

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 VERIZON HAWAII INC.)
)
 For Approval of Amendment No. 1)
 To the Interconnection Agreement)
 Between NPCR, INC. dba NEXTEL)
 PARTNERS and VERIZON HAWAII INC.)
 _____)

DOCKET NO. 02-0138

DECISION AND ORDER NO. 19489

RECEIVED
2002 JUL 26 P 4: 26
DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

Filed July 26, 2002
At 8:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
K. Higashi

that it does not object to the commission's approval of the Amendment.

II.

A.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii (State), and is engaged in the provision of varied telecommunications services to its customers and the general public within its chartered territory in the State. Verizon Hawaii is an incumbent local exchange carrier, as contemplated by § 252 of the Act.

NPCR is a Delaware corporation. By Decision and Order No. 17036, filed on June 15, 1999, in Docket No. 99-0038, the commission granted NPCR a certificate of registration to operate as a commercial mobile radio service (CMRS) provider within the State. In that decision and order, the commission also approved the transfer of assets of Nextel West Corp. (Nextel West) to NPCR, among other things. NPCR is a telecommunications carrier as contemplated by § 252 of the Act.

B.

By Decision and Order No. 16858, filed on February 18, 1999, in Docket No. 98-0387, the commission approved the negotiated interconnection agreement between GTE Hawaiian Tel and Nextel West (Underlying Agreement). The Underlying Agreement was assigned from Nextel West to NPCR as part of the transaction

approved in Decision and Order No. 17036.³ Thus, due to the matters of Docket No. 99-0038, the Underlying Agreement became an agreement between NPCR and Verizon Hawaii.

The Amendment was consummated through voluntary negotiations between the parties, as contemplated by 47 U.S.C. § 252(a). It sets forth new reciprocal compensation rates for the transport and termination of calls, among other things.

III.

In our review of the Amendment, we are governed by 47 U.S.C. § 252 (e) and HAR § 6-80-54. These sections provide that we may reject a negotiated agreement only if:

- (1) The agreement, or any portion of the agreement, discriminates against a telecommunications carrier not a party to the agreement; or
- (2) The implementation of the agreement, or any portion of the agreement, is not consistent with the public interest, convenience, and necessity.

Our review indicates that the parties' Amendment, filed on May 21, 2002, does not discriminate against other telecommunications carriers and that the implementation of the Amendment is consistent with the public interest, convenience, and necessity. The Consumer Advocate agrees with our assessment of the Amendment. Furthermore, the Consumer Advocate notes that:

- (1) the Amendment appears to be consistent with the Federal Communications Commission's requirements; and
- (2) it believes that the Amendment will allow NPCR to continue its provision of telecommunications services.

³See NPCR's letter dated May 9, 2002.


Based on the above, we conclude that the Amendment, filed on May 21, 2002, should be approved.


IV.

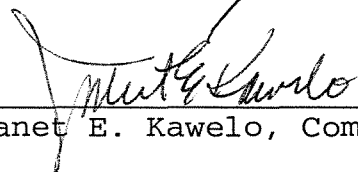
THE COMMISSION ORDERS that the Amendment submitted by Verizon Hawaii on behalf of the parties on May 21, 2002, is approved.

DONE at Honolulu, Hawaii this 26th day of July, 2002.

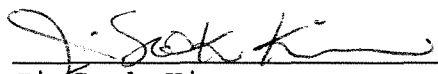
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Dennis R. Yamada, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Ji Sook Kim
Commission Counsel

02-0138.eh


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19489 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
DIVISION OF CONSUMER ADVOCACY
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VERIZON HAWAII INC.
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Honolulu, HI 96841

BRENT G. EILEFSON
NPCR, INC.
10120 West 76th Street
Eden Prairie, MN 55344



Catherine Sakato

DATED: July 26, 2002