

Public Service Commission

Richard E. Hitt, General Counsel



201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0450
FAX: 1-866-336-2893
E-mail: rhitt@psc.state.wv.us

August 25, 2010

Jimmy Gianato, Director
West Virginia Division of Homeland Security
and Emergency Management
1900 Kanawha Blvd., E
Building 1 Room EB-80
Charleston, WV 25305

AUG 26 2010

Re: Inquiry concerning PSC interconnection procedures

Dear Director Gianato,

I offer the following response to your recent request for a letter outlining the Public Service Commission process dealing with open access, how various interconnection agreements work and who is responsible for their negotiation.

A telecommunications carrier, who has received a certificate of public convenience and necessity from the Commission to provide local exchange service within the state, may request interconnection with an incumbent local exchange carrier in accordance with Sections 251(b) and 251(c) of the Telecommunications Act of 1996. The Commission Rules require that the incumbent local exchange carrier respond to a bonafide request for negotiation within fifteen days of receipt of such a request. The Rules further require that the incumbent local exchange carrier not unreasonably discriminate against similarly situated telecommunication carriers and that the agreement be based on rates, terms and conditions that are just and reasonable. An incumbent carrier is required to provide unbundled network elements in a manner that allows requesting carriers to provide telecommunication services which are subject to Commission jurisdiction, which excludes broadband service.

If parties are unable to negotiate an interconnection agreement, the Commission Rules set out a process for compulsive arbitration. *Rule 15.5*. However, this provision has been rarely used. The Interconnection Agreement and any amendments thereto are typically presented to the Commission as already negotiated and agreed upon by the parties and the Commission's role is to assess whether the Agreement is fair and reasonable, does not discriminate against other carriers, and is available to other carriers on the same terms and conditions..

Any interconnection agreement adopted by negotiation or arbitration must be submitted to the Commission for approval. If the Commission does not act to approve or

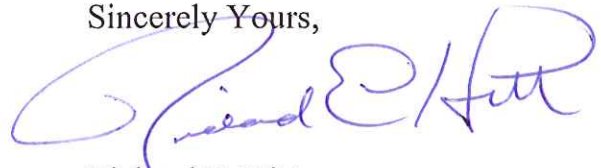
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reject an agreement adopted by negotiation within ninety days after submission, the agreements shall be deemed approved. Similarly, if the Commission has not acted to approve or reject an agreement adopted by arbitration within thirty days after submission by the parties, the agreements shall be deemed approved.

The specific Rule dealing with interconnection is Telephone Rule 15, 150 C.S.R. 6. Since the Rule is extensive and explains the process in further detail, I have included a copy for your reference.

If there are any additional specific questions that you have that do not involve a case pending before the Commission, I would be glad to discuss this further with you.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read "Richard E. Hitt". The signature is stylized with large, flowing loops and a prominent "H".

Richard E. Hitt
General Counsel

cc: Michael A. Albert, Chairman
Attachment