ORDER

By the Commission:

I. PRELIMINARY MATTERS

On September 20, 2006, pursuant to 83 Illinois Administrative Code Part 763, Illinois Bell Telephone Company (“AT&T Illinois” or “AT&T”) and IQ Telecom, Inc., (“IQ”) filed a joint request for approval of the First Amendment to their Negotiated Interconnection Agreement, pursuant to 47 U.S.C. Secs. 252(a)(1) and 252(e) of the Telecommunications Act of 1996, 47 U.S.C. Sec. 151, et seq. (“the Act”). The Amendment was submitted with the request. A statement in support of the request was filed, along with verifications sworn to by Eddie Reed, the Director of Contract Management for AT&T, and Daniel Gentile, the Vice-president of IQ, stating that the facts contained in the request for approval were true and correct.

Staff filed the Verified Statement of A. Olusanjo Omoniyi, a Policy Analyst with the Commission’s Telecommunications Division, who recommended approving the Amendment. The Administrative Law Judge therefore concluded that there were no contested issues in this docket and the record was marked “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 interconnection, services or network elements. The parties have negotiated such an Agreement and they seek approval to amend it in this proceeding. (47 U.S.C. Sec. 252(a)(1)).
Section 252(e)(1) provides, in part, that "[a]ny interconnection agreement adopted by negotiation . . . shall be submitted for approval to the State Commission." It 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." (47 U.S.C. Sec. 252(e)(1)). Section 252(e)(2) requires that the State Commission may only reject the negotiated agreement if it finds that "the agreement (or portion thereof) discriminates against a telecommunications carrier (that is) 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. (47 U.S.C. Secs. 252(e)(2) and (e)(4)).

According to Section 252(h), a State Commission must 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." (47 U.S.C. Sec. 252(h)). 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." (47 U.S.C. Sec. 252(i)).

III. THE AMENDMENT

The parties' first Amendment updates their existing negotiated agreement to reflect the effective portions of the FCC’s Triennial Review Order (“TRO”) and its subsequent amendments. (Amendment at 1). The Amendment does not modify or extended the effective date of the existing negotiated agreement. Instead, it is coterminous with that agreement.

IV. STAFF’S POSITION

Staff reviewed the Amendment based on the standards set forth in Section 252(e)(2) of the Act. Pursuant to this Section, the Commission may only reject an agreement, or any portion thereof, adopted by negotiation under subsection: if it finds that (i) the agreement, or any portion thereof, discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement, or a portion thereof, is not consistent with the public interest, convenience and necessity.

Staff recommended that the Commission approve the Amendment for the reasons set forth in the Verified Statement of Mr. Omoniyi. Mr. Omoniyi averred that the Amendment meets the standards set forth in the Act and that it is consistent with the public interest. Staff concluded that, since similarly-situated carriers can enter into essentially the same contract, the Amendment should not be deemed to be discriminatory. Staff concluded that the Amendment does not discriminate against a telecommunications carrier that is not a party to
the contract and that the implementation of the Amendment would not be inconsistent with
the public interest, convenience or necessity. No party contended that the Amendment is
discriminatory or contrary to the public interest.

Staff also recommended that the Commission require AT&T, within five (5) days from
the date upon which the Amendment is approved, to modify its tariffs to include the
Agreement for each service provided. Also, the Chief Clerk should place the Amendment on
the Commission’s web site under "Interconnection Agreements." Staff’s recommendations
are reasonable and they should be adopted.

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) Illinois Bell Telephone Company and IQ Telecom, Inc., are
"telecommunications carriers" as is defined in Section 13-202 of the Public
Utilities Act;

2) the Commission has jurisdiction over the parties hereto and of the subject
matter;

3) Illinois Bell Telephone Company and IQ Telecom, Inc. have entered into an
Amendment to their Agreement, which has been submitted to the Commission
for approval under Section 252(e) of the Telecommunications Act of 1996;

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 to the Agreement between these petitioners does not
discriminate against a telecommunications carrier that is not a party to the
Agreement and it is not contrary to the public interest, convenience and
necessity;

6) in order to assure that the Amendment is in the public interest, Illinois Bell
Telephone Company must implement the Amendment by filing, within five (5)
days from the date upon which the Agreement is approved, a verified
statement with the Chief Clerk of the Commission, stating that the approved
Amendment is the same as the Amendment that was filed in this docket with the Verified Petition. The Chief Clerk shall place the Amendment on the Commission's web site under "Interconnection Agreements;"

7) Illinois Bell Telephone Company also must also place replacement sheets in its tariffs at the following location: “Agreements with Telecommunications Carriers:” Ill. C.C. No. 16, Section 18;

8) the Amendment should be approved;

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 First Amendment to the Interconnection Agreement, between Illinois Bell Telephone Company and IQ Telecom, Inc., dated September 7, 2006 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 21st day of November, 2006.

(SIGNED) CHARLES E. BOX

Chairman