

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Petition of MCI Tele-)
communications Corporation for Arbitration)
Pursuant to Section 252 of the Telecom-) Case No. 97-152-TP-ARB
munications Act of 1996 to Establish an Inter-)
connection Agreement with Cincinnati Bell)
Telephone Company.)

ENTRY

The Commission finds:

- (1) On October 2, 1997, the Commission issued an Opinion and Order in this proceeding. The Commission approved, to the extent set forth in the Opinion and Order, an unexecuted interconnection agreement¹ entered into by MCI Access Transmission Services, Inc., an affiliate of MCI Telecommunications Corporation (MCI), and Cincinnati Bell Telephone Company (CBT). The Commission directed the parties to submit by October 14, 1997, an executed agreement containing a number of revisions as detailed in the Opinion and Order.
- (2) On October 14, 1997, the parties filed an executed interconnection agreement.
- (3) The Commission, having reviewed the executed interconnection agreement and having considered the agreement and revisions subsequent to the Opinion and Order, finds that the executed interconnection agreement and its revisions (including, the pricing schedule and exhibits to the extent set forth herein) should be approved. The agreement, to the extent applicable, shall be bound by the terms, conditions, and restrictions set forth in the Opinion and Order we issued in this case on October 2, 1997.
- (4) We wish to specifically note four items. First, in our October 2, 1997 Opinion and Order, we directed the parties to affirmatively set forth in this agreement their intent as to the application of certain aspects of our minimum telephone service standards (MTSS) to the interconnection agreement. In the cover letter submitted with the executed agreement, the parties stated that they were unable to resolve this question and

¹ The Commission's October 2, 1997 Opinion and Order addressed a redlined version of the parties' interconnection agreement, which was filed with the Commission on August 28, 1997.

would like additional time (until December 31, 1997) in which to do so. Further, they noted that a similar request has been made by other carriers with respect to other interconnection agreements. We find that MCI's and CBT's joint request for an extension of time to address the interplay of MTSS and this interconnection agreement is reasonable and should be granted.

Second, the parties noted in the cover letter that, while they were able to revise their interconnection agreement to reflect part of the Commission's Entry on Rehearing (issued on October 9, 1997), they were not able to include any changes with regard to the Commission's conclusion for access to the directory assistance database. The parties noted that they intend to submit the necessary amendments to this agreement no later than November 14, 1997. We realized that, when we issued our Entry on Rehearing, revisions to the interconnection agreement would be required and that the parties might not be able to incorporate those revisions in the executed agreement. We understand that an amendment will be required to correctly address the directory assistance database access issue and we approve the executed agreement with the clarification that revisions on that topic will be forthcoming.²

Third, we note that our approval of Item I.D. and footnote one of the pricing schedule (relating to dedicated transport) is conditional. The parties have stated in footnote one that the dedicated transport rate applies "in lieu of tandem switching and tandem transport facility mileage when local traffic is not routed through a tandem switch". Our approval of this part of the pricing schedule is conditioned upon revising footnote one to include: that "the dedicated transport rate that the requesting carrier pays shall recover only the costs of the portion of that trunk capacity used by the requesting carrier to send the traffic that it will terminate on the other carrier's network." Such proportion may be measured during the peak period. We make this conditional approval in order to be consistent with Local Service Guideline IV.D.4.c.

Finally, we noticed, upon our review of the price schedule (which we are reviewing for the first time), that several rates do not comply with our interim rate determinations in the

² We note further that other revisions may be required with regard to the resale discount percentages, given our determination to grant rehearing in order to further examine one aspect of our previous determination for the discounts.

arbitration award. Specifically, the monthly and nonrecurring rates for three of the conditioning options for 2-wire and 4-wire, voice grade, analog loops (improved voice grade loss, non-loaded copper loop guarantee, and ISDN compatible conditioning) do not accurately reflect our award to follow CBT's previously proposed TELRIC costs, plus 10 percent for the common cost allocation. The parties presented no explanation from which we could accept a deviation from our award and, therefore, we reject those aspects of the price schedule. The parties shall modify the price schedule to accurately reflect our arbitration award. We believe that it is appropriate for these pricing revisions to be submitted along with the other revisions that the parties plan to file on or before November 14, 1997.

It is, therefore,

ORDERED, That the October 14, 1997 executed interconnection agreement filed by MCI and CBT on October 14, 1997, is approved as set forth herein. It is, further,

ORDERED, That the agreement, to the extent applicable, shall be bound by the terms, conditions, and restrictions set forth in the Opinion and Order issued on October 2, 1997. It is, further,

ORDERED, That the parties file proposed revisions to this interconnection agreement to address the interplay of MTSS and this interconnection agreement on or before December 31, 1997. It is, further,

ORDERED, That the parties file proposed revisions to this interconnection agreement to address the access to the directory assistance database and to reflect the correct interim rates for conditioning analog loops and revisions to footnote one of the pricing schedule on or before November 14, 1997. It is, further,

ORDERED, That nothing in this Entry shall be binding upon the Commission in any subsequent investigation or proceeding involving the justness or reasonableness of any charge, rule, or regulation. It is, further,

ORDERED, That the Commission's approval of this interconnection agreement to the extent set forth in this Entry does not constitute state action for the purpose of the antitrust laws. It is not our intent to insulate the companies from any provisions of any state or federal law which prohibit the restraint of trade. It is, further,

ORDERED, That this case shall remain open until further order of the Commission. It is, further,

ORDERED, That copies of this Entry be served upon MCI, CBT, their respective counsel, and all interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones

GLP;geb