

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 6838

Interconnection Agreement between Verizon New )  
England Inc., d/b/a Verizon Vermont, and IDT )  
America Corporation )

Order entered: 7/17/2003

**ORDER DECLINING TO APPROVE INTERCONNECTION AGREEMENT**

**I. BACKGROUND**

On April 18, 2003, Verizon New England Inc., d/b/a Verizon Vermont ("Verizon"), pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "Act"), filed with the Vermont Public Service Board ("Board") a proposed adoption, by Verizon and IDT America Corporation ("IDT"), of the Interconnection Agreement as negotiated between MCIMetro Access Transmission Services LLC and Verizon New York, that was approved as an effective agreement by the Connecticut Department of Public Utility Control.

The filing included a letter, dated January 24, 2003,<sup>1</sup> that outlines several provisions of the proposed adoption (the "Adoption Letter"). Verizon and IDT countersigned the Adoption Letter, but IDT included disclaimer language with its signature that, *inter alia*, expressly disagrees with certain fundamental contract provisions.

On June 17, 2003, the Board issued a memorandum asking the parties to clarify their intent regarding contract terms that were expressly *not* agreed to by IDT.<sup>2</sup> Verizon responded on July 2, 2003. IDT failed to respond to the Board's inquiry. IDT also failed to respond after a telephone follow-up on July 2, 2003.

**II. DISCUSSION**

We decline to approve this interconnection agreement, because we do not have agreement properly before us to approve. Under Section 252(a) of the Act, any interconnection agreement negotiated under that section must be submitted to the State commission for review

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<sup>1</sup> Letter from Verizon (Jeffery A. Masoner) to IDT (James Courter), 1/24/03.

<sup>2</sup> 6/17/03 memorandum from Susan M. Hudson to Verizon and IDT.

under Section 252(e).<sup>3</sup> Section 252(e) of the Act requires that the Board approve or reject interconnection agreements "adopted by negotiation or arbitration."<sup>4</sup> .

Section 252(a)(1) states that: "[t]he [negotiated] agreement shall include a detailed schedule of itemized charges for interconnection and each service or network element included in the agreement." Accordingly, as IDT has not agreed to the required pricing provisions, as well as other essential elements of the proposed agreement,<sup>5</sup> we decline to approve this adoption. Verizon is therefore under no obligation, at present, to provide interconnection services to IDT under the terms of the MCIMetro/Verizon New York agreement.

Dated at Montpelier, Vermont, this 17<sup>th</sup> day of July, 2003.

<u>s/Michael H. Dworkin</u>	)	PUBLIC SERVICE
	)	
	)	BOARD
<u>s/David C. Coen</u>	)	
	)	OF VERMONT
	)	
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: July 17, 2003

ATTEST: s/Susan M. Hudson  
Clerk of the Board

*Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*

<sup>3</sup>Under the Act, the Board is the "State Commission" in Vermont. 47 U.S.C.A. § 3(41).

<sup>4</sup> The Board has stated, and our consistent practice has been, that the adoption of all or part of a previously approved interconnection agreement constitutes a new agreement, which requires Board approval pursuant to both § 252(e) and § 252(a) of the Act. See, for example, memorandum from Susan M. Hudson, Clerk of the Board, dated March 18, 2003, to InfoHighway Communications Corporation, with copies to Verizon and the Vermont Department of Public Service. The Board may also establish and enforce other requirements of State law in its review of the agreement under Section 252(e)(3).

<sup>5</sup> For example, the effective date, term and termination provisions, as well as the pricing schedule that will apply, are all provisions that IDT expressly disagrees with.