BEFORE THE PUBLIC UTILITIES COMMISSION

RECEIVED

OF THE STATE OF HAWAII

2003 OCT 17 A 9: 17

In the Matter of the Application of)

VERIZON HAWAII INC.

For Approval of Amendment No. 1 To the Interconnection Agreement Between Verizon Avenue and Verizon Hawaii Inc. DIV. OF CONSUMER ADVOCACY DEPT. OF COMMERCE AND CONSUMER AFFAIRS

DOCKET NO. 03 1029 HAWAII

DECISION AND ORDER NO. 20577

Filed Oct. 14 , 2003 At 10:00 o'clock A .M.

Chief Clerk of the Commission

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

DEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

In the Matter of the Application of)

VERIZON HAWAII INC.

For Approval of Amendment No. 1 To the Interconnection Agreement Between Verizon Avenue and Verizon Hawaii Inc. Docket No. 03-0229

Decision and Order No. 20577

DECISION AND ORDER

I.

VERIZON HAWAII INC. ("Verizon Hawaii") filed a petition on August 21, 2003 to request commission approval of Amendment No. 1 to the interconnection agreement ("Amendment") between Verizon and Verizon Avenue (together with Verizon Hawaii, "Parties"). Verizon Hawaii included a copy of the Amendment as part of its petition. Verizon Hawaii filed the petition under section 252(e) of the federal Telecommunications Act of 1996 ("Act") and Hawaii Administrative Rules ("HAR") § 6-80-54.

Verizon Hawaii served copies of the petition on the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"). The Consumer Advocate informed the commission that it does not object to the commission's approval of Verizon Hawaii's petition in its statement of position ("SOP") filed on September 16, 2003.

¹The Act amended Title 47 of the United States Code ("U.S.C."). Section references in this decision and order are, thus, to those in 47 U.S.C., as amended by the Act.

Verizon Hawaii is a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii (State), and engaged in the provision of varied telecommunications services within its certificated territory in the State. Verizon Hawaii is an "incumbent local exchange carrier" as the term is defined in 47 U.S.C. § 252.

The commission approved the original interconnection agreement between the Parties by Decision and Order No. 19718, filed on October 21, 2002, in Docket No. 02-0190. The Amendment modifies the original agreement by, among other things, adding the Central Office Remote Terminal ("CORT") report, its associated nonrecurring charge, and the necessary terms and conditions to effectively execute the Amendment. It appears the Parties voluntarily negotiated the terms and conditions of the Amendment as contemplated by 47 U.S.C. § 252(a).

The Consumer Advocate concluded that the Amendment is reasonable and consistent with the federal requirements in its SOP. The Consumer Advocate determined that the Amendment does not appear to discriminate against a carrier not a party to the agreement, and was negotiated and agreed to in good faith by the Parties. In addition, the Consumer Advocate states that the method by which Verizon Hawaii will calculate the CORT report fee is consistent with other interconnection agreements in which prices will be determined on an individual case basis.

03-0229

III.

Our review of the Amendment is 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.

We find that the Amendment does not discriminate against other telecommunications carriers and that the implementation of the Amendment is consistent with the public interest, convenience, and necessity. We conclude that the Amendment should be approved.

IV.

THE COMMISSION ORDERS:

- 1. Amendment No. 1 to the interconnection agreement between Verizon Hawaii and Verizon Avenue, filed on August 21, 2003, is approved.
 - 2. This docket is closed.

03-0229

DONE at Honolulu, Hawaii this 14th day of October, 2003.

PUBLIC UTILITIES COMMISSION OF THE STATE OF HAWAII

By Carlibage Chairman

Carlito P. Caliboso, Chairman

Maynothetamusa

Wayne H. Kimura, Commissioner

Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Benedyne S. Stone Commission Counsel

03-0229.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing <u>Decision and Order No. 20577</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, A-17 Honolulu, HI 96841

STEPHEN KELLEY
VERIZON AVENUE
Two Conway Park
150 Field Drive, Suite 300
Lake Forest, IL 60045

Karen Higashi

DATED: October 14, 2003