BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
VERIZON HAWAII INC. ) DOCKET NO. 03-0003
)
For Approval of Amendment No. 1) )
To the Interconnection Agreement) )
Between Level 3 Communications, ) )
LLC and Verizon Hawaii Inc. ) )

DECISION AND ORDER NO. 20106

Filed April 3, 2003
At 1:30 o'clock P.M.

Chief Clerk of the Commission

ATTEST: A True Copy
KAREN HIGASHI
Chief Clerk, Public Utilities
Commission, State of Hawaii.
DECISION AND ORDER

By a petition filed on January 6, 2003, VERIZON HAWAII INC. (Verizon Hawaii) requests that the commission approve Amendment No. 1 to the negotiated interconnection agreement between Level 3 Communications, LLC (Level 3) and Verizon Hawaii (Amendment No. 1). The amendment was filed pursuant to Section 252(e) of the federal Telecommunications Act of 1996 (the Act) and Hawaii Administrative Rules (HAR) § 6-80-54.

Copies of Verizon Hawaii's petition were served on the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy (Consumer Advocate). On March 6, 2003, the Consumer Advocate served Verizon Hawaii with information requests (IRs). On March 19, 2003, Verizon Hawaii filed its responses to

the IRs. Through a statement of position filed on March 28, 2003, the Consumer Advocate informed the commission that it does not object to the approval of Verizon Hawaii's petition.2

II.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii (State), and is engaged in the provision of varied telecommunications services to its customers and the general public within its chartered territory in the State. Verizon Hawaii is an incumbent local exchange carrier, as contemplated by Section 252 of the Act. Level 3 is an authorized facilities-based carrier and reseller of telecommunications services in the State.3

The commission approved the original interconnection agreement between Level 3 and Verizon Hawaii by Decision and Order No. 19479, filed on July 23, 2002, in Docket No. 02-0104. Amendment No. 1 modifies the original interconnection agreement by, among other things, setting forth certain terms and definitions regarding reciprocal compensation and Internet service provider (ISP)-bound traffic. The terms and conditions

2The commission notes that no person moved to intervene or participate in this docket.

3See Decision and Order No. 17053, filed on June 29, 1999, in Docket No. 99-0049.
of Amendment No. 1 were negotiated and arrived at voluntarily, as contemplated by 47 U.S.C. § 252(a).

III.

In our review of Amendment No. 1, 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 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 Amendment No. 1, filed on January 6, 2003, does not discriminate against other telecommunications carriers and that the implementation of Amendment No. 1 is consistent with the public interest, convenience, and necessity. The Consumer Advocate appears to agree with our assessment of Amendment No. 1.

IV.

THE COMMISSION ORDERS:

1. Amendment No. 1 to the interconnection agreement between Level 3 and Verizon Hawaii, filed on January 6, 2003, is approved.

2. This docket is closed.
DONE at Honolulu, Hawaii this 3rd day of April, 2003.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By (EXCUSED)
Wayne H. Kimura, Chairman

By
Janet E. Kawelo, Commissioner

By
Gregg T. Kinkley, Commissioner

APPROVED AS TO FORM:

Sook Kim
Commission Counsel

03-0003.sh
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing **Decision and Order No. 20106** 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
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DATED:  April 3, 2003

Karen Higashi