

- 1. REPORT DATE: 00/00/00 :
- 2. BUREAU: OSA :
- 3. SECTION(S) : 4. PUBLIC MEETING DATE:
- 5. APPROVED BY: : 00/00/00
- DIRECTOR: :
- SUPERVISOR: :
- 6. PERSON IN CHARGE: : 7. DATE FILED: 11/16/04
- 8. DOCKET NO: A-310545 F7015 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: CONESTOGA TELEPHONE & TELEGRAPH CO.

RESPONDENT/APPLICANT: NEXTEL COMM OF MID-ATLANTIC, INC

COMP/APP COUNTY: UTILITY CODE: 310545

ALLEGATION OR SUBJECT

JOINT PETITION FOR APPROVAL OF A COMMERCIAL MOBILE RADIO SERVICES INTERCONNECTION AGREEMENT BETWEEN CONESTOGA TELEPHONE AND TELEGRAPH COMPANY AND NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., PURSUANT TO SECTION 252(A) OF TA-96 (47 U.S.C. SECTION 252(A)).

DOCUMENT
FOLDER

DOCKETED

JAN 06 2005

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

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212 LOCUST STREET
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CHARLES E. THOMAS
(1913 - 1998)

November 16, 2004

A. 310545F 2015

RECEIVED
2004 NOV 16 PM 4: 01
SECRETARY'S BUREAU

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

In re: Joint Petition for Approval of a Commercial Mobile Radio Services Interconnection Agreement Between Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc., Docket No. A-

Dear Secretary McNulty:

Enclosed for filing on behalf of Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc. are an original and three (3) copies of a Joint Petition in the above referenced proceeding. To the best of our knowledge, no "A" docket exists for this matter and one must be assigned. Copies of the Joint Petition are being served in accordance with the attached Certificate of Service.

DOCUMENT
FOLDER

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By *Patricia Armstrong*
Patricia Armstrong

Enclosures
cc: Certificate of Service

ORIGINAL

SECRETARY'S BUREAU

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Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition for Approval of a :
Commercial Mobile Radio Services :
Interconnection Agreement Between :
Conestoga Telephone and Telegraph : Application Docket No. A-310545F7015
Company and Nextel Communications :
of the Mid-Atlantic, Inc. :

JOINT PETITION

NOW COMES, Conestoga Telephone and Telegraph Company ("CTTC") and Nextel Communications of the Mid-Atlantic, Inc. ("Nextel") and respectfully submit to the Pennsylvania Public Utility Commission ("Commission") for approval, pursuant to the Telecommunications Act of 1996 ("TA-96") and the Commission's Order entered June 3, 1996, In Re: Implementation of the Telecommunications Act of 1996, Docket No. M-00960799, the Commercial Mobile Radio Services Interconnection Agreement ("Agreement") dated November 2004, a true and correct copy of which is attached. The Agreement provides for interconnection between the two companies, thereby facilitating Nextel's provision of commercial mobile radio service ("CMRS") to end user customers in Pennsylvania. CTTC is authorized to and hereby represents that Nextel has reviewed this petition and concurs herein. CTTC and Nextel therefore respectfully request that the Commission approve the Agreement. In support of this request, CTTC and Nextel state as follows:

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JAN 06 2005

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I. THE PARTIES

1. CTTC is an incumbent local exchange carrier certified by the Commission to provide local exchange telecommunications services in Pennsylvania.

2. Nextel is a telecommunications company authorized to provide CMRS service in Pennsylvania pursuant to authority granted by the Federal Communications Commission.

II. THE AGREEMENT

3. CTTC and Nextel have entered into this Agreement pursuant to Section 252(a) of TA-96 (47 U.S.C. §252(a)).

4. The Agreement sets forth the terms, conditions and prices under which CTTC and Nextel will offer and provide network interconnection, reciprocal call transport and termination and ancillary network services to each other. The Agreement is an integrated package that reflects a balancing of interests critical to the parties.

III. COMPLIANCE WITH TA-96

5. The Agreement satisfies the requirements for Commission approval pursuant to Section 252(e)(2)(A) of TA-96 (47 U.S.C. §252(e)(2)(A)), which provides as follows:

(2) GROUND 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[.]

6. First, consistent with Section 252(e)(2)(a)(i), the Agreement does not discriminate against any other telecommunications carrier. To the contrary, the terms and conditions contained therein are available to any other telecommunications carrier in Pennsylvania willing and legally able to accept the Agreement. However, the applicability of the terms and conditions of this Agreement to other carriers may be limited to the extent that legal distinctions between CMRS traffic and non-CMRS traffic exist, including but not limited to, the differences in calling area. Other carriers are not bound by the Agreement and remain free to negotiate independently with CTTC pursuant to Section 252 of TA-96.

7. Second, the Agreement is consistent with the public interest, convenience and necessity as required by Section 252(e)(2)(a)(ii). The Agreement permits Nextel to receive and provide reciprocal transport and termination benefiting Nextel's end user customers.

IV. APPROVAL OF THE AGREEMENT

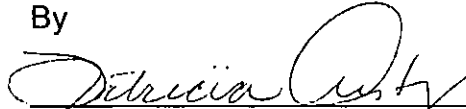
8. On June 3, 1996, the Commission issued an Order in Docket No. M-00960799 establishing procedural guidelines for the implementation of TA-96, including the Commission's approval of negotiated interconnection agreements. In that Order, the Commission directed that an "A" docket be assigned by the Commission's Secretary at the time of the filing of an interconnection agreement if an "A" docket does not otherwise exist. We are unaware that any "A" docket exists for this matter at this time. Accordingly, the parties request the immediate assignment of an "A" docket number.

WHEREFORE, CTTC and Nextel respectfully request that the Commission approve the attached Commercial Mobile Radio Services Interconnection Agreement pursuant to Section 252(e) of the Telecommunications Act of 1996.

Respectfully submitted,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By



Patricia Armstrong, Esquire
D. Mark Thomas, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong & Niesen
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500
(717) 255-7600
(717) 255-7230 (Fax)

E-Mail: parmstrong@ttanlaw.com
dmthomas@ttanlaw.com
rmatz@ttanlaw.com

Dated: November 16, 2004

F:\CLIENTS\Utility\CTTC\NEXTEL\Joint Petition

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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SECRETARY'S BUREAU
Application Docket No. A-310545 F 2015

Joint Petition for Approval of a :
Commercial Mobile Radio Services :
Interconnection Agreement Between :
Conestoga Telephone and Telegraph :
Company and Nextel Communications of :
the Mid-Atlantic, Inc. :

Application Docket No. A-310545 F 2015

CERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of November, 2004, served a true and correct copy of the Joint Petition for Approval of an Interconnection Agreement between Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc. upon the persons and in the manner listed below:

HAND DELIVERY

Office of Trial Staff
Pennsylvania Public Utility Commission
2nd Floor West
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Bureau of Fixed Utility Services
Pennsylvania Public Utility Commission
3rd Floor West
Commonwealth Keystone Building
Harrisburg, PA 17105-3265

Bureau of Consumer Services
Pennsylvania Public Utility Commission
2nd Floor East
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

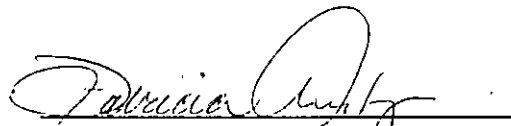
Office of Special Assistants
Pennsylvania Public Utility Commission
3rd Floor East, Commonwealth
Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

FIRST CLASS MAIL, POSTAGE PREPAID

William R. Lloyd, Jr.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Irwin A. Popowsky
Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Bob Edgerly
Sr. Manager, Interconnect
NEXTEL Communications, Inc.
12000 Sunrise Valley Drive
Reston, VA 20191


Patricia Armstrong

DATE: January 6, 2005

SUBJECT: A-310545F7015

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary *dm*

JOINT PETITION FOR APPROVAL OF A COMMERCIAL MOBILE RADIO SERVICES INTERCONNECTION AGREEMENT BETWEEN CONESTOGA TELEPHONE AND TELEGRAPH COMPANY AND NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., FILED PURSUANT TO SECTION 252(a) OF THE TELECOMMUNICATIONS ACT OF 1996.

Attached is a copy of a Joint Petition for Approval of a Commercial Mobile Radio Services Interconnection Agreement filed in connection with the above-docketed proceeding.

Enclosed is a copy of the notice that we provided to the Pennsylvania Bulletin to be published on January 15, 2005. Comments are due on or before 10 days after the publication of this notice.

This matter is assigned to your Office for appropriate action.

Attachment

cc: Bureau of Fixed Utility Services
Office of Administrative Law Judge-copy of memo only

DOCUMENT
FOLDER

DOCKETED

JAN 06 2005

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LEGISLATIVE REFERENCE
BUREAU

05 JAN -5 PH 3:49

PA. CODE & BULLETIN

PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOTICE TO BE PUBLISHED

Joint Petition for Approval of a Commercial Mobile Radio Services Interconnection Agreement Between Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc., pursuant to Section 252(a) of the Telecommunications Act of 1996. Docket Number: A-310545F7015.

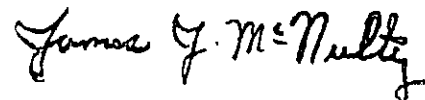
Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc., by its counsel, filed on November 16, 2004, at the Pennsylvania Public Utility Commission, a Joint Petition for Approval of a Commercial Mobile Radio Services Interconnection Agreement pursuant to Section 252(a) of the Telecommunications Act of 1996.

Interested parties may file comments concerning the Joint Petition and Agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All such Comments are due on or before 10 days after the date of publication of this notice. Copies of the Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

DOCUMENT
FOLDER

BY THE COMMISSION



James J. McNulty
Secretary

DOCKETED

JAN 06 2005

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

ORIGINAL

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212 LOCUST STREET
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CHARLES E. THOMAS
(1913 - 1998)

January 19, 2005

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

DOCKETED
FEB 22 2005

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05 JAN 20 AM 9:26
PA P.U.C.
SECRETARY'S BUREAU

In re: Joint Petition for Approval of a Commercial Mobile Radio Services Interconnection Agreement Between Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc.
Docket No. A-310545 F 7015

Dear Secretary McNulty:

In response to an inquiry from the staff, relative to the Interconnection Agreement filed November 16, 2004, please be advised that it is the intent of Nextel Communications of the Mid-Atlantic, Inc. and Conestoga Telephone and Telegraph Company that 911 traffic will be completed under the Agreement and we are authorized to indicate that this statement of intent is incorporated as part of the Agreement.

If you have any questions, please do not hesitate to call.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By 
Patricia Armstrong

**DOCUMENT
FOLDER**

cc: Certificate of Service

22

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joint Petition for Approval of a :
Commercial Mobile Radio Services :
Interconnection Agreement Between :
Conestoga Telephone and Telegraph : Application Docket No. A- 310545F7015
Company and Nextel Communications of :
the Mid-Atlantic, Inc. :

CERTIFICATE OF SERVICE

I hereby certify that I have this 19th day of January, 2005, served a true and correct copy of the foregoing letter on behalf of Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc. upon the persons listed below by first class mail, postage prepaid:

Office of Trial Staff
Pennsylvania Public Utility Commission
2nd Floor West
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Bureau of Fixed Utility Services
Pennsylvania Public Utility Commission
3rd Floor West
Commonwealth Keystone Building
Harrisburg, PA 17105-3265

Bureau of Consumer Services
Pennsylvania Public Utility Commission
2nd Floor East
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Office of Special Assistants
Pennsylvania Public Utility Commission
3rd Floor East, Commonwealth
Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

William R. Lloyd, Jr.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Irwin A. Popowsky
Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
Forum Place, 5th Floor
Harrisburg, PA 17101-1923

Bob Edgerly
Sr. Manager, Interconnect
NEXTEL Communications, Inc.
12000 Sunrise Valley Drive
Reston, VA 20191



Patricia Armstrong

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

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E-Mail: parmstrong@ttanlaw.com

ORIGINAL

CHARLES E. THOMAS
(1913 - 1998)

February 11, 2005

DOCKETED
MAY 24 2005

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2005 FEB 11 PM 3:31
SECRETARY'S BUREAU

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

In re: Joint Petition for approval of a Commercial Mobile Radio Services Interconnection Agreement between Conestoga Telephone and Telegraph Company and Nextel Communications of the Mid-Atlantic, Inc., filed pursuant to Section 252(a) of the Telecommunications Act of 1996
Docket No. A-310545F7015

Dear Secretary McNulty:

Please be advised pursuant to Ordering Paragraph 4 of the Commission's February 3, 2005 Order in the above referenced proceeding, that the Interconnection Agreement filed on November 16, 2004, was in fact, the true and correct copy of the Interconnection Agreement. Also enclosed is a disc containing the Interconnection Agreement in pdf as required by Ordering Paragraph 3 of the February 3, 2005 Order.

If you have any questions, please contact the undersigned.

KJR

DOCUMENT
FOLDER

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By

Patricia Armstrong
Patricia Armstrong

cc: Jeanne Price