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Columbus, Ohio 43215

Gary S. Baki  
Docket Manager  
Law and External Affairs

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February 4, 2009

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

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

PUCO Case No: 09-0087-TP-NAG  
90-5041-TP-TRF

Dear Ms. Jenkins:

Enclosed for filing is an Application of United Telephone Company of Ohio d/b/a Embarq for Approval of an agreement between United Telephone Company of Ohio d/b/a Embarq and UnityComm, LLC

This agreement is a most-favored nations (MFN) adoption of the agreement between Embarq and Granite Telecommunications, LLC filed with the Commission on October 30, 2008 (Case No. 08-1195-TP-NAG).

Thank you for your assistance in this matter.

Sincerely,

Gary Baki

Enclosures

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 UnityComm, LLC Under  
Section 252 of the Telecommunications Act  
of 1996

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Case No. 09-0087-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 December 17, 2008 ("the Agreement") between United Telephone Company of Ohio d/b/a Embarq ("Embarq") and UnityComm, 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.

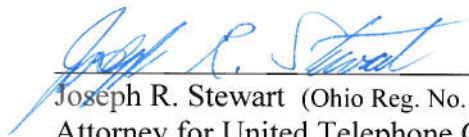
The Agreement is filed pursuant to the procedures set forth in Section 252(e) of the Act. Under Sections 252(e) (1) and (2), the Commission must approve the Agreement unless the Agreement or a portion thereof "...discriminates against a telecommunications carrier not a party to the agreement" or "...implementation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



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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

A copy of the foregoing Application for Approval of a Negotiated Agreement between United Telephone Company of Ohio d/b/a Embarq and UnityComm, LLC were served on the following person by first class mail, postage prepaid on this 4<sup>th</sup> day of February, 2009.

  
\_\_\_\_\_  
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)

UnityComm, LLC  
P. O. Box 250  
Syracuse, IN 46567



**The Public Utilities Commission of Ohio**  
**TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS**  
(Effective: 01/18/2008)

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

TRF Docket No. 90-5041-TP-TRF

Case No. 09 - 0087 - **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) Gary Baki

Phone 614-220-8629

Fax 614-224-3902

Regulatory Contact Person's Email Address gary.s.baki@embarq.com

Contact Person for Annual Report Mike Mohr

Phone 913-323-7635

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

Consumer Contact Information Cynthia Smith-Clapp

Phone 800-238-3095

Address (if different from above) Embarq, Executive and Regulatory Services, 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.

<b>Carrier Type</b> <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 <u>1-6-04(B)</u> (0 day Notice)	<input type="checkbox"/> TRF <u>1-6-04(B)</u> (0 day Notice)		
New Service, expanded local calling area, correction of textual error	<input type="checkbox"/> ZTA <u>1-6-04(B)</u> (0 day Notice)	<input type="checkbox"/> ZTA <u>1-6-04(B)</u> (0 day Notice)		
Change Terms and Conditions, Introduce non-recurring service charges	<input type="checkbox"/> ATA <u>1-6-04(B)</u> (Auto 30 days)	<input type="checkbox"/> ATA <u>1-6-04(B)</u> (Auto 30 days)		
Introduce or Increase Late Payment or Returned Check Charge	<input type="checkbox"/> ATA <u>1-6-04(B)</u> (Auto 30 days)	<input type="checkbox"/> ATA <u>1-6-04(B)</u> (Auto 30 days)		
Business Contract	<input type="checkbox"/> CTR <u>1-6-17</u> (0 day Notice)	<input type="checkbox"/> CTR <u>1-6-17</u> (0 day Notice)		
Withdrawal	<input type="checkbox"/> ATW <u>1-6-12(A)</u> (Non-Auto)	<input type="checkbox"/> ATW <u>1-6-12(A)</u> (Auto 30 days)		
Raise the Ceiling of a Rate	Not Applicable	<input type="checkbox"/> SLF <u>1-6-04(B)</u> (Auto 30 days)		
<b>Tier 2 Regulatory Treatment</b>				
Residential - Introduce non-recurring service charges	<input type="checkbox"/> TRF <u>1-6-05(E)</u> (0 day Notice)	<input type="checkbox"/> TRF <u>1-6-05(E)</u> (0 day Notice)		
Residential - Introduce New Tariffed Tier 2 Service(s)	<input type="checkbox"/> TRF <u>1-6-05(C)</u> (0 day Notice)	<input type="checkbox"/> TRF <u>1-6-05(C)</u> (0 day Notice)	<input type="checkbox"/> TRF <u>1-6-05(C)</u> (0 day Notice)	
Residential - Change Rates, Terms and Conditions, Promotions, or Withdrawal	<input type="checkbox"/> TRF <u>1-6-05(E)</u> (0 day Notice)	<input type="checkbox"/> TRF <u>1-6-05(E)</u> (0 day Notice)	<input type="checkbox"/> TRF <u>1-6-05(E)</u> (0 day Notice)	
Residential - Tier 2 Service Contracts	<input type="checkbox"/> CTR <u>1-6-17</u> (0 day Notice)	<input type="checkbox"/> CTR <u>1-6-17</u> (0 day Notice)	<input type="checkbox"/> CTR <u>1-6-17</u> (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

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

## Section II – Carrier to Carrier (Pursuant to [4901:1-7](#)), CMRS and Other

Carrier to Carrier	ILEC	CLEC		
Interconnection agreement, or amendment to an approved agreement	<input checked="" type="checkbox"/> NAG <a href="#">1-7-07</a> (Auto 90 day)	<input type="checkbox"/> NAG <a href="#">1-7-07</a> (Auto 90 day)		
Request for Arbitration	<input type="checkbox"/> ARB <a href="#">1-7-09</a> (Non-Auto)	<input type="checkbox"/> ARB <a href="#">1-7-09</a> (Non-Auto)		
Introduce or change c-t-c service tariffs,	<input type="checkbox"/> ATA <a href="#">1-7-14</a> (Auto 30 day)	<input type="checkbox"/> ATA <a href="#">1-7-14</a> (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 <a href="#">1-7-04</a> or <a href="#">1-7-05</a> (Non-Auto)	<input type="checkbox"/> UNC <a href="#">1-7-04</a> or <a href="#">1-7-05</a> (Non-Auto)		
Pole attachment changes in terms and conditions and price changes.	<input type="checkbox"/> UNC <a href="#">1-7-23(B)</a> (Non-Auto)	<input type="checkbox"/> UNC <a href="#">1-7-05</a> (Non-Auto)		
<b>CMRS Providers</b> See <a href="#">4901:1-6-15</a>	<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) _____				

\*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.

All Section I and II 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). ACN, ACO, AMT, ATC, ATR and CIO applications see [the 4901:1-6-14 Filing Requirements on the Commission's Web Page](#) for a complete list of exhibits.

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 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 Counsel

(Date) February 4, 2009

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\*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, COLLOCATION AND RESALE AGREEMENT  
FOR THE STATE OF OHIO**

**BETWEEN**

**UnityComm, LLC dba U4Comm**

**AND**

**United Telephone Company of Ohio d/b/a Embarq**

**Effective Date: December 4, 2008**

**End Date: October 15, 2010**



## **INTERCONNECTION, COLLOCATION AND RESALE AGREEMENT**

This Interconnection, Collocation and Resale Agreement ("Agreement") is entered into by and between **UnityComm, LLC dba U4Comm**, an Indiana limited liability company ("CLEC"), and **United Telephone Company of Ohio d/b/a Embarq** ("Embarq"), an Indiana corporation, which are collectively referred to herein as "the Parties", to establish the rates, terms and conditions for local interconnection, collocation, local resale and the purchase of unbundled network elements for the state of **Ohio**.

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

### **1. ADOPTED AGREEMENT**

- 1.1 This Agreement between the Parties shall consist of the Master Interconnection, Collocation and Resale Agreement for the state of Ohio entered into by and between Granite Telecommunications, LLC and United Telephone Company of Ohio d/b/a Embarq, dated October 15, 2008, as filed with the appropriate state regulatory authority ("Adopted Agreement"), and as amended herein.
- 1.2 This Agreement is made a part of and incorporates the terms and conditions of the Adopted Agreement.
- 1.3 Except as set forth herein, the Adopted Agreement remains unchanged and in full force and effect. In the event of a conflict between the terms of the Adopted Agreement and this Agreement, this Agreement will control.
- 1.4 This Agreement shall supersede and replace in full any and all prior agreements, written and oral, between CLEC and Embarq pertaining to the subject matter hereof, applicable to the state of **Ohio**.

### **2. PARTIES**

For the purposes of this Agreement, **UnityComm, LLC dba U4Comm** is hereby substituted in the Adopted Agreement for Granite Telecommunications, LLC. United Telephone Company of Ohio d/b/a Embarq shall remain as the other Party to the Adopted Agreement.

### **3. TERM**

This Agreement shall become effective on **December 4, 2008** and, unless earlier terminated in accordance with its terms, shall continue in force until **October 15 2010** which corresponds with the End Date of the Adopted Agreement.

*Embarq – UnityComm, LLC dba U4Comm  
Interconnection, Collocation And Resale Agreement-OH  
Effective: December 4, 2008*

#### 4. NOTICES

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

**To CLEC:**

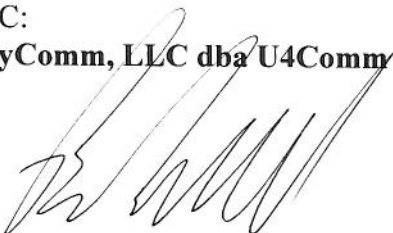
UnityComm, LLC  
PO Box 250  
Syracuse IN 46567

**To Embarq:**


Director, Contract Management  
Embarq  
KSOPKB0402-4600  
9300 Metcalf  
Overland Park, Kansas 66212

**IN WITNESS WHEREOF**, CLEC and Embarq have caused this Agreement to be executed by their respective duly authorized representatives.

CLEC:  
UnityComm, LLC dba U4Comm

By:   
Name: Benjamin M. Plikerd  
Title: Managing Member  
Date: 12/9/08

Embarq:  
United Telephone Company of Ohio d/b/a  
Embarq

By:   
Name: Michael R. Hunsucker  
Title: Director-Contract Management  
Date: 12/17/08

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/4/2009 3:53:43 PM**

**in**

**Case No(s). 09-0087-TP-NAG, 90-5041-TP-TRF**

Summary: Application for approval of a negotiated agreement with UnityComm, LLC electronically filed by Sonya I Summers on behalf of United Telephone Company of Ohio d/b/a Embarq