

**FILE**

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<b>In the Matter of the Establishment of Carrier-to-Carrier Rules.</b>	)	Case No. 06-1344-TP-ORD
	)	
<b>In the Matter of the Commission Ordered Investigation of the Existing Local Exchange Competition Guidelines.</b>	)	Case No. 99-998-TP-COI
	)	
<b>In the Matter of the Commission Review of the Regulatory Framework for Competitive Telecommunications Services Under Chapter 4927, Revised Code.</b>	)	Case No. 99-563-TP-COI
	)	

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**INITIAL COMMENTS OF  
XO COMMUNICATIONS SERVICES, INC.**

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**I. INTRODUCTION**

By Entry dated November 21, 2006, the Commission invited comments on the Staff's revised proposed carrier-to-carrier rules under the newly opened docket, Case No. 06-1344-TP-ORD, *In the Matter of the Establishment of Carrier-to-Carrier Rules*. XO Communications Services, Inc. (herein "XO") applauds Staff's efforts in drafting the proposed rules and in holding the conference on November 30, 2006 at which Staff discussed each rule.

XO hereby submits the following comments regarding the proposed Carrier to Carrier rules in the above-captioned docket. Many of the proposed rules are necessary and provide good direction for the Commission's role in the review, arbitration, mediation, and approval of interconnection agreements. XO, however, urges the Commission to substantially modify or eliminate the following proposed rules:

1. Proposed Ohio Administrative Code (OAC) §4901:1-7-06(B) - Basic Requirements for bona fide request BFR for Interconnection; and

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2. Proposed OAC §4901:1-7-07, Establishment of Interconnection Agreements, specifically:
  - a. Proposed OAC§4901:1-7-07(A) Processing a bona fide request (BFR) for interconnection;
  - b. Proposed OAC§4901:1-7-07 (B), Requests for the Negotiation of an Amendment to an Existing Arrangement, and
  - c. Proposed OAC§4901:1-7-07 (E), BFR fee.

As described in further detail below, these rules do not reflect the industry practices that are currently used to initiate and conduct negotiations, are beyond the requirements of the Telecommunications Act of 1996 (herein "Act"), and go far beyond the rules established in any other state jurisdiction.

## II. XO's COMMENTS

### A. Proposed OAC §4901:1-7-06(B), Basic Requirements for Bona Fide Request (BFR) for Interconnection.

Since the Act became effective, telecommunications carriers, both ILECs and the requesting carriers, have had the duty to negotiate agreements to interconnect pursuant 47 U.S.C 251 (c)(1) which states:

- (1) DUTY TO NEGOTIATE- The duty to negotiate in good faith in accordance with section 252 the particular terms and conditions of agreements to fulfill the duties described in paragraphs (1) through (5) of subsection (b) and this subsection. The requesting telecommunications carrier also has the duty to negotiate in good faith the terms and conditions of such agreements.

For the most part, negotiation works. Hundreds of agreements have been negotiated and presented to Commissions for approval across the United States, with only a small minority of agreements having to come before Commissions for arbitration. The Act was intended to give the negotiating parties more power in determining how interconnection would occur without federal or state commission intervention. In order to initiate negotiations, the requesting party

simply needs to refer to the relevant ILEC's wholesale website and submit a request to negotiate. For example, AT&T fully details the negotiation process and the requirements to initiate negotiations at <https://clec.att.com> (see XO Exhibit A attached hereto and incorporated by reference) and Verizon does the same at <http://www22.verizon.com> (see XO Exhibit B attached hereto and incorporated by reference).

Given, that ILECs have developed processes for initiating negotiations for interconnection, there is no requirement or need for this Commission to have rules that detail how a request should be submitted, what needs to be included in a request, and the timelines for responses. In fact no other state in which XO operates has rules along the lines of what is proposed here. Most states simply require that carriers comply with the duty to negotiate in good faith, and describe the basic interconnection requirements found in proposed OAC §4901:1-7-06(A). The Act leaves the process open to the negotiating parties, with the Act's only specific negotiations condition requiring that once an agreement is reached it must be presented to the Commission for approval (47 U.S.C. 252 (a)(1)). Or, if agreement cannot be reached, parties may file for arbitration under 47 U.S.C. 252 (b)(1)<sup>1</sup>.

Proposed OAC §4901:1-7-06(B), Basic Requirements for bona fide request (BFR) for Interconnection, goes far beyond what is required for a requesting carrier to provide to initiate negotiations. First, a BFR is not required to initiate a request for interconnection. As shown in XO Exhibits A and B, the request to negotiate is simply a written request from the requesting carrier to initiate negotiations. This formal written request starts the timeline for negotiations and is used to establish the arbitration window should arbitration become necessary.

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<sup>1</sup> 47 U.S.C. 252 (b) AGREEMENTS ARRIVED AT THROUGH COMPULSORY ARBITRATION- (1) ARBITRATION- During the period from the 135th to the 160th day (inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation under this section, the carrier or any other party to the negotiation may petition a State commission to arbitrate any open issues.

The use of the term BFR is inappropriate in this context as the term BFR and the associated process for completing a BFR is actually something negotiated into interconnection agreements related to unbundled elements. It is the process by which a requesting carrier can obtain unbundled elements not specifically covered in the interconnection agreement. For example, in Illinois the definition of a "Bona fide request" is:

"Bona fide request" means a written request by a telecommunications carrier for interconnection for the purpose of exchange of local traffic, access or connection to an unbundled network element (including combinations and collocation arrangements) *that is customized or different in quality from those recognized under the Illinois Commerce Commission's (Commission) requirements, included in existing interconnection agreements, or currently deployed in any other ILEC's network.* [emphasis added]

The use of the term BFR in OAC §4901:1-7-06(B) is confusing at best and completely inappropriate given the use of the term BFR in the request for unbundled elements.

Additionally, the detailed information required by OAC §4901:1-7-06(B) is not necessary to initiate negotiations, may not be required by the ILEC as negotiations proceed, and may not be included as a requirement of the final negotiated interconnection agreement. For example, there is no reason that a requesting carrier should have to provide the type of proprietary information contained in 4901:1-7-06(B)(2) unless the parties agree that that information is necessary as part of the agreement itself. XO's interconnection agreements frequently require XO to provide facilities forecasts, but only as a requirement of the agreement, not as a requirement to negotiate the agreement. In fact, the terms negotiated in the agreement may impact a carrier's use of facilities, and thus, the forecast.

For all of these reasons, proposed OAC §4901:1-7-06(B) should be stricken in its entirety as it inaccurately describes a request for negotiations as a BFR, and requires carriers to submit information that is not applicable or necessary to start the negotiation process.

B. Proposed OAC §4901:1-7-07(A), Processing a bona fide request (BFR) for Interconnection.

The proposed rules contained in OAC §4901:1-7-07; Establishment of Interconnection Agreements, sections (A), (B) and (E) also need to be revised or deleted to comply with the Act and/or more accurately mirror current industry practice. Sections (A), (B) and (E) of proposed OAC §4901:1-7-07 are discussed more fully below.

1. Proposed OAC §4901:1-7-07(A), Processing a bona fide request (BFR) for Interconnection

Proposed OAC §4901:1-7-07(A) primarily focuses on the submission of the request for interconnection (Inappropriately described as a BFR for the reasons set forth above) and establishes a timeline for responses from both parties in the negotiation. Proposed OAC §4901:1-7-07(A)(1) requires that the “requesting carrier must also notify simultaneously the chief of the telecommunications division of the utilities department of the commission” when requesting an interconnection agreement. This is a superfluous requirement that does nothing but require more paperwork to be completed by the requesting carrier and increase administrative expense. The Act does not give the Commission a role in the actual negotiations between carriers. The role granted to the Commission is to approve the final interconnection agreement, or should it become necessary, to arbitrate open issues. If and when a carrier seeks arbitration, that carrier will have to produce the documentation showing when the negotiation process was initiated to sufficiently demonstrate that the request for arbitration is within the arbitration window set forth in the Act.

Further, the proposed rules that lay out a strict timeline for parties responses as provided for in OAC §4901:1-7-07(A)(2), (3), (4), and (5) are not necessary or appropriate. As the Act requires, carriers may request arbitration during the period from the 135th to the 160th day

(inclusive) after the date on which an incumbent local exchange carrier receives a request for negotiation. See Footnote 1. The remainder of the negotiations timeline is up to the parties in the negotiations. Although XO is aware that there have been times when negotiations have stalled, or been delayed in starting, it is not necessary for the Commission to dictate the dates by which parties must make responses. Requests for interconnection may be very simple and straightforward, or may be complex and very detailed, thus it is impossible to determine, without the specific request in hand, the timeframe required for parties to fully respond. Part of the process between parties negotiating in good faith is establishing the timelines both parties feel are appropriate to meet their commitments. By establishing an arbitrary timeline for responses, this Commission is placing an undue burden on each party to meet an arbitrary timeline.

XO realizes that some of these proposed rules may have been appropriate when requesting and negotiating interconnection agreements was something new. The industry is now, however, 10 years past the implementation of the Act. Telecommunications carriers have had significant experience in negotiating agreements. In addition, the ILECs have fully documented the process for negotiating and have interconnection agreement templates to start negotiations. Finally, ILECs also have fully executed agreements which carriers may choose to opt into.

For these reasons, proposed OAC §4901:1-7-07(A) should be modified. Attached hereto and incorporated by reference is XO Exhibit C which sets forth the proposed revisions to OAC §4901:1-7-07(A) consistent with the comments set forth above. Revising proposed OAC §4901:1-7-07(A) as set forth in Exhibit C will simplify the negotiation process, reduce administrative burden and expense on telecommunication carriers and the Commission, and ensure that the negotiation process is consistent with Act.

2. Proposed OAC §4901:1-7-07(B) Requests For The Negotiation Of An Amendment To An Existing Arrangement.

Proposed OAC §4901:1-7-07(B), Request for Negotiation of an Amendment to an Existing Arrangement, needs to be revised for all of the reasons set forth in section II.B.1 above. Also set forth in XO Exhibit C is proposed revisions to OAC §4901:1-7-07(B) to make the proposed rule consistent with the comments set forth in section II.B.1 above.

3. Proposed OAC §4901:1-7-07(E), BFR Fee

XO also objects to proposed OAC §4901:1-7-07(E), BFR Fee, which allows the ILEC to recover costs associated with an interconnecting carrier's request (Inappropriately described as a BFR for the reasons set forth in Section II.A above) for initial and subsequent interconnection arrangements. Once again, this rule highlights the problem with calling a request for interconnection a BFR.

XO does not object to the ILEC recovering its costs for evaluating unique requests for interconnection, or for special arrangements and for technical and economic feasibility assessments for things NOT included in established interconnection agreements. The BFR sections of established interconnection agreements either describe how costs for BFRs will be assessed or may even list rates for BFRs. An initial or subsequent request for interconnection, does not require any unique assessments by the ILEC, and as such no fees are applicable. The Act does not provide nor contemplate for telephone companies charging for negotiating interconnection agreements. The providing telephone company will not be harmed by this deletion as, once an interconnection agreement is negotiated that includes the BFR process for requesting unique arrangements, the providing telephone company will be able to recover any costs they incur in evaluating an unbundled element request. Therefore, proposed OAC §4901:1-7-07(E) must be stricken in its entirety.

### III. CONCLUSION

For all of the reasons set forth herein, proposed OAC §4901:1-7-06(B); Basic Requirements for bona fide request (BFR) for Interconnection, should be stricken in its entirety. Additionally, proposed OAC §4901:1-7-07(A) and (B) should be modified as shown in XO Exhibit C. Lastly, proposed OAC §4901:1-7-07(E) should be stricken in its entirety.

Respectfully submitted,

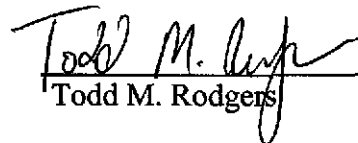


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### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Initial Comments of XO pertaining to proposed Carrier to Carrier rules will be served on those parties either filing comments in the above-referenced docket or otherwise designated by entry of the attorney examiner in these proceedings if such entry is issued.



Todd M. Rodgers





getting started

CLEC Online

&gt;&gt;AT&amp;T CLEC Online Home &gt;&gt;Getting Started As A CLEC &gt;&gt;The Negotiations Process

CLEC Home
ID Certification
Emergency Conditions Info
Getting Started ▶
Interconnection Agreements ▶
CLEC Handbook
CLEC Education ▶
Web Listing Look-Up
Performance Measures ▶
CLEC Specific Reports
IS Call Center ▶
CARS/Commercial Agreements
MCRSC
Change Management Process
CLEC User Forum
SBC Ameritech Merger
Links
Glossary
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## Getting Started

### The Negotiations Process

## The Negotiations Process

### Initiating Negotiations

To initiate negotiations for local interconnection, a CLEC must submit a written request to the address shown below. While it is acceptable to initiate a request by sending a fax, please mail the original request as well. The request for negotiations must identify the states for which the CLEC would like to negotiate and delineate whether an Interconnection or Resale agreement is required.

Please note that Southwestern Bell Telephone, L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and/or AT&T Texas; Pacific Bell Telephone Company d/b/a AT&T California; Nevada Bell Telephone Company d/b/a AT&T Nevada; The Southern New England Telephone Company d/b/a AT&T Connecticut; Illinois Bell Telephone Company d/b/a AT&T Illinois; Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana; Michigan Bell Telephone Company d/b/a AT&T Michigan; The Ohio Bell Telephone Company d/b/a AT&T Ohio and Wisconsin Bell, Inc. d/b/a AT&T Wisconsin are separate companies and, while negotiations may be requested in a single letter, the request must identify the companies and states in which the CLEC intends to do business.

The written request to initiate negotiations should include the following:

- 1) Certified name of the carrier
- 2) Physical street address (no P.O. Boxes)
- 3) City/State/Zip
- 4) Carrier contact person's name
- 5) Carrier contact person's title
- 6) Carrier contact person's address (no P.O. Boxes)
- 7) Carrier contact person's city/state/zip
- 8) Carrier contact person's telephone number
- 9) Carrier Contact person's fax number

#### 1. Carrier Contact person's e-mail

- 11) Consultant/attorney's name, if applicable
- 12) Consultant/attorney's title
- 13) Consultant/attorney's firm
- 14) Consultant/attorney's address (no P.O. Boxes)
- 15) Consultant/attorney's city/state/zip
- 16) Consultant/attorney's telephone number
- 17) Consultant/attorney's fax number
- 18) Consultant/attorney's e-mail

- 19) Type of negotiations desired; i.e., interconnection, resale, etc.
- 20) State(s) in which carrier wishes to do business
- 21) State of incorporation
- 22) Is a signature-ready copy of 13-State Agreement desired? If yes, Interconnection or Resale? Interconnection, MUST include ISP option – All Traffic or ISP-Bound Traffic only. *If no ISP option is indicated, the Agreement will default to the ISP-bound Traffic Only option* (AT&T's 13-State Interconnection Agreement may be viewed at <https://clec.att.com/clec/shell.cfm?section=115>.)
- 23) Include either a copy of proof of certification from the applicable state commission or application for certification for each state requested.
- 24) Include a copy of NECA confirmation of carrier Resale OCN if requesting resale negotiations. Include copy(ies) of NECA confirmation of carrier UNE OCN for each applicable state if requesting interconnection.
- 25) Include a copy of Telcordia's confirmation of ACNA

Please address your request for negotiations for Southwestern Bell Telephone, L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and/or AT&T Texas; Pacific Bell Telephone Company d/b/a AT&T California; Nevada Bell Telephone Company d/b/a AT&T Nevada; The Southern New England Telephone Company d/b/a AT&T Connecticut; Illinois Bell Telephone Company d/b/a AT&T Illinois; Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana; Michigan Bell Telephone Company d/b/a AT&T Michigan; The Ohio Bell Telephone Company d/b/a AT&T Ohio and Wisconsin Bell, Inc. d/b/a AT&T Wisconsin ("AT&T") to:

**Director - Contract Management**

AT&T Inc.

Four AT&T Plaza

311 S. Akard, 9th Floor

Dallas, Texas 75202

Fax: (800) 404-4548 or (214) 464-2006

HOT LINE NUMBER: (877) 577-2255

You will receive a response within 8 business days of our receipt of your request for negotiations. Attached to that response will be a Non-Disclosure Agreement(s) to protect confidential information we may need to exchange during the negotiations process. This document protects both parties.

### **Prior to Negotiations**

CLECs request negotiations with Southwestern Bell Telephone, L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T; Nevada Bell Telephone Company d/b/a AT&T Nevada; The Southern New England Telephone Company d/b/a AT&T Connecticut; Illinois Bell Telephone Company d/b/a AT&T Illinois; Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana; Michigan Bell Telephone Company d/b/a AT&T Michigan; The Ohio Bell Telephone Company d/b/a AT&T Ohio and/or Wisconsin Bell, Inc. d/b/a AT&T Wisconsin in writing as described previously in the Initiating Negotiations section.

You will be working with a AT&T negotiating team that is comprised of a lead negotiator, and various specialists in the case of Resale and Interconnection agreements. AT&T can provide you with a copy of our generic Interconnection or Resale Agreement to begin the negotiations. One of the generic agreements may fit your business plans. A new agreement may be negotiated with AT&T or you may adopt an interconnection agreement that is approved by the Commission in the state in which you are planning on doing business so long as that agreement has not expired or been noticed for renegotiation. All commission-approved agreements are publicly available for your review at the state regulatory commission's office. To obtain copies of a commission approved agreement, refer to the Certification section.

Pursuant to Merger Condition 13, AT&T offers a multi-state Interconnection and Resale Agreement. This multi-state agreement offers many advantages for our CLEC customers. The agreement is all inclusive, offers consistency, and is organized by topic. Although the multi-state agreement covers all 13 states, the agreement will be effective only in the specific state in which it has been executed, filed and approved.

### **Topics Discussed in Initial Negotiations Meeting**

AT&T has determined that an open discussion of the following points early in the negotiation process helps to build a firm foundation for negotiating and implementing an Agreement that meets the needs and expectations of the CLEC. These topics are usually discussed in the initial negotiations meeting and include steps which must be completed prior to passing live traffic.

### **Facility-based Interconnection**

- Overview of the CLEC plans (i.e., the LATAs, area code [s], cities, Central Offices in which the CLEC intends to operate, desired date for interconnection, whether the CLEC will interconnect its network with Southwestern Bell Telephone, L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and/or AT&T Texas; Pacific Bell Telephone Company d/b/a AT&T

California; Nevada Bell Telephone Company d/b/a AT&T Nevada; The Southern New England Telephone Company d/b/a AT&T Connecticut; Illinois Bell Telephone Company d/b/a AT&T Illinois; Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana; Michigan Bell Telephone Company d/b/a AT&T Michigan; The Ohio Bell Telephone Company d/b/a AT&T Ohio and/or Wisconsin Bell, Inc. d/b/a AT&T Wisconsin or use Unbundled Network Elements (UNEs) to offer services, the types of optional services the CLEC might want Southwestern Bell Telephone, L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and/or AT&T Texas; Pacific Bell Telephone Company d/b/a AT&T California; Nevada Bell Telephone Company d/b/a AT&T Nevada; The Southern New England Telephone Company d/b/a AT&T Connecticut; Illinois Bell Telephone Company d/b/a AT&T Illinois; Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana; Michigan Bell Telephone Company d/b/a AT&T Michigan; The Ohio Bell Telephone Company d/b/a AT&T Ohio and/or Wisconsin Bell, Inc. d/b/a AT&T Wisconsin to provide)

- Options for Agreement format (e.g., AT&T generic, adopting the contract of another CLEC, CLEC proposed format)
- Overview of the Negotiation and Implementation Process and associated timeframes.

#### **Resale**

- Overview of CLEC plans (i.e., cities in which the CLEC intends to operate, desired services)
- Overview of Resale
- Overview of negotiations process and associated timeframes
- Steps necessary to become a CLEC-Reseller of Southwestern Bell Telephone, L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and/or AT&T Texas, Pacific Bell Telephone Company d/b/a AT&T California, Nevada Bell Telephone Company d/b/a AT&T Nevada, The Southern New England Telephone Company, Illinois Bell Telephone Company d/b/a AT&T Illinois, Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana, Michigan Bell Telephone Company d/b/a AT&T Michigan, The Ohio Bell Telephone Company d/b/a AT&T Ohio and/or Wisconsin Bell, Inc. d/b/a AT&T Wisconsin local exchange telecommunications services and what needs to be accomplished prior to passing resale orders
- Options for Agreement format (i.e., AT&T Generic, adopting the contract of another CLEC, or CLEC proposed format)
- Overview of optional Wholesale Inside Wire Plan offering, where available

- E9-1-1 Service

**Most Favored Nations (MFN)**

Southwestern Bell Telephone, L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and/or AT&T Texas; Pacific Bell Telephone Company d/b/a AT&T California; Nevada Bell Telephone Company d/b/a AT&T Nevada; The Southern New England Telephone Company d/b/a AT&T Connecticut; Illinois Bell Telephone Company d/b/a AT&T Illinois; Indiana Bell Telephone Company Incorporated d/b/a AT&T Indiana; Michigan Bell Telephone Company d/b/a AT&T Michigan; The Ohio Bell Telephone Company d/b/a AT&T Ohio and/or Wisconsin Bell, Inc. d/b/a AT&T Wisconsin will make available interconnection, service, or network element provided in agreements between AT&T and a Telecommunications Carrier that have been filed in accordance with the provisions of 251/252 of the Federal Telecommunications Act of 1996, and approved by a state regulatory commission to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement in accordance with Section 252(i) of the Act, as that Section has been interpreted by the FCC in its First Report and Order, FCC Rule 51.809, and the United States Supreme Court in *AT&T Corp. v. Iowa Utilities Bd.*, 119 S. Ct. 721 (1999), along with any other relevant decision(s) by a regulatory commission or court of competent jurisdiction. AT&T will also abide by all AT&T/Ameritech Merger Conditions related to MFN.

### Access Carrier Name Abbreviations (ACNAs)

IAC (Interexchange Access Customer) (aka ACNA) Codes are assigned and administered by Telcordia as the maintenance agent for ANSI (American National Standards Institute) Standard T1.251, which is the specification for these codes. An IAC is a telecommunications or information provider who may be classified as an Incumbent Local Exchange Carrier, a Competitive Local Exchange Carrier, a Reseller, a Wireless Services Provider, an Enhanced Service Provider, a Telecommunications Billing and/or Processing Company, a Competitive Access Provider, a Regional Holding Company or any other type of company that is part of the telecommunications industry. The IAC code is used in interfacing between companies and aiding flowthrough. This three character alphabetic code is used to populate such COMMON LANGUAGE® Universal Service Order (USO) record fields as "ACNA" and "PIC" and is used to populate the ACNA and CCNA fields on the Access Service Request (ASR) and the Local Service Request (LSR). Telcordia may be contacted at the following address or website to obtain an ACNA.

Customer Service Center  
 Telcordia Technologies, Inc.  
 One Telcordia Drive, RRC 1B-180  
 Piscataway, NJ 08854-4156  
 Phone: 866.672.6997  
 Fax: 732.336.222  
<http://telecom-info.telcordia.com/site-cgi/ido/>

### Industry Requirements for Operating Company Numbers/Company Codes

Operating Company Numbers, also known as company codes and AECNs (Alternate Exchange Carrier Numbers), are company identifiers assigned by the National Exchange Carrier Association (NECA). Company Codes are used like social security numbers to uniquely identify your company and are assigned to all telecommunications service providers. They are used in mechanized systems throughout the industry to facilitate the exchange of information. NECA and the telecommunications industry require state-specific company codes for facilities-based local service providers to fulfill the industry requirements of FCC Tariff Number 4 for intercompany compensation and meet-point billing arrangements.

NECA also assigns a nationwide company code for local wholesale customer specifically for resale for each local wholesale customer that resells other facilities-based providers' telecommunications services.

Directory listings, Line Information Database (LIDB), repair/maintenance and ordering processes utilize company codes to identify local wholesale customers and to distinguish between facilities-based UNE/Interconnection and Resale business.

CLECs are required to provide unique state-specific code(s) for facilities-based business (UNEs and Interconnection) and a single resale-specific code for use nationwide.

It is AT&T's policy to adhere to the industry standards as defined by NECA above. AT&T requires Competitive Local Exchange Carriers (CLECs) wishing to conduct business in any of the AT&T-owned ILEC territories to establish Operating Company Numbers (OCNs) in accordance with the NECA standards. CLECs will be required to establish Resale and/or Facility-Based OCNs as outlined above prior to provisioning services under a Resale or Interconnection Agreement (ICA) entered into with AT&T or any AT&T-Owned ILEC.

NECA may be contacted at the following address or website to obtain an OCN. NECA's guidelines are available on its website.

80 South Jefferson Road  
 Whippany, NJ 07981-1009  
 800-228-8597  
 Fax: 973-884-8469  
[http://www.neca.org/source/NECA\\_BusinessSolutions\\_4452.asp](http://www.neca.org/source/NECA_BusinessSolutions_4452.asp)

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## Negotiating an Agreement

### Doing Business

#### Local

**Establish &  
Maintain Account**

Ordering

Provisioning

Trouble Admin

Billing

CLECs may obtain interconnection, Unbundled Network Elements and certain other services from Verizon pursuant to an interconnection agreement. In some states, a CLEC may also be able to obtain items it wishes to purchase pursuant to a Verizon Statement of Generally Available Terms and Conditions (SGAT) or a Verizon tariff. chart below provides industry codes and contact references:

#### Step 1 Formal Request

The CLEC sends a written request either via letter, fax or email asking for the initiation of negotiations under the Telecommunications Act of 1996 to:

Manager - Contract Management  
Verizon Wholesale Markets  
800 Hidden Ridge  
HQEWMNOTICES-CM  
Irving, TX 75038  
Fax: 972-719-1519  
E-Mail: [contract.management@verizon.com](mailto:contract.management@verizon.com)

The date the request is received by Verizon is considered to be the request start date.

#### Step 2 Acknowledgement of Request

Upon receipt of the CLEC's request, Verizon sends a response to the CLEC which:

- Confirms receipt of the request letter
- Establishes start date of request
- Requests completion of an information request form (IRF), which identifies basic CLEC information. The IRF accompanies the response.
- Provides the CLEC with a model interconnection agreement and/or model resale agreement to review.

#### Step 3 Negotiations

After transmission of Verizon's response to the CLEC, Verizon will proceed, upon request by the CLEC, with negotiation of the terms and conditions of an interconnection and/or resale agreement. This process begins when the CLEC provides written comments regarding the model agreement or a redline of the model agreement. Conference calls will be scheduled, as needed, to conduct the negotiation.

#### Step 4 Interconnection/Resale Agreement

The desired outcome of the negotiation process is a mutually agreed upon interconnection or resale agreement outlining specific terms, conditions and prices.

#### Step 5 Arbitration

Within a window of 135 to 160 days after the CLEC's formal request for negotiation is received by Verizon, either party may request the applicable state regulatory commission arbitrate issues that have not been resolved by the parties.

#### Step 6 Filing the Agreement

A fully executed agreement will be submitted for approval to the applicable state commission. The respective state commission will approve or reject the agreement with written findings as to deficiencies.



In order to facilitate filing of the agreement and to provide service to a CLEC, Verizon requires evidence of the CLEC's state certification as a provider of local exchange service. You will be asked to include your certificate/order/case number of authorization and the state commission approval date granting the authorization at the time of contract execution, so please take steps to seek your state certification early in the negotiation process. Please be advised that if your certification is not complete, Verizon may elect to not execute the agreement and make it effective until your certification has been approved by the applicable state commission.

#### **Additional State Requirements**

##### **In the State of Delaware:**

The Delaware Public Service Commission requires that Verizon Delaware obtain the CLEC's written consent prior to filing an interconnection agreement for approval on the CLEC's behalf. A consent form is presented to the CLEC for execution at the time the interconnection agreement is sent for execution. This form must be signed and returned with the executed interconnection agreement prior to submission for PSC approval.

##### **In the State of Illinois:**

The Illinois Commerce Commission requires a joint petition, verification, and a statement of support in order to file agreements and amendments. The joint petition and the verification statement are presented to the CLEC for execution at the time the interconnection agreement is sent for execution. The joint petition must be signed and the verification signed and notarized prior to submission to the ICC for approval.

##### **In the State of Michigan:**

The Michigan Public Service Commission requires a joint application in order to file agreements and amendments. The joint application is presented to the CLEC for execution at the time the interconnection agreement is sent for execution. The joint application must be signed and returned prior to submission to the PSC for approval.

##### **In the State of New Jersey:**

The New Jersey Board of Public Utilities requires the submission of a Resale Letter of Acknowledgment (LOA). This form is to be completed in lieu of resale certification with the New Jersey Board of Public Utilities. The LOA is presented to the CLEC for execution at the time the interconnection agreement is sent for execution. The LOA must be signed and returned prior to submission to the Board for approval.

##### **In the State of Pennsylvania:**

The Pennsylvania Public Utility Commission requires a joint application in order to file interconnection agreements. You will be contacted by Verizon to complete the joint application at the time you are executing the interconnection agreement. The joint application must be signed and returned prior to submission to the PUC for approval.

##### **In the State of Texas:**

**Affidavit Requirement:** The Texas Public Utility Commission requires a notarized affidavit from both the Verizon negotiator and the CLEC negotiator. An electronic copy and a notarized copy of the CLEC negotiator affidavit is required for filing with Texas Public Utility Commission. These materials must be signed, notarized and returned prior to submission to the PUC for approval.

##### **Adequate Proof Attestation Requirement:**

As a certificated telecommunications provider, you are required to comply with Chapter 283 of the Texas Local Government Code and the reporting and compensation requirements of Subchapter R of the Public Utility Commission of Texas (P.U.C.) Substantive Rules Chapter 26, Applicable to Telecommunications Service Providers. In accordance with the P.U.C. Substantive Rule 26.467(k)(4), GTE Southwest Incorporated, d/b/a Verizon Southwest (Verizon), hereby requests adequate proof, through execution of the linked Adequate Proof Attestation, of your intent to directly report your access lines to the P.U.C. and remit the related payments to the appropriate municipalities. **You are required by P.U.C. Substantive Rule 26.467(k) (4) (E) to provide this adequate proof to Verizon as requested.**

Therefore, an authorized company representative must sign and return the Adequate Proof Attestation before Verizon will authorize Wholesale transactions between our companies.



##### **Texas Attestation Form**

##### **To expedite processing:**

- Send a copy of the notarized form via fax to 972 718-1853.
- Mail the original notarized copy of the attestation to:  
Verizon

Attn: Manager-Finance Service Costs  
P. O. Box 152092  
Irving, TX 75038

- Direct questions related to this requirement to the P.U.C. or to Verizon's Manager-Finance Service Costs at 1-888-483-3911.

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**4901:1-7-07 Establishment of interconnection agreements**

- (A) Processing a ~~bona fide~~ request (BFR) for interconnection
- (1) Any request for an interconnection agreement pursuant to 47 U.S.C. 251 and 252, as effective on November 1, 2006, must be submitted via facsimile, overnight mail, or hand-delivery to the appropriate personnel or division, as required by the providing telephone company, within the providing telephone company's organization in charge of negotiating interconnection arrangements between carriers. ~~The requesting carrier must also notify simultaneously the chief of the telecommunications division of the utilities department of the commission.~~
  - (2) ~~The providing telephone company must respond within seven calendar days by letter served upon the requesting carrier and the chief of the telecommunications division of the utilities department of the commission simultaneously. This letter shall acknowledge the receipt of the request and set the time for the first negotiation meeting to be held within fifteen calendar days from the date the providing telephone company received the request. In that letter, the providing telephone company shall provide a list of names, phone numbers, and areas of responsibility of contact persons for the negotiation process, and a list of any additional information necessary to process such a request.~~
  - (3) Within fifteen calendar days of receiving a request for interconnection, the providing telephone company shall inform the requesting carrier, in writing, of any known requested interconnection or network element that is not technically feasible to provide, with a detailed explanation of such finding.
  - (4) A telephone company receiving a BFR for interconnection pursuant to 47 U.S.C 251 and 252, as effective on November 1, 2006, shall provide in writing, as soon as feasible ~~but in no event later than ninety calendar days from the receipt of an initial request for an interconnection agreement~~, the requesting carrier with a comprehensive quote including, at a minimum, as applicable: the description of each interconnection and network element and/or resold service to be provided; rates to be charged for each item; and the installation schedule for each component provided.
  - (5) ~~As soon as feasible, but no later than fifteen calendar days from the receipt of the quote from the providing telephone company for an initial request for an interconnection agreement~~, the requesting carrier shall respond in writing by accepting or rejecting the quote for each interconnection and network element and/or resold service sought to be provided.
  - (6) At any point in time during the negotiation, any party to the negotiation may ask the commission to participate in the negotiation and to mediate any differences arising during the course of the negotiation, pursuant to rule 4901:1-7-08 of the Administrative Code.
  - (7) An incumbent local exchange carrier (ILEC) shall make available without unreasonable delay to any requesting telephone company any agreement in its entirety to which the ILEC is a party that is approved by the commission pursuant to 47 U.S.C. 252, as effective on November 1, 2006, upon the same rates, terms, and conditions as those provided in the agreement and pursuant to 47 CF.R. 51.809, as of November 1, 2006.
- (B) Requests for the negotiation of an amendment to an existing interconnection Arrangement

~~A BFR for interconnection may be used to~~ **Any request for an amendment to an existing interconnection agreement pursuant to 47 U.S.C. 251 and 252, as effective on November 1, 2006, must be submitted via facsimile, overnight mail, or hand-delivery to the appropriate personnel or division, as required by the providing telephone company, within the providing telephone company's organization in charge of negotiating interconnection arrangements between carriers.** ~~request an interconnection arrangement, service, or unbundled network element that is subsequent to, unique, or in addition to an existing interconnection agreement and is to be added as an amendment to the underlying interconnection agreement.~~

- (C) Process for the negotiation of subsequent interconnection agreements
- (1) Parties shall negotiate the rates, terms, and conditions of subsequent interconnection arrangements in accordance with the terms of their existing interconnection agreement. Both parties to the existing interconnection agreement shall notify the chief of the telecommunications division of the utilities department of the commission when negotiations of subsequent Interconnection agreement are commenced.
  - (2) A party to an existing interconnection agreement may seek arbitration of a subsequent interconnection agreement pursuant to the arbitration rules set forth in rule 4901:1-7-09 of the Administrative Code.
  - (3) All amendments and renewals of an existing, approved interconnection agreement must be filed within ten calendar days of signing in a negotiated agreement docket (NAG).
  - (4) Subsequent or next generation interconnection agreements, whether adopted through negotiation (NAG) or arbitration (ARB), shall be docketed as a new case within ten calendar days of signing.
  - (5) Interconnection agreement amendments shall be effective upon execution. The amendment to the agreement shall be approved pursuant to the ninety day process set forth in paragraph (D)(3) of rule 4901:1-7-07 of the Administrative Code.
- (D) Interconnection agreement approval process
- (1) Title 47 U.S.C 252e2a, as effective on November 1, 2006, limits the legal test to be applied to the approval of negotiated interconnection agreements to whether (a) the agreement (or portion thereof) is discriminatory against another carrier, and (b) whether the implementation of such agreement is in the public interest.
  - (2) All negotiated interconnection agreements must be filed with the commission within ten calendar days of execution and must contain an affidavit signed by the parties to the negotiated agreement that states that the agreement does meet the legal test of 47 U.S.C. 252e2a, as effective on November 1,2006.
  - (3) In light of the limited legal test set forth in 47 U.S.C. 252e2a, as effective on November 1, 2006, all negotiated interconnection agreements and all executed adoptions of existing interconnection agreements under 47 U.S.C. 252i, as effective on November 1, 2006, as well as all amendments to such shall be effective upon filing with the commission. All negotiated agreements shall be approved pursuant to the ninety day process set forth in 47 U.S.C. 252e4. All arbitrated agreements shall be approved pursuant to the thirty day process set forth in 47 U.S.C. 252e4.

XO Exhibit C  
Proposed Modifications

- (4) Interconnection agreement amendments shall be effective upon execution. The amendment to the agreement shall be approved pursuant to the process set forth in paragraph (D)(3) of rule 4901:1-7-07 of the Administrative Code.

(E) ~~BFR fee~~

~~A providing telephone company is entitled to recover costs associated with an interconnecting carrier's BFR for initial and subsequent interconnection arrangements as well as a request for an amendment of an existing interconnection arrangement. These costs relate to an evaluation of the unique request for interconnection, examination of facilities for special arrangements, and technical and economic feasibility assessments. If the BFR fee exceeds five hundred dollars, the providing telephone company must allow, upon request by the requesting carrier, payment of that fee over no more than twelve months whether or not the requesting carrier proceeds with the request. The commission, through the arbitration process, will resolve disputes concerning the amount of the BFR fee. The BFR fee shall be subject to commission review and approval.~~