

4901:1-7-07**Establishment of interconnection agreements.****(A) Processing requests for interconnection**

- (1) Any request for an interconnection arrangement pursuant to 47 U.S.C. 251 and 252, as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code, must be submitted via facsimile, overnight mail, e-mail, or hand-delivery to the appropriate personnel or division within the providing telephone company's organization in charge of negotiating interconnection arrangements between telephone companies. The requesting telephone company must also notify simultaneously the chief of the telecommunications division of the utilities department of the commission.
- (2) At any point in time during the negotiation, any party to the negotiation may ask the commission to participate in the negotiation and to mediate any differences arising during the course of the negotiation, pursuant to rule 4901:1-7-08 of the Administrative Code.
- (3) An incumbent local exchange carrier (ILEC) shall make available without unreasonable delay to any requesting telephone company any agreement in its entirety to which the ILEC is a party that is approved by the commission pursuant to 47 U.S.C. 252(i), as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code, upon the same rates, terms, and conditions as those provided in the agreement and pursuant to 47 C.F.R. 51.809, as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code.
- (4) Negotiated interconnection agreements shall be effective upon filing. The agreement shall be approved pursuant to the ninety-day process set forth in paragraph (D)(2) of this rule.

(B) Requests for the negotiation of an amendment to an existing interconnection arrangement

- (1) A bona fide request (BFR) for interconnection may be used to request an interconnection arrangement, service, or unbundled network element that is subsequent to, unique, or in addition to an existing interconnection agreement and is to be added as an amendment to the underlying interconnection agreement.
- (2) All amendments of an existing, approved interconnection agreement must be filed within ten calendar days of its execution and filed with the commission as a negotiated agreement (NAG).
- (3) Interconnection agreement amendments shall be effective upon filing. The amendment to the agreement shall be approved pursuant to the ninety-day process set forth in paragraph (D)(2) of this rule.

(C) Process for the negotiation of subsequent interconnection agreements

- (1) Parties shall negotiate the rates, terms, and conditions of subsequent interconnection arrangements in accordance with the terms of their existing interconnection agreement. Both parties to the existing interconnection agreement shall notify the chief of the telecommunications division of the utilities department of the commission when negotiations of a subsequent interconnection agreement have commenced.
- (2) A party to an existing interconnection agreement may seek arbitration of a subsequent interconnection agreement pursuant to the arbitration rules set forth in rule 4901:1-7-09 of the Administrative Code.
- (3) Subsequent interconnection agreements, whether adopted through negotiation or arbitration, shall be docketed as a new case within ten calendar days of signing.
- (4) The subsequent interconnection agreement shall be effective upon filing. The subsequent interconnection agreement shall be approved pursuant to the ninety-day process set forth in paragraph (D)(2) of this rule.

(D) Interconnection agreement approval process

- (1) Title 47 U.S.C. 252(e)(2)(a), as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code, limits the legal test to be applied to the approval of negotiated interconnection agreements to whether (a) the agreement (or portion thereof) is discriminatory against another telephone company, and (b) whether the implementation of such agreement is in the public interest.
- (2) In light of the limited legal test set forth in 47 U.S.C. 252(e)(2)(a), as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code, all negotiated interconnection agreements, all executed adoptions of existing interconnection agreements under 47 U.S.C. 252(i), as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code, all negotiated subsequent interconnection agreements, and all amendments to such agreements shall be approved pursuant to the ninety-day process set forth in 47 U.S.C. 252(e)(4), as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code. All arbitrated agreements shall be approved pursuant to the thirty-day process set forth in 47 U.S.C. 252(e)(4), as effective in paragraph (A) of rule 4901:1-7-02 of the Administrative Code.

(E) BFR fee

A providing telephone company is entitled to recover costs associated with the evaluation of a unique request for interconnection, examination of facilities for special arrangements, and technical and economic feasibility assessments. If the

BFR fee exceeds five hundred dollars, the providing telephone company must allow, upon request by the requesting telephone company, payment of that fee over no more than twelve months whether or not the requesting telephone company proceeds with the request. The commission, through the arbitration process, will resolve disputes concerning the amount of the BFR fee. The BFR fee shall be subject to commission review and approval.

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CERTIFIED ELECTRONICALLY

Certification

11/19/2007

Date

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