

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
VERIZON ADVANCED DATA INC.)
and VERIZON HAWAII INC.)
)
For Approval of Amendment No. 1 to)
the Negotiated Interconnection)
Agreement Pursuant to and in)
Accordance with 47 U.S.C.)
§ 252(e) and § 6-80-54, Hawaii)
Administrative Rules.)
_____)

DOCKET NO. 01-0158

ORDER NO. 19781

Filed Nov. 19, 2002
At 8:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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

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

K. Higashi

suspended pending resolution of Docket No. 00-0336.² By letter dated July 10, 2001, Verizon Hawaii submitted a response to the Consumer Advocate's statement of position.³ Verizon Hawaii requested that it be allowed to provide the services and assess the rates contained in the Amendment on an interim basis subject to the supercedure and true-up provisions of the Amendment and the Parties' Stipulation in Partial Settlement of Various Phase III Issues (Stipulation) filed on November 14, 2000, in Docket No. 7702. Verizon Hawaii maintained that review of the Amendment can be deferred as suggested by the Consumer Advocate since the virtual collocation and fiber optic cross-connect rates will be reviewed and acted on when Verizon Hawaii files its

²As a condition of its approval of the merger between Bell Atlantic Corporation and GTE Corporation, the Federal Communications Commission (FCC) required advanced services to be provided by a separate entity from the local exchange carrier, among other things. VADI was created in response to this FCC requirement. By Decision and Order No. 18364, filed on February 7, 2001, in Docket No. 00-0336, the commission approved Verizon Hawaii's application, filed on September 1, 2000, for commission approval of the transfer of certain intrastate advanced data services assets and the assignment of applicable service contracts to VADI, subject to certain conditions.

The Consumer Advocate's recommendation was based on the assumption that advanced services may not have to be offered through VADI. It suggested that if VADI need not exist then the need for the interconnection agreement, including the Amendment, may be obviated.

³Verizon Hawaii's letter was filed with the assent of the Consumer Advocate. Verizon Hawaii insisted that while it is reconsidering the utilization of VADI for the provision of advanced services in Hawaii, VADI, nonetheless, needed the virtual collocation and fiber optic cross-connect services included in the Amendment for as long as it provides advanced services. It informed us that the Amendment contains rates for fees for the engineering, installation, and equipment maintenance associated with advanced services and for performing cross-connects for fiber optic facilities.

intrastate virtual collocation tariff in accordance with the Stipulation.⁴

Upon review of all pertinent matters including, but not limited to, applicable matters of Docket Nos. 7702 and 00-0336, the commission by Order No. 18712, filed on July 31, 2001, approved Verizon Hawaii's request to allow it to provide the services and assess the rates contained in the Amendment on an interim basis, subject to the supercedure and true-up provisions of the Amendment and the Stipulation. Additionally, the commission suspended further review of the matters of this docket until further order of the commission.

By Supplemental Statement of Position filed on October 25, 2002, the Consumer Advocate recommends that the commission close this docket in light of the commission's decision in Decision and Order No. 19136, filed on January 4, 2002, in Docket No. 01-0427. In Docket No. 01-0427, due to a federal court decision, Verizon Hawaii contended that it no longer was required to provide advanced services through VADI, and that it decided to reintegrate its advanced service operations in Hawaii from VADI to Verizon Hawaii. In Decision and Order No. 19136, the commission approved the October 19, 2001 application filed by Verizon Hawaii and VADI to return certain intrastate advanced data services assets from VADI to Verizon Hawaii.

⁴Verizon Hawaii's virtual collocation tariff was approved in Order No. 19451, filed on July 3, 2002, in Docket No. 7702.

II.

Based on Decision and Order No. 19136, which approved Verizon Hawaii's request to transfer the assets used to provide advanced data services back to Verizon Hawaii from VADI, and our decision to approve Verizon Hawaii's virtual collocation tariff in Docket No. 7702, the commission finds that further review of the matters of this docket is no longer necessary. Since Verizon Hawaii decided not to utilize VADI for the provision of advanced data services in Hawaii, the Amendment and further action with regards to the matters of this docket are no longer necessary. Accordingly, the commission concludes that this docket should be closed.

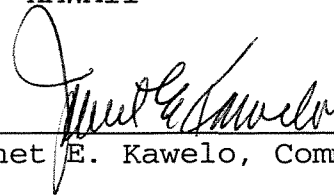
III.

THE COMMISSION ORDERS that this docket is closed.

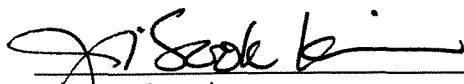
DONE at Honolulu, Hawaii this 19th day of November, 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Ji Sook Kim
Commission Counsel

By (RECUSED)
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 19781 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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Karen Higashi
Karen Higashi

DATED: November 19, 2002