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DOCKET #44995
DOCUMENT #193995

DOCKET NO. 44995

ORDER APPROVING NEGOTIATED INTERCONNECTION AGREEMENT

IN RE: Approval of the Adoption by Bandwidth.com CLEC, LLC ("Bandwidth.com") of the Interconnection Agreement Negotiated by Pineland Telephone Cooperative, Inc. ("Pineland") and Level 3 Communications, LLC ("Level 3) Pursuant to Sections 251, 252, and 271 of the Telecommunications Act of 1996

BACKGROUND AND JURISDICTION

Pursuant to Section 252(e) of the Telecommunications Act of 1996 ("the Act"), Pineland and Bandwidth.com submitted for approval an agreement for the adoption of the interconnection agreement between Pineland and Level 3 ("Adoption Agreement").

The Act requires that a State Commission approve or reject any negotiated agreement within 90 days of the submission by the parties, or else the agreement will be deemed approved by operation of law. 47 U.S.C. 252(e)(4). The Adoption Agreement was filed on February 21, 2023. Therefore, the 90-day adoption or rejection deadline in Docket No. 44995 is May 22, 2023. The Commission may reject the negotiated agreement upon a finding that the agreement discriminates against a telecommunications carrier not a party to the agreement or that implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. 252(e)(2)(A).

On August 20, 1996, the Commission approved a procedure for the handling of negotiated interconnection agreements that are filed pursuant to the Act. The Commission amended this procedure in its orders issued on October 23, 1996 and June 14, 2001. This procedure provides an opportunity for an entity and/or person to file a Request for Commission Rejection demonstrating that a review is necessary pursuant to Section 252(e) of the Act. The procedure provides that if no Request for Commission Rejection is filed, the negotiated interconnection agreement will proceed

through the Commission's Communications Committee meeting and finally will be placed on an Administrative Session agenda for approval or rejection.

The procedure also provides that if any person and/or entity files a Request for Commission Rejection pursuant to the standard set forth in Section 252(e)(2) of the Act, the Commission will consider setting the matter down for hearing and will so notify all parties to the docket, including the person and/or entity filing the Request for Commission Rejection.

FINDINGS OF FACTS, CONCLUSIONS OF LAW AND DECISIONS OF REGULATORY POLICY

1.

The Commission finds that the Adoption Agreement between Pineland and Bandwidth.com is effective as of the date of this Order and will terminate consistent with the terms of the Pineland / Level 3 agreement.

2.

The Commission finds that the Adoption Agreement entered into by Pineland and Bandwidth.com is nondiscriminatory, just and reasonable and is not inconsistent with the public interest, convenience and necessity.

WHEREFORE, IT IS

ORDERED, that the Adoption Agreement entered into by Pineland and Bandwidth.com is approved by the Commission within the statutory time frame of 90 days after submission by the parties.

ORDERED FURTHER, that jurisdiction over this proceeding is expressly retained for the purpose of entering such further order or orders as the Commission may deem just and proper.

ORDERED FURTHER, that a motion for reconsideration, rehearing or oral argument shall not stay the effectiveness of this Order unless expressly so ordered by the Commission.

The above by action of the Commission in Administrative Session on April 4, 2023.

Sallie Tanner
Executive Secretary

4-6-23
DATE

Tricia Pridemore
Chairman

4.4.23
DATE