

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 MCImetro Access)
Transmission Services LLC and)
Verizon Hawaii Inc.)

DOCKET NO. 04-0022

DECISION AND ORDER NO. 20921

RECEIVED
2004 APR 23 A 9:34
DIV. OF CONSUMER AFFAIRS
DEPT. OF PUBLIC UTILITIES
STATE OF HAWAII

Filed April 22, 2004
At 2:30 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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC.) Docket No. 04-0022
For Approval of Amendment No. 1) Decision and Order No. 20921
To the Interconnection Agreement)
Between MCImetro Access)
Transmission Services LLC and)
Verizon Hawaii Inc.)
_____)

DECISION AND ORDER

I.

Application

VERIZON HAWAII INC. ("Verizon") requests commission approval of Amendment No. 1 ("Amendment") to the interconnection agreement dated June 25, 2003 ("Interconnection Agreement"), between Verizon and MCImetro Access Transmission Services LLC ("MCI") (together with Verizon, "Parties"). Verizon submitted its request for approval to the commission on January 23, 2004, and included a copy of the Amendment as part of its request. The Amendment was filed pursuant to section 252(e) of the federal Telecommunications Act of 1996 ("Act")¹ and Hawaii Administrative Rules ("HAR") § 6-80-54.

Copies of Verizon's petition were served upon the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER

¹The 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.

ADVOCACY ("Consumer Advocate"). By a statement of position ("SOP") filed on April 13, 2004, the Consumer Advocate informed the commission that it does not object to the commission's approval of the Amendment.

Level(3) Communications, LLC, ("Level(3)") submitted comments on the instant matter, which were filed with the commission on February 12, 2004 ("Comments"). MCI filed reply comments on March 16, 2004. Level(3) is not a participant or a party to this proceeding,² and as such, the commission will not consider its Comments.

II.

Background

Verizon 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 is an "incumbent local exchange carrier" as the term is defined in 47 U.S.C. § 252.

The commission approved the Interconnection Agreement between the Parties by Decision and Order No. 20585, filed on October 22, 2003, in Docket No. 03-0199. The Amendment amends all interconnection agreements between MCI and all Verizon incumbent local exchange carriers. The Amendment resolves

²Level(3) neither filed a motion to participate, pursuant to Hawaii Administrative Rules ("HAR") § 6-61-56, nor a motion to intervene, pursuant to HAR § 6-61-55. Level(3)'s Comments were unsolicited and without the permission of the commission.

"outstanding disputes pertaining to intercarrier compensation and . . . establish[es] uniform terms governing intercarrier compensation arrangements for certain traffic exchanged between the Parties".³ The Amendment is effective from December 1, 2003, to June 13, 2006.⁴ The terms and conditions of the Amendment were negotiated and arrived at voluntarily by the Parties,⁵ as contemplated by 47 U.S.C. § 252(a).

III.

Consumer Advocate

The Consumer Advocate states that the rates, terms and conditions of the Amendment do not appear to discriminate against a telecommunications carrier not a party to the Interconnection Agreement.⁶ In addition, granting MCI the opportunity to provide telephone services pursuant to the terms and conditions set forth in the Amendment is consistent with the public interest, convenience and necessity for the promotion of the telecommunications industry.⁷

³See Amendment to Interconnection Agreements ("Amendment to Agreements") at 1.

⁴Id. at 2.

⁵See Amendment to Agreements at 1.

⁶See SOP at 7.

⁷Id. at 9.

IV.

Findings and Conclusions

Our review of the Amendment is 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 with the public interest, convenience, and necessity.

Our review indicates that the Amendment does not discriminate against other telecommunications carriers and that the implementation of the Amendment is consistent with the public interest, convenience, and necessity. We, thus, conclude that the Amendment should be approved.

V.

Orders

THE COMMISSION ORDERS:

1. Amendment No. 1 to the Interconnection Agreement between Verizon and MCI, filed on January 23, 2004, is approved.
2. This docket is closed.

DONE at Honolulu, Hawaii this 22nd day of April, 2004.

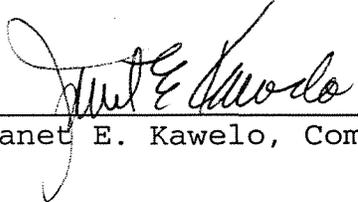
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 

Carlito P. Caliboso, Chairman

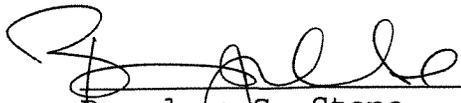
By 

Wayne H. Kimura, Commissioner

By 

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:



Benedyne S. Stone
Commission Counsel

04-0022.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20921 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, HI 96841

MATTHEW J. HARTHUN, COMMERCIAL COUNSEL
MCI
1133 19th Street, N.W. 2nd Floor
Washington, DC 20036

JUDY A. TANAKA, ESQ.
COLIN A. YOST, ESQ.
PAUL JOHNSON PARK & NILES
Suite 1300, ASB Tower
1001 Bishop Street
Honolulu, HI 96813



Karen Higashi

DATED: April 22, 2004