

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: September 13, 2007	2. BUREAU AGENDA NO. SEP-2007-OSA-0222*
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 3-4930 Legal Review: C. Pennington 346-2615	September 27, 2007
7. PERSONS IN CHARGE: C. Muriceak <i>cam</i> 3-5155	9. EFFECTIVE DATE OF FILING: November 5, 2007
8. DOCKET NO.: A-310183F7011	DOCKETED OCT 10 2007

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

DOCUMENT FOLDER

(a) Joint Petition of Palmerton Telephone Company (Palmerton) and Sprint Communications Company L.P. (Sprint) for Approval of an Amendment to an Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996.

(b) On August 7, 2007, Palmerton and Sprint filed a Joint Petition seeking approval of the Amendment to an existing Interconnection Agreement. Notice of the Joint Petition was published in the *Pennsylvania Bulletin* on September 1, 2007. 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.

RJP

Order Doc. No. 684281v1

Calendar Doc. No. 684286v1

11. MOTION BY: Commissioner Chm. Holland	Commissioner Christy - Yes
SECONDED: Commissioner Cawley	Commissioner Pizzingrilli - Yes
	Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

September 27, 2007

A-310183F7011

JENNIFER A DUANE STATE REGULATORY ATTY
SPRINT NEXTEL CORPORATION
2001 EDMUND HALLEY DRIVE 2ND FL STE A208
RESTON VA 20191

**DOCUMENT
FOLDER**

Joint Petition of Palmerton Telephone Company and Sprint Communications Company L.P. for
Approval of an Amendment 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 27, 2007 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

encls
cert. mail
JF

DAVID L MASENHEIMER GENERAL COUNSEL
PALMERTON TELEPHONE COMPANY
613 THIRD STREET PO BOX 134
PALMERTON PA 18071

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

Public Meeting held September 27, 2007

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Tyrone J. Christy
Kim Pizzingrilli

Joint Petition of Palmerton Telephone
Company and Sprint Communications
Company L.P. for Approval of an Amendment
to an Interconnection Agreement Under
Section 252(e) of the Telecommunications Act
of 1996

A-310183F7011

OPINION AND ORDER

BY THE COMMISSION:

Before the Commission for consideration is the Joint Petition for approval of an Amendment to an Interconnection Agreement (Joint Petition) between Palmerton Telephone Company (Palmerton) and Sprint Communications Company L.P. (Sprint), 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 *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 7, 2007, Palmerton and Sprint filed the Joint Petition seeking approval of an Amendment which supplements the terms of the Interconnection Agreement (Agreement) which was approved by the Commission by Order entered on August 30, 2007, at Docket No. A-310783F7011. 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 1, 2007, advising that any interested parties could file comments within ten days. No comments have been received.

The Amendment is made effective upon approval of the Commission or ninety days from the date the Amendment was filed should the Commission not act to approve or reject the Amendment within those ninety days. The Amendment shall remain in effect until the Agreement's termination date, unless it is cancelled earlier by one of the Parties as provided for in the Agreement.

Palmerton is an Incumbent Local Exchange Company (ILEC) authorized to provide local exchange telephone service in Pennsylvania. Sprint is authorized to provide telecommunications services in the service territory of Palmerton as a Competitive Local Exchange Carrier.

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 Palmerton and Sprint.

B. Summary of Terms

The Amendment affirms that each party is independently responsible for the arrangement of direct interconnection and administrative arrangement with the relevant Public Safety Answering Point (PSAP) for the provision of 911/E911 to users of the respective telephone exchange services. Amendment at 1.

We note that the original Agreement that the instant filing is amending was conditionally approved by our Opinion and Order entered August 30, 2007, with the

understanding that the Parties shall ensure that all 911 calls are properly routed through the appropriate PSAP until such time that the instant Amendment is approved. Approval of the instant Amendment will make that condition a part of the Agreement.

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 Amendment 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 other telecommunications carriers not parties 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 Palmerton and Sprint 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 the Amendment to the Interconnection Agreement between Palmerton and Sprint is non-discriminatory to other telecommunications companies not parties to it and that it is consistent with the public interest; **THEREFORE,**

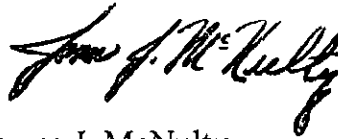
IT IS ORDERED:

1. That the Joint Petition for approval of an Amendment to an Interconnection Agreement, filed on August 7, 2007, by Palmerton Telephone Company and Sprint Communications Company L.P. 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 the Amendment to the Interconnection Agreement shall not serve as binding precedent for negotiated or arbitrated agreements between non-parties to the subject Amendment.

3. That Palmerton Telephone Company shall file an electronic copy of the Amendment 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 27, 2007

ORDER ENTERED: **SEP 27 2007**

2. Article Number		COMPLETE THIS SECTION ON DELIVERY	
 7160 3901 9843 2280 4618		A. Received by (Please Print Clearly)	B. Date of Delivery
		C. Signature <i>X Faye Ann B...</i>	
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4. Restricted Delivery? (Extra Fee) Yes		D. Is delivery address different from Item 1? If YES, enter delivery address below:	
1. Article Addressed to:			
DAVID E MASENHEIMER GENERAL COUNSEL PLAMERTON TELEPHONE COMPANY A-310183F7011 O&O			
PS Form 3811, February 2003		Domestic Return Receipt	

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