

1. REPORT DATE: 00/00/00 :  
 2. BUREAU: OSA :  
 3. SECTION(S) : :  
 5. APPROVED BY: : 4. PUBLIC MEETING DATE:  
 DIRECTOR: : 00/00/00  
 SUPERVISOR: :  
 6. PERSON IN CHARGE: : 7. DATE FILED: 06/17/04  
 8. DOCKET NO: A-311313 F7000 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: VERIZON PENNSYLVANIA, INC

RESPONDENT/APPLICANT: MOMENTUM TELECOM INC

COMP/APP COUNTY:

UTILITY CODE: 311313

ALLEGATION OR SUBJECT

JOINT PETITION OF VERIZON PENNSYLVANIA, INC., AND MOMENTUM TELECOM, INC., FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.

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**DOCKETED**  
AUG 04 2004

Daniel E. Monagle  
Assistant General Counsel  
Pennsylvania



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FOLDER

ORIGINAL

June 17, 2004

1717 Arch Street, 32N  
Philadelphia, PA 19103

Tel: (215) 963-6004  
Fax: (215) 563-2658  
Daniel.Monagle@Verizon.com

VIA UPS OVERNIGHT

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

RECEIVED

JUN 17 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: *Joint Filing of*  
Verizon Pennsylvania Inc. and Momentum Telecom, Inc.  
of Adoption of an Interconnection Agreement  
Docket No. *A-311313F 7000*

Dear Mr. McNulty:

Enclosed please find an original and three (3) true and correct copies of the Joint Filing of Verizon Pennsylvania Inc. and Momentum Telecom, Inc., of Adoption of an Interconnection Agreement. The Interconnection Agreement adopted is the Interconnection Agreement between Verizon Pennsylvania Inc. and Z-Tel Communications Inc., which the Commission approved by Order dated January 14, 2002 in Docket No. A-310706F7000. Although the Adoption was effective April 29, 2004, the Adoption letter was signed by the two parties' signers on May 11, 2004 and May 18, 2004 respectively. As evidenced by the cc: below, notice of this filing is being provided to Momentum Telecom, Inc.

Please date stamp the enclosed additional copy and return it to me in the enclosed self-addressed, stamped envelope.

Very truly yours,

  
Daniel E. Monagle

DEM/slb

Enclosure

cc: Winafred Brantl, Esquire (Via UPS Overnight)  
Attached Service List

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# ORIGINAL

## BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOINT FILING OF VERIZON PENNSYLVANIA INC. )  
 AND MOMENTUM TELECOM, INC. OF ADOPTION OF )  
 AN INTERCONNECTION AGREEMENT UNDER )  
 SECTION 252(i) OF THE TELECOMMUNICATIONS )  
 ACT OF 1996 )

PUC Docket No. A-311313  
 F7000

### JOINT FILING

Verizon Pennsylvania Inc. ("Verizon") and Momentum Telecom, Inc. ("Momentum") respectfully submit to the Commission, pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "1996 Act")<sup>1</sup>, the attached adoption letter effective April 29, 2004 (the "Adoption"). The Adoption provides for the interconnection of the two companies' networks and makes available to Momentum access to unbundled network elements, wholesale telecommunications services, and ancillary services offered by Verizon.

### THE PARTIES

1. Verizon is an incumbent local exchange carrier authorized to provide local exchange telephone service in Pennsylvania.
2. Momentum is a competitive local exchange carrier that is authorized to provide local telephone service in Pennsylvania consistent with appropriate legal requirements established by the Commission.

### THE ADOPTION

3. Momentum has exercised its right under Section 252(i) of the 1996 Act to opt into the Verizon/Z-Tel Communications Inc. Interconnection Agreement which the Commission approved January 10, 2002 in Case No. A-310706F7000. Under the Adoption, Momentum has

<sup>1</sup>Citations herein to the 1996 Act should be construed as references to sections of the Communications Act of 1934 as amended by the 1996 Act.

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

agreed that it will be bound by the terms of the Verizon/ Momentum Telecom, Inc.

Interconnection Agreement as such agreement is in effect on the date hereof after giving effect to operation of law.

4. The Adoption sets forth the terms, conditions and prices under which Verizon and Momentum will offer and provide network interconnection, reciprocal call termination for local traffic, access to network elements, ancillary network services, and wholesale telecommunications services available for resale to each other within each Local Access and Transport Area ("LATA") in which they both operate in Pennsylvania.

5. Key provisions of the Adoption provide for:

- (i) Compensation for Reciprocal Compensation Traffic at rates as specified in Appendix 1 to the Adoption;
- (ii) Unbundled loops -- providing Momentum access to existing Verizon customers -- based on a rate methodology specified in the Agreement;
- (iii) Customers to retain their telephone numbers when they switch to Momentum;
- (iv) Including Momentum customers' primary listings in the appropriate alphabetical directory ("White Pages") and, for business customers, in the appropriate classified directory ("Yellow Pages");
- (v) The resale of Verizon telecommunications services for a wholesale discount as specified in Appendix 1 to the Adoption;
- (vi) The continued provision of 911 services to all customers; and
- (vii) Performance standards for services provided by Verizon to Momentum equal to the level of service provided by Verizon to its own end-user customers and other telecommunications carriers.

#### **COMPLIANCE WITH THE 1996 ACT**

6. If the Commission determines that it wishes to (or must) review the Adoption under the 1996 Act or otherwise, it is the parties' view that the Adoption satisfies the requirements for

Commission approval (to the extent that they would apply) pursuant to Section 252(e)(2)(A) of the 1996 Act, which provides as follows:

The State commission may only reject ... 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[.]

7. First, the Adoption does not discriminate against any other telecommunications carrier, as required by Section 252(e)(2)(a)(i). To the contrary, any other telecommunications carrier authorized to provide local telephone service in Pennsylvania may obtain the interconnection, unbundling and resale arrangement specified in the underlying interconnection agreement that is the subject of the Adoption on the same terms and conditions (assuming that none of the exclusions to opt-in rights under Section 252(i) of the 1996 Act would apply). Nonetheless, other carriers are not bound by the terms of such interconnection agreement and remain free to negotiate with Verizon pursuant to Section 252 of the 1996 Act.

8. Second, the Adoption is consistent with the public interest, convenience, and necessity, as required by Section 252(e)(2)(a)(ii). It is an important step towards allowing Momentum to compete with Verizon as a facilities-based local telephone service carrier for both residential and business customers.

#### **APPROVAL OF THE AGREEMENT**

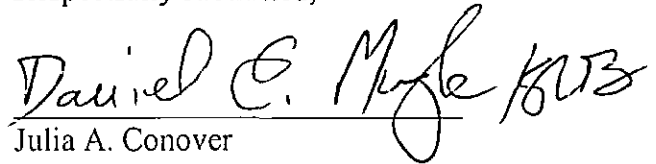
9. Verizon and Momentum respectfully request that, if the Commission chooses to review the Adoption, it expedite such review to facilitate implementation of competition in the local exchange market. Although under Section 252(e)(4) of the 1996 Act, the Commission has 90

days to approve or reject the Agreement, Verizon and Momentum request that the Commission act sooner than that date if at all possible, if it chooses to review the Adoption.

**WHEREFORE**, Verizon and Momentum respectfully submit the attached Adoption pursuant to Section 252(i) of the 1996 Act.

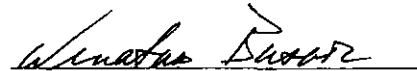
Of Counsel  
Jack H. White

Respectfully submitted,



Julia A. Conover  
Vice President and General Counsel  
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Daniel E. Monagle  
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Attorney for  
Momentum Telecom, Inc.

DATED: <sup>June</sup> April 17, 2003

SERVICE LIST

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Office of Consumer Advocate  
555 Walnut Street, 5<sup>th</sup> Floor  
Harrisburg, PA 17101-1921

William Lloyd  
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Harrisburg, PA 17101

Kandace F. Melillo  
Office of Trial Staff  
PA Public Utility Commission  
Commonwealth Keystone Bldg  
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Harrisburg, PA 17105-3265

Office of Special Assistants  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Bureau of Consumer Services  
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Bureau of Fixed Utility Services  
PA Public Utility Commission  
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Harrisburg, PA 17105-3265

Office of the Attorney General  
Bureau of Consumer Protection  
Strawberry Square, 14th Floor  
Harrisburg, PA 17120

DATE: July 13, 2004

SUBJECT: ~~A-310674F7000~~ A-311313F7000

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary *KB*

JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND  
MOMENTUM TELECOM, INC. FOR APPROVAL OF ADOPTION OF AN  
INTERCONNECTION AGREEMENT UNDER SECTION 252(i) OF THE  
TELECOMMUNICATIONS ACT OF 1996.

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Attached is a copy of a Joint Petition for Approval of  
Adoption 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 July 24, 2004.  
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

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JUL 13 2004



PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOTICE TO BE PUBLISHED

Joint Petition of Verizon Pennsylvania Inc. and Momentum Telecom, Inc. for Approval of Adoption of an Interconnection Agreement Under Section 252(i) of The Telecommunications Act of 1996.

Docket Number: ~~A-310674F7000~~ A-311313F7000

Verizon Pennsylvania Inc. and Momentum Telecom, Inc., by its counsel, filed on June 17, 2004, at the Public Utility Commission, a Joint Petition for approval of Adoption 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 Verizon Pennsylvania Inc. and Momentum Telecom, 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.

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DOCKETED  
JUL 13 2004

BY THE COMMISSION

*James J. McNulty*

James J. McNulty  
Secretary

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