

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

ILLINOIS BELL TELEPHONE COMPANY (SBC ILLINOIS))
And KENTUCKY DATA LINK, INC. D/B/A CINERGY NETWORKS)
)
Joint Petition for Approval of 3rd) **05-0518**
Amendment to the Interconnection)
Agreement dated July 29, 2005,)
pursuant to 47 U.S.C. § 252.)

VERIFIED STATEMENT OF JAMES ZOLNIEREK

My name is James Zolnierек and I am employed by the Illinois Commerce Commission as the Interim Policy Manager in the Telecommunications Division. Among my duties as an Interim Policy Manager is to review interconnection agreements and provide a recommendation as to their approval.

SYNOPSIS OF THE AGREEMENT

The Amendment dated July 29, 2005, between ILLINOIS BELL TELEPHONE COMPANY ("SBC ILLINOIS") and KENTUCKY DATA LINK, INC. D/B/A CINERGY NETWORKS ("CINERGY") will upon Commission approval become effective immediately. The Amendment amends the Interconnection Agreement between SBC ILLINOIS and CINERGY approved by the Commission in Docket No. 03-0172 by updating terms and conditions related to billing and remittance of 9-1-1 surcharges. In particular, upon the effective date, and no later than November 30, 2005, SBC ILLINOIS will no longer, with respect to SBC services resold by CINERGY, bill CINERGY 9-1-1 surcharges and remit 9-1-1 surcharges on behalf of CINERGY to the applicable

municipalities or government agencies. Instead, CINERGY will be responsible for all such 9-1-1 remittances. The Amendment does not modify or extend the effective date and term of the underlying Interconnection Agreement.

The purpose of my verified statement is to examine the Amendment based on the standards enunciated in Section 252(e)(2)(A) of the Telecommunications Act of 1996. Specifically, this Section states that:

The State commission may only reject an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

Also, under authority granted the Commission by Section 252(e)(3) of the Telecommunications Act of 1996, this Amendment has been reviewed for consistency with the requirements of the Illinois PUA and regulations, rules and orders adopted pursuant thereof.

Finally, it should be noted that Section 252(e)(4) provides, in relevant part, that:

If the State commission does not act to approve or reject the agreement within 90 days after submission by the parties of an agreement adopted by negotiation under subsection (a), or within 30 days after submission by the parties of an agreement adopted by arbitration under subsection (b), the agreement shall be deemed approved.

I APPROVAL UNDER SECTION 252(e)

A. DISCRIMINATION

The first issue that must be addressed by the Commission in approving or rejecting a negotiated agreement under Section 252(e)(2)(A) is whether it discriminates against a telecommunications carrier that is not a party to the agreement. Discrimination within this context can generally be defined as giving preferential treatment to the requesting carrier to the detriment of a telecommunications carrier that is not a party to the agreement.

Nothing in this Amendment leads me to the conclusion that the Amendment is discriminatory.

B. PUBLIC INTEREST

The second issue that needs to be addressed by the Commission in approving or rejecting a negotiated agreement under Section 252(e)(2)(A) is whether it is contrary to the public interest, convenience, and necessity. I recommend that the Commission examine the Amendment on the basis of past Commission orders, and state and federal law to determine if the Amendment is consistent with the public interest.

Nothing in this Amendment leads me to the conclusion that the Amendment is inconsistent with past Commission Orders, in violation of state or federal law, or otherwise inconsistent with the public interest.

II RECOMMENDATION

I recommend that the Commission approve this Amendment.

III IMPLEMENTATION

In order to implement the SBC ILLINOIS–CINERGY Amendment, the Commission should require SBC ILLINOIS to, within five (5) days from the date the agreement is approved, modify its tariffs to reference the Amendment. Such a requirement is consistent with the Commission’s Orders in previous dockets and allows interested parties access to the Amendment. The following sections of SBC ILLINOIS’ tariffs should reference the SBC ILLINOIS–CINERGY Amendment: Agreements with Telecommunications Carriers (ILL. C. C. No. 16, Section 18).

Also, in order to assure that the implementation of the Amendment is in the public interest, SBC ILLINOIS should implement this Amendment by filing a verified statement with the Chief Clerk of the Commission, within five (5) days of approval by the Commission of the Amendment. The statement should indicate that the Amendment is the same as the Amendment filed in this docket with the verified petition; the Chief Clerk should place the Amendment on the Commission’s web site under Interconnection Agreements.

For the reasons enumerated above, I recommend that the Commission approve this Amendment pursuant to Section 252(e) of the Telecommunications Act of 1996.

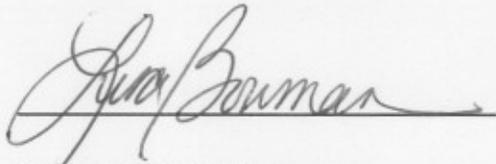
VERIFICATION

STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

I, James Zolnierek, do on oath depose and state that if called as a witness herein, I would testify to the facts contained in the foregoing document based upon personal knowledge.



SIGNED AND SWORN TO BEFORE ME THIS 2nd DAY OF SEPTEMBER, 2005.



NOTARY PUBLIC

