

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
VERIZON HAWAII INC. )  
For Approval of the )  
Interconnection Agreement and )  
Amendment No. 1 between )  
Granite Telecommunications, LLC )  
And Verizon Hawaii Inc. )  
\_\_\_\_\_ )

DOCKET NO. 04-0027

DECISION AND ORDER NO. 20926

RECEIVED  
2004 APR 28 A 9 28  
DEPT. OF STATE, PUBLIC UTILITIES AND  
COMMUNITY AFFAIRS  
STATE OF HAWAII

Filed April 27, 2004  
At 2:30 o'clock P.M.

Faron Hignot.  
Chief Clerk of the Commission

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



the commission that it does not object to the commission's approval of the Interconnection Agreement and the Amendment.

## 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.

Granite is a certificated facilities-based carrier and reseller of telecommunications services in the State.<sup>2</sup> The scope of the Interconnection Agreement includes interconnection, resale, network elements, collocation and other services. The Interconnection Agreement is effective as of December 18, 2003.

The Amendment reflects changes prompted by the recently released Federal Communications Commission Triennial Review Order.<sup>3,4</sup> The terms and conditions of the Interconnection

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<sup>2</sup>See Decision and Order No. 20757, filed on January 14, 2004, in Docket No. 03-0364.

<sup>3</sup>The United States Court of Appeals for the District of Columbia Circuit ("D.C. Court of Appeals") issued a decision in *United States Telecom Association v. Federal Communications Commission and United States of America*, No. 00-1012, Argued on January 28, 2004 and Decided on March 2, 2004 that vacated and remanded portions of the Triennial Review Order. The D.C. Court of Appeals temporarily stayed its own decision for a minimum of 60 days.

<sup>4</sup>The Amendment proposes to amend the Interconnection Agreement by addressing the following: (1) the provision of high capacity loops; (2) line sharing arrangements over the same loop; (3) sub-loop access in multiunit buildings; (4) unbundled local

Agreement and the Amendment were negotiated and arrived at voluntarily by the Parties, as contemplated by 47 U.S.C. § 252(a).

### III.

#### Consumer Advocate

Upon a review of the Interconnection Agreement, the Consumer Advocate determined that the Interconnection Agreement does not appear to discriminate against a carrier not a party to the agreement and that it appears to be consistent with the public interest, convenience, and necessity objectives of promoting competition in the telecommunications industry.<sup>5</sup> The Consumer Advocate also determined that the Amendment does not

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circuit switching to the mass market; (5) commingling and combinations of unbundled network elements with other services; (6) network modifications to access Verizon's facilities; and (7) transitional provisions for nonconforming facilities.

<sup>5</sup>With respect to the differences found by the Consumer Advocate in Verizon's Reciprocal Compensation Traffic Tandem Rate ("RCTTR") and Tandem Transit Service Charge ("TTSC") values in the instant docket and the RCTTR and TTSC values found in a comparison interconnection agreement, Docket No. 03-0163, the Consumer Advocate recommended that Verizon amend the RCTTR and TTSC charges by submitting an amended Appendix A ("Amended Appendix A") to the Pricing Attachment. On April 12, 2004, Verizon submitted Amended Appendix A. The RCTTR and TTSC values in Amended Appendix A are consistent with the Consumer Advocate's recommendation in that Amended Appendix A complies with Decision and Order No. 20585, filed on October 22, 2003, in Docket No. 03-0199. Additionally, on April 27, 2004, the Consumer Advocate orally stated that it had no objection to the values given in Amended Appendix A.

discriminate against other telecommunications carriers and has no objections to its approval by the commission.<sup>6</sup>

#### IV.

##### Findings and Conclusions

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

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<sup>6</sup>We note that Granite has complied with the requirements of Decision and Order No. 20757, filed on January 14, 2004, in Docket No. 03-0364, by filing its tariff with the commission on April 8, 2004, effective May 8, 2004, and thus has satisfied the Consumer Advocate's recommendation.

V.

Orders

THE COMMISSION ORDERS:

1. The negotiated Interconnection Agreement and Amendment to the Interconnection Agreement between Verizon and Granite, submitted on January 30, 2004, are approved.

2. Granite shall file a copy of its revised tariff with the commission, with a copy to the Consumer Advocate.

3. This docket is closed.

DONE at Honolulu, Hawaii this 27th day of April, 2004.

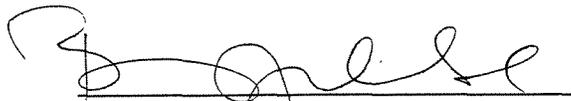
PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By (EXCUSED)  
Wayne H. Kimura, Commissioner

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Benedyne S. Stone  
Commission Counsel

04-0027.cs

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20926 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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DIVISION OF CONSUMER ADVOCACY  
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GEOFF COOKMAN, DIRECTOR-REGULATORY AFFAIRS  
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\_\_\_\_\_  
Karen Higashi

DATED: April 27, 2004