BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
)
VERIZON HAWAII INC. ) DOCKET NO. 02-0093
)
For Approval of the Negotiated )
Amendment No. 1 to the )
Interconnection Agreement with )
1-800-Reconex, Inc. )

DECISION AND ORDER NO. 19467

Filed July 16, 2002
At 8:00 o'clock A.M.

Karen Higashl
Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC. ) Docket No. 02-0093
For Approval of the Negotiated ) Decision and Order No. 19467
Amendment No. 1 to the )
Interconnection Agreement with )
1-800-Reconex, Inc. )

DECISION AND ORDER

I.

On April 19, 2002, VERIZON HAWAII INC. (Verizon Hawaii) submitted for commission approval the negotiated Amendment No. 1 to the interconnection agreement (Amendment) between 1-800-RECONEX, INC. (Reconex) and itself, (collectively, the Parties) pursuant to 47 United States Code (U.S.C.) § 252(e)(1) and Hawaii Administrative Rules (HAR) § 6-80-54.

The Amendment was served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). On June 7, 2002, the Consumer Advocate submitted information requests to the Parties. Verizon Hawaii submitted its response on June 21, 2002. A copy of Reconex' response was received by the commission from the Consumer Advocate on July 11, 2002. By statement of position filed on July 8, 2002, the Consumer Advocate stated that the Amendment appears to be consistent with the public interest, convenience, and necessity objectives of promoting competition in
the telecommunications industry, and that it had no objections to the commission's approval of the application.

II.

By Decision and Order No. 18874, filed on September 5, 2001, in Docket No. 01-0202, the commission approved the negotiated interconnection agreement (Underlying Agreement) between the Parties, filed on June 8, 2001. The Amendment changes specific provisions of the Underlying Agreement regarding payment for Internet Traffic.\(^1\) It provides that Internet Traffic shall not be eligible for payment of reciprocal compensation, and that the Parties' rights and obligations, with respect to any intercarrier compensation that may be due in connection with their exchange of Internet Traffic shall be governed by the Federal Communications Commission (FCC) Order on Remand and Report and Order, In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Intercarrier Compensation for ISP Bound Traffic, FCC 01-131, CC Docket Nos. 96-98 and 99-68.

In our review of the Amendment to the Underlying 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

\(^1\)"Internet Traffic" is defined as "[t]raffic that is transmitted to or returned from the Internet at any part during the duration of the transmission." See, Underlying Agreement, at 31.
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, we find that the Parties' Amendment to the Underlying Agreement, filed on April 19, 2002, does not discriminate against other telecommunications carriers, and that the implementation of the Amendment is consistent with the public interest, convenience, and necessity. Accordingly, we conclude that the Amendment should be approved.

III.

THE COMMISSION ORDERS:

1. The Amendment submitted on April 19, 2002, by Verizon Hawaii, on behalf of itself and Reconex, is approved.

2. This docket is closed.
DONE at Honolulu, Hawaii this 16th day of July, 2002.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By
Wayne H. Kimura, Chairman

By
Dennis R. Yamada, Commissioner

By (EXCUSED)
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone
Commission Counsel
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 19467 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
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WILLIAM E. BRAUN
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DATED:  July 16, 2002

Catherine Sakato

Catherine Sakato