

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
VERIZON HAWAII INC.)
For Approval of the)
Interconnection Agreement)
Between NOW COMMUNICATIONS, INC.)
And VERIZON HAWAII INC.)
_____)

DOCKET NO. 03-0163

DECISION AND ORDER NO. 20395

Filed August 26, 2003
At 10:00 o'clock A .M.

Karen Higashi
Chief Clerk of the Commission

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

2003 AUG 26 P 3:49

RECEIVED

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

K. Higashi

Consumer Advocate informed the commission that it does not object to the approval of Verizon Hawaii's petition, subject to certain qualifications ("Statement of Position").

II.

A.

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 its chartered territory in the State. Verizon Hawaii is an incumbent local exchange carrier, as contemplated by Section 252 of the Act. NOW Communications is an authorized reseller of telecommunications services in the State.³

The Agreement sets forth the terms and conditions for various aspects of telecommunications services between Verizon Hawaii and NOW Communications including, but not limited to, interconnection, resale, network element, and collocation attachments. The terms and conditions of the Agreement were negotiated and arrived at voluntarily, as contemplated by 47 U.S.C. § 252(a).

B.

Upon its investigation, the Consumer Advocate concluded that the Agreement "is consistent with the public interest,

³See Decision and Order No. 20200, filed on May 28, 2003, in Docket No. 02-0396 ("Decision and Order No. 20200").

convenience, and necessity objectives of promoting competition in the telecommunications industry."⁴ However, the Consumer Advocate recommended that the commission defer approving the Agreement until NOW Communications complies with the requirements of Decision and Order No. 20200.

In Decision and Order No. 20200, the commission granted NOW Communications a certificate of authority to operate as a reseller of intrastate telecommunications services in the State, and required, among other things, NOW Communications to: (1) submit its public utility fee of \$60.00, pursuant to Hawaii Revised Statutes § 269-30, and (2) file its tariff in accordance with HAR §§ 6-80-39 and 6-80-40 and in compliance with the terms of Decision and Order No. 20200. The Consumer Advocate indicated that it had not received a copy of NOW Communications' tariff or any indication that NOW Communications had paid its public utility fee.⁵

III.

In our review of the 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:

⁴Statement of Position at 4.

⁵Upon review, the commission, by letter dated July 9, 2003, advised NOW Communications to comply with Decision and Order No. 20200 by filing, with copies served on the Consumer Advocate, its tariff by August 18, 2003. Review of the commission's records indicated that NOW Communications submitted its public utility fee on May 28, 2003. A copy of the commission's July 9, 2003 letter was forwarded to the Consumer Advocate.

- (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 Agreement, filed on June 4, 2003, does not discriminate against other telecommunications carriers, and that the implementation of the Agreement is consistent with the public interest, convenience, and necessity. The Consumer Advocate agrees with our assessment of the Agreement. Furthermore, our records show that NOW Communications filed its tariff on July 28, 2003, in compliance with Decision and Order No. 20200. Thus, we find that the Consumer Advocate's concerns have now been satisfied.

Based on the above, we conclude that the Agreement should be approved.


IV.

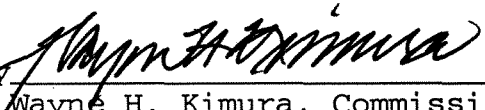
THE COMMISSION ORDERS:

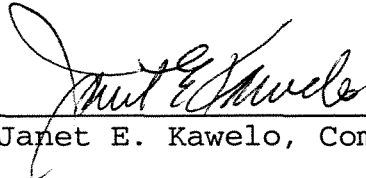
1. The negotiated interconnection agreement between NOW Communications and Verizon Hawaii, filed on June 4, 2003, is approved.
2. This docket is closed.

DONE at Honolulu, Hawaii this 26th day of August,
2003.


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:


Ji Sook Kim
Commission Counsel

03-0163.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 20395 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
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JOEL K. MATSUNAGA
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P. O. Box 2200
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R. SCOTT SEAB
NOW COMMUNICATIONS, INC.
REGULATORY OFFICES
711 South Tejon Street, Suite 201
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Karen Higashi

DATED: August 26, 2003