

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
 VERIZON HAWAII INC.) DOCKET NO. 03-0155
)
 For Approval of Amendment No. 1)
 To the Interconnection Agreement)
 Between Verizon Hawaii Inc. and)
 Time Warner of Hawaii, L.P.)
 _____)

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DIV. OF CONSUMER ADVOCACY
DEPT. OF COMMERCE AND
CONSUMER AFFAIRS
STATE OF HAWAII

DECISION AND ORDER NO. 20376

Filed August 12, 2003
At 11:00 o'clock A.M.

Karen Higashi
Chief Clerk of the Commission

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

July 29, 2003, the Consumer Advocate informed the commission that it does not object to the approval of Verizon Hawaii's petition.

No person moved to intervene or participate in this docket.

II.

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

The commission approved the original interconnection agreement between Time Warner and Verizon Hawaii by Decision and Order No. 15736, filed on August 6, 1997, in Docket No. 97-0219. The Amendment modifies the original interconnection agreement by, among other things, clarifying that Internet traffic shall not be eligible for payment of reciprocal compensation and that inter-carrier compensation for Internet service provider-bound

³By Decision and Order No. 14145, filed on August 17, 1995, in Docket No. 94-0093, Time Warner was first granted a certificate of public convenience and necessity to provide telecommunications services in Hawaii. Its authority was amended through Decision and Order No. 14395, filed on November 27, 1995, in Docket No. 95-0316, and then further amended through the requirements and effectuation of HAR chapter 6-80 (see Order No. 14842, filed on August 5, 1996, in Docket No. 95-0329).

traffic will be governed by the 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. The terms and conditions of the Amendment were negotiated and arrived at voluntarily, as contemplated by 47 U.S.C. § 252(a).

In its statement of position, the Consumer Advocate concluded that the Amendment is reasonable and consistent with the federal requirements. Specifically, the Consumer Advocate "determined that the reciprocity treatment [set forth in the Amendment,] . . . is reasonable since it allows each Party an opportunity to independently determine the basis for which reciprocal compensation payments are due."⁴

III.

In our review of the Amendment, 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 the Amendment, filed on May 28, 2003, does not discriminate against other

⁴Consumer Advocate's Statement of Position, filed on July 29, 2003, at 4.

telecommunications carriers and that the implementation of the Amendment is consistent with the public interest, convenience, and necessity. The Consumer Advocate agrees with our assessment of the Amendment.⁵

IV.

THE COMMISSION ORDERS:

1. Amendment No. 1 to the Interconnection Agreement Between Verizon Hawaii and Time Warner, filed on May 28, 2003, is approved.
2. This docket is closed.

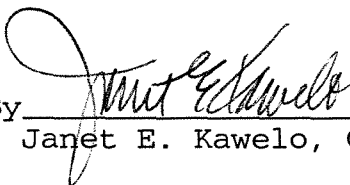
DONE at Honolulu, Hawaii this 12th day of August, 2003.

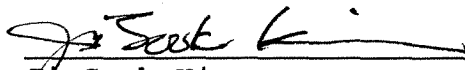
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By (EXCUSED)
Wayne H. Kimura, Commissioner

APPROVED AS TO FORM:

By 
Janet E. Kawelo, Commissioner


Ji Sook Kim
Commission Counsel

03-0155.eh

⁵Ibid.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20376 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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Karen Higashi

DATED: August 12, 2003