

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)
Think 12 Corporation and)
Verizon Hawaii Inc.)
_____)

DOCKET NO. 04-0121

DECISION AND ORDER NO. 21126

Filed July 19, 2004
At 2 o'clock P.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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KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.

K. Higashi

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Verizon Hawaii Inc.)
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DECISION AND ORDER

I.

Application

VERIZON HAWAII INC. ("Verizon") requests commission approval of the interconnection agreement ("Interconnection Agreement") and Amendment No. 1 to the Interconnection Agreement ("Amendment") between Verizon and Think 12 Corporation, dba Hello Depot ("Hello Depot") (collectively, "Parties"). Verizon submitted its request for approval on May 25, 2004, and included a copy of the Interconnection Agreement and Amendment as part of its request. The Interconnection Agreement and the Amendment were 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

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.

CONSUMER ADVOCACY ("Consumer Advocate"). By a statement of position filed on June 14, 2004, the Consumer Advocate informed 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. Hello Depot is a reseller of telecommunications services in the State.²

The scope of the Interconnection Agreement includes interconnection, resale, network elements, collocation and other services. The Interconnection Agreement is effective as of April 7, 2004, and unless cancelled or terminated earlier, is effective until April 6, 2006.³

²See Decision and Order No. 20989, filed on May 19, 2004, in Docket No. 04-0001.

³See Agreement at 1-2.

The Amendment proposes to give effect to the provisions of the Federal Communications Commission ("FCC") Triennial Review Order ("TRO").^{4,5} The terms and conditions of the Interconnection 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. The Consumer Advocate also determined that the Amendment does not discriminate against other telecommunications carriers and has no objections to its approval by the commission.

⁴The FCC released the TRO on August 21, 2003 in CC Docket Nos. 01-338, 96-98, and 98-147, which became effective as of October 2, 2003. On March 2, 2004, the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") issued a decision affirming, in part, and vacating, in part, the TRO.

⁵The 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 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.

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.

V.

Orders


THE COMMISSION ORDERS:

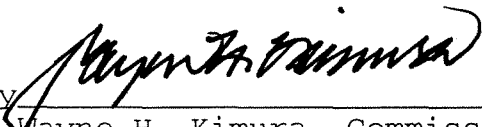
1. The negotiated Interconnection Agreement and Amendment to the Interconnection Agreement between Verizon and Hello Depot, submitted on May 25, 2004, are approved.

2. This docket is closed.

DONE at Honolulu, Hawaii this 19th day of July, 2004.

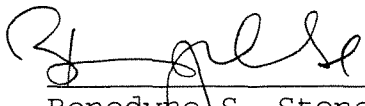
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel

04-0121.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21126 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
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JOEL K. MATSUNAGA
VICE PRESIDENT-EXTERNAL AFFAIRS
VERIZON HAWAII INC.
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MICHAEL H. KIM
VICE PRESIDENT OF OPERATIONS
THINK 12 CORPORATION, dba HELLO DEPOT
1530 Barclay Boulevard
Buffalo Grove, IL 60089



Karen Higashi

DATED: July 19, 2004