

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: OSA
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: A-310814 F7004
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 10/11/05
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: ALLTEL PENNSYLVANIA, INC.

RESPONDENT/APPLICANT: US LEC OF PENNSYLVANIA INC

COMP/APP COUNTY: UTILITY CODE: 310814

ALLEGATION OR SUBJECT

JOINT PETITION OF ALLTEL PENNSYLVANIA, INC AND US LEC OF PENNSYLVANIA, INC. FOR APPROVAL OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252 (E) OF THE TELECOMMUNICATIONS ACT OF 1996.

DOCKETED
OCT 12 2005

DOCUMENT
FOLDER

CAPTION SHEET

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- SUPERVISOR: *Caption "* :
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COMP/APP COUNTY:

UTILITY CODE: 310814

ALLEGATION OR SUBJECT

JOINT PETITION OF ALLTEL PENNSYLVANIA, INC AND US LEC OF PENNSYLVANIA, INC.
FOR APPROVAL OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252 (I) OF THE
TELECOMMUNICATIONS ACT OF 1996.

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

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ORIGINAL

REGINA L. MATZ

Direct Dial: (717) 255-7622

E-Mail: rmatz@ttanlaw.com

CHARLES E. THOMAS
(1913 - 1998)

October 11, 2005

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

DOCUMENT
FOLDER

In re: Joint Petition of Alltel Pennsylvania, Inc. and US LEC of Pennsylvania Inc. for
Approval of an Interconnection Agreement Under Section 252(g) of the
Telecommunications Act of 1996
Docket No. A-310814F7004

Dear Secretary McNulty:

Enclosed for filing on behalf of Alltel Pennsylvania, Inc. and US LEC of Pennsylvania Inc.
are an original and three (3) copies of their Joint Petition in the above referenced proceeding. US
LEC of Pennsylvania Inc. concurs in the filing of this Petition. Copies of the Joint Petition have
been served in accordance with the attached Certificate of Service.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By


Regina L. Matz

Enclosure

cc: Certificate of Service
Robert G. Priebe (w/encl.)

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SECRETARY'S BUREAU
2005 OCT 11 PM 4:17

84

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Joint Petition for Approval of an :
Agreement of Adoption of an :
Approved Interconnection Agreement : Application Docket No. A-310814F7004
Between Alltel Pennsylvania, Inc. :
and US LEC of Pennsylvania Inc. :
Under the Telecommunications Act
of 1996

DOCKETED
OCT 12 2005 JOINT PETITION

SECRETARY'S BUREAU
2005 OCT 11 PM 4: 17

NOW COME, Alltel Pennsylvania, Inc. ("Alltel") and US LEC of Pennsylvania Inc. ("US LEC") and respectfully submit to the Pennsylvania Public Utility Commission ("Commission") for approval, the attached Agreement of Adoption of an Approved Interconnection Agreement ("Agreement") under 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 Agreement provides for interconnection between the two companies, thereby facilitating US LEC's provision of service to customers in Pennsylvania. Alltel and US LEC therefore respectfully request that the Commission approve the Agreement. In support of this request, Alltel and US LEC state as follows:

1. Alltel Pennsylvania, Inc. is an incumbent local exchange carrier authorized to provide local exchange telecommunications services in Pennsylvania.

2. US LEC is a telecommunications company with offices in Pennsylvania.

3. Alltel and US LEC have entered into this Agreement pursuant to §252 of TA-96.

4. The Agreement satisfies the requirements for Commission approval pursuant to §252(e)(2)(A) of TA-96, 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[.]

5. The Agreement does not discriminate against any other telecommunications carrier, as required by Section 252(e)(2)(A)(i). Other carriers are not bound by the Agreement and remain free to negotiate independently with Alltel and US LEC pursuant to Section 252 of the Act.

6. The Agreement is consistent with the public interest, convenience and necessity, as required by Section 252(e)(2)(A)(ii). It will facilitate US LEC's provision of service to its customers, and it will promote competition, thereby fostering the goals of the Telecommunications Act of 1996.

APPROVAL OF THE AGREEMENT


7. Under Section 252(e)(4) of the Act, the Commission has ninety (90) days to approve or reject the Agreement. The parties request that the Commission approve the Agreement without revision as quickly as possible, consistent with the public interest.

WHEREFORE, Alltel and US LEC respectfully request that the Commission approve the attached Agreement of Adoption of an Approved Interconnection Agreement pursuant to the Telecommunications Act of 1996.

Respectfully submitted,

Alltel Pennsylvania, Inc.

By



D. Mark Thomas, Esquire
Patricia Armstrong, Esquire
Regina L. Matz, Esquire

THOMAS, THOMAS, ARMSTRONG & NIESEN
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(717) 255-7230 (Fax)

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rmatz@ttanlaw.com

Dated: October 11, 2005

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ALLTEL COMMUNICATIONS
1 Allied Drive
Little Rock, AR 72022

Jimmy Dolan
Manager
Negotiations

501-905-7873
501-905-6299 fax
jimmy.dolan@alltel.com

January 28, 2005

Wanda G. Montano
US LEC Corp.
Morrocroft III
6801 Morrison Boulevard
Charlotte, NC 28211-3599

SECRETARY'S BUREAU

2005 OCT 11 PM 4: 17

Wanda G. Montano

RE: Agreement of adoption of an approved interconnection agreement pursuant to 47 U.S.C. 252(i).

Dear Ms. Montano,

ALLTEL has received your notice stating that, under Section 252 (i) of the Telecommunications Act of 1996 (the "Act"), US LEC of Pennsylvania Inc. ("US LEC") wishes to adopt the terms of the Interconnection Agreement between ALLTEL, Pennsylvania, Inc., ("ALLTEL") and Certainty Tech Telecom, LLC. ("Certainty Tech") that was approved by the Pennsylvania Public Service Commission as an effective Agreement in the Commonwealth of Pennsylvania (the "Terms"). This letter shall confirm that you have a copy of the Terms. Please note the following with respect to your adoption of the Terms.

By your countersignature on this letter, you hereby represent and commit to the following:

1. US LEC adopts the Terms of the Certainty Tech agreement for interconnection with ALLTEL and in applying the Terms, agrees that US LEC shall be substituted in place of Certainty Tech in the Terms wherever appropriate.
2. US LEC requests that notice to US LEC as may be required under the Terms shall be provided as follows:

To: Wanda G. Montano
Terry Romine
US LEC Corp.
Morrocroft III
6801 Morrison Boulevard
Charlotte, NC 28211-3599

ALLTEL requests that notice to ALLTEL as may be required under the Terms shall be provided as follows:

To: ALLTEL
Wholesale Services
One Allied Drive
1269-B5F04-D
Little Rock, Arkansas 72202

3. **US LEC represents and warrants that it is licensed to provide telecommunications service in the Commonwealth of Pennsylvania, and that its adoption of the Terms will be applicable to services in the Commonwealth of Pennsylvania only.**
4. US LEC's adoption of the Certainty Tech Terms shall become effective upon approval of this Agreement by the Pennsylvania Public Service Commission and shall terminate simultaneous with the termination of the Certainty Tech Agreement.
5. As the Terms are being adopted by you pursuant to Section 252(i) of the Act, ALLTEL does not provide the Terms to you as either a voluntary or negotiated agreement. The filing and performance by ALLTEL of the Terms does not in any way constitute a waiver by ALLTEL of any position as to the Terms or a portion thereof, nor does it constitute a waiver by ALLTEL of all rights and remedies it may have to seek review of the Terms, or to seek review in any way of any provisions included in these Terms as a result of US LEC's 252(i) election.
6. The Terms shall be subject to any and all applicable laws, rules, or regulations or changes therein that subsequently may be prescribed by any federal, state or local governmental authority. To the extent required by any such subsequently prescribed law, rule, or regulation, the Parties agree to modify, in writing, the affected term(s) and condition(s) of this Agreement to bring them into compliance with such law, rule, or regulation. If within sixty (60) days of the effective date of such change, the Parties are unable to agree in writing upon mutually acceptable revisions to this agreement, either Party may pursue any remedies available to it at law, in equity or otherwise, including, but not limited to, instituting an appropriate proceeding before the Commission, the FCC, or a court of competent jurisdiction.

7. US LEC agrees that US LEC's adoption of the Certainty Tech Agreement shall supercede and replace in full any and all prior agreements, written, and oral, between US LEC and ALLTEL.
8. ALLTEL reserves the right to request, at its discretion, a security deposit equal to two months estimated billing.
9. ALLTEL agrees to make the same Terms available without unreasonable delay to US LEC as those provided in the Certainty Tech agreement. This obligation shall not apply:
 - (A) when the costs of providing the Terms to US LEC are greater than the costs of providing it to Certainty Tech; or
 - (B) if the provision of the Terms to US LEC is not technically feasible.
10. Should US LEC attempt to *apply* the Terms in a manner that conflicts with the provisions set forth herein, ALLTEL reserves *its rights* to seek appropriate legal and/or equitable relief.
11. The Parties acknowledge that ALLTEL is entitled to assert that it is a less than 2% carrier (as defined in 47 U.S.C. 153 and as provided by 47 U.S.C. 251(f)). By entering into this Agreement, ALLTEL is not waiving its right to maintain at any point during the term of this Agreement that it is a less than 2% carrier entitling it to exemption or suspension or modification under 47 U.S.C. 251(f).

Please indicate your agreement to the provisions of this letter by signing this letter on the space provided below and return it to the undersigned.

ALLTEL, Pennsylvania Inc.

Michael Rhoda
(SIGNATURE)

Michael D. Rhoda
(Print Name)

Vice President - Business Development
(Print Title)

2/10/05
(Date)

Reviewed and countersigned:

US LEC Corp. of Pennsylvania Inc. Logm

Wanda G. Montano
(SIGNATURE)

Wanda G. Montano
(Print Name)

Vice President, Regulatory & Industry Affairs
(Print Title)

February 3, 2005
(Date)

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

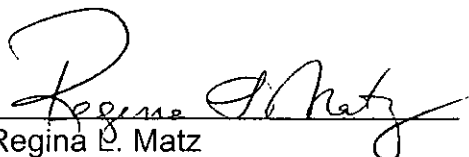
Joint Petition of Alltel Pennsylvania, :
Inc. and US LEC of Pennsylvania :
Inc. for Approval of an : Docket No. A-310814F7004
Interconnection Agreement Under :
Section 252(e) of the :
Telecommunications Act of 1996 :

CERTIFICATE OF SERVICE

I hereby certify that I have this 11th day of October, 2005, served a true and correct copy of the foregoing Joint Petition of Alltel Pennsylvania, Inc. and US LEC of Pennsylvania Inc. upon the persons listed below by first class mail, postage prepaid:

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

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


Regina E. Matz

SECRETARY'S BUREAU


2005 OCT 11 PM 4:17

RECEIVED

DATE: October 12, 2005

SUBJECT: A-310814 F7004

TO: Office of Special Assistants

FROM:  James J. McNulty, Secretary

DOCUMENT
FOLDER

JOINT PETITION OF ALLTEL PENNSYLVANIA, INC. AND US LEC OF
PENNSYLVANIA, INC. FOR APPROVAL OF AN INTERCONNECTION
AGREEMENT UNDER SECTION 252(e) OF THE TELECOMMUNICATIONS
ACT OF 1996.

Attached is a copy of a Joint Petition for Approval of an 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 October 22, 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

DOCKETED
OCT 12 2005

DOCKETED

OCT 12 2005 PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

NOTICE TO BE PUBLISHED

Joint Petition of Alltel Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. for Approval of an Interconnection Agreement Under Section 252(e) of The Telecommunications Act of 1996.

Docket Number: A-310814 F7004

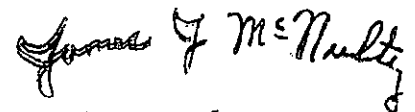
Alltel Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. by its counsel, filed on October 11, 2005, at the Public Utility Commission, a Joint Petition for approval of an Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the 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 Alltel Pennsylvania, Inc. and US LEC of Pennsylvania, Inc. 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.

RECEIVED
LEGISLATIVE REFERENCE
BUREAU
05 OCT 12 AM 11:01
PA. CODE & BULLETIN

BY THE COMMISSION



James J. McNulty
Secretary