

Law Office of
Richard A. Finnigan
2112 Black Lake Blvd. SW
Olympia, Washington 98512
Fax (360) 753-6862

Richard A. Finnigan
(360) 956-7001
rickfinn@localaccess.com

Kathy McCrary, Paralegal
(360) 753-7012
kathym@localaccess.com

March 17, 2006

VIA ELECTRONIC MAIL AND U.S. MAIL

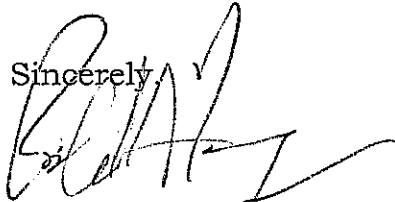
Filing Center
Oregon Public Utility Commission
550 Capitol Street NE, Ste 215
Salem, OR 97301-2551

Re: ARB 714 – Reply to Staff Response Comments

Dear Sir/Madam:

Enclosed are the original and one copy of the Reply to Staff Response Comments and Certificate of Service.

Sincerely,



RICHARD A. FINNIGAN

RAF/km
Enclosures

cc: Service List (w/encl., via e-mail)
Linda Lowrance (w/encl., via e-mail)
Gail Long (w/encl., via e-mail)

1
2
3
4
5 **BEFORE THE PUBLIC UTILITY COMMISSION OF OREGON**

6 ARB 714

7 In the Matter of

8 T-MOBILE USA, INC. and HOME
9 TELEPHONE COMPANY,

10 Interconnection Agreement Submitted for
11 Commission Approval Pursuant to Section
12 252(e) of the Telecommunications Act of
13 1996.

REPLY TO STAFF RESPONSE COMMENTS

14 In this very brief Reply, Home Telephone Company ("Home") replies to the Staff Comments
15 of March 13, 2006.

16 First and foremost, the agreement that has been entered into between Home and T-Mobile
17 USA, Inc. ("T-Mobile") is not a "secret" agreement as alleged by Commission Staff. It is a very open
18 agreement. It states on its face that the agreement relates back to the beginning (approximately) of the
19 negotiations between Home and T-Mobile. There is nothing secret about this fact. There is nothing
20 more to this portion of the agreement than a recognition of the spirit of the FCC's T-Mobile decision,
21 where the FCC provided that compensation for traffic could begin from the time that the CRMS
22 provider and the rural ILEC begin their negotiation process. That same opportunity is available to any
23 party.
24
25
26

REPLY TO STAFF
RESPONSE COMMENTS - 1

Law Office of
Richard A. Finnigan
2112 Black Lake Blvd. SW
Olympia, WA 98512
(360) 956-7001

1 Furthermore, the Commission Staff seems to be unique in its view of how the FCC's
2 compensation rules apply. As we have pointed out in our earlier sets of comments, this very same
3 agreement, with the very same relation back provision, has been approved in the states of Alabama,
4 Indiana, Kentucky, Michigan, Minnesota, Washington and Wisconsin. Furthermore, since the date of
5 our earlier comments, the states of Colorado, Idaho, Georgia and Oklahoma have approved the
6 agreement. In addition, in those states where the agreement is still pending, there has been no
7 indication that the agreement will not be approved as submitted.
8

9 Home requests that the Commission take into account that the negotiations with T-Mobile
10 lasted for over a year. The negotiations were quite difficult and quite expensive. It would again be
11 very costly, time-consuming and expensive to have to renegotiate the terms of the agreement. This
12 would not be a good use of resources of a company as small as Home.
13

14 Home respectfully requests that the Commission approve the agreement with T-Mobile on the
15 terms that exist in the agreement in total.

16 Respectfully submitted this 17th day of March, 2006.

17
18 By: 

19 RICHARD A. FINNIGAN, OSB# 96535
20 Attorney for Home Telephone Company
21
22
23
24
25
26

1
2
3
4
5
6
7
8

CERTIFICATE OF SERVICE
ARB 714

I certify that I have this day served the foregoing Reply to Staff Response Comments by electronic mail and U.S. mail, postage pre-paid, to the following:

9
10
11
12

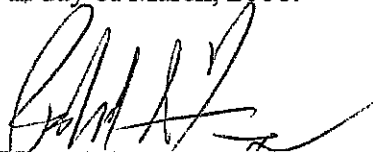
FILING CENTER
PUBLIC UTILITY COMMISSION OF OREGON
550 CAPITOL STREET NE, SUITE 215
SALEM, OR 97301-2551
puc.filingcenter@state.or.us

I further certify that I have this day served the foregoing Reply to Staff Response Comments upon all parties of record in this proceeding by electronic mail pursuant to OAR 860-013-0070, to the following parties or attorneys of parties:

13
14
15
16
17
18
19
20
21
22
23
24
25
26

Marin Fettman
marin.fettman@t-mobile.com

Dated at Olympia, Washington, this 17th day of March, 2006.


Richard A. Finnigan, OSB #96535
Attorney for Home Telephone Company