

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6320

In Re: Amendment to Interconnection Agreement)
between New England Telephone and Telegraph)
Company d/b/a Bell Atlantic-Vermont and AT&T)
Communications of New England, Inc.)

Order entered: 2/16/2000

BACKGROUND

On December 2, 1999, AT&T Communications of New England, Inc. ("AT&T") 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 amendment to an Interconnection Agreement between them dated September 22, 1999.¹

A prehearing conference took place on January 12, 2000. At that time, the parties agreed to a procedure by which the Hearing Officer would make recommendations based upon the amended Interconnection Agreement and any other written filings.² Any parties wishing to submit further information could comment upon the Hearing Officer's Proposal for Decision. The Hearing Officer also granted Motions from Mart Vaarsi, Esq., on behalf of AT&T, and Victor D. Del Vecchio, Esq., and Gregory M. Kennan, Esq., on behalf of Bell Atlantic, to waive Board Rule 2.201(C)

"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.⁴ The parties have agreed that the 90-day review period mandated by that section ends on March 1, 2000.

The amendment to the Interconnection Agreement negotiated by Bell Atlantic and AT&T modifies the time at which AT&T will be deemed to have requested negotiation of a successor agreement. Under the amendment, the parties agree that AT&T will request renegotiation by November 4, 1999, or, if Bell Atlantic does not receive a request by that time, AT&T will be deemed to have made such a request unless the parties agree to a later renegotiation request date.⁵

The amendment to 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 amendment (or portions thereof) discriminates against a telecommunications carrier not a party to the agreement, and whether the amended agreement is consistent with the public interest, convenience, and necessity. As the Board concluded in its review of the first Interconnection Agreement between Bell Atlantic and Hyperion Telecommunications of Vermont, in making

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

The amendment to 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 amendment to the Bell Atlantic-AT&T 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 amendment.

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 15th day of February, 2000.

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 findings and recommendations of the Hearing Officer are adopted.
2. Pursuant to Section 252(e)(1) of the Telecommunications Act of 1996, the amendment to the Interconnection Agreement between New England Telephone and Telegraph Company d/b/a Bell Atlantic-Vermont and AT&T Communications of New England, Inc. is hereby approved.
3. Bell Atlantic and AT&T 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.
4. Bell Atlantic and AT&T shall notify the Board and Department of any modifications to the Interconnection Agreement or the establishment of any terms and conditions that the Interconnection Agreement as filed leaves to further negotiations. If necessary, Bell Atlantic and AT&T shall seek Board approval for the new or changed terms and conditions.

Dated at Montpelier, Vermont, this 16th day of February, 2000.

s/Michael H. Dworkin)

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PUBLIC SERVICE

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s/Suzanne D. Rude)

BOARD