



50 W. Broad Street  
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Rebecca J. Donahue  
Docket Manager

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PUCO

June 20, 2001

FILE  
Ms. Daisy Crockron  
Chief of the Docketing Section  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

**RE: Application of United Telephone Company of Ohio d/b/a Sprint  
for Approval of A Negotiated Agreement between  
United Telephone Company of Ohio d/b/a Sprint and KMC Telecom  
Holdings, Inc. d/b/a KMC Telecom V, Inc.  
PUCO Case No: 01-1449-TP-NAG**

Dear Ms. Crockron:

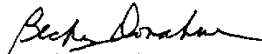
Enclosed for filing are the *original plus eight* copies of the Application of United Telephone Company of Ohio d/b/a Sprint for Approval of a Negotiated Agreement with KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc. under Section 252 of the Telecommunications Act of 1996. The Local Exchange Carrier Registration Form is also being submitted at this time.

This agreement is a most favored nations (MFN) agreement of the agreement with New Edge Network, Inc. filed with the Commission on April 12, 2000 (Case No. 00-673-TP-NAG).

In accordance with the PUCO Entry of September 30, 1997, Sprint is advising other parties who have requested interconnection that this application is being filed. Anyone requesting copies or additional information regarding this Agreement should contact me at 614-220-8624.

Thank you for your assistance in this matter.

Sincerely,

  
Becky Donahue

RJD:km  
Enclosure

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 JLB Date Processed 6/21/01

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of       )  
United Telephone Company of Ohio       )  
d/b/a Sprint for the Approval of a       )  
Negotiated Agreement with KMC       )  
Telecom Holdings, Inc. d/b/a KMC       ) Case No. 01-TP-NAG  
Telecom V, 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 Sprint applies to the Commission for review and approval of the attached Master Interconnection and Resale Agreement dated June 6, 2001, ("the Agreement") between **United Telephone Company of Ohio d/b/a Sprint** ("Sprint") and **KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc.** ("KMC"), 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 Sprint and KMC 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."

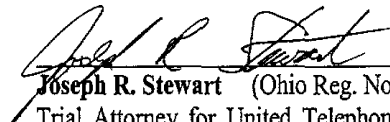
The attached Agreement does not discriminate against any telecommunications carrier that is not a party to the Agreement. Sprint will make the Agreement available to any other carrier operating in Sprint service territory. However, the Agreement does not preclude different arrangements with other carriers. 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 resale and for transmission and termination of Local Traffic between Sprint and KMC. The Agreement represents the end product of good faith negotiations between Sprint and KMC. This is exactly the type of private

negotiation and agreement envisioned by the Congress when it crafted the Act. Thus, the implementation of the Agreement will be consistent with the public interest, convenience and necessity.

Sprint requests that the Commission approve the Agreement.

Respectfully submitted,

  
\_\_\_\_\_  
**Joseph R. Stewart** (Ohio Reg. No. 0028763)  
Trial Attorney for United Telephone Company of  
Ohio d/b/a Sprint  
50 W. Broad Street, Suite 3600  
Columbus, OH 43215  
Phone: (614) 220-8625  
Facsimile: (614) 224-3902

PUBLIC UTILITIES COMMISSION OF OHIO

LOCAL EXCHANGE CARRIER  
REGISTRATION FORM

EFFECTIVE: July 15, 1997

In the Matter of the Application of )  
United Telephone Company of Ohio d/b/a Sprint ) Case No. 01-1449-TP-NAG  
For the Approval of a Negotiated Agreement with )  
KMC Telecom Holdings, Inc. d/b/a KMC Telecom )  
V, Inc. Under Section 252 of the )  
Telecommunications Act of 1996 )

Name of Registrant(s) United Telephone Company of Ohio d/b/a Sprint  
Address of Registrant(s) 900 Springmill Street, Mansfield, Ohio 44906  
Contact Person(s) Joseph R. Stewart (Phone 614-220-8625; Fax 614-224-3902)  
Date June 20, 2001 TRF Docket No. 90-5041-TP-TRF  
Motion for protective order included with filing? Yes, ☒ No  
Request for waiver(s) included with filing? Yes, ☒ No

NOTE: This form must accompany all applications filed by NECs. ILECs should utilize the appropriate form based on each ILEC's currently applicable regulatory framework. However, an ILEC must use this form if it has been granted tariff filing parity pursuant to Section VI.L. of the guidelines established in Case No. 95-845-TP-COI, or if the ILEC is filing an ARB or NAG case pursuant to the guidelines established in Case No. 96-463-TP-UNC. **It is preferable not to combine different types of filings, but if you do so, you must file under the process with the longest applicable review period.**

**I. Indicate the reason for submitting this form (check only one):**

- ☐ 1. (AAC) Application to Amend Certificate to expand Serving Area (30-day approval, 7 copies)
- ☐ 2. (ABN) Abandonment of all Services (NOT automatic, 10 copies)
- ☐ 3. (ACE) New Operating Authority (60-day approval, 7 copies)
- ☐ 4. (ACO) Application to Change Ownership (30-day approval, 10 copies)
- ☐ 5. (ACN) Application to Change Name (30-day approval, 10 copies)
- ☐ 6. (AEC) Application to Establish, Revise, or Cancel a Contract (30-day approval, 7 copies)
  - ☐ End User ☐ Carrier-to-Carrier Contract Amendment to an agreement approved in a NAG or ARB case
- ☐ 7. (AMT) Merger (NOT automatic, 10 copies)
- ☐ 8. (ARB) Application for Arbitration (see 96-463-TP-COI for applicable process, 15 copies)
- ☐ 9. (ATA) Application for Tariff Amendment (Automatic timeframes vary with type of ATA filing -- see below)
  - a. ☐ New End User Service which has been preceded by a 30-day pre-filing with Staff and OCC (0-day filing, 10 copies)
  - b. ☐ New Carrier-to-Carrier Service which has been preceded by a 30-day pre-filing with Staff and OCC (0-day filing, 10 copies)
  - c. ☐ Change in Terms and Conditions (30-day approval, 10 copies)
  - d. ☐ Withdrawal of Service (30-day approval, 10 copies)
  - e. ☐ Filing at Staff's Direction (30-day approval, 10 copies)
  - f. ☐ Initial Carrier-to-Carrier Services Tariff subsequent to ACE approval (60-day approval, 10 copies)
- ☐ 10. (ATC) Application to Transfer Certificate (NOT automatic, 7 copies)
- ☐ 11. (ATR) Application to Conduct a Transaction Between Utilities (NOT automatic, 10 copies)
- ☒ 12. (NAG) Negotiated Interconnection Agreement Between Carriers (0-day effective, 90-day approval, 15 copies)
- ☐ 13. (UNC) Unclassified (explain) (NOT automatic, 15 copies)
- ☐ 14. Other (explain) (NOT automatic, 15 copies)

**THE FOLLOWING ARE TRF FILINGS ONLY, NOT NEW CASES (0-day notice, 3 copies)**

- ☐ 15. Introduction or Extension of Promotional Offering
- ☐ 16. New Price List Rate for Existing Service
- ☐ 17. Designation of Registrant's Process Agent(s)
- ☐ 18. Update to Registrant's Maps

**II. Indicate which of the following exhibits have been filed. The numbers (corresponding to the list above) indicate, at a minimum, the types of cases in which the exhibit is required:**

- ☐ A copy of registrant's proposed tariffs. (Carrier-to-Carrier resale tariff also required if facilities-based) (3)
- ☐ Statement affirming that the registrant has notified the Ohio Department of Taxation of its intent to conduct operations as a telephone utility in the State of Ohio. (3)
- ☐ List of names, addresses, and phone numbers of officers and directors, or partners. (3-4,7,10)
- ☐ Brief description of service(s) proposed. (3)
- ☐ Explanation of whether applicant intends to provide resold services, facilities-based services, or both resold and facilities-based services. (3)
- ☐ Explanation as to whether NEC currently offers IXC services under separate CTS authority, and whether it will be including those services within its NEC filing, or maintaining such IXC services under a separate affiliate. (3)
- ☐ Explanation of how the proposed services in the proposed market area are in the public interest. (3)
- ☐ Description of the proposed market area. (3)
- ☐ Description of the class of customers (e.g., residence, business) that the applicant intends to serve. (3)
- ☐ Documentation attesting to the applicant's financial viability, including, at a minimum, a pro forma income statement and a balance sheet. If the pro forma income statement is based upon a certain geographical area(s) or information in other jurisdictions, please indicate. (3)
- ☐ Documentation attesting to the applicant's technical expertise relative to the proposed service offering(s) and proposed service area. (3)
- ☐ Explanation of the applicant's managerial expertise relative to the proposed service offering(s) and proposed service area. (3)
- ☐ Documentation indicating the applicant's corporate structure and ownership. (3)
- ☐ Information regarding any similar operations in other states. (3)
- ☐ Verification that the applicant will maintain local telephony records separate and apart from any other accounting records in accordance with the USOA. (3)
- ☐ Verification of compliance with any affiliate transaction requirements. (3)
- ☐ Letters requesting negotiation pursuant to Sections 251 and 252 of the Telecommunications Act of 1996 and a proposed timeline for construction, interconnection, and offering of services to end users. (3, 8, 10)
- ☐ Copy of superseded tariff sheet(s) & price list(s), if applicable, marked as Exhibit A. (1-2,4,6,8-10,12-15)
- ☐ Copy of revised tariff sheets & price lists, marked as Exhibit B. (1-2,4,6,8-10,12-15)
- ☐ Specify which notice procedure has been utilized: real time; or newspaper. NOTE: Price list increases must be within an approved range of rates. (8-9,15)
- ☐ Copy of real time or newspaper notice, which has been provided to customers. (2,4,6,9c-f, 10, 15)
- ☐ Copy of customer education and information material for new residential services. (8)
- ☐ Description of and rationale for proposed tariff changes, including a complete description of the service(s) proposed or affected.
- ☐ Specify for each service affected whether it is business; residence; or both. Also indicate whether it is a switched or dedicated service. Include this information in either the cover letter or Exhibit C. (1-2,4-6,9-10,12-15)
- ☐ Explanation as to which service areas company currently has an approved interconnection or resale agreement. (1,3, 9)
- ☐ Explanation as to whether rates are derived through (check all applicable): interconnection agreement, retail tariffs, or resale tariffs. (3)
- ☐ List of Ohio counties or exchanges the applicant intends to serve within 24 months of obtaining authorization. (1,3)
- ☐ List of Ohio counties specifically involved or affected. (2,4,6,9-10,12)
- ☐ Certification from Ohio Secretary of State as to party's proper standing (domestic or foreign corporation, authorized use of fictitious name, etc.). (3,4,6,9c-f,10) In transfer of certificate cases, the transferee's good standing must be established.
- ☐ Maps depicting the proposed serving and calling areas of the applicant. (1,3,7,10)
  - ☐ **If Mirroring ILEC** exchanges for both serving area and local calling areas: \* **Serving area** must be clearly reflected on an Ohio map attached to tariffs and textually described in tariffs by noting that it is reflecting a particular ILEC/NEC territory, and listing the involved counties. \* **Local calling areas** must be clearly reflected on an Ohio map attached to the tariffs, and/or clearly delineated in tariffs, including a complete listing of each exchange being served and all exchanges to which local calls can be made from each of those exchanges.
  - ☐ **If Self-defining** serving area and/or local calling area as an area other than that of the established ILEC exchange(s):
    - \* **Serving Area** must be clearly reflected on an Ohio map attached to the tariffs, and textually described in tariffs by listing the involved counties. \* **Local Calling Areas** must be described in the tariff through textual delineation and clear maps. Maps for self-defined **serving and local calling areas** are required to be traced on United States Geological Survey topography maps. These maps are the Standard Topographic Quadrangle maps, 7.5 minute 1:24,000.
- ☐ Other information requested by the Commission staff.

III. Registrant hereby attests to its compliance with the following requirements in the Service Requirements Form, as well as all pertinent entries and orders issued by the Commission with respect to these issues. Further, registrant hereby affirms that it will maintain with its TRF docket an up-to-date, properly marked, copy of the Service Requirements Form available for public inspection.

**Mandatory requirements for all basic local exchange providers:**

- ☒ Sales tax  
☒ Deposits  
☒ Disconnection of Service  
☒ 1+

**Service requirements for a NEC's provision of certain services (check all applicable):**

- ☐ Discounts for Persons with Communication Disabilities and the Telecommunication Relay Service  
☐ Emergency Services Calling Plan  
☐ Alternative Operator Service (AOS) requirements  
☐ Limitation of Liability Language  
☐ Termination Liability Language  
☐ Service Connection Assistance (SCA) and Telephone Service Assistance (TSA)  
☐ Resale of Service [Required for facilities-based NECs]  
☐ Local Number Portability [Required for facilities-based]

**IV. List names, titles, phone numbers, and addresses of those persons authorized to make and/or verify filings at the Commission on behalf of the applicant:**

|  |  |
|--|--|
| <u>Richard Watters Vice President</u>            | <u>Joseph R. Stewart Senior Attorney</u>             |
| <u>665 Lexington Ave., Mansfield, Ohio 44907</u> | <u>50 W. Broad, Suite 3600, Columbus, Ohio 43215</u> |
| <u>419-755-8031</u>                              | <u>614-220-8625</u>                                  |

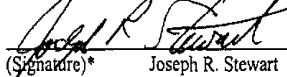
**NOTE: An annual report is required to be filed with the Commission by each company on an annual basis. The annual report form will be sent for completion to the address and individual(s) identified in this Section unless another address or individual is so indicated.**

**V. List names, titles, phone numbers, and addresses of those persons authorized to respond to inquiries from the Consumer Services Department on behalf of the applicant regarding end-user complaints:**

Information already on file  
\_\_\_\_\_  
\_\_\_\_\_

**VERIFICATION**

I, Joseph R. Stewart, Senior Attorney for Sprint, verify that I have utilized, verbatim, the Commission's Local Exchange Carrier Registration Form effective July 15, 1997, 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.

 June 20, 2001  
(Signature)\* Joseph R. Stewart (Date)


\*A 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 Registration 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

**CERTIFICATE OF SERVICE**

Copies of the foregoing Application for Approval of a Negotiated Agreement between United Telephone Company of Ohio d/b/a Sprint and KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc. were served on the following persons by first class mail, postage prepaid on this 20th day of June, 2001.

  
\_\_\_\_\_  
Joseph R. Stewart

David J. Chorzempa, Esq.  
AT&T Corp.  
227 W. Monroe St., Suite 1300  
Chicago, ILL 60606

Charlene H. Keys  
VP, Interconnection Services  
KMC Telecom Holdings, Inc.  
1755 North Brown Road  
Lawrenceville, GA 30043

Andrew M. Klein, Esq.  
Kelley Drye & Warren  
1200 19<sup>th</sup> Street, N.W.  
Washington, DC 20036

JUN 15 2001

## **Master Network Interconnection and Resale Agreement**

This Master Network Interconnection and Resale Agreement ("Agreement") between KMC Telecom Holdings, Inc. d/b/a KMC Telecom V, Inc. ("CLEC") and United Telephone Company of Ohio ("Sprint"), herein collectively, "the Parties", is entered into and effective this 8th day of June, 2001 for the State of Ohio.

NOW THEREFORE, the Parties agree as follows:

The Parties agree that the Agreement between the Parties shall consist of the Master Interconnection and Resale Agreement for the State of Ohio entered into by and between Sprint and New Edge Network, Inc. including any amendments entered into as of the date hereof (the "Adopted Agreement"), amended as follows:

### **Term:**

This Agreement shall be in force for the period commencing with the date set forth above and continuing until March 1, 2002.

### **Conditions:**

Notwithstanding any other provision of this Agreement to the contrary §3.2 hereof shall control. Any rates, terms or conditions thus developed or modified shall be substituted in place of those previously in effect and shall be deemed to have been effective under this Agreement as of the effective date established by the Amended Rules, whether such action was commenced before or after the Effective Date of this Agreement. Should the Parties be unable to reach agreement with respect to the applicability of such order or the resulting appropriate modifications to this Agreement, either party may invoke the Dispute Resolution provisions of this Agreement, it being the intent of the parties that this Agreement shall be brought into conformity with the then current obligations under the Act as determined by the amended rules.

On April 27, 2001, the Federal Communications Commission (FCC) released *Order on Remand and Report and Order*, FCC 01-131, CC Docket No. 96-98, adopted April 18, 2001, relating to intercarrier compensation for telecommunications traffic delivered to Internet service providers. The FCC's decision modifies FCC rules 47 CFR §§51.701(b)(1)-(2), 51.701(a), 51.701(c)-(e), 51.703, 51.705, 51.707, 51.709, 51.711, 51.713, 51.713 and 51.717. The FCC *Order on Remand and Report and Order* is/will be effective 30 days after publication in the Federal Register, except the 251(i) rights as set forth in paragraph 82 of the Order, will be effective upon publication in the Federal Register. The FCC *Order on Remand and Report and Order* affects certain provisions of this Agreement, including some of the rates contained in this Agreement.



Pursuant to paragraphs 3.2 and 3.3 of this Agreement, either Party may require that the affected provisions of this Agreement be renegotiated in good faith and amended to reflect the *Order on Remand and Report and Order*, such changes to be effective as of the effective date of the *Order on Remand and Report and Order*.

**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:

To KMC Telecom Holdings, Inc.:

Charlene H. Keys  
Vice President – Interconnection Services  
KMC Telecom Holdings, Inc.  
1755 North Brown Road  
Lawrenceville, GA 30043

Copy to:  
Andrew M. Klein, Esq.  
Kelley Drye & Warren  
Counsel to KMC Telecom Holdings, Inc.  
1200 19<sup>th</sup> Street, N.W.  
Washington, DC 20036

To Sprint:

Director – Local Carrier Services  
Sprint  
6480 Sprint Parkway  
Mailstop: KSOPHM0310-3A453  
Overland Park, KS 66251

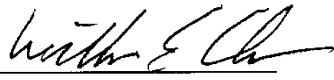
**Parties:**

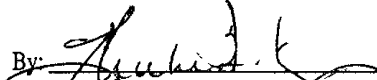
CLEC is hereby substituted in the Adopted Agreement for New Edge Network, Inc., and Sprint shall remain as the other Party to the Agreement. Except as modified above, the Agreement shall in all other respects reflect the same terms as the Adopted Agreement.

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

SPRINT

KMC Telecom Holdings, Inc.

By: 

By: 

Name: William E. Cheek

Name: Charlene H. Keys

Title: VP-Sales & Account Mgmt

Title: VP - Interconnection Services

Date: 6/6/01

Date: 5/31/01