

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

MARSEILLES TELEPHONE COMPANY AND)
UNITED STATES CELLULAR OPERATING COMPANY OF CHICAGO, LLC;)
USCOC OF CENTRAL ILLINOIS, LLC;)
USCOC OF ILLINOIS RSA #1, LLC;)
USCOC OF ILLINOIS RSA #4, LLC;)
USCOC OF ROCKFORD, LLC;) **05-0567**
)
)
Joint Petition for Approval of)
Negotiated Traffic Termination)
Agreement pursuant to 47 U.S.C.)
Section 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 Agreement between MARSEILLES TELEPHONE COMPANY ("MARSEILLES") and UNITED STATES CELLULAR OPERATING COMPANY OF CHICAGO, LLC; USCOC OF CENTRAL ILLINOIS, LLC; USCOC OF ILLINOIS RSA #1, LLC; USCOC OF ILLINOIS RSA #4, LLC; USCOC OF ROCKFORD, LLC; ("USCOC") will upon Commission approval become effective immediately. The Agreement establishes the reciprocal compensation terms for the transport and termination of certain traffic between the two carriers. Agreement has an initial term of one year and

will automatically renew for one year periods absent affirmative action to terminate or negotiate a successor agreement.

The purpose of my verified statement is to examine the Agreement 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 Agreement 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 Agreement leads me to the conclusion that the Agreement 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 Agreement on the basis of past Commission orders, and state and federal law to determine if the Agreement is consistent with the public interest.

Nothing in this Agreement leads me to the conclusion that the Agreement 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 Agreement.

III IMPLEMENTATION

In order to implement the MARSEILLES–USCOC Agreement, the Commission should require MARSEILLES to, within five (5) days from the date the agreement is

approved, modify its tariffs to reference the Agreement. Such a requirement is consistent with the Commission's Orders in previous dockets and allows interested parties access to the Agreement. Staff did not find a list of interconnection agreements within the existing MARSEILLES tariffs. Therefore, MARSEILLES should be directed to create such a list in its tariffs and reference the MARSEILLES–USCOC Agreement in a tariff section entitled: Agreements with Telecommunications Carriers. A separate page and section should be assigned to the title in its ICC tariffs.¹

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

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

¹ Other ILECs have created such tariff sections for their Section 252 Interconnection Agreements with other Telecommunications Carriers. For example, see Citizens ILL.C.C. No. 5, Section 18; SBC ILL.C.C. No. 16, Section 18; and Verizon ILL.C.C. No. 10, Section 18.

VERIFICATION

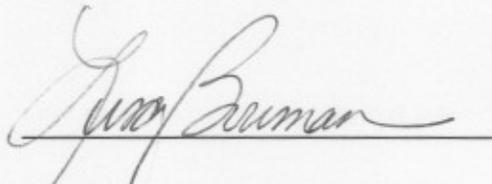
STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)

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.



A handwritten signature in cursive script, appearing to read 'James Zolnierek', written over a horizontal line.

SIGNED AND SWORN TO BEFORE ME THIS 28th DAY OF SEPTEMBER, 2005.



A handwritten signature in cursive script, appearing to read 'Lisa Bowman', written over a horizontal line.

NOTARY PUBLIC

