORDERED:

1. That the Joint Petition for approval of Amendment No. 3 to the Interconnection Agreement filed on August 8, 2006, by Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania Inc.) and New Cingular Wireless Services, Inc. (f/k/a AT&T Wireless Services, Inc.) pursuant to the Telecommunications Act of 1996, and the Commission’s Orders in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799 (Order entered on June 3, 1996; *Order on Reconsideration* entered on September 9, 1996); and *Proposed Modifications to the Review of Interconnection Agreements* (Order entered on May 3, 2004) is granted, consistent with this Opinion and Order.

2. That approval of Amendment No. 3 to the Interconnection Agreement shall not serve as binding precedent for negotiated or arbitrated agreements between non-parties to the subject Amendment.

3. That Verizon Pennsylvania Inc. (f/k/a Bell Atlantic-Pennsylvania Inc.) shall file an electronic copy of Amendment No. 3 to the Interconnection Agreement in “.pdf format” with this Commission within thirty (30) days of the entry of this Opinion and Order, for inclusion on the Commission’s website.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: September 28, 2006

ORDER ENTERED: **SEP 29 2006**

FORM UCGD-12-A 8M (Rev. 08/04)
COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA

PUBLIC UTILITY COMMISSION

P.O. BOX 3265

HARRISBURG, PA 17105-3265

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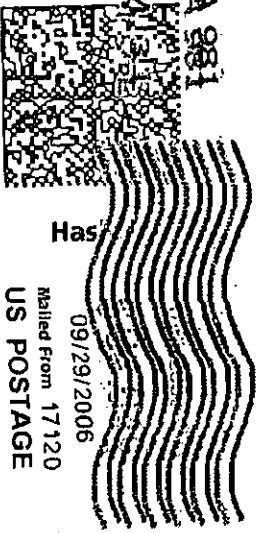
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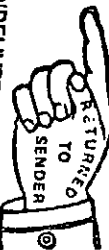
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2. Article Number



7160 3901 9843 1289 9099

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Daniel E. Monagle
Susan D. Riva

A-310518 77000 O&D

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

A. Adams

B. Date of Delivery

10-2-06

C. Signature

X *Adams*

Agent Addressee

D. Is delivery address different from Item 1? If YES, enter delivery address below:

Yes No

KJR