

CenturyLink

50 W. Broad Street (614) 220-8629  
Suite 3600 Fax (614) 224-3902  
Columbus, Ohio 43215

Gary Baki  
Docket Manager  
Law and External Affairs

Internet: gary.s.baki@centurylink.com

November 3, 2009

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

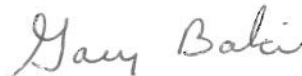
RE: Application of United Telephone Company of Ohio d/b/a CenturyLink f/k/a Embarq for  
Approval of a Negotiated Agreement with Delta Telecom  
PUCO Case No: 09-1047-TP-NAG  
90-5041-TP-TRF

Dear Ms. Jenkins:

Enclosed for filing is an Application of United Telephone Company of Ohio d/b/a CenturyLink f/k/a Embarq for Approval of a Negotiated Agreement with Delta Telecom Inc. under Section 252 of the Telecommunications Act of 1996. The Telecommunications Application Form is also being submitted at this time.

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	)	
CenturyLink f/k/a Embarq for the Approval of	)	
a Negotiated Agreement with Delta Telecom	)	Case No. 09-1047-TP-NAG
Inc. Under Section 252 of the	)	
Telecommunications Act of 1996	)	

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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 CenturyLink f/k/a Embarq applies to the Commission for review and approval of the attached Collocation and Resale Agreement ("Agreement") that is dated October 10, 2009, between United Telephone Company of Ohio d/b/a Embarq ("Embarq") and Delta Telecom, Inc. ("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 local interconnection, collocation and the purchase of unbundled network elements was arrived at through negotiations between Embarq and CLEC as contemplated by Section 252(a) of the Act.

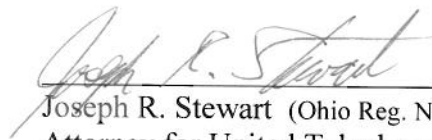
The Agreement is filed pursuant to the procedures set forth in Section 252(e) of the Act. Under Sections 252(e) (1) and (2), the Commission must approve the Agreement unless the Agreement or a portion thereof "...discriminates against a telecommunications carrier not a party to the agreement" or "...implementation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

CenturyLink 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 CenturyLink

50 West Broad Street, Suite 3600

Columbus, Ohio 43215-5918

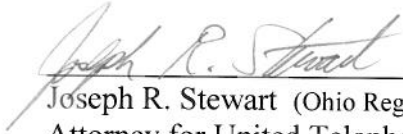
Telephone: 614/220-8625

Facsimile: 614/224-3902

[joseph.r.stewart@centurylink.com](mailto:joseph.r.stewart@centurylink.com)

CERTIFICATE OF SERVICE

Copies of the foregoing Application for Approval of a Negotiated Agreement between United Telephone Company of Ohio d/b/a CenturyLink and Delta Telecom, Inc. were served on the following person by first class mail, postage prepaid on this 3rd day of November, 2009.



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

Millie Baldwin  
Delta Telecom Inc.  
7881 Tuscan Dr.  
Poland, Ohio 44514

**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 CenturyLink f/k/a Embarq for a )  
Negotiated Agreement with Delta Telecom Inc. )

TRF Docket No. 90-5041 TP-TRF

Case No. 09 - 1047 - **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) CenturyLink

Address of Registrant(s) 50 W. Broad St., Suite 3600 Columbus, Ohio 43215

Company Web Address www.centurylink.com

Regulatory Contact Person(s) Gary Baki

Phone 614-220-8629

Fax 614-224-3902

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

Contact Person for Annual Report Mike Mohr

Phone 913-345-7625

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

Consumer Contact Information Donna Powell

Phone 800-238-3095

Address (if different from above) CenturyLink 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 checked="" 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, correction of textual error	<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

Certificate Status	ILEC	CLEC	CTS	AOS/IOS
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"/> AAC 1-6-10(F) (0 day Notice)	CLECs must attach a current CLEC Exchange Listing Form	
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 (See below)	<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 (See below)	<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 (See below)	<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 (See below)	<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 (See below)	<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)

## 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 1-7-07 (Auto 90 day)	<input type="checkbox"/> NAG 1-7-07 (Auto 90 day)		
Request for Arbitration	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)		
Introduce or change c-t-c service tariffs,	<input type="checkbox"/> ATA 1-7-14 (Auto 30 day)	<input type="checkbox"/> ATA 1-7-14 (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 1-7-04 or 1-7-05 (Non-Auto)	<input type="checkbox"/> UNC 1-7-04 or 1-7-05 (Non-Auto)		
Pole attachment changes in terms and conditions and price changes.	<input type="checkbox"/> UNC 1-7-23(B) (Non-Auto)	<input type="checkbox"/> UNC 1-7-05 (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) _____				

\*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.  
d/b/a Embargo

(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) October 29, 2009

*\*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**

**Delta Telecom, Inc.**

**and**

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

This Interconnection, Collocation and Resale Agreement ("Agreement"), dated October 10, 2009, is entered into by between Delta Telecom, Inc. ("CLEC"), an Ohio CLEC, and United Telephone Company of Ohio, Inc. d/b/a Embarq ("Embarq"), an Ohio corporation, to establish the rates, terms and conditions for local interconnection, collocation, and the purchase of unbundled network elements for the state of Ohio. Embarq and CLEC may be referred to individually as a "Party" and together as the "Parties."

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

**1. CONDITIONS**

The Parties agree that the Agreement between the Parties shall consist of the Interconnection, Collocation and Resale Agreement for the State of Ohio entered into by and between Embarq and Communications Options, Inc., dated July 9, 2009 ("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 Communications Options, Inc. 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:**

The Effective Date of this Agreement is October 10, 2009.

The End Date of this Agreement is July 9, 2011, which corresponds with the End 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        Director, Contract Management  
Embarq:    Embarq  
              9300 Metcalf  
              KSOPKB0402-413  
              Overland Park, KS 66212

If to        Millie Baldwin  
CLEC:       Delta Telecom  
              7881 Tuscany Dr.  
              Poland, OH 44514

With a       Senior Attorney  
copy to:    Embarq External Affairs  
              50 W. Broad St.  
              Suite 3600  
              MS: OHCOLK01-120  
              Columbus, OH 43215

5. **MISCELLANEOUS**

5.1 Other than as set forth above, the Agreement remains unchanged and in full force and effect. In the event of a conflict between the terms of this Agreement and the Adopted Agreement, this Agreement will control.

5.2 This Agreement, executed by authorized representatives of Embarq and CLEC, is made a part of and incorporates the terms and conditions of this Agreement and the Adopted Agreement.

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

**"Embarq"**

By:



Name :

Michael R. Hunsucker

Title:

Director, Contract Management

Date:

10-8-09

**"CLEC"**

By:



Name:

Millie Baldwin

Title:

President

Date:

10/1/09

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

**Commission of Ohio Docketing Information System on**

**11/3/2009 3:41:55 PM**

**in**

**Case No(s). 90-5041-TP-TRF, 09-1047-TP-NAG**

Summary: Application of United Telephone Company of Ohio dba CenturyLink for approval of negotiated agreement with Delta Telecom. electronically filed by Gary Baki on behalf of United Telephone Company of Ohio dba CenturyLink