



Agenda Date: 11/21/14
Agenda Item: IVA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT PETITION OF)
UNITED TELEPHONE COMPANY OF NEW JERSEY,)
INC. D/B/A CENTURYLINK FOR APPROVAL OF A)
COMMERCIAL MOBILE RADIO SERVICE)
INTERCONNECTION AGREEMENT BETWEEN)
UNITED TELEPHONE COMPANY OF NEW JERSEY,)
INC. D/B/A CENTURYLINK AND 365 WIRELESS, LLC)
ORDER APPROVING)
INTERCONNECTION)
AGREEMENT)
DOCKET NO. TO13030239

Parties of Record:

Zsuzsanna E. Benedek, Esq., United Telephone Company of New Jersey, Inc. d/b/a CenturyLink
Tony Cash, 365 Wireless, LLC
Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD¹:

By letter dated March 20, 2013, United Telephone Company of New Jersey, Inc. d/b/a CenturyLink ("CenturyLink"), a New Jersey corporation, and 365 Wireless, LLC ("365 Wireless"), (jointly, "the Parties"), pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, P.L. 104 104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. § 151 et seq.) ("the Act"), submitted to the Board of Public Utilities ("Board") a joint application ("Application") for approval of a negotiated Commercial Mobile Radio Service interconnection agreement for the State of New Jersey dated February 20, 2013 ("the Agreement"). CenturyLink is an incumbent local exchange carrier as defined by the Act with the duty to negotiate interconnection agreements pursuant to Section 252 of the Act. See 47 U.S.C. § 251(c) and § 251(h)(1). The Agreement sets forth the rates, terms and conditions under which CenturyLink will offer to 365 Wireless telecommunications services for the purpose of resale.

CenturyLink and 365 Wireless assert that the Agreement satisfies the requirements for Board approval because it does not discriminate against any other telecommunications carrier, as required by Section 252(e)(2)(A)(i). The Parties aver that the terms contained in the Agreement are available to any other telecommunications carrier operating in New Jersey, and that other

¹ Commissioner Dianne Solomon was not present at the 11/21/14 agenda meeting.

carriers are not bound by the Agreement, remaining free to negotiate independently with CenturyLink pursuant to Section 252 of the Act. Application at 3.

The Agreement is in effect until February 19, 2015 and thereafter, as noted in the Agreement, continues in full force and effect unless terminated as provided in the Agreement. The Agreement provides for post-termination interim services arrangements.

The Parties also assert that the Agreement is consistent with the public interest, convenience and necessity, as required by Section 252(e)(2)(A)(ii), because it will permit 365 Wireless to compete with CenturyLink as a local telephone service reseller for both residential and business customers, and it will promote local competition in CenturyLink's service territory, thereby fostering the goals of the Act.

DISCUSSION

Pursuant to 47 U.S.C. § 252(a)(1), an incumbent Local Exchange Carrier may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service, or network elements without regard to the standards set forth in 47 U.S.C. § 251(b) and (c). In addition, 47 U.S.C. § 252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board to approve or reject the Agreement, with written findings as to any deficiencies. The Act provides that the Board may reject a negotiated agreement only if it finds that:

- (i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

[47 U.S.C. § 252(e)(2)(A)].

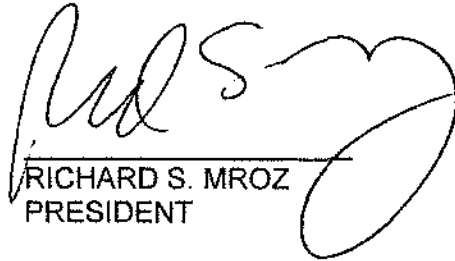
The Board's review of the Agreement and the record in this matter indicate that the Agreement is consistent with the public interest, convenience, and necessity and does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board **FINDS** that the Agreement meets the standards set forth in the Act, and **HEREBY APPROVES** the Agreement as presented by the Parties. This approval should not be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement. In addition, approval does not constitute a determination concerning, nor shall the Board be bound by, any provisions within the Agreement regarding the confidentiality of information.

The Board notes that amendments or modifications to Board-approved interconnection agreements are subject to Board review and approval. No agreement shall be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board. Additionally, pursuant to 47 U.S.C. § 252(h), a copy of the Agreement will be made available for public inspection and copying within ten days of the issuance of this Order.

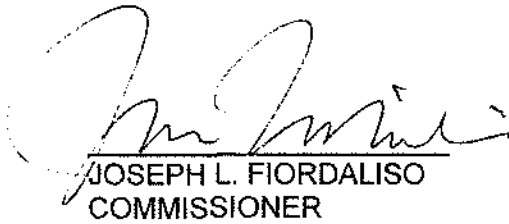
This Order shall be effective in accordance with N.J.S.A. 48:2-40.

DATED: 11/21/14

BOARD OF PUBLIC UTILITIES
BY:



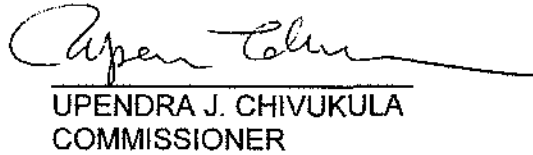
RICHARD S. MROZ
PRESIDENT



JOSEPH L. FIORDALISO
COMMISSIONER



MARYANNA HOLDEN
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

IN THE MATTER OF THE JOINT PETITION OF UNITED TELEPHONE COMPANY OF NEW
JERSEY, INC. D/B/A CENTURYLINK FOR APPROVAL OF A COMMERCIAL MOBILE RADIO
SERVICE INTERCONNECTION AGREEMENT BETWEEN UNITED TELEPHONE COMPANY
OF NEW JERSEY, INC. D/B/A CENTURYLINK AND 365 WIRELESS, LLC
DOCKET NO. TO13030239

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