

ATTACHMENT E

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Verizon North, Inc., Verizon South, Inc., :
and Intrado, Inc. :
 :
 :
Joint Petition for Approval pursuant to : 10-0416
47 U.S.C. §§ 252(a)(1) and 252(e) of an :
Interconnection Agreement. :

ORDER

By the Commission:

I. PROCEDURAL HISTORY

On June 28, 2010, pursuant to 83 Ill. Adm. Code 763, Verizon North, Inc., Verizon South, Inc., ("Verizon") and Intrado, Inc., ("Intrado") filed a Joint Petition for Approval of an Interconnection Agreement under Section 252 of the Telecommunications Act of 1996 (47 U.S.C. §§ 151 et seq.) ("Act").

A verified statement in support of the approval of an interconnection agreement between Verizon and Intrado was filed by Craig W. Donaldson, SR VP Regulatory and Government Affairs of Intrado, asserts that the facts contained in the petition are true and correct to the best of his knowledge, information, and belief.

Pursuant to notice as required by law and the rules and regulations of the Commission, this matter came on for hearing by a duly authorized Administrative Law Judge of the Commission at its offices in Springfield, Illinois, on July 20, 2010. Staff filed the Verified Statement of A. Olusanjo Omoniyi of the Commission's Telecommunications Division.

At the hearing, appearances were entered by counsel on behalf of Petitioners and Staff of the Commission. All agreed that there were no unresolved issues in this proceeding.

Mr. Omoniyi's Verified Statement was admitted into evidence without objection and the record was marked "Heard and Taken."

II. SECTION 252 OF THE TELECOMMUNICATIONS ACT

Section 252(a)(1) of the Act allows parties to enter into negotiated agreements regarding requests for interconnection services or network elements, as well as amendments to those agreements. Verizon and Intrado have negotiated such an Agreement and submitted it for approval in this proceeding.

Section 252(e)(1) of the Act provides, in part, that “[a]ny interconnection agreement adopted by negotiation . . . shall be submitted for approval to the State Commission.” This Section further provides that a State Commission to which such an agreement is submitted “shall approve or reject the agreement, with written findings as to any deficiencies.” Section 252(e)(2) provides that the State Commission may only reject the negotiated agreement if it finds that “the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement” or that “the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.”

Section 252(e)(4) provides that the agreement shall be deemed approved if the State Commission fails to act within 90 days after submission by the parties. This provision further states that “[n]o State court shall have jurisdiction to review the action of a State Commission in approving or rejecting an agreement under this section.” Section 252(e)(5) provides for preemption by the Federal Communications Commission if a State Commission fails to carry out its responsibility, and Section 252(e)(6) provides that any party aggrieved by a State Commission’s determination on a negotiated agreement may bring an action in the appropriate Federal District Court.

Section 252(h) requires a State Commission to make a copy of each agreement approved under subsection (3) “available for public inspection and copying within 10 days after the agreement or statement is approved.” Section 252(i) requires a local exchange carrier to “make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement.”

III. THE AGREEMENT

The instant Agreement between Verizon and Intrado is a new Agreement between the parties. This Agreement shall be effective as of June 25, 2010 (the “Effective Date”) and, unless cancelled or terminated earlier in accordance with the terms hereof, shall continue in effect until December 31, 2012 (the “Initial Term”). Thereafter, this Agreement shall continue in force and effect unless and until cancelled or terminated as provided in this Agreement.

IV. POSITIONS OF THE PARTIES

No party contended that the Agreement is discriminatory or contrary to the public interest. Staff reviewed the Agreement in the context of the criteria contained in Section 252(e)(2)(A) of the Act and determined that it met the necessary requirements. Under this Section, the Commission may reject an agreement, or any portion thereof, adopted by negotiation under Subsection (a) only if it finds that (i) the agreement, or a portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such an agreement, or a portion thereof, is not consistent with the public interest, convenience and necessity.

Mr. Omoniyi asserts in his Verified Statement that the Agreement meets the standards set forth in the Telecommunications Act of 1996 and is consistent with the public interest, convenience and necessity. There are no contested issues in this docket. Staff recommends that the Commission approve the Agreement for the reasons set forth in the Verified Statement of Mr. Omoniyi.

Staff recommends that in order to implement the Verizon-Intrado Agreement, the Commission should require VERIZON to, within five days from the date the Agreement is approved, modify its tariffs to reference the negotiated Agreement for each service affected. Such a requirement is consistent with the Commission's Orders in previous negotiated agreement dockets and allows interested parties access to the Agreement. The following sections of Verizon's tariffs should reference the VERIZON-INTRADO INC. Agreement: Agreements with Telecommunications Carriers (ICC No. 10 Section 18).

Staff also recommends that in order to assure that the implementation of the Agreement is in the public interest, Verizon should implement the Agreement by filing a verified statement with the Chief Clerk of the Commission, within five (5) days of approval by the Commission, that the approved Agreement is the same as the Agreement filed in this docket with the verified petition. The Chief Clerk should place the Agreement on the Commission's web site under Interconnection Agreements. Such a requirement is also consistent with the Commission's Orders in previous negotiated agreement dockets.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) Verizon North, Inc., Verizon South, Inc and Intrado, Inc., are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act;
- (2) Verizon North, Inc., Verizon South, Inc and Intrado, Inc., have entered into an Interconnection Agreement which has been submitted to the Commission for approval under Section 252(e) of the Telecommunications Act of 1996;
- (3) the Commission has jurisdiction of the parties hereto and the subject matter hereof;
- (4) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;

- (5) the Interconnection Agreement between Verizon North, Inc., Verizon South, Inc and Intrado, Inc., does not discriminate against a telecommunications carrier not a party to the Agreement;
- (6) in order to implement the Verizon-Intrado Agreement, the Commission must require VERIZON to, within five days from the date the Agreement is approved, modify its tariffs to reference the negotiated Agreement for each service affected. Such a requirement is consistent with the Commission's Orders in previous negotiated agreement dockets and allows interested parties access to the Agreement. The following sections of Verizon's tariffs should reference the VERIZON-INTRADO INC. Agreement: Agreements with Telecommunications Carriers (ICC No. 10 Section 18);
- (7) in addition, in order to assure that the implementation of the Agreement is in the public interest, Verizon must implement the Agreement by filing a verified statement with the Chief Clerk of the Commission, within five (5) days of approval by the Commission, that the approved Agreement is the same as the Agreement filed in this docket with the verified petition. The Chief Clerk should place the Agreement on the Commission's web site under Interconnection Agreements. Such a requirement is also consistent with the Commission's Orders in previous negotiated agreement dockets;
- (8) the Interconnection Agreement must be approved as hereinafter set forth;
- (9) approval of the Interconnection Agreement does not have any precedential effect on any future negotiated agreements or Commission Orders.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Interconnection Agreement between Verizon North, Inc., Verizon South, Inc., and Intrado, Inc. is hereby approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that Verizon North, Inc., Verizon South, Inc., and Intrado, Inc. must comply with findings (6), and (7) of this Order within five days of the date of this Order.

IT IS FURTHER ORDERED that subject to the provisions of 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 18th day of August, 2010.

(SIGNED) MANUEL FLORES

Acting Chairman