

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC.)
For Approval of a Negotiated)
Interconnection Agreement with)
Universal Access, Inc. dba)
UAI of Hawaii.)
_____)

Docket No. 02-0242
Decision and Order No. 19837

DECISION AND ORDER

I.

By application filed on September 6, 2002, VERIZON HAWAII INC. (Verizon) seeks commission approval of an interconnection agreement negotiated with UNIVERSAL ACCESS, INC. dba UAI of HAWAII (UAI). Verizon Hawaii makes its request pursuant to 47 United States Code (U.S.C.) § 252(e)(1) and Hawaii Administrative Rules (HAR) § 6-80-54.

Copies of the application and agreement were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy.

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 December 5, 2002.

¹Accord HAR § 6-80-54(c).

II.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii (State), and engaged in the provision of varied telecommunications services within its certificated territory in the State. Verizon Hawaii is an "incumbent local exchange carrier" as the term is defined in 47 U.S.C. § 252.

UAI is a certificated facilities-based carrier and reseller of telecommunications services in the State.²

The scope of the agreement includes interconnection, resale, network elements, collocation, and other services. The agreement is effective as of July 25, 2002.

The interconnection agreement was consummated through voluntary negotiations between the parties, as contemplated by 47 U.S.C. § 252(a), and addresses interconnection services provided pursuant to 47 U.S.C. § 251. In our review of the agreement, 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

²See Decision and Order No. 17706, filed on May 3, 2000, in Docket No. 00-0038.

with the public interest, convenience, and necessity.

Upon review, we find that the interconnection agreement does not discriminate against other telecommunications carriers, and the implementation of the agreement is consistent with the public interest, convenience, and necessity. Accordingly, we conclude that the negotiated agreement should be approved.

III.

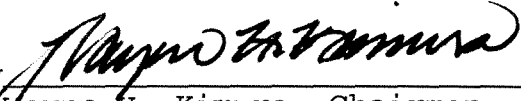
THE COMMISSION ORDERS:

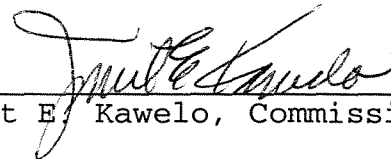
1. The negotiated interconnection agreement between Verizon Hawaii Inc. and Universal Access, Inc. dba UAI of Hawaii, submitted on September 6, 2002, is approved.
2. This docket is closed.

DONE at Honolulu, Hawaii this 2nd day of December

2002.


PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Wayne H. Kimura, Chairman

By 
Janet E. Kawelo, Commissioner

By 
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

02-0242.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19837 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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DATED: December 2, 2002