STATE OF NEW HAMPSHIRE
Inter-Department Communication

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DATE: December 16, 2009
AT (OFFICE):   NHPUC

FROM: Josie Gage, Utility Analyst III, Telecommunications Division

SUBJECT: DT 09-048, Traffic Exchange Agreement between Union Telephone
           Company (Union) and IDT America, Corp.(IDT)

TO: Debra Howland, Executive Director

On November 18, 2009, Union and IDT jointly filed an arbitrated Traffic Exchange Agreement (Agreement) between Union and IDT pursuant to Section 252 of the Telecommunications Act of 1996, 47 U.S.C. § 252(e).

Staff alerts the Commission to the fact that according to U.S.C. 47 § 252(e)(2)(B) the Commission may only reject an arbitrated agreement if that agreement does not meet the requirements of section 251 or regulations prescribed by the Federal Communications Commission pursuant to section 251 or the standards in subsection (d) of the same section. Staff also alerts the Commission to § 252 (e)(4) which sets a 30 day schedule for a decision on an agreement adopted by arbitration after which such an agreement is deemed approved.

At the conclusion of the arbitration process the Commission issued Order 25,022 stating;

"[I]t is hereby ORDERED, that the Arbitrator's recommendations on each of the issues described above are approved, subject to any further conditions articulated in this order; and it is FURTHER ORDERED, that Union and IDT shall jointly submit within 10 days of the date of this order language to incorporate into the Agreement the Commission's determination on the issue of the Reciprocal Compensation Appendix."

Staff has reviewed the filing to confirm that the Commission's determination regarding the Reciprocal Compensation Appendix was included in the interconnection agreement. Since this agreement is the result of arbitration Staff recommends that the Commission take no action on the agreement and allow it to take effect on December 18, 2009 by operation of law. To accomplish this result, Staff has drafted an executive letter for informational purposes only.