BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF HAWAII

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In the Matter of the Application of)

VERIZON HAWAII INC.

DOCKET NO. 02-0167

For Approval of Amendment No. 2 to) the Interconnection Agreement Between Sprint PCS and Verizon Hawaii Inc.

DECISION AND ORDER NO. 19672

Filed Sept 23, 2002 At _____o'clock _____.M.

inh. hr Chief Clerk of the Commission

ATTEST: A True Copy LEATRICE G. ASAHI Clerk, Public Utilities Commission, State of Hawa Clahice Cari,

2002

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For Approval of Amendment No. 2 to) the Interconnection Agreement) Between Sprint PCS and) Verizon Hawaii Inc.) Decision and Order No. 19672

DECISION AND ORDER

I.

By an application filed on June 25, 2002, VERIZON HAWAII INC. (Verizon Hawaii) requests commission approval of Amendment No. 2 to the interconnection agreement, between Sprint PCS (Sprint PCS) and Verizon Hawaii (collectively referred to as parties), approved by the commission in Decision and Order No. 16857, in Docket No. 99-0021 (Amendment No. 2 or Amended By Decision and Order No. 16857, filed Agreement). on February 18, 1999, in Docket No. 99-0021, the commission approved the negotiated interconnection agreement (underlying agreement) between the parties, filed on January 28, 1999. By Decision and Order No. 19512, filed on August 13, 2002, in Docket No. 02-0137, the commission approved Amendment No. 1 to the Original Agreement.¹ Applicant makes its request in accordance with

¹Amendment No. 1 clarified the relationship between the parties with respect to the availability of reciprocal compensation for internet traffic in light of Federal Communications Commission's (FCC) Order on Remand and Report and Order, <u>In the Matter of Implementation of the Local Competition</u> <u>Provisions in the Telecommunications Act of 1996</u>, <u>Intercarrier</u>

47 United States Code (U.S.C.) § 252(e) and Hawaii Administrative Rules (HAR) § 6-80-54.

Copies of the amendment were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). The Consumer Advocate did not file 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."² The 90th day deadline governing the commission's review is on or about September 23, 2002.

II.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii, and engaged in the provision of varied telecommunication 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.

Sprint PCS is a certified provider of commercial radio mobile services in the State of Hawaii, and a telecommunications carrier as defined by 47 U.S.C. § 252.

The amendment allows Sprint PCS to provide E911 service to its end user and customers using the systems and databases established and maintained by Verizon Hawaii.

<u>Compensation for ISP-Bound Traffic</u>, FCC 01-131, CC Docket Nos. 96-98 and 99-68.

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Upon review, the commission finds that the Amendment No. 2 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 amended agreement.

III.

THE COMMISSION ORDERS:

1. Amendment No. 2 to the negotiated interconnection agreement between Verizon Hawaii and Sprint PCS, submitted on June 25, 2002, is approved.

2. This docket is closed.

DONE at Honolulu, Hawaii this 23rd day of September, 2002.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By

Kimura, Chairman

By

(RECUSED)

Janet E. Kawelo, Commissioner

Gregg J. Kinkley, Commissioner

APPROVED AS TO FORM:

Kevin M. Katsura Commission Counsel 02-0167.ac

²<u>Accord</u>, HAR § 6-80-42(c).

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 19672</u> 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, Hawaii 96841

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SPRINT PCS CARRIER INTERCONNECTION MANAGEMENT 11880 College Road Overland Parks, Kansas 66210

Catherine Sakato

DATED: September 23, 2002