



Agenda Date: 08/24/16
Agenda Item: IVA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CABLE TELEVISION AND
TELECOMMUNICATIONS

IN THE MATTER OF THE APPLICATION OF VERIZON)
NEW JERSEY, INC. FOR HAMMER FIBER OPTIC)
INVESTMENTS, LTD, FOR APPROVAL OF AN)
INTERCONNECTION AGREEMENT UNDER SECTION)
252(e) OF THE TELECOMMUNICATIONS ACT OF)
1996) DOCKET NO. TO16010091

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
Sylvia Del Vecchio, Senior Staff Consultant, Verizon New Jersey, Inc.
James Pomposello, Hammer Fiber Optic Investments, Ltd.

BY THE BOARD:

By letter dated January 22, 2016, Verizon New Jersey, Inc. ("Verizon"), a New Jersey corporation, and Hammer Fiber Optic Investments, Ltd ("Hammer") (jointly, "Parties"), pursuant to Section 252(e) 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.) ("Act"), submitted to the Board of Public Utilities ("Board") a joint application ("Application") for approval of a certain negotiated interconnection agreement dated November 1, 2015 ("Agreement"). Verizon asserts: "The Act specifies in § 252(e)(4) that, if a state agency does not act to approve or reject an agreement reached by negotiation within 90 days following the filing, it shall be deemed approved." (Application at 1.)

The Agreement sets forth the terms, conditions, and prices under which Verizon will offer and provide network interconnection, access to unbundled network elements, ancillary services, and wholesale telecommunications services available for resale to Hammer. The Agreement is in effect until January 3, 2018 and thereafter, as noted in the Agreement, continues in full force and effect unless terminated as provided in the Agreement.

By correspondence dated April 1, 2016, the New Jersey Division of Rate Counsel ("Rate Counsel") submitted comments to the Board recommending the Board approve the Agreement subject to specific modifications.

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. 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 or any portion thereof 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 finds that Rate Counsel's objections to certain provisions of the Agreement are without merit, and accordingly, the Board declines to make modifications to the Agreement. See I/M/O the Joint Application of Verizon New Jersey, Inc. and Ernest Communications, Inc. For Approval of an Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996, Docket No. TO02050287, Order dated September 18, 2002 (rejecting Rate Counsel's recommendation that Condition 3 of the Pricing Section of the Agreement is inconsistent with FCC rules).

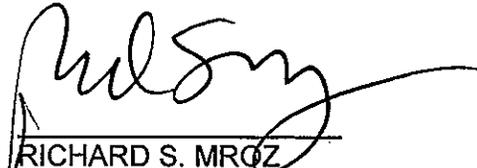
The Board's review of the Agreement and the record in this matter indicate that the Agreement is consistent with the public interest, convenience, and necessity, and that the Agreement does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board **FINDS** 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, 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 on September 3, 2016.

DATED: 8/24/16

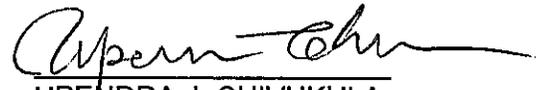
BOARD OF PUBLIC UTILITIES
BY:

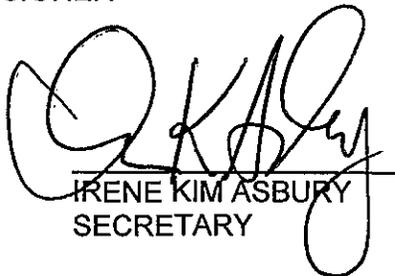

RICHARD S. MROZ
PRESIDENT


JOSEPH L. FIORDALISO
COMMISSIONER

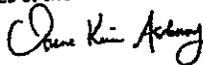

MARY-ANNA HOLDEN
COMMISSIONER


DIANNE SOLOMON
COMMISSIONER


UPENDRA J. CHIVUKULA
COMMISSIONER

ATTEST: 
IRENE KIM ASBURY
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities



IN THE MATTER OF THE JOINT APPLICATION OF VERIZON NEW JERSEY, INC. AND
HAMMER FIBER OPTIC INVESTMENTS, LTD FOR APPROVAL OF AN INTERCONNECTION
AGREEMENT

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