



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
VERIZON HAWAII INC. )  
For Adoption of the Negotiated )  
Interconnection Agreement Between )  
Verizon California, Inc. and Sprint )  
Communications Company L.P. )  

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Docket No. 02-0197  
Decision and Order No. 19876

DECISION AND ORDER

I.

By an application filed on July 30, 2002, VERIZON HAWAII INC. (Verizon Hawaii) seeks commission approval of VERIZON HAWAII's and QUANTUMSHIFT COMMUNICATIONS, INC.'s (QuantumShift) adoption of the negotiated interconnection agreement between Verizon California, Inc. (Verizon California) and Sprint Communications Company L.P. (Sprint). Verizon Hawaii makes its request, pursuant to 47 United States Code (U.S.C.) § 252(i).

Copies of the application and agreement were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). The Consumer Advocate has not submitted a statement of position.

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."<sup>1</sup>

## 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 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 certified reseller of telecommunications services in the State,<sup>2</sup> and a telecommunications carrier as defined by 47 U.S.C. § 252.

The scope of the agreement includes interconnection, resale, network elements, collocation, and other services. The initial term of the agreement is from July 1, 2002 to April 15, 2004.

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<sup>1</sup>Accord Hawaii Administrative Rules (HAR) § 6-80-54(c). The 90<sup>th</sup> day deadline governing the commission's review and disposition on this matter was on or about October 28, 2002. Accordingly, the agreement is deemed approved by operation of law, as of October 28, 2002.

<sup>2</sup>In Decision and Order No. 17650, filed March 31, 2000, in Docket No. 99-0351, MVX.Com Communications, Inc. was granted a Certificate of Authority (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.

The interconnection agreement was consummated through voluntary negotiations, as contemplated by 47 U.S.C. § 252(a), and addresses interconnection services provided pursuant to 47 U.S.C. § 251. In the commission's review of the agreement, the commission is governed by 47 U.S.C. § 252(e) and HAR § 6-80-54. These sections provide that the commission 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, the commission finds that the negotiated interconnection agreement between Verizon Hawaii and QuantumShift 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 adoption of the negotiated interconnection agreement between Verizon Hawaii and QuantumShift.

III.

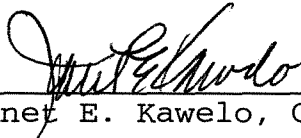
THE COMMISSION ORDERS:

1. QuantumShift's adoption of the negotiated interconnection agreement between Verizon California and Sprint is approved.
2. This docket is closed.

DONE at Honolulu, Hawaii this 16th day of December, 2002.


PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

By \_\_\_\_\_ (RECUSED)  
Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

  
Kevin M. Katsura  
Commission Counsel

02-0197.ah

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19876 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  
Honolulu, HI 96841

  
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Karen Higashi

DATED: December 16, 2002