

that any modifications of the language of the Interconnection Agreement should be negotiated and the agreement resubmitted within forty-five (45) days. SWBT restates its position that the parties should negotiate the agreement based upon the decision.

The parties are directed to negotiate the language of the Interconnection Agreement based upon the decisions in this proceeding and submit the Interconnection Agreement incorporating the Commission's final decision within forty-five (45) days of the date of the Commission's final order.

XII. CARRIER ACCESS.

1. IS SWBT ENTITLED TO RECOVER ANY INTRASTATE ACCESS CHARGES FROM LSPTS THAT INTERCONNECT OR PURCHASE UNBUNDLED NETWORK ELEMENTS FOR THE PROVISION OF TELEPHONE EXCHANGE SERVICE AND EXCHANGE ACCESS?

AT&T maintains that it should be allowed to provide exchange access service through UNEs and should not be required to pay carrier access for service provided to its customers over UNEs. SWBT contends that carrier access rates are not negotiable and maintains that the FCC Order does not alter collection of access charges.

SWBT cites ¶191 of the FCC Order in support of its LBO. This provision of the Order appears to have no application to this issue unless SWBT has some proof that AT&T will use UNEs only for the purpose of originating or terminating interexchange traffic. There is no evidence in the record to support such an assumption and the cited paragraph cannot be considered to support SWBT's position.

The FCC clearly distinguished the provision of service through UNEs from the use of resold services. The CLEC is paying for the cost of facilities and may use those facilities to provide telephone exchange service and exchange access to others. The FCC found that there is greater risk for a CLEC offering service through UNEs because CLECs purchasing UNEs must pay for the cost of the facility and face the risk that there will not be sufficient demand for the facility to recoup the cost. FCC Order ¶332-3.

AT&T must compensate SWBT for the UNE facility, as a whole, not for the specific usage of that facility by AT&T's customer. Therefore, the ALJ adopts AT&T's LBO. See also Issue No. I (1).

XIII. MISCELLANEOUS.

1. SHOULD THE CONTRACT INCLUDE TERMS WHICH REQUIRE SWBT TO PROVIDE RESOLD SERVICES, UNBUNDLED NETWORK ELEMENTS, ANCILLARY FUNCTIONS AND INTERCONNECTION ON TERMS THAT ARE AT LEAST EQUAL TO THOSE THAT SWBT USES TO PROVIDE SUCH SERVICES AND FACILITIES TO ITSELF?

AT&T states that the services provided by SWBT must be equal in quality, subject to the same conditions and provided in the same provisioning time intervals as SWBT provides itself.

SWBT states that for services provided to its customers, it will provide such services to AT&T under the same terms and conditions.

In 47 C.F.R. §51.603(b), the FCC requires that ILECs provide services for resale "equal

in quality, subject to the same conditions, within the same provisioning time intervals that the LEC provides those services to others, including end users.” ILECs must provide UNEs “at least equal in quality to that which the incumbent LEC provides to itself.” 47 C.F.R. §51.311(b).

AT&T’s LBO is consistent with the rules and is adopted.

2. WHAT IS SWBT’S OR AT&T’S POSITION PERTAINING TO THE PRICING OF WHITE PAGES LISTINGS AND OTHER WHITE PAGES INFORMATION?

It is AT&T’s position that for resold services, white page listings should be free, and production and delivery of white pages and yellow pages should be at SWBT’s expense. SWBT contends that it is only required to provide directory listings when AT&T purchases unbundled local switching elements. It offers to provide white page listings based upon its UNE costing methodology. SWBT states that it will voluntarily agree to make white page listings, directories and directory delivery available using its costing methodology without requiring AT&T to purchase unbundled switching.

Pursuant to Act 77, ILECs shall provide to CLECs, “at reasonable rates . . . directory listings . . . only to the extent required in the Federal Act.” Act 77 §9(h). SWBT’s LBO complies with Act 77 and is adopted with the exception that the prices for the service should comply with the methodology adopted in Issue No. V (19).

**BY ORDER OF THE ADMINISTRATIVE LAW JUDGE PURSUANT TO
DELEGATION.**

This _____ day of February, 1997.

Sarah M. Bradshaw
Administrative Law Judge

Jan Sanders
Secretary to the Commission

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ARKANSAS
PUBLIC SERVICE COMMISSION

Mar 11 4 04 PM '97

FILED

IN THE MATTER OF AT&T COMMUNICATIONS)
OF THE SOUTHWEST, INC.'S PETITION FOR)
ARBITRATION OF UNRESOLVED ISSUES WITH)
SOUTHWESTERN BELL TELEPHONE COMPANY)
PURSUANT TO §252(b) OF THE)
TELECOMMUNICATION ACT OF 1996)

DOCKET NO. 96-395-U
ORDER NO. 6

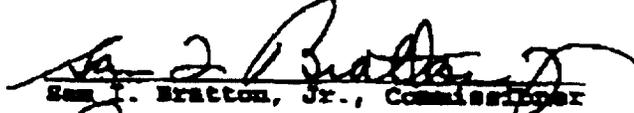
ORDER

Order No. 5, issued on February 28, 1997, by Administrative Law Judge Sarah M. Bradshaw, is hereby affirmed without modification.

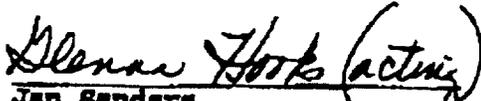
BY ORDER OF THE COMMISSION.

This 11th day of March, 1997.


Levenski R. Smith, Chairman


Sam J. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

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**ARKANSAS
PUBLIC SERVICE COMMISSION**

MAR 11 4 04 PM '97

FILED

IN THE MATTER OF AT&T COMMUNICATIONS)
OF THE SOUTHWEST, INC.'S PETITION FOR)
ARBITRATION OF UNRESOLVED ISSUES WITH)
SOUTHWESTERN BELL TELEPHONE COMPANY)
PURSUANT TO §252(b) OF THE)
TELECOMMUNICATION ACT OF 1996)

DOCKET NO. 96-395-U
ORDER NO. 6

ORDER

Order No. 5, issued on February 28, 1997, by Administrative Law Judge Sarah M. Bradshaw, is hereby affirmed without modification.

BY ORDER OF THE COMMISSION.

This 11th day of March, 1997.

Lavenski R. Smith
LAVENSKI R. SMITH, Chairman

Sam I. Bratton, Jr.
SAM I. BRATTON, JR., Commissioner

Julius D. Kearney
JULIUS D. KEARNEY, Commissioner

Glenn H. Hook (acting)
JAN SANDERS
Secretary of the Commission

ARK. PUBLIC SERVICE COMM.
SECRETARY OF COMM.

**ARKANSAS
PUBLIC SERVICE COMMISSION**

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FILED

IN THE MATTER OF AT&T COMMUNICATIONS)
OF THE SOUTHWEST, INC.'S PETITION FOR)
ARBITRATION OF UNRESOLVED ISSUES WITH)
SOUTHWESTERN BELL TELEPHONE COMPANY)
PURSUANT TO SEC. 252(b) OF THE)
TELECOMMUNICATIONS ACT OF 1996)

DOCKET NO. 96-395-U
ORDER NO. 7

ORDER

The Application for Rehearing filed by AT&T Communications of the Southwest, Inc. on March 28, 1997, should be and hereby is denied.

The Application for Rehearing filed by Southwestern Bell Telephone Company on April 9, 1997, should be and hereby is denied.

BY ORDER OF THE COMMISSION.

This 14TH day of April, 1997.


Lavenski R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

ARKANSAS PUBLIC SERVICE COMMISSION

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FILED

IN THE MATTER OF AT&T COMMUNICATIONS)
OF THE SOUTHWEST, INC., PETITION FOR)
ARBITRATION OF UNRESOLVED ISSUES WITH)
SOUTHWESTERN BELL TELEPHONE COMPANY)
PURSUANT TO SEC. 252(B) OF THE)
TELECOMMUNICATIONS ACT OF 1996)

DOCKET NO. 96-395-U
ORDER NO. 2

ORDER

On April 16, 1997, AT&T Communications of the Southwest, Inc. (AT&T) filed a Motion to Extend Deadline for Filing Compliance Interconnection Agreement. AT&T requests that the deadline for filing an interconnection agreement with Southwestern Bell Telephone Company (SWBT) in compliance with Orders No. 5 and 6 be extended from April 25, 1997 to May 23, 1997. In support of its Motion, AT&T states that AT&T and SWBT are working diligently to produce compliance interconnection agreements in each of the states served by SWBT in the chronological order in which the arbitration awards were entered. However, delays have restricted AT&T's ability to meet the April 25, 1997 deadline. AT&T also contends that strict adherence to the current filing deadline will unnecessarily limit negotiations and may force the parties to produce competing agreements with disputed terms and conditions.

On April 17, 1997, SWBT filed a Response to AT&T's Motion stating that SWBT will agree to a one week extension of the deadline. SWBT requests that the deadline be extended to May 2, 1997.

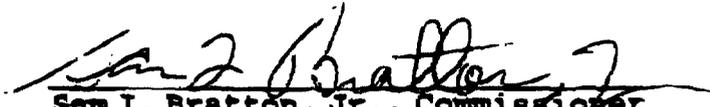
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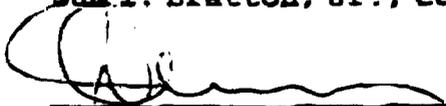
The Motion of AT&T should be and hereby is granted. The deadline for filing the compliance interconnection agreement is hereby extended to May 23, 1997, to allow the parties adequate time to negotiate the compliance interconnection agreement.

BY ORDER OF THE COMMISSION.

This 18th day of April, 1997.


Lavenki R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

ARK. PUBLIC SER. COMM.
JULY 27 1997
SECRETARY'S OFFICE

**ARKANSAS
PUBLIC SERVICE COMMISSION**

Jun 11 4 08 PM '97

FILED

IN THE MATTER OF AT&T COMMUNICATIONS)
OF THE SOUTHWEST, INC.'S PETITION FOR)
ARBITRATION OF UNRESOLVED ISSUES WITH)
SOUTHWESTERN BELL TELEPHONE COMPANY)
PURSUANT TO SEC. 252(b) OF THE)
TELECOMMUNICATIONS ACT OF 1996)

DOCKET NO. 96-395-U
ORDER NO. 9

ORDER

Order No. 5, entered by the assigned Administrative Law Judge on February 28, 1997, directed AT&T Communications of the Southwest, Inc. (AT&T) and Southwestern Bell Telephone Company (SWBT) to file an Interconnection Agreement in compliance with the arbitration award within forty-five days of the date of a final Commission Order approving Order No. 5. Order No. 6, entered by the Commission on March 11, 1997, affirmed Order No. 5. On April 18, 1997, Order No. 8 was entered extending the deadline for filing the Interconnection Agreement. AT&T and SWBT were granted an extension to May 23, 1997, to file a single agreement between the two parties incorporating the arbitration award.

On May 23, 1997, AT&T and SWBT each filed separate Interconnection Agreements. To date, AT&T and SWBT have not complied with Order No. 5 and No. 8 which directed the parties to file a single agreement. Therefore, the Commission finds that AT&T and SWBT are not in compliance with the Orders of the Commission and that the separate "agreements" filed by AT&T and SWBT on May 23, 1997, should be and hereby are dismissed. Pursuant to Ark. Code Ann. §23-1-103, failure to comply with a Commission Order may result in the imposition of

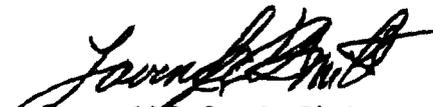
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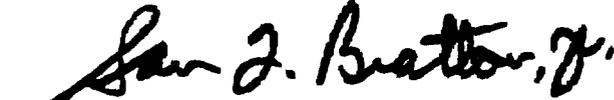
monetary sanctions. The Commission will not at this time impose sanctions on SWBT and AT&T. However, continued failure to comply with the orders of the Commission in this Docket may result in sanctions.

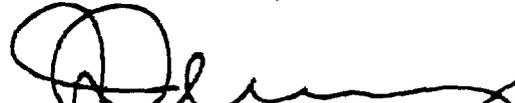
The parties to this Docket are hereby directed to file a single interconnection agreement on or before 2:00 p.m. on June 30, 1997. The Commission will not consider that an agreement subject to review pursuant to §252(e)(2)(B) of the Telecommunications Act of 1996, 47 U.S.C. §252(e)(2)(B), has been filed until AT&T and SWBT have filed a joint Interconnection Agreement in compliance with the arbitration award.

BY ORDER OF THE COMMISSION.

This 11th day of June, 1997.


Lavenski R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

I hereby certify that the following order issued by the Arkansas Public Service Commission has been served on all parties of record this date by U.S. mail with postage prepaid, using the address of each party as indicated in the official docket file.


Jan Sanders
Secretary of the Commission
Date 6-11-97

ARK. PUBLIC SERVICE COMMISSION
SECRETARY

**ARKANSAS
PUBLIC SERVICE COMMISSION**

JUN 26 9 48 AM '97

FILED

IN THE MATTER OF AT&T COMMUNICATIONS)
OF THE SOUTHWEST, INC.'S PETITION FOR)
ARBITRATION OF UNRESOLVED ISSUES WITH)
SOUTHWESTERN BELL TELEPHONE COMPANY)
PURSUANT TO SEC. 252(b) OF THE)
TELECOMMUNICATIONS ACT OF 1996)

DOCKET NO. 96-395-U
ORDER NO. 10

ORDER

The Motion to Extend Deadline for Filing Compliance Interconnection Agreement filed on June 23, 1997, is granted.

BY ORDER OF THE COMMISSION.

This 26th day of June, 1997.


Lavenski R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

I hereby certify that the following order issued by the Arkansas Public Service Commission has been served on all parties of record this date by U. S. mail with postage prepaid, using the address of each party as indicated in the official docket file.


Jan Sanders
Secretary of the Commission
Date 6-26-97 JS

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ARKANSAS
PUBLIC SERVICE COMMISSION

FILED

IN THE MATTER OF AT&T COMMUNICATIONS)
OF THE SOUTHWEST, INC.'S PETITION FOR)
ARBITRATION OF UNRESOLVED ISSUES WITH)
SOUTHWESTERN BELL TELEPHONE COMPANY)
PURSUANT TO SEC. 252(b) OF THE)
TELECOMMUNICATIONS ACT OF 1996)

DOCKET NO. 96-395-U
ORDER NO. 11

ORDER

On November 15, 1996, AT&T Communications of the Southwest, Inc. (AT&T) filed a Petition for Arbitration pursuant to §252(b) of the Telecommunications Act of 1996 (1996 Act), 47 U.S.C. §252(b). In its Petition, AT&T sought compulsory arbitration to establish an interconnection agreement between AT&T and Southwestern Bell Telephone Company (SWBT).

The Commission entered Order No. 1 on November 22, 1996, designating an arbitrator in the Docket and scheduling the arbitration hearing to begin on January 21, 1997. The arbitrator entered Order No. 5 on February 28, 1997, deciding all issues pending in the arbitration proceeding. On March 6, 1997, the Commission entered Order No. 6 affirming the arbitrator's decision.

SWBT and AT&T filed a proposed Interconnection Agreement based upon the arbitrator's Order on July 25, 1997. The proposed Interconnection Agreement is in three parts: Part A includes the arbitrated issues and the contractual language agreed upon by SWBT and AT&T; Part B includes

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the affirmed issues upon which SWBT and AT&T cannot agree and the competing contractual language proposed by each party, and Part C includes issues that AT&T believes were resolved in Order No. 5 but SWBT contends were not at issue in the arbitration and therefore, are outside the scope of the *Docket A Joint Motion* was filed by AT&T and SWBT on July 31, 1997, affirming that the Commission "was in order resolving all disputes between the parties concerning the parties' differing interpretations of the Commission Order Nos. 5 and 6 involving the arbitration issues presented in this *Docket*."

After the conclusion of the arbitration hearing, Act 77 of 1997, the Telecommunications Regulatory Reform Act of 1997, was enacted on February 4, 1997, with an immediate effective date. Order No. 5 incorporated some of the provisions of Sec. 9 of Act 77 which adversely impact restrictions on the Commission's authority over the terms and conditions of interconnection agreements between incumbent local exchange carriers (ILECs) such as SWBT and competitive local exchange carriers (CLECs) such as AT&T. The restrictions on pricing of interlocal network elements were incorporated in the decision and SWBT was ordered to revise its cost studies to reflect embedded costs as specified in Sec. 9(c) of Act 77. However, the nature of the still-controversial filings by the parties has caused the Commission to more carefully scrutinize the language of Sec. 9 of Act 77. More specifically, the separate proposals advanced by AT&T, clearly being into question the Commission's remaining authority. Based upon this more in-depth review of Sections 9, and mindful of the legislature's express and repeated commands that we look to their intent, the Commission concludes that Act 77 and its impact on the Commission's authority to affirm interconnection issues were not fully and appropriately addressed in Order No. 5.

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Section 9 of Act 77 prescribes the terms, conditions and pricing for interconnection, unbundled network elements and resale components of interconnection agreements between ILECs and CLECs. The overall impact of this section of Act 77 is to impose restrictions on the terms and conditions under which a CLEC can obtain interconnection with an ILEC and impose restrictions on the Commission's authority to require an ILEC to provide interconnection to a CLEC on terms not agreeable to the ILEC. Generally the provisions of Section 9 specify the method of calculating the prices which a CLEC must pay for unbundled network elements, restrict the terms and availability of resale and impose pricing restrictions on resale. Section 9 limits the authority of the Commission to approving the terms and conditions specified in the Act for interconnection agreements and specifically states that:

As provided in Sections 251 and 252 of the Federal Act (47 USC 251 and 252), the Commission's authority with respect to interconnection, resale, and unbundling is limited to the terms, conditions and agreements pursuant to which an incumbent local exchange carrier will provide interconnection, resale, or unbundling to a CLEC for the purpose of the CLEC competing with the incumbent local exchange carrier in the provision of telecommunications services to end-user customers. [Emphasis added.] Act 77, §9(f).

The Commission's initial review of the arbitration order in this proceeding, including consideration of the restrictions imposed by Act 77 on the Commission's authority with regard to interconnection agreements was conducted in haste due to the time constraints on arbitrations proceedings contained in the 1996 Act and the passage of Act 77 shortly before the expiration of the arbitration deadline. In reviewing the proposed disputed interconnection agreement filed as a result of the arbitration, the Commission has had a longer time to carefully consider the meaning and intent

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DOCKET NO. 96-395-D**Page 4**

of Sec. 9 of Act 77 and specifically Sec. 9(f). Based upon this review, the Commission concludes that this subsection effectively proscribes the Commission's role and authority in an arbitration of an interconnection agreement. To the extent that an ILEC, SWBT, is willing to provide interconnection which meets the minimum requirements for interconnection specified in Sec. 251 of the 1996 Act, the Commission is without authority to order the ILEC, SWBT, to provide interconnection, resale or unbundling to a CLEC, AT&T, on any different terms, conditions or prices than those proposed by the ILEC. Pursuant to the restrictions on the Commission's authority in Act 77, the Commission has no authority to order SWBT to provide interconnection, resale or unbundling to AT&T on any different terms or conditions than SWBT will agree to provide such services to a competitor if those terms and conditions meet the minimum requirements for interconnection specified in Sec. 251 of the 1996 Act. Therefore, the Commission's role as an arbitrator in an interconnection dispute is limited to determining whether the ILEC is offering interconnection, resale and unbundling which complies with the minimum requirements of Sec. 251 of the 1996 Act and the restrictions imposed by Sec. 9 of Act 77. If the terms and conditions offered by the ILEC meet the minimum requirements of the 1996 Act and the restrictions imposed in Act 77, the Commission's authority is limited to approving what the ILEC has offered to provide the CLEC. To the extent that Order No. 5 adopted resolutions of issues not advocated by SWBT and which would require SWBT to provide more than the minimum interconnection terms and conditions specified in Sec. 251 of the 1996 Act, the Order exceeds the scope of the Commission's authority as set forth in Sec. 9 of Act 77.

Pursuant to Sec. 9(f), the Commission finds that Order No. 5 entered on February 28, 1997.

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Page 5

exceeded the Commission's authority with regard to the terms and conditions of interconnection, resale and unbundling and did not properly apply Act 77 to the arbitration proceeding. Had Act 77 been correctly applied to the arbitration, these issues, with the exception of pricing, would have been resolved in favor of the ILEC, SWBT, because the Commission lacks the authority to require SWBT to enter into an interconnection agreement on terms different than those which SWBT will agree to provide interconnection, resale and unbundling to AT&T if the terms and conditions offered by SWBT meet the minimum requirements of Sec. 251 of the 1996 Act. Therefore, the Commission hereby reverses Order No. 5 on any interconnection, resale and unbundling issues, with the exception of pricing, which adopted the position of AT&T. Order No. 5 directed SWBT to use cost studies in compliance with Sec. 9(e) which provides that unbundled network elements "shall include the actual costs, including an allocation of joint and common costs and a reasonable profit." AT&T filed a memorandum on July 25, 1997, alleging that SWBT's revised cost studies were in error. However, pursuant to Act 77 the Commission has no authority to obtain information or investigate any financial information of SWBT, including cost studies to verify the accuracy of SWBT's filing. See Act 77, §6, 7, 8 and 11. Consequently, the portions of Order No. 5 dealing with pricing are not reversed and due to the Commission's limited ability to investigate SWBT's cost and pricing, the Commission must presume without a specific finding that SWBT is in compliance with Act 77. In conformance with Act 77, an interconnection agreement between AT&T and SWBT must contain the terms and conditions on which SWBT will provide interconnection, resale, or unbundling to AT&T if those terms and conditions meet the minimum requirements of Sec. 251 of the 1996 Act. The Commission's authority "is limited to the terms, conditions and agreements pursuant to which"

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SWBT "will provide interconnection, resale, or unbundling" to AT&T and the Commission is without authority to order SWBT to provide any terms or conditions in an interconnection agreement which SWBT is not willing to provide to AT&T as a CLEC. The Commission approves the contract language for the interconnection agreement proposed by SWBT for those provisions of the interconnection which are consistent with the terms and conditions SWBT has agreed to and which are in conformance with the positions taken by SWBT in the arbitration pursuant to the limitations on the Commission's authority in Sec. 9 of Act 77.

BY ORDER OF THE COMMISSION.

This 18th day of February, 1998.


Sam I. Houston, Jr., Commissioner


Julius D. Kearney, Commissioner

Though I do not agree with the rationale, I concur in the result.


Leonard R. Smith, Chairman


Jan Sanders
Secretary of the Commission

**Arkansas Public Service Commission Orders Approving or
Disapproving An Interconnection Agreement Since
August 1, 1997**

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**ARKANSAS
PUBLIC SERVICE COMMISSION**

FILED

**IN THE MATTER OF THE APPLICATION OF)
SOUTHWESTERN BELL TELEPHONE COMPANY)
AND FRONTIER TELEMAGEMENT, INC.)
FOR APPROVAL OF AN INTERCONNECTION)
AGREEMENT UNDER THE)
TELECOMMUNICATIONS ACT OF 1996)**

**DOCKET NO. 98-007-U
ORDER NO. 2**

ORDER

On January 12, 1998, Southwestern Bell Telephone Company (SWBT) and Frontier Telemanagement, Inc. (Frontier) filed a Joint Application requesting approval of a Resale Interconnection Agreement (Agreement) between SWBT and Frontier pursuant to the Telecommunications Act of 1996 (1996 Act). According to the Application, the Agreement was negotiated and executed pursuant to the terms of the 1996 Act.

The 1996 Act requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the agreement is deemed approved. 47 U.S.C. §252(e).

The 1996 Act specifies that the 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: . . . 47 U.S.C. §252(e)(2).

There was no evidence presented in the filed comments that the Resale Interconnection Agreement between SWBT and Frontier discriminates against a telecommunications carrier that

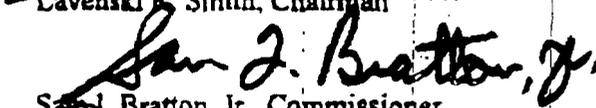
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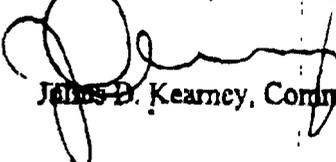
is not a party to the Agreement or that the Agreement is not consistent with the public interest. The Resale Interconnection Agreement between Frontier and SWBT is a negotiated agreement between Frontier and SWBT and there is no evidence indicating that the Agreement should be rejected pursuant to 47 U.S.C. §252(e)(2)(A). Therefore, the Resale Interconnection Agreement filed by SWBT and Frontier on January 12, 1998, should be and is hereby approved pursuant to Sec. 252(e) of the 1996 Act, 47 U.S.C. §252(e)

BY ORDER OF THE COMMISSION.

This 18th day of February, 1998.


Lavenki B. Smith, Chairman


Sam L. Bratton, Jr., Commissioner


James D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

ARK. PUBLIC SERVICE COMMISSION
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**ARKANSAS
PUBLIC SERVICE COMMISSION**

FILED

**IN THE MATTER OF NOW COMMUNICATIONS,)
AND SOUTHWESTERN BELL TELEPHONE)
COMPANY'S APPLICATION FOR APPROVAL OF)
INTERCONNECTION AGREEMENT UNDER THE)
TELECOMMUNICATIONS ACT OF 1996)**

**DOCKET NO. 97-437-U
ORDER NO. 2**

ORDER

On December 5, 1997, Southwestern Bell Telephone Company (SWBT) and Now Communications, Inc. (NOW) filed a Joint Application requesting approval of a Resale Interconnection Agreement (Agreement) between SWBT and NOW pursuant to the Telecommunications Act of 1996 (1996 Act). According to the Joint Application, the Agreement was negotiated and executed pursuant to the terms of the 1996 Act.

The 1996 Act requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the agreement is deemed approved. 47 U.S.C. §252(e).

The 1996 Act specifies that the 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; . . . 47 U.S.C. §252(e)(2).

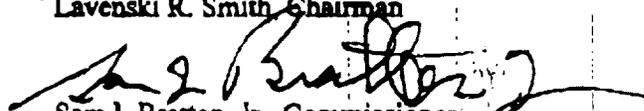
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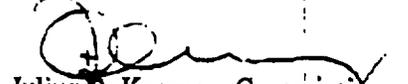
There was no evidence presented in the filed comments that the Interconnection Agreement between SWBT and NOW discriminates against a telecommunications carrier that is not a party to the Agreement or that the Agreement is not consistent with the public interest. The Resale Interconnection Agreement between NOW and SWBT is a negotiated agreement between NOW and SWBT and there is no evidence indicating that the Agreement should be rejected pursuant to 47 U.S.C. §252(e)(2)(A). Therefore, the Resale Interconnection Agreement filed by SWBT and NOW on December 5, 1997, should be and is hereby approved pursuant to Sec. 252(e) of the 1996 Act, 47 U.S.C. §252(e)

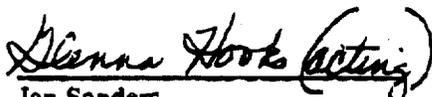
BY ORDER OF THE COMMISSION.

This 5th day of February, 1998.


Lavenski R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission

**ARKANSAS
PUBLIC SERVICE COMMISSION**

FILED

**IN THE MATTER OF THE APPLICATION OF)
SOUTHWESTERN BELL TELEPHONE COMPANY)
AND SOUTHWESTERN BELL WIRELESS FOR)
APPROVAL OF AN INTERCONNECTION)
AGREEMENT UNDER THE)
TELECOMMUNICATIONS ACT OF 1996)**

**DOCKET NO. 97-441-U
ORDER NO. 2**

ORDER

On December 9, 1997, Southwestern Bell Telephone Company (SWBT) and Southwestern Bell Wireless (SBW) filed a Joint Application requesting approval of an Interconnection Agreement (Agreement) between SWBT and SBW pursuant to the Telecommunications Act of 1996 (1996 Act). According to the Joint Application, the Agreement was negotiated and executed pursuant to the terms of the 1996 Act.

The 1996 Act requires that any negotiated interconnection agreement shall be submitted to the State commission for approval. The Commission shall approve or reject the agreement within ninety (90) days of the date it is submitted by the parties to the agreement or the agreement is deemed approved. 47 U.S.C. §252(e).

The 1996 Act specifies that the 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; . . . 47 U.S.C. §252(e)(2).

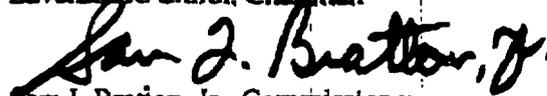
DOCKET NO. 97-441-U
PAGE 2

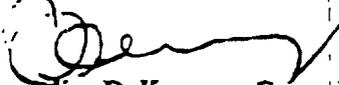
There was no evidence presented in the filed comments that the Interconnection Agreement between SWBT and SBW discriminates against a telecommunications carrier that is not a party to the Agreement or that the Agreement is not consistent with the public interest. The Interconnection Agreement between SBW and SWBT is a negotiated agreement between SBW and SWBT and there is no evidence that the Agreement should be rejected pursuant to 47 U.S.C. §252(e)(2)(A). Therefore, the Interconnection Agreement filed by SWBT and SBW on December 9, 1997, should be and is hereby approved pursuant to Sec. 252(e) of the 1996 Act, 47 U.S.C. §252(e)

BY ORDER OF THE COMMISSION.

This 4~~th~~ day of February, 1998.


James R. Smith, Chairman


Sam I. Bratton, Jr., Commissioner


Julius D. Kearney, Commissioner


Jan Sanders
Secretary of the Commission