

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

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|--|---|---------------------------|
| <b>ILLINOIS BELL TELEPHONE COMPANY</b>               | ) |                           |
| <b>(SBC Illinois) and</b>                            | ) |                           |
| <b>AMERICAN FARM BUREAU, INC.,</b>                   | ) |                           |
| <b>D/B/A THE FARM BUREAU CONNECTION SM</b>           | ) | <b>Docket No. 05-0827</b> |
|  | ) |                           |
| <b>Joint Petition Regarding Approval of 3rd</b>      | ) |                           |
| <b>Amendment to Interconnection Agreement dated</b>  | ) |                           |
| <b>December 15, 2005 pursuant to 47 U.S.C. § 252</b> | ) |                           |

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**VERIFIED RESPONSE OF SBC ILLINOIS TO NOTICE  
OF ADMINISTRATIVE LAW JUDGE’S RULING**

On January 4, 2006, the Administrative Law Judge (“ALJ”) assigned to this docket issued a ruling directing the parties to show cause why the petition should not be dismissed. Alternatively, the ruling asks the parties to move voluntarily for dismissal. Illinois Bell Telephone Company (“SBC Illinois”) submits the following response explaining why it would be inappropriate for this matter to be dismissed.

1. On December 21, 2005, SBC Illinois and American Farm Bureau, Inc. d/b/a The Farm Bureau Connection sm (“Farm Bureau”) filed this petition asking the Commission to review, for approval or rejection, the third amendment to the companies’ interconnection agreement. Some provisions of the amendment were negotiated, while the remaining provisions were determined through the TRO/TRRO arbitration petition in Docket No. 05-0442.

2. SBC Illinois was one of the original parties to the arbitration conducted in Docket No. 05-0442, while Farm Bureau was an intervenor in that docket. See Docket No. 05-0442, Petition to Intervene of American Farm Bureau, Inc. (July 21, 2005) (stating that Farm Bureau is authorized to provide local exchange service in Illinois and

will be affected by a ruling in the docket); Docket No. 05-0442, Notice of Continuance of Hearing and Notice of Schedule (July 25, 2005) (granting motions to intervene). As an intervenor, Farm Bureau is “bound by rulings and orders ... entered” in the docket. See 83 Ill. Admin. Code § 200.200(e).

3. The Arbitration Decision in Docket No. 05-0442 directed the parties to file, within a specified period, “their complete interconnection agreement for Commission approval pursuant to subsection 252(e) of TA96.” Docket No. 05-0442, Arbitration Decision, p. 225 (Nov. 2, 2005).

4. In her January 4 ruling, the ALJ refers to Docket No. 05-0850, a petition by Farm Bureau to cancel its Illinois certification. That petition was filed on December 27, 2005, and the Commission has not acted on it. Accordingly, Farm Bureau still is authorized to provide telecommunications service in Illinois and is under the Commission’s jurisdiction. Moreover, the parties’ interconnection agreement remains in effect, and Farm Bureau could order services pursuant to the agreement at any time.

5. Dismissal of the petition here, either by ALJ ruling or by motion of the parties, would contravene both TA 96 and the Arbitration Decision. As a result, the Commission should treat this petition as it would any other similar filing.

6. Under Section 252(e)(2)(A) of TA 96, the Commission can only reject the negotiated portions of the amendment if they are discriminatory to other carriers or if their implementation would be contrary to the public interest. See 47 U.S.C. § 252(e)(2)(A). The record contains nothing to indicate that the negotiated portions of the amendment are discriminatory.<sup>1</sup> Indeed, given that SBC Illinois has filed petitions

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<sup>1</sup> In fact, the record is to the contrary, in that the joint petition submitted by the parties describes SBC Illinois’ willingness to make the amendment available to other carriers. See Joint Petition ¶ 3.

seeking approval of the same amendment with numerous other competing local exchange carriers (“CLEC”), it would be discriminatory for the Commission to prevent one certificated CLEC from amending its agreement. In addition, the record contains nothing to indicate how implementation of an interconnection agreement amendment between two certificated carriers would be contrary to the public interest.

7. Under Section 252(e)(2)(B) of TA 96, the Commission can only reject the arbitrated portions of the amendment if they do not meet the requirements of 47 U.S.C. § 251 or the standards set forth in 47 U.S.C. § 252(d). See 47 U.S.C. § 252(e)(2)(B). The record again contains nothing to indicate that the specified grounds for rejection exist.<sup>2</sup>

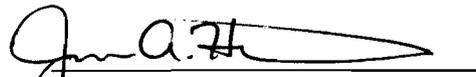
8. Moreover, if the companies acted on the ALJ’s request to dismiss the petition voluntarily, they would presumably be in violation of the Commission’s explicit direction in the Arbitration Decision to submit the amendment for review.

9. In summary, the Commission has before it a petition submitted by two certificated carriers to amend an interconnection agreement that is currently in effect. Submission of this amendment was mandated by the Commission in an earlier order. The Commission has no basis to dismiss the petition.

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<sup>2</sup> In fact, the record is again to the contrary. The Arbitration Decision directed the parties to include provisions in the amendment that fully comport with Section 251 requirements and are in accord with Section 252(d). Docket No. 05-0442, Arbitration Decision, p. 225 (Nov. 2, 2005). The parties’ joint petition states that the arbitrated terms of the amendment comply with the rulings in the Arbitration Decision. See Joint Petition ¶ 2.

Respectfully submitted,

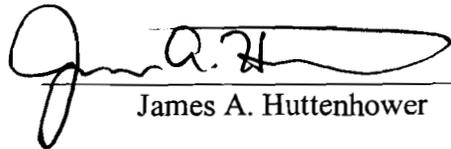
  
James A. Huttenhower

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STATE OF ILLINOIS     )  
  )  
COUNTY OF COOK     )     SS

**VERIFICATION**

I, James A. Huttenhower, state that I am an Attorney for SBC Illinois, that I have read the above foregoing Verified Response of SBC Illinois to Notice of Administrative Law Judge’s Ruling and know the contents thereof, and that the same are true to the best of my knowledge, information and belief.

  
James A. Huttenhower

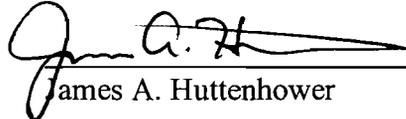
Subscribed and sworn to before  
me this 6<sup>th</sup> day of January 2005.

  
Notary Public



**CERTIFICATE OF SERVICE**

I, James A. Huttenhower, an attorney, certify that a copy of the foregoing  
**VERIFIED RESPONSE OF SBC ILLINOIS TO NOTICE OF ADMINISTRATIVE  
LAW JUDGE'S RULING** was served on the parties on the attached service list by U.S.  
Mail and/or electronic transmission on January 6, 2006.

  
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