



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
VERIZON HAWAII INC. ) Docket No. 02-0137  
For Approval of the Negotiated ) Decision and Order No. 19512  
Amendment No. 1 to the )  
Interconnection Agreement with )  
Sprintcom Inc., dba Sprint PCS. )  
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DECISION AND ORDER

I.

On May 21, 2002, VERIZON HAWAII INC. (Verizon Hawaii) submitted for commission approval the negotiated Amendment No. 1 to the interconnection agreement (Amendment) between SPRINTCOM INC., dba SPRINT PCS (Sprint) and itself, (collectively, the Parties) pursuant to section 252 (e)(1) of the federal Telecommunications Act of 1996 (the Act)<sup>1</sup> and Hawaii Administrative Rules (HAR) § 6-80-54.

The Amendment was served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). On June 4, 2002, the Consumer Advocate submitted informal information requests to the Parties, to which Verizon Hawaii responded on June 14, 2002. By a statement of position filed on July 30, 2002, the Consumer Advocate stated

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<sup>1</sup>The Act amended Title 47 of the United States Code (U.S.C.). Section references in this decision and order are, thus, to those in 47 U.S.C., as amended by the Act.

that it had no objections to the commission's approval of the application.

II.

A.

By Decision and Order No. 16857, filed on February 18, 1999, in Docket No. 99-0021, the commission approved the negotiated interconnection agreement (Underlying Agreement) between the Parties, filed on January 28, 1999. The Amendment changes specific provisions of the Underlying Agreement regarding payment for internet traffic, providing that internet traffic shall not be eligible for payment of reciprocal compensation, pursuant to the Federal Communications Commission (FCC) Order on Remand and Report and Order, In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP Bound Traffic, FCC 01-131, CC Docket Nos. 96-98 and 99-68. The Amendment also offers an optional reciprocal compensation rate plan for traffic, subject to section 251(b)(5) of the Act.<sup>2</sup>

B.

In our review of the Amendment to the Underlying Agreement, we are governed by 47 U.S.C. § 252(e) and

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<sup>2</sup>Section 251(b)(5) of the Act states, in relevant part, that local exchange carriers have the duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications.

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.

Upon review, we find that the Parties' Amendment to the Underlying Agreement, 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. Accordingly, we conclude that the Amendment should be approved.


### III.

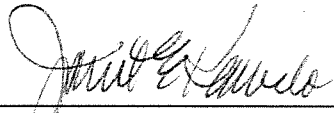
#### THE COMMISSION ORDERS:

1. The Amendment submitted on May 21, 2002, by Verizon Hawaii, on behalf of itself and Sprint, is approved.
2. This docket is closed.

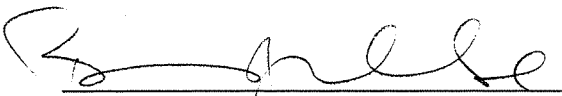
DONE at Honolulu, Hawaii this 13th day of August,  
2002.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

02-0137.eh


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19512 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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JOEL K. MATSUNAGA  
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SPRINT PCS  
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Catherine Sakato

DATED: August 13, 2002