

Decision 97-06-035 June 11, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of ICG Telecom Group, Inc. (U 5-106 C) for Arbitration Pursuant to Section 252 of the Communications Act of 1934 (as amended by the Telecommunications Act of 1996) to Establish an Interconnection Agreement with GTE California Incorporated.

Application 97-03-028
(Filed March 18, 1997)

ORIGINAL

O P I N I O N

Summary

This decision approves an interconnection agreement between ICG Telecom Group, Inc. (ICG) and GTE California Incorporated (GTEC) pursuant to Section 252(i) of the Telecommunications Act of 1996. The interconnection agreement contains the same terms and conditions as an interconnection agreement between AT&T Communications of California, Inc. (AT&T) and GTEC and approved by this Commission in Decision (D.) 97-01-022.

Background

On March 18, 1997, ICG filed this application to initiate an arbitration proceeding against GTEC following unsuccessful negotiations between ICG and GTEC to develop an interconnection agreement. Subsequently, the Commission issued D.97-03-048 which directed GTEC to enter into an arbitrated interconnection agreement with Sprint Communications Company L.P. (Sprint) containing the same substantive terms and conditions in an interconnection agreement entered into between AT&T and GTEC and approved by the Commission in D.97-01-022. On April 14, 1997, GTEC and ICG then filed a stipulation for settlement of the arbitration sought here.

The Stipulation

The stipulation seeks approval of an agreement between ICG and GTEC which contains the same terms and conditions as the interconnection agreement between

AT&T and GTEC. The stipulation states the parties believe the Commission would grant to ICG the same relief granted to Sprint in D.97-03-048 if the arbitration were to proceed in this application. The stipulation preserves GTEC's and ICG's substantive rights to modify their agreement in accordance with any final relief granted to GTEC or AT&T in their appeals of D.97-01-022.

We herein adopt the stipulated interconnection agreement reached between GTEC and ICG.

Findings of Fact

1. ICG filed this application seeking an arbitration which would result in an interconnection agreement with GTEC.
2. D.97-01-022 adopted an interconnection agreement between AT&T and GTEC.
3. D.97-03-048 granted Sprint's request for approval of an interconnection agreement between Sprint and GTEC with the same terms and conditions offered to AT&T in the interconnection agreement adopted in D.97-01-022.
4. GTEC and ICG stipulated here to an interconnection agreement with the same terms and conditions of the interconnection agreement offered to AT&T and approved in D.97-01-022. The interconnection agreement for which GTEC and ICG seeks approval here preserves the parties' rights with regard to any final relief granted pursuant to appeals of D.97-01-022.

Conclusion of Law

The Commission should approve the stipulation of ICG and GTEC requested in their pleading dated April 14, 1997.

O R D E R

IT IS ORDERED that:

1. The stipulation of ICG Telecom Group and GTE California Incorporated set forth in Appendix A of their joint pleading dated April 14, 1997 and filed in this proceeding is granted.

2. The parties shall file an executed copy of an agreement conforming to this decision within ten days of the date of this order and shall also provide a copy to the Director, Telecommunications Division, as well as a version thereof in electronic form in hypertext markup language format.

3. This proceeding is closed.

This order is effective today.

Dated June 11, 1997, at San Francisco, California.

P. GREGORY CONLON

President

JESSIE J. KNIGHT, JR.

HENRY M. DUQUE

JOSIAH L. NEEPER

RICHARD A. BILAS

Commissioners