

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. This provision further states that "(n)o State court shall have jurisdiction to review the action of a State Commission in approving or rejecting an agreement under this section". Section 252(e)(5) provides for preemption by the Federal Communications Commission if a State Commission fails to carry out its responsibility, and Section 252(e)(6) provides that any party aggrieved by a State Commission's determination on a negotiated agreement may bring an action in the appropriate Federal District Court.

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

This is a joint petition for approval of the negotiated Amendment to the Agreement between AT&T Mobility and Hamilton. According to both parties in this filing, Alltel Communications, Inc. and Hamilton entered into an "Interconnection and Traffic Interchange Agreement for Commercial Mobile Radio Services" which the Commission approved in Docket No. 06-0644. Alltel is the assignee of Alltel Communications, LLC d/b/a Verizon Wireless, which was formerly known as Alltel Communications, Inc. The parties have been operating under the Agreement between themselves ever since. Allied Wireless Communications (IL), LLC subsequently succeeded to the interest of Allied Communications, Inc. AT&T Mobility has now succeeded to the interests of Allied Wireless Communications (IL), LLC and wishes the Agreement to reflect the current parties.

IV. POSITIONS OF THE PARTIES

No party contended that the Amendment is discriminatory or contrary to the public interest. Staff reviewed the Amendment in the context of the criteria contained in Section 252(e)(2)(A) of the Act and determined that it met the necessary requirements.

Under this Section, the Commission may reject an agreement, or any portion thereof, adopted by negotiation under Subsection (a) only if it finds that (i) the agreement, or a portion thereof, discriminates against as telecommunications carrier not a party to the agreement; or (ii) the implementation of such an agreement, or a portion thereof, is not consistent with the public interest, convenience and necessity.

Mr. Omoniyi stated that the Amendment meets the standards set forth in the Telecommunications Act of 1996 and is consistent with the public interest, convenience and necessity. There are no contested issues in this docket. Staff recommended that the Commission approve the Amendment for the reasons set forth in the Verified Statement of Mr. Omoniyi. Staff further recommended that, as a condition of approving the negotiated agreement, the Commission should order Hamilton to create and file a "Current List of Valid Interconnection Agreements" within five (5) days from the date a negotiated agreement is approved. This list should be filed in this docket and should reference, in this case, the New Cingular Wireless PCS, LLC — Hamilton County Co-op Interconnection Agreement and Ill.C.C. Docket No. 12-0393. If Hamilton enters into additional negotiated agreements in the future, said agreements can be added to the list, and the list can be refiled in the most recent docket. Such a requirement is consistent with the Commission's Orders in previous negotiated agreement dockets and allows interested parties access to the negotiated agreements with Hamilton. Staff also recommended that the Commission require Hamilton to file with the Office of the Chief Clerk, within five (5) days from the date upon which the Amendment is approved, a verified statement that the approved Amendment is the same as the Amendment filed in this Docket with the verified petition.

V. FINDINGS AND ORDERING PARAGRAPHS

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

- (1) AT&T Mobility and Hamilton are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act;
- (2) AT&T Mobility and Hamilton have entered into an Amendment to the Interconnection Agreement which has been submitted to the Commission for approval under Section 252(e) of the Telecommunications Act of 1996;
- (3) the Commission has jurisdiction of 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 Amendment between AT&T Mobility and Hamilton does not discriminate against a telecommunications carrier not a party to the Agreement;
- (6) in order to assure that the Amendment is in the public interest, Hamilton should implement the Amendment by filing a verified statement with the Chief Clerk of the Commission, within five (5) days of approval by the Commission, that the approved Amendment is the same as the Amendment filed in this docket with the verified petition. The Chief Clerk shall place the Amendment on the Commission's website under Interconnection Agreements;
- (7) Hamilton shall file a "Current List of Valid Interconnection Agreements" within five (5) days from the date a negotiated agreement is approved;
- (8) the Amendment should be approved as hereinafter set forth;
- (9) approval of the Amendment 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 Amendment to the Interconnection Agreement between New Cingular Wireless PCS, LLC, and its Commercial Mobile Radio Service operating affiliates d/b/a AT&T Mobility and Hamilton County Telephone Co-op is approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that Hamilton County Telephone Co-op shall comply with findings (6) and (7) of this Order within five days of the date of this Order.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By Order of the Commission this 26th day of June, 2014.

(SIGNED) DOUGLAS P. SCOTT

CHAIRMAN