

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6345

In Re: Interconnection Agreement between New)
England Telephone and Telegraph Company d/b/a)
Bell Atlantic-Vermont and Log On America, Inc.)

Order entered: 3/15/2000

BACKGROUND

On January 27, 2000, Log On America, Inc. ("LOA") 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 November 9, 1999.

A prehearing conference took place on February 24, 2000. At that time, the parties agreed to a procedure by which the Hearing Officer would make recommendations based upon the Interconnection Agreement 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 for review under Section 252(e).¹ The State commission has the authority to "approve or reject the agreement, with written findings as to any deficiencies." The Board may not reject the

parties have agreed that the 90-day review period mandated by that section ends on April 26, 2000.

The Interconnection Agreement negotiated by Bell Atlantic and LOA is similar to the Interconnection Agreement between Bell Atlantic and other providers of telecommunications services which the the Board previously approved.³ The Interconnection Agreement contains terms and conditions for interconnection of the networks,⁴ purchase of unbundled network elements,⁵ resale of Bell Atlantic's services (with discounts),⁶ as well as other provisions that will allow LOA to obtain facilities and services from Bell Atlantic. The parties have agreed that the term of the Interconnection Agreement shall be until November 9, 2001, and that the Agreement shall thereafter continue in effect until terminated by either party.⁷

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 first Interconnection Agreement between Bell Atlantic and Hyperion Telecommunications of Vermont, 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).⁸

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

The findings and recommendations set out in this Proposal for Decision relate solely to the terms and conditions that the parties have negotiated. Certain provisions of the Pricing Schedule do not specify prices, but leave those arrangements to future determination. Similarly, the Interconnection Points under Section 4.0 and Schedule 4.1 are not set out. Approval of the present Agreement does not constitute approval of these prospective future arrangements that are not now specifically identified as agreements between the parties. Therefore, I recommend that the parties be required to notify the Board at the time they negotiate any changes to the Agreement or specific terms, such as Individual Case Basis Pricing. This will allow the Board and other parties to examine the subsequent arrangements and determine whether additional proceedings are necessary. In addition, it will ensure that entities that are not party to the Agreement have the ability to examine those commitments and take advantage of them under Section 252(i) of the Act. To the extent that the modifications affect the Agreement itself, it is also likely that the parties will need to seek approval again under Section 252(a) of the Act.

CONCLUSION

The Bell Atlantic-LOA 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.

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 Interconnection Agreement between New England Telephone and Telegraph Company d/b/a Bell Atlantic-Vermont and Log On America, Inc. is hereby approved.
3. Bell Atlantic and LOA 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 LOA 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 LOA shall seek Board approval for the new or changed terms and conditions.

DATED at Montpelier, Vermont, this 15th day of March, 2000.

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