

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Bell Telephone Company and :
Trinsic Communications, Inc. f/k/a Z-Tel :
Communications, Inc. :
: **05-0063**
Joint Petition for Approval of Seventh :
Amendment to the Interconnection :
Agreement dated January 12, 2005, :
pursuant to 47 U.S.C. § 252. :

ORDER

By the Commission:

I. PROCEDURAL HISTORY

On January 28, 2005, pursuant to 83 Illinois Administrative Code Part 763, Illinois Bell Telephone Company ("SBC") and Trinsic Communications, Inc. f/k/a Z-Tel Communications, Inc. ("Z-Tel") filed a joint request for approval of the Seventh Amendment ("Amendment") to the Interconnection Agreement dated January 12, 2005 ("Agreement"), under Sections 252(a)(1) and (e) of the Telecommunications Act of 1996 (47 U.S.C. 151, *et seq.*) ("Act"). The Amendment was submitted with the request. A statement in support of the request was filed along with verifications sworn to by Eddie A. Reed, Jr., Director of Contract Management for SBC, and Ron Walters, Vice President of Industry Policy for Z-Tel, stating that the facts contained in the request for approval are true and correct.

Staff filed the Verified Statement of Torsten Clausen, Policy Analyst in the Commission's Telecommunications Division. Mr. Clausen recommended the approval of the Agreement. The Administrative Law Judge issued a ruling on March 15, 2005, that admitted Mr. Clausen's Verified Statement into the record and marked the record "Heard and Taken."

II. SECTION 252 OF THE TELECOMMUNICATIONS ACT

Section 252(a)(1) of the Act allows parties to enter into negotiated agreements regarding requests for interconnection, services or network elements. SBC and Z-Tel have negotiated an Amendment to such an Agreement and submitted it for approval in this proceeding.

Section 252(e)(1) of the Act provides, in part, that "[a]ny interconnection agreement adopted by negotiation ... shall be submitted for approval to the State Commission." This Section further provides that a State Commission to which such an agreement is submitted "shall approve or reject the agreement, with written findings as to any deficiencies." Section 252(e)(2) provides that the State Commission may only reject the negotiated agreement if it finds that "the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement" or that "the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity." Section 252(e)(4) provides that the agreement shall be deemed approved if the State Commission fails to act within 90 days after submission by the parties.

Section 252(h) requires a State Commission to make a copy of each agreement approved under subsection (3) "available for public inspection and copying within 10 days after the agreement or statement is approved."

Section 252(i) requires a local exchange carrier to "make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement."

III. THE AGREEMENT

The seventh amendment to the Interconnection Agreement between SBC and Z-Tel, dated January 12, 2005, is a result of voluntary negotiations between the two parties. The amendment will not modify or extend the effective date or term of the underlying agreement, but rather, will be coterminous with the underlying Agreement. Except as modified in the amendment, all other terms and conditions of the underlying agreement will remain unchanged and in full force and effect. The amendment reflects Z-Tel's recent name change to Trinsic Communications and incorporates the new name into the parties' interconnection agreement.

IV. POSITIONS OF THE PARTIES

No party contended that this Agreement is discriminatory or contrary to the public interest. Staff recommended that the Agreement be approved by the Commission, for the reasons set forth in the Verified Statement of Mr. Clausen. There are no contested issues in this docket.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record and being fully advised in the premises, is of the opinion and finds that:

- (1) SBC and Z-Tel are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act;

- (2) SBC and Z-Tel have entered into an Amendment to an Agreement dated as of January 12, 2005, which has been submitted to the Commission for approval under Section 252(e) of the Telecommunications Act of 1996;
- (3) the Commission has jurisdiction over the parties hereto and the subject matter hereof;
- (4) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (5) the Agreement between SBC and Z-Tel does not discriminate against a telecommunications carrier not a party to the Agreement;
- (6) in order to assure that the Agreement is in the public interest, SBC should implement the Agreement by filing a verified statement with the Chief Clerk of the Commission, within five (5) days of approval by the Commission, that the approved agreement is the same as the Agreement filed in this docket with the verified Petition. The Chief Clerk shall place the Agreement on the Commission's website under Interconnection Agreements;
- (7) SBC should also place replacement sheets in its tariffs at the following location: Ill.C.C. No. 16 Section 18;
- (8) the Agreement should be approved as hereinafter set forth;
- (9) approval of the Agreement does not have any precedential effect on any future negotiated agreements or Commission Orders.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the Agreement dated January 12, 2005, between Illinois Bell Telephone Company and Trinsic Communications, Inc. f/k/a Z-Tel Communications, Inc., is approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that Illinois Bell Telephone Company shall comply with findings (6) and (7) of this Order within five days of the date of this Order.

IT IS FURTHER ORDERED that this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 6th day of April, 2005.

(SIGNED) EDWARD C. HURLEY

Chairman