

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of)
VERIZON HAWAII INC.)
For Approval of Amendment No. 4)
to the Interconnection Agreement)
Between Pacific LightNet Inc. and)
Verizon Hawaii Inc.)
_____)

DOCKET NO. 04-0120

DECISION AND ORDER NO. 21231

Filed August 10, 2004
At 2:30 o'clock P .M.

Karun Higashi
Chief Clerk of the Commission

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

2004 AUG 13 A 8:25

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

K. Higashi

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DECISION AND ORDER

I.

Application

VERIZON HAWAII INC. ("Verizon") requests commission approval of Amendment No. 4 to the Interconnection Agreement ("Amendment") between Verizon and Pacific LightNet Inc. ("Pacific LightNet") (collectively, "Parties"). Verizon submitted its request for approval on May 24, 2004, and included a copy of the Amendment as part of its request. The Interconnection Agreement and the Amendment were filed pursuant to section 252(e) of the federal Telecommunications Act of 1996 ("Act")¹ and Hawaii Administrative Rules ("HAR") § 6-80-54.

Copies of Verizon's petition were served upon the DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, DIVISION OF CONSUMER ADVOCACY ("Consumer Advocate"). By a statement of position ("SOP") filed on June 22, 2004, the Consumer Advocate

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.

informed the commission that it does not object to the commission's approval of the Amendment.

II.

Background

Verizon 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 is an "incumbent local exchange carrier" as the term is defined in 47 U.S.C. § 252. Pacific LightNet is authorized to provide facilities-based local exchange and long distance telecommunications services in the State of Hawaii.²

The Amendment proposes³ to give effect to provisions of the Federal Communications Commission ("FCC") Triennial Review Order ("TRO").⁴ The terms and conditions of the Amendment were negotiated and arrived at voluntarily by the Parties, as contemplated by 47 U.S.C. § 252(a).

²See Decision and Order No. 18868, filed on August 31, 2001, in Docket No. 01-0157.

³The Amendment proposes to amend the Interconnection Agreement by addressing the following: (1) the provision of high capacity loops; (2) line sharing arrangements over the same loop; (3) sub-loop access in multiunit buildings; (4) unbundled local circuit switching to the mass market; (5) commingling and combinations of unbundled network elements with other services; (6) routine network modifications to access Verizon's facilities; and (7) transitional provisions for nonconforming facilities.

⁴The FCC released an order on August 21, 2003 in CC Docket Nos. 01-338, 96-98, and 98-147, which became effective as of October 2, 2003. On March 2, 2004, the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") issued a decision affirming in part and vacating in part the TRO.

III.

Consumer Advocate

Upon a review of the Interconnection Agreement, the Consumer Advocate determined that the Amendment does not appear to discriminate against a carrier not a party to the agreement and that it appears to be consistent with the public interest, convenience, and necessity objectives of promoting competition in the telecommunications industry.

IV.

Findings and Conclusions

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.

Our review indicates 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, thus, conclude that the Amendment should be approved.

V.

Orders

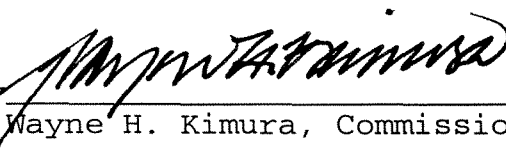
THE COMMISSION ORDERS:

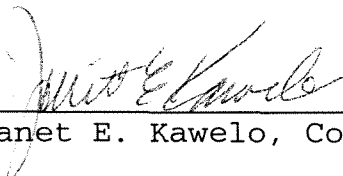
1. The Amendment to the Interconnection Agreement between Verizon and Pacific LightNet, submitted on May 24, 2004, is approved.
2. This docket is closed.

DONE at Honolulu, Hawaii AUG 10 2004.

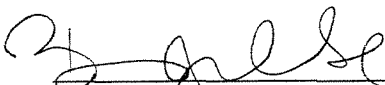
PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

By 
Carlito P. Caliboso, Chairman

By 
Wayne H. Kimura, Commissioner

By 
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:


Benedyne S. Stone
Commission Counsel
04-0120.sl

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Decision and Order No. 21231 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DIVISION OF CONSUMER ADVOCACY
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Karen Higashi

DATED: AUG 10 2004