

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC.)
For Approval of Amendment No. 1)
to the Interconnection Agreement)
Between QuantumShift)
Communications, Inc. and Verizon)
Hawaii Inc.)
_____)

DOCKET NO. 02-0174

DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND CONSUMER AFFAIRS
STATE OF HAWAII

2002 AUG 14 P 4: 08

RECEIVED

DECISION AND ORDER NO. 19523

Filed August 14, 2002
At 12:00 o'clock P.M.
Karen Higashi
Chief Clerk of the Commission

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

K. Higashi

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In the Matter of the Application of))	
VERIZON HAWAII INC.)	Docket No. 02-0174
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For Approval of Amendment No. 1)	Decision and Order No. 19523
to the Interconnection Agreement)	
Between QuantumShift)	
Communications, Inc. and Verizon)	
Hawaii Inc.)	
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DECISION AND ORDER

I.

By an application filed on July 2, 2002, VERIZON HAWAII INC. (Verizon Hawaii) seeks commission approval of Amendment No. 1 (the amendment or amended agreement) to the negotiated interconnection agreement, between QuantumShift Communications, Inc. (QuantumShift) and Verizon Hawaii, approved by the commission in Decision and Order No. 19339, in Docket No. 02-0035 (Original Agreement). Applicant makes its request in accordance with 47 United States Code (U.S.C.) § 252(e) and Hawaii Administrative Rules (HAR) § 6-80-54.

Copies of the application and the amendment were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). On August 5, 2002, the Consumer Advocate filed its statement of position indicating that it does not object to commission approval of the application. However, the Consumer Advocate recommends that QuantumShift be required to amend its certificate of authority (COA) or apply for a new COA to include the authority to operate as a

facilities-based telecommunications carrier in the State of Hawaii (State).

In accordance with 47 U.S.C. § 252(e), if a State commission does not act to approve or reject a negotiated interconnection agreement within 90 days after the agreement is submitted to the commission, "the agreement shall be deemed approved."¹ The 90th day deadline governing the commission's review is on or about September 30, 2002.

II.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii, and engaged in the provision of varied telecommunication services to its customers and the general public within its chartered territory in the State. Verizon Hawaii is an incumbent local exchange carrier as defined by 47 U.S.C. § 252.

QuantumShift is a certificated reseller of telecommunications services in the State,² and a telecommunications carrier as defined by 47 U.S.C. § 252.

The amendment clarifies the relationship between the parties with respect to the availability of reciprocal compensation for internet traffic in light of the Federal Communications Commission's (FCC) Order on Remand and Report and

¹Accord, HAR § 6-80-54(c).

²In Decision and Order No. 17650, filed March 31, 2000, in Docket No. 99-0351, MVX.Com Communications, Inc. was granted a COA to operate as a reseller of intrastate interexchange telecommunications services in the State of Hawaii. As noted in Decision and Order No. 19339, filed on May 8, 2002, in Docket No. 02-0035, MVX.Com Communications, Inc. changed its name to QuantumShift Communications, Inc.

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 (Order).

Upon review, the commission finds that the amended agreement does not discriminate against other telecommunications carriers and the implementation of the amended agreement is consistent with the public interest, convenience, and necessity. The commission, thus, will approve the amended agreement. The commission further agrees with the Consumer Advocate that certain provisions of the agreement are appropriate only for carriers planning to provide services as a facilities-based carrier. Therefore, the commission will require, by separate letter, that QuantumShift amend its COA or apply for a new COA.

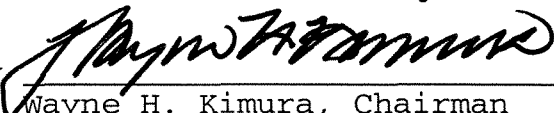
III.


THE COMMISSION ORDERS:

1. Amendment No. 1 to the negotiated interconnection agreement between Verizon Hawaii and QuantumShift, submitted on July 2, 2002, is approved.
2. This docket is closed.

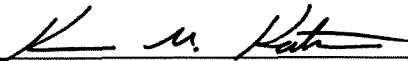
DONE at Honolulu, Hawaii this 14th day of August,
2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Kevin M. Katsura
Commission Counsel
02-0174.ac


CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19523 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
P. O. Box 541
Honolulu, HI 96809

JOEL K. MATSUNAGA
VICE PRESIDENT-EXTERNAL AFFAIRS
VERIZON HAWAII INC.
P. O. Box 2200, A-17
Honolulu, Hawaii 96841

SCOTT SCHAEFER
QUANTUMSHIFT COMMUNICATIONS, INC.
88 Rowland Way
Novato, CA 94945



Catherine Sakato

DATED: August 14, 2002