



Agenda Date: 07/11/07
Agenda Item: IVA-1

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT APPLICATION OF	)	<u>ORDER APPROVING</u>
UNITED TELEPHONE COMPANY OF NEW JERSEY	)	<u>INTERCONNECTION</u>
INC. D/B/A EMBARQ AND COOPERATIVE	)	<u>AGREEMENT</u>
COMMUNICATIONS FOR APPROVAL OF AN OPT-IN	)	
OF MASTER INTERCONNECTION, COLLOCATION &	)	
RESALE AGREEMENT UNDER SECTION 252 OF THE	)	
TELECOMMUNICATIONS ACT OF 1996	)	DOCKET NO. TO07020096

(SERVICE LIST ATTACHED)

BY THE BOARD:

By letter dated February 12, 2007, United Telephone Company of N.J. Inc. d/b/a Embarq ("Embarq"), and Cooperative Communications ("Cooperative") (individually, a Party, and jointly, the Parties), pursuant to Section 252(e) of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, (codified in scattered sections of 47 U.S.C. §151 et seq.) (the Act), submitted to the Board of Public Utilities (Board) a joint application (Application) for approval of a negotiated interconnection agreement, titled "Opt-in of Master Interconnection, Collocation and Resale Agreement Master Interconnection Agreements for the State of New Jersey" and dated November 1, 2006 (Agreement). Embarq is an incumbent local exchange carrier as defined by the Act with the duty to negotiate interconnection agreements pursuant to Section 252 of the Act. See 47 U.S.C. §251(c) and §251(h)(1).

Cooperative has exercised its rights under Section 252(i) of the Act to opt into an interconnection agreement previously approved by the Board between Embarq and Manhattan Telecommunications Corporation of NJ.

The Agreement sets forth the terms, conditions and prices under which Embarq will offer and provide access to unbundled network elements, ancillary services, and wholesale telecommunications services available for resale to Cooperative. The Agreement is in effect until August 31, 2007, and thereafter as noted in the Agreement continue in full force and effect unless terminated as provided in the Agreement.

Pursuant to 47 U.S.C. §252(a)(1), an incumbent LEC may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service or network elements. In addition, 47 U.S.C. §252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board

to approve or reject the Agreement, with written findings as to any deficiencies. The Act provides that the Board may reject a negotiated agreement only if it finds that: (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity. [47 U.S.C. §252(e)(2)(A)].

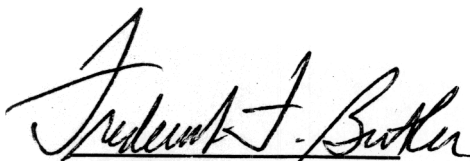
The Board's review of the Agreement and the record in this matter indicates that the Agreement is consistent with the public interest, convenience and necessity, and that the Agreement does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board FINDS that the Agreement meets the standards set forth in the Act, and HEREBY APPROVES the Agreement as presented by the Parties. This approval should not be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement, nor shall the Board be bound by any provisions within the Agreement including provisions regarding the confidentiality of information.

The Board notes that amendments or modifications to Board approved interconnection agreements are subject to Board review and approval. No agreement shall be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board.

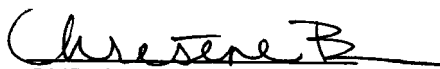
DATED: 7/12/07

BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT


FREDERICK F. BUTLER
COMMISSIONER

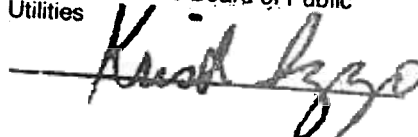

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


CARMEN DIAZ
ACTING SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities



Service List

Docket No. TO07020096

Zsuzsanna E. Benedek
United Telephone Company d/b/a Embarq
240 North Third Street, Suite 201
Harrisburg, PA 17101

Jimarli Figueiredo
Board of Public Utilities
Division of Telecommunications
Two Gateway Center
Newark, NJ 07102

Ronald K. Chen, Ratepayer Advocate
Christopher White, Esq.
Maria Novas-Ruiz, Esq.
Division of Ratepayer Advocate
31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101

Elise Goldblat, D.A.G.
Arlene Pasko, D.A.G.
Department of Law & Public Safety
124 Halsey Street, 5th Floor
Newark, NJ 07102

Karen McDine
Cooperative Communications
412-420 Washington Ave.
Belleville, NJ 07109