

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6207

Interconnection Agreement between New)
England Telephone and Telegraph Company)
d/b/a Bell Atlantic-Vermont and Northeast)
Digital Networks, Inc.)

Order entered: 5/21/99

BACKGROUND

On February 24, 1999, Northeast Digital Networks, Inc. ("NDN") and New England Telephone & Telegraph Company d/b/a Bell Atlantic-Vermont ("Bell Atlantic") requested that, pursuant to Section 252(e) of the Telecommunications Act of 1996 (the "Act"), the Public Service Board ("Board") approve an Interconnection Agreement between them dated December 28, 1998.

A prehearing conference took place on March 26, 1999. At that time, the parties agreed to a procedure by which the Hearing Officer would make recommendations based upon the amendment and any other written filings. Any parties wishing to submit further information could comment upon the Hearing Officer's Proposal for Decision.

DISCUSSION

The Board's review of the Interconnection Agreement is governed by the federal law that authorizes such agreements. Under Subsection 252(a) of the Act, any interconnection agreement negotiated under Section 252(a) must be submitted to the State commission, in this instance, the Board, for review under Section 252(e). The "State commission," the Board in Vermont, has the authority to "approve or reject the agreement, with written findings as to any deficiencies." The Board may not reject the proposed Interconnection Agreement in whole or in part unless it finds that the agreement or any material portion thereof discriminates against a non-party carrier or is inconsistent with the public interest. The Board may also establish and enforce other requirements of State law in its review of the agreement under Section 252(e)(3). The Board must act to approve or reject the agreement within 90 days of its submission, or the

agreement is deemed approved.¹ The parties have agreed that the 90-day review period mandated by that section ends on May 25, 1999.

The Interconnection Agreement negotiated by Bell Atlantic and NDN is intended to allow the parties to "interconnect their networks at existing and future Type 1 and Type 2 points of interconnection to permit origination and termination of calls"² by customers.³ The agreement specifies both the form of the interconnection⁴ and the compensation arrangements that will apply.⁵ It has an indefinite duration and can be cancelled by either party upon 90 days' notice.⁶

The Interconnection Agreement is the result of arms-length negotiations between two telecommunications carriers. The Board's focus, as the Act provides, is therefore limited to the issues set forth in Section 252(e)(2)(A): whether the Agreement (or portions thereof) discriminates against a telecommunications carrier not a party to the Agreement, and whether the Agreement is consistent with the public interest, convenience, and necessity. As the Board concluded in its review of the interconnection agreement between Bell Atlantic and Hyperion Telecommunications of Vermont, Inc., in making its determination, the Board must focus upon the potential effect of the Agreement on the evolution of competition in this state and whether the Agreement raises the risk of harm to consumers (and thus is not consistent with the public interest). Docket 5905, Order of 11/4/96 at 12.

The competition enabled by this and other interconnection agreements will likely benefit Vermont consumers and is consistent with the State's telecommunications goals as set out in 30 V.S.A. § 202c and the Telecommunications Plan adopted under Section 202d. At the

1. 47 U.S.C. § 252(e)(4).

2. The Interconnection Agreement provides for two basic forms of interconnection. Using Type 1 interconnection, a cellular company interconnects directly at Bell Atlantic's end offices. With Type 2 interconnection, the cellular provider interconnects with Bell Atlantic's network at Bell Atlantic's access tandem. Type 2 interconnection is essentially the same form of interconnection as Bell Atlantic provides to interexchange carriers to terminate toll calls. Interconnection Agreement at 11, 13-14.

3. Interconnection Agreement at 3.

4. *Id.* at 13.

5. *Id.* at 14.

6. *Id.* at 24.

same time, the Agreement does not contain terms that will harm consumers or competitors. It thus promotes the public interest.

The Agreement also does not discriminate against telecommunications carriers who are not a party to it. Pursuant to 47 U.S.C. § 252(i), other companies seeking to interconnect may adopt the same terms and conditions.

CONCLUSION

The Bell Atlantic-NDN Interconnection Agreement meets the requirements of Section 252(e) of the Act. It does not discriminate against other carriers and is consistent with the public interest, convenience, and necessity. Accordingly, I recommend that the Board approve the Agreement.

The foregoing is hereby reported to the Public Service Board in accordance with the provisions of 30 V.S.A. § 8.

The Proposal for Decision has been served on all parties to this proceeding in accordance with 3 V.S.A. § 811.

DATED at Montpelier, Vermont, this 20th day of May, 1999.

s/ George E. Young
George E. Young
Hearing Officer

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The recommendations of the Hearing Officer are adopted.
2. Pursuant to Section 252(e)(1) of the Telecommunications Act of 1996, the Interconnection Agreement between New England Telephone and Telegraph Company d/b/a Bell Atlantic-Vermont and Northeast Digital Networks, Inc. is hereby approved.
3. Bell Atlantic and NDN shall be bound to comply with any lawful requirement imposed by the Board in Docket 5713, Docket 5903, any docket or rule established with respect to E-911 service, and any other docket or rulemaking proceeding governing the obligations of telecommunications carriers in Vermont.

Dated at Montpelier, Vermont, this 21st day of May, 1999.

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

OFFICE OF THE CLERK

FILED: May 21, 1999

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 of any technical errors, in order that any necessary corrections may be made.

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.