STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

SCC Communications Corp.	:	
	:	
Petition of SCC Communications Corp. for review of an Arbitrated Interconnection Agreement.	:	**01-0308**

ORDER

By the Commission:

I. PROCEDURAL HISTORY

This docket arises from an arbitration proceeding involving SCC Communications Corp. ("SCC") and Illinois Bell Telephone Company d/b/a Ameritech Illinois ("Ameritech Illinois"). On March 21, 2001, the Commission issued an arbitration decision in *In the Matter of the Petition of SCC Communications Corp. for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with SBC Communications Inc.*, Docket No. 00-0769 (March 21, 2001) ("Arbitration Decision").) On April 9, 2001, pursuant to Section 252(e) of the Telecommunications Act of 1996 ("Act"), SCC initiated this docket by filing with the Commission a unilaterally proposed interconnection agreement consistent with its interpretation of the Arbitration Decision and a petition for review of that agreement ("Original Petition"). Also on April 9, 2001, Ameritech Illinois filed a motion in Docket No. 00-0769 requesting a two-week extension of the filing deadline set forth in the Arbitration Decision (until April 23, 2001).

On April 25, 2001, the parties filed the signed Agreement ("Agreement") in this docket, along with a Joint Petition for Review of an Arbitrated Interconnection Agreement ("Joint Petition"). On May 8, 2001 Ameritech Illinois filed a motion in Docket No. 00-0769 requesting a nunc pro tunc extension of the filing deadline set forth in the Arbitration Decision, from April 23 until April 25, 2001. In the Joint Petition, the parties represent that the Agreement consists of: (1) terms and conditions upon which the parties agreed without the aid of arbitration; and (2) terms and conditions that the parties believe faithfully reflect the Commission's determinations in the Arbitration Decision. The parties asked the Commission to review the Agreement pursuant to section 252(e) of the Act.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, on April 18, 2001, this matter came before duly authorized Hearing Examiners of the Commission for a pre-decisional conference at the Commission's offices in Chicago, Illinois. The parties were represented by counsel at the hearing. At the hearing, the Hearing Examiner adopted a procedural schedule.

Pursuant to notice given in accordance with the law and the rules and regulations of the Commission, on April 27, 2001, this matter came before duly authorized Hearing Examiners of the Commission for a status conference at the Commission's offices in Chicago, Illinois. The parties were represented by counsel at the hearing. At the hearing, SCC agreed to withdraw without prejudice its Original Petition and related comments, and Ameritech Illinois agreed to withdraw without prejudice its previously filed motion to strike SCC's comments. The parties subsequently withdrew those documents. Also at the hearing, the Hearing Examiner modified the procedural schedule to permit the parties until May 4, 2001 to file comments regarding the Agreement. SCC filed comments on May 4, 2001. Ameritech Illinois had previously filed comments on April 26, 2001. Staff also filed comments on May 4, 2001, regarding the agreement.

II. AMERITECH'S POSITION

The purpose of this proceeding is to determine whether or not the arbitrated portions of the agreement should be approved by the Commission. Pursuant to 83 Ill. Adm. Code 762.110, Ameritech filed comments opposing the approval of the agreement.

Ameritech's comments reiterate arguments it made during the arbitration process which were rejected by the Commission. Ameritech argues first, that SCC is not a telecommunications carrier entitled to interconnection under the 1996 Act. Ameritech also argues that: 1) the rules and procedures for advanced services should be set out in a separate DSL Appendix to the agreement; 2) that pricing for 911 related servicews should be determined by special access tariffs or the Bona Fide Request Process rather unbundled access; 3) that the language that unbundled access to network elements shall be provided "as required by applicable law" is vague and redundant.

III. SCC'S POSITION

SCC contends that Agreement as determined by the Commission comports with the requirements of the Act and the associated regulations prescribed by the FCC. It asserts that the Agreement complies with the Arbitration Decision; thus, it also complies with the requirements of the Act and the FCC's regulations. SCC also asserts that the Agreement is not discriminatory and consistent with the public interest, convenience, and necessity.

IV. STAFF'S POSITION

Staff supported the Agreement in its Comments. Staff argued that the Agreement as filed comported with the Commission's determinations in Docket No. 00-0769. Staff also opposed Ameritech's arguments that the Agreement should not be adopted on the basis that SCC is not a telecommunications carrier. The Commission already considered that question and ruled against Ameritech in Docket No. 00-0769.

V. COMMISSION'S ANALYSIS AND CONCLUSION

Interconnection agreements entered into under the Act must meet the standards set forth in Section 252(e)(2). Specifically, arbitrated portions of an interconnection agreement must be approved unless they "[do] not meet the requirements of section 251, including the regulations prescribed by the [Federal Communications] Commission pursuant to section 251, or the [pricing] standards set forth in subsection (d) of section 252," and the negotiated portions of an interconnection agreement must be approved unless the Commission finds that the they are discriminatory or inconsistent with the public interest, convenience, and necessity.

The Commission finds that the Agreement meets the requirements of Section 251 and 252 of the Act and the associated regulations prescribed by the FCC. The Commission finds that the Agreement is not discriminatory and is consistent with the public interest, convenience, and necessity. The Commission, therefore, finds that the Agreement satisfies the Act's requirements and the regulations of the FCC and this Commission.

Ameritech Illinois' comments ask the Commission to reject the interconnection agreement filed by SCC. Ameritech Illinois bases its comments on arguments raised numerous times in motions and in its briefs in Docket No. 00-0769. The Commission rejected those arguments in that Docket where they were properly raised. We reject them again here. Those arguments are not within the scope of the determinations under Section 252 (e) (2) and Section 251 that the Commission must make in this proceeding.

VI. Findings and Ordering Paragraphs

The Commission, having considered the entire record herein, is of the opinion and finds that:

(1) SCC and Ameritech Illinois are telecommunications carriers as defined in Section 13-202 of the Public Utilities Act (220 ILCS 5/1-101 *et seq.*), that provide telecommunications services as defined in Section 13-203 of the Public Utilities Act;

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

(3) the facts recited and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact and law;

(4) the arbitrated portions of the interconnection agreement submitted by the parties comply with the requirements of section 251 of the Act and the associated regulations prescribed by the FCC;

(5) the negotiated portions of the interconnection agreement submitted by the parties do not discriminate against a telecommunications carrier not a party to the interconnection agreement and are not contrary to the public interest, convenience, and necessity.

(6) in order to assure that the Agreement is in the public interest, Ameritech Illinois should implement the Agreement by filing a verified statement with the Chief Clerk of the Commission, within five (5) days of approval by the Commission, that the approved agreement is the same as the Agreement filed in this docket with the verified petition. The Chief Clerk shall place the Agreement on the Commission's web site under Interconnection Agreements;

(7) Ameritech Illinois should also place replacement sheets in its tariffs at the following location: Ill.C.C. No. 21 Section 19.15;

(8) approval of the Agreement 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 arbitrated portions of the interconnection agreement between SCC Communications Corp. and Illinois Bell Telephone Company d/b/a Ameritech Illinois are approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that the negotiated portions of the interconnection agreement between SCC Communications Corp. and Illinois Bell Telephone Company d/b/a Ameritech Illinois are approved pursuant to Section 252(e) of the Telecommunications Act of 1996.

IT IS FURTHER ORDERED that the Chief Clerk of the Commission is directed to make a docket entry in Docket 00-0769 stating that the Commission has granted Ameritech's May 8, 2001 Motion for Extension of the Filing Deadline set forth in the Arbitration Decision in this Order.

IT IS FURTHER ORDERED that Ameritech Illinois 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 23rd day of May, 2001.

Chairman