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October 18, 2007

Ms. Reneé Jenkins  
Docketing Division  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215-3793

RECEIVED-DOCKETING DIV  
2007 OCT 18 PM 3:00  
PUCO

RE: Application of United Telephone Company of Ohio d/b/a Embarq for  
Approval of a Negotiated Agreement with Citynet Ohio, LLC

PUCO Case No: 07-1118-TP-NAG  
90-5041-TP-TRF

Dear Ms. Jenkins:

Enclosed for filing are the original plus eight copies of an agreement between United Telephone Company of Ohio d/b/a Embarq and Citynet Ohio, LLC.

This agreement is a most-favored nations (MFN) adoption of the agreement between Embarq and 1-800-Reconex, Inc., d/b/a U. S. Tel filed with the Commission on February 21, 2007 (Case No. 07-169-TP-NAG).

Thank you for your assistance in this matter.

Sincerely,

  
Becky Donahue

Enclosures

This is to certify that the images appearing are an  
accurate and complete reproduction of a case file  
document delivered in the regular course of business.  
Technician SM Date Processed 10/18/07

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of  
United Telephone Company of Ohio d/b/a  
Embarq for the Approval of a Negotiated  
Agreement with Citynet Ohio, LLC Under  
Section 252 of the Telecommunications Act  
of 1996

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Case No. 07-1118-TP-NAG

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APPLICATION FOR APPROVAL OF A NEGOTIATED AGREEMENT UNDER THE  
TELECOMMUNICATIONS ACT OF 1996

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United Telephone Company of Ohio d/b/a Embarq applies to the Commission for review and approval of the attached Interconnection and Resale Agreement that is dated October 15, 2007 ("the Agreement") between United Telephone Company of Ohio d/b/a Embarq ("Embarq") and Citynet Ohio, LLC ("CLEC"), pursuant to the provisions of Section 252(e) of the Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56 (1996) (codified at 47 U.S.C. 151 et seq.) ("the Act").

The Agreement, which establishes the rates, terms and conditions for interconnection and resale, was arrived at through negotiations between Embarq and CLEC as contemplated by Section 252(a) of the Act.

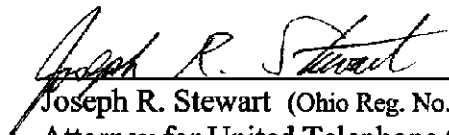
The Agreement is filed pursuant to the procedures set forth in Section 252(e) of the Act. Under Sections 252(e) (1) and (2), the Commission must approve the Agreement unless the Agreement or a portion thereof "...discriminates against a telecommunications carrier not a party to the agreement" or "...implementation of such agreement or portion is not consistent with the public interest, convenience and necessity."

The attached Agreement does not discriminate against any telecommunications carrier that is not a party to the Agreement. Embarq will make the Agreement available to any other carrier operating in Embarq service territory. However, the Agreement does not preclude different arrangements with other carriers. In addition, this Agreement does not impact any other company's right to negotiate or arbitrate under the Act.

The attached Agreement is consistent with the public interest, convenience and necessity because it allows for interconnection and resale by the CLEC. The Agreement represents the end product of good faith negotiations between Embarq and CLEC. This is exactly the type of private negotiation and agreement envisioned by the Congress when it crafted the Act. Therefore, the implementation of the Agreement will be consistent with the public interest, convenience and necessity.

Embarq requests that the Commission approve the Agreement.

Respectfully submitted,

  
\_\_\_\_\_  
Joseph R. Stewart (Ohio Reg. No. 0028763)  
Attorney for United Telephone Company of Ohio  
d/b/a Embarq  
50 West Broad Street, Suite 3600  
Columbus, Ohio 43215-5918  
Telephone: 614/220-8625  
Facsimile: 614/224-3902  
[joseph.r.stewart@embarq.com](mailto:joseph.r.stewart@embarq.com)

CERTIFICATE OF SERVICE

Copies of the foregoing Application for Approval of a Negotiated Agreement between United Telephone Company of Ohio d/b/a Embarq and Citynet Ohio, LLC were served on the following person by first class mail, postage prepaid on this 18<sup>th</sup> day of October, 2007.



Joseph R. Stewart (Ohio Reg. No. 0028763)  
Attorney for United Telephone Company of Ohio  
d/b/a Embarq  
50 West Broad Street, Suite 3600  
Columbus, Ohio 43215-5918  
Telephone: 614/220-8625  
Facsimile: 614/224-3902  
joseph.r.stewart@embarq.com

Daniel L. Scoville Sr.  
Director of Collocations, Regulatory, and Cost Control  
Citynet Ohio, LLC  
113 Platinum Drive, Suite B  
Bridgeport, WV 26330

**The Public Utilities Commission of Ohio**  
**TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS**

(Effective: 09/19/2007)  
(Pursuant to Case No. 06-1345-TP-ORD)

In the Matter of the Application of United Telephone )  
Company of Ohio d/b/a Embarq for Approval of a Negotiated )  
Agreement with Citynet Ohio, LLC. )

TRF Docket No. 90-5041-TP-TRF

Case No. 07 - 1118 -TP - NAG

NOTE: Unless you have reserved a Case # or are filing a Contract, leave the "Case No" fields BLANK.

Name of Registrant(s) United Telephone Company of Ohio

DBA(s) of Registrant(s) Embarq

Address of Registrant(s) 50 W. Broad Street, Suite 3600, Columbus, OH 43215

Company Web Address www.embarq.com

Regulatory Contact Person(s) Becky Donahue

Phone 614-220-8624

Fax 614-224-3902

Regulatory Contact Person's Email Address rebecca.j.donahue@embarq.com

Contact Person for Annual Report Mike Whitney

Phone 913-323-4718

Address (if different from above) \_\_\_\_\_

Consumer Contact Information Steve Davis

Phone 800-238-3095

Address (if different from above) Embarq, Executive and Regulatory Service, Tarboro, NC 27886

Motion for protective order included with filing? ☐ Yes ☒ No

Motion for waiver(s) filed affecting this case? ☐ Yes ☒ No [Note: Waivers may toll any automatic timeframe.]

**Section I – Pursuant to Chapter 4901:11-6 OAC – Part I – Please indicate the Carrier Type and the reason for submitting this form by checking the boxes below. CMRS providers: Please see the bottom of Section II.**

NOTES: (1) For requirements for various applications, see the identified section of Ohio Administrative Code Section 4901 and/or the supplemental application form noted.

(2) Information regarding the number of copies required by the Commission may be obtained from the Commission's web site at [www.puco.ohio.gov](http://www.puco.ohio.gov) under the docketing information system section, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the Commission.

Carrier Type <input type="checkbox"/> Other (explain below)	<input type="checkbox"/> ILEC	<input type="checkbox"/> CLEC	<input type="checkbox"/> CTS	<input type="checkbox"/> AOS/IOS
<b>Tier 1 Regulatory Treatment</b>				
Change Rates within approved Range	<input type="checkbox"/> TRF 1-6-04(B) (0 day Notice)	<input type="checkbox"/> TRF 1-6-04(B) (0 day Notice)		
New Service, expanded local calling area,	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)		
Change Terms and Conditions, Introduce non-recurring service charges	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Introduce or Increase Late Payment or Returned Check Charge	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Business Contract	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)		
Withdrawal	<input type="checkbox"/> ATW 1-6-12(A) (Non-Auto)	<input type="checkbox"/> ATW 1-6-12(A) (Auto 30 days)		
Raise the Ceiling of a Rate	Not Applicable	<input type="checkbox"/> SLF 1-6-04(B) (Auto 30 days)		
<b>Tier 2 Regulatory Treatment</b>				
Residential - Introduce non-recurring service charges	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)		
Residential - Introduce New Tariffed Tier 2 Service(s)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	
Residential - Change Rates, Terms and Conditions, Promotions, or Withdrawal	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	
Residential - Tier 2 Service Contracts	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	
Commercial (Business) Contracts	Not Filed	Not Filed	Not Filed	
Business Services (see "Other" below)	Detariffed	Detariffed	Detariffed	
Residential & Business Toll Services (see "Other" below)	Detariffed	Detariffed	Detariffed	

## Section I – Part II – Certificate Status and Procedural

<b>Certificate Status</b>	<b>ILEC</b>	<b>CLEC</b>	<b>CTS</b>	<b>AOS/IOS</b>
Certification (See Supplemental ACE form)		<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)
Add Exchanges to Certificate	<input type="checkbox"/> ATA 1-6-09(C) (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (0 day Notice)	<input type="checkbox"/> CLECs and CTS (Auto 30 days)	
Abandon all Services - With Customers	<input type="checkbox"/> ABN 1-6-11(A) (Non-Auto)	<input type="checkbox"/> ABN 1-6-11(A) (Auto 90 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Abandon all Services - Without Customers		<input type="checkbox"/> ABN 1-6-11(A) (Auto 30 days)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Change of Official Name	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Change in Ownership	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Merger	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transfer a Certificate	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transaction for transfer or lease of property, plant or business	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
<b>Procedural</b>				
Designation of Process Agent(s)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)

**All Section I applications that result in a change to one or more tariff pages require, at a minimum, the following exhibits. Other exhibits may be required under the applicable rule(s).**

Exhibit	Description:
A	The tariff pages subject to the proposed change(s) as they exist before the change(s)
B	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.
C	A short description of the nature of the change(s), the intent of the change(s), and the customers affected.
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s).

## Section II – Carrier to Carrier (Pursuant to 95-845-TP-COI), CMRS and Other

<b>Carrier to Carrier</b>	<b>ILEC</b>	<b>CLEC</b>		
Interconnection agreement, or amendment to an approved agreement	<input checked="" type="checkbox"/> <input type="checkbox"/> NAG (Auto 90 day)	<input type="checkbox"/> NAG (Auto 90 day)		
Request for Arbitration	<input type="checkbox"/> ARB (Non-Auto)	<input type="checkbox"/> ARB (Non-Auto)		
Introduce or change c-t-c service tariffs,		<input type="checkbox"/> ATA (Auto 30 day)		
Introduce or change access service pursuant to 07-464-TP-COI	<input type="checkbox"/> ATA (Auto 30 day)			
Request rural carrier exemption, rural carrier suspension or modification	<input type="checkbox"/> UNC (Non-Auto)	<input type="checkbox"/> UNC (Non-Auto)		
Pole attachment changes in terms and conditions and price changes.	<input type="checkbox"/> UNC (Non-Auto)	<input type="checkbox"/> UNC (Non-Auto)		
<b>CMRS Providers</b> See 4901:1-6-15	<input type="checkbox"/> RCC [Registration & Change in Operations] (0 day)	<input type="checkbox"/> NAG [Interconnection Agreement or Amendment] (Auto 90 days)		
<b>Other*</b> (explain) This filing introduces Unlimited Regional Solutions as an optional calling plan for business customers.				

**\*NOTE:** During the interim period between the effective date of the rules and an Applicant's Detariffing Filing, changes to existing business Tier 2 and all toll services, including the addition of new business Tier 2 and all new toll services, will be processed as 0-day TRF filings, and briefly described in the "Other" section above.

### Section III. – Attestation

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

#### **AFFIDAVIT**

##### ***Compliance with Commission Rules and Service Standards***

I am an officer/agent of the applicant corporation, United Telephone Company of Ohio, and am authorized to make this statement on its behalf.  
(Name)

I attest that these tariffs comply with all applicable rules, including the Minimum Telephone Service Standards (MTSS) Pursuant to Chapter 4901:1-5 OAC for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, including the Minimum Telephone Service Standards, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date)

at (Location)

\*(Signature and Title)

(Date)

- This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

#### **VERIFICATION**

I, Joseph R. Stewart verify that I have utilized the Telecommunications Application Form for Routine Proceedings provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

\*(Signature and Title) Joseph R. Stewart, Senior Attorney

(Date) October 18, 2007

.....\*Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

***Send your completed Application Form, including all required attachments as well as the required number of copies, to:***

**Public Utilities Commission of Ohio  
Attention: Docketing Division  
180 East Broad Street, Columbus, OH 43215-3793**

***Or***

***Make such filing electronically as directed in Case No 06-900-AU-WVR***



## **INTERCONNECTION AND RESALE AGREEMENT**

This Interconnection, Collocation and Resale Agreement ("Agreement"), dated October 18, 2007, is entered into by between Citynet Ohio, LLC, a Delaware corporation ("CLEC"), and United Telephone Company of Ohio d/b/a/ Embarq, an Ohio corporation ("Embarq") to establish the rates, terms and conditions for local interconnection, local resale and the purchase of unbundled network elements for the state of Ohio. (Embarq and CLEC may be referred to individually as a "Party" and collectively as the "Parties").

**NOW THEREFORE**, the Parties agree as follows:

### **1. INTERCONNECTION AND RESALE AGREEMENT**

The Parties agree that the Agreement between the Parties shall consist of the Interconnection, Collocation and Resale Agreement between 1-800-Reconex, Inc., d/b/a U.S. Tel and United Telephone Company of Ohio d/b/a/ Embarq dated February 9, 2007 (the "Adopted Agreement").

All services provided under this Agreement will be consistent with the decisions of courts having jurisdiction over this Agreement, including but not limited to the decisions of the Court of Appeals and the United States Supreme Court.

### **2. PARTIES:**

CLEC is hereby substituted in the Adopted Agreement for 1-800-Reconex, Inc., d/b/a U.S. Tel and Embarq shall remain as the other Party to the Adopted Agreement. Except as modified herein, the Agreement shall in all other respects reflect the same terms as the Adopted Agreement.

### **3. TERM:**

This termination date of the Agreement is February 8, 2009, which corresponds with the expiration date of the Adopted Agreement.

### **4. NOTICES:**

Except as otherwise provided, all notices and other communication hereunder shall be deemed to have been duly given when made in writing and delivered in person or deposited in the United States mail, certified mail, postage paid, return receipt requested and addressed as follows:



If to CLEC: Daniel L. Scoville Sr.  
Director of Collocations,  
Regulatory, and Cost Control  
Citynet Ohio, LLC  
113 Platinum Drive  
Suite B  
Bridgeport, WV 26330  
Tel #: 304-848-5437  
Email:  
[dan.scoville@citynet.net](mailto:dan.scoville@citynet.net)


If to Embarq: Director – Contract Management  
Embarq  
9300 Metcalf  
Overland Park, KS 66212  
Mailstop: KSOPKB0401-413

With a  
copy to:


With a  
copy to:

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly respective authorized representatives.

**CLEC**

By:   
Name : Jeffrey Ray  
Title: General Counsel  
Date: 12/11/07

**Embarq**

By:   
Name: Emeric W. Kapka  
Title: Director – Contract Management  
Date: 10/15/07