



Control Number: 31630



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31630

September 12, 2005

Mr. James R. Galloway  
Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
Austin, Texas 78701

RE: Docket No. 31630 - Interconnection Agreement of Pathway Com-Tel, Inc. and SBC Texas as Approved on August 18, 2005 in Docket No. 28821, Order No. 46, Approving Interconnection Agreement

Dear Mr. Galloway:

Pathway Com-Tel, Inc. herein files its Interconnection Agreement with SBC Texas pursuant to Public Utility Commission of Texas ("PUC") Docket No. 28821, Order No. 46.

Pathway Com-Tel, Inc. elects to take the CLEC Coalition Agreement in its entirety and hereby submits this letter and the attached fully executed "short form" to the PUC for approval consistent with the process adopted by PUC approving this "short form" election process.

Notices concerning this request as well as future pertinent TPUC action may be sent to:

Kirk H. Petty  
General Manager  
Pathway Com-Tel, Inc.  
P. O. Box 1298  
Joshua, Texas 76058-1298

Sincerely,

A handwritten signature in cursive script, appearing to read "Amy Linzey".

Amy Linzey  
Authorized Representative for  
Pathway Com-Tel, Inc.

AL/pjf

Enclosures

TO:

Contract Management  
Four SBC Plaza - 9<sup>th</sup> floor  
Dallas, TX 75202  
1-800-404-4548

FROM: Pathway Com-Tel, Inc.  
(CLEC Name)

FAX: 817-447-0169 TELEPHONE: 817-484-2222 Email: kirk@aciglobal.com

TEXAS TPUC DOCKET NO. 28821  
INTERCONNECTION AGREEMENT  
SHORT FORM

CLEC Legal Name	Pathway Com-Tel, Inc.
Mailing Address - Street	P.O. Box 1298 427 N. Broadway
City, State and Zip Code	Joshua, TX 76058
State of Incorporation	Texas
OCN/AECN	8253
ACNA	FEW
Official Notice Title and Name	Kirk Petty General Manager
Official Notice Address (Cannot be P.O. Box)	427 N. Broadway
Official Notice City, State and Zip Code	Joshua, TX 76058
Official Notice Telephone Number	817-484-2222
Official Notice Fax Number	817-447-0169
Official Notice E-mail Address	kirk@aciglobal.com
Tax Notice Title	Mary Jo Donnelly CFO
Tax Notice Address	427 N. Broadway
Tax Notice City, State and Zip Code	Joshua, TX 76058
Tape or Paper Transmission Contact Title	Lerha Corzine
Tape or Paper Transmission Address	427 N. Broadway
Tape or Paper Transmission City, State and Zip Code	Joshua, TX 76058
Agreement Selection found at <a href="https://clec.sbc.com/clec">https://clec.sbc.com/clec</a> resulting from Docket No. 28821 (check only one).	<input checked="" type="checkbox"/> CLEC Coalition (AIS No. 788) <input type="checkbox"/> CLEC Joint Petitioners (AIS No. 789) <input type="checkbox"/> KMC Telecom Holdings (AIS No. 787) <input type="checkbox"/> MCImetro Access Transmission Services, LLC (AIS No. 778) (Note: If CLEC selects the MCIm ICA, please ensure that you indicate if you wish to take MCIm's Amendment, as further addressed below). <input type="checkbox"/> Xspedius Communications, LLC (AIS No. 791)
<b>For CLECs that Select an ICA other than the MCIm ICA:</b>  <b>Intercarrier Compensation Billing Options ("Billing Option(s)")</b> <b>Selection (check only one).</b> If you fail to designate one of the Billing Options, the default Billing Option set forth in CLEC's selected ICA will automatically apply upon the Effective Date of this Agreement.	<b>Only Applicable to any ICA Above other than MCIm ICA (These Options do not apply to CLECs that select the MCIm ICA):</b>  <input type="checkbox"/> Contract Rates for Section 251(b)(5) Traffic and FCC's Interim ISP Terminating Compensation Plan rate for ISP-Bound Traffic.

	<p><input type="checkbox"/> All ISP-Bound Traffic and All Section 251(b)(5) Traffic at the FCC's ISP Terminating Compensation Plan Rate.</p> <p><input checked="" type="checkbox"/> Long-term local Bill and Keep as the reciprocal compensation arrangement for Section 251(b)(5) Traffic and ISP-Bound Traffic.</p>
<p><b>For CLECs that Select the MCIm ICA:</b></p> <p>Please note that the MCImetro Access Transmission Services, LLC ("MCIm") ICA incorporates, and is subject to, an Amendment Superseding Certain Reciprocal Compensation, Interconnection and Trunking Terms (the "Amendment"). Accordingly, if you choose the MCIm ICA, you must affirmatively indicate on the Short Form that you wish for the MCIm Amendment to apply to this Agreement, according to its terms.</p> <p>If you do NOT indicate on the Short Form that you wish for the Amendment to be included in this Agreement, then the Billing Option that shall apply to CLEC is the Billing Option set forth in the underlying MCIm ICA (i.e., Contract Rates for Section 251(b)(5) Traffic and FCC's Interim ISP Terminating Compensation Plan rate for ISP-Bound Traffic). In such case, this Agreement is hereby deemed modified to delete any and all references to the Amendment Superseding Reciprocal Compensation, Interconnection and Trunking Terms from such ICA.</p>	<p>Only Applicable when CLEC has Elected the MCIm ICA (Leave Blank and do not check if CLEC does not wish to take the MCIm Amendment):</p> <p><input type="checkbox"/> CLEC has elected to take the MCIm ICA and hereby affirmatively elects to also have the MCIm Amendment included as a part of this Agreement.</p>
<p>List Current Agreement Type and Company Name under current Agreement being replaced by this Agreement, e.g., "Interconnection – ABC Company".</p>	

This Agreement entered into by and between SBC Texas and CLEC by way of this Short Form shall become effective by operation of law immediately upon filing this fully executed Short Form with the Commission (the "Effective Date").

Please note that the failure to provide accurate and complete information may result in return of this Short Form to you and a delay in processing your request.

Report any trouble with FAX transmission to 214-464-2331

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IN WITNESS WHEREOF, this Agreement was exchanged in triplicate by SBC Texas, signing by and through its duly authorized representative, and CLEC, signing by and through its duly authorized representative.

CLEC NAME: Pathway Com-Tel, Inc.

Southwestern Bell Telephone, L.P. d/b/a SBC Texas  
by SBC Operations, Inc., its authorized agent

By: Kirk H. Petty

By: Mike Auinbaur

Printed: Kirk H. Petty

Printed: Mike Auinbaur

Title: General Manager

Title: AVP-Local Interconnection Marketing

Date: September 6, 2005

Date: SEP 7 2005

FACILITIES-BASED OCN # 8253

ACNA FBW

In entering into this Agreement, neither Party is waiving, and each Party expressly reserves, any of its rights remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the Agreement, including, without limitation, any appeals or associated review. If any action by any state or federal regulatory or legislative body or court of competent jurisdiction ("Government Action"), invalidates, modifies, or stays provisions of the 28821 ICA the Electing CLEC is taking via this Short Form, and/or otherwise affects the rights or obligations of either Party that are addressed by the 28821 ICA the Electing CLEC is hereby taking, the affected provision(s) in the Electing CLEC's ICA shall be invalidated, modified or stayed consistent with such Government Action as to the 28821 ICA.

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September 8, 2005

Kirk Petty, General Manager  
Pathway Com-Tel, Inc.  
427 N. Broadway  
Joshua, TX 76058

RE: Texas Successor Agreement between Pathway Com-Tel, Inc. and SBC Texas

Dear Mr. Petty:

In response to your submission of an executed "Short Form" by your Company electing to take one of the Interconnection Agreements that has been approved by the Texas Public Utility Commission ("TPUC"), in Docket No. 28821 ("28821 ICA"), enclosed is your fully executed "Short Form". Please note that your Company must file this fully executed "Short Form", along with the attached cover letter, with the TPUC under a new docket number within five business days of receipt and must fax a copy of the file-stamped filing to SBC Texas. Please fax a copy of the file-stamped "Short Form" and associated cover letter to SBC Texas at 1-800-404-4548.

Our successor ICA shall become effective by operation of law immediately upon the filing of the "Short Form" by your Company with the TPUC (the "Effective Date"). Please note that no paper copy of the ICA will be produced by SBC Texas to CLEC. You may download from our website at <https://clec.sbc.com/clec/shell.cfm?section=2320>.

In entering into this ICA, SBC Texas is not waiving, and hereby expressly reserves, any of its rights remedies or arguments it may have at law or under the intervening law or regulatory change provisions in the ICA, including, without limitation, any appeals or associated review. If any action by any state or federal regulatory or legislative body or court of competent jurisdiction ("Government Action"), invalidates, modifies, or stays provisions of the 28821 ICA your Company has elected to take via this Short Form, and/or otherwise affects the rights or obligations of either Party that are addressed by the 28821 ICA your Company has elected to take, the affected provision(s) in our successor ICA shall be invalidated, modified or stayed consistent with such Government Action as to the 28821 ICA.

Please contact your SBC Account Manager if you should have any questions.

Sincerely,

Brenda H. Grant  
Manager-Contract Management