



Agenda Date: 9/18/23
Agenda Item: IVC

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE
TELEVISION AND
TELECOMMUNICATONS

IN THE MATTER OF THE REFILED APPLICATION OF)
VERIZON NEW JERSEY INC. AND PLANET)
NETWORKS INC. FOR APPROVAL OF A NEW)
INTERCONNECTION AGREEMENT UNDER SECTION)
252 (e) OF THE TELECOMMUNICATIONS ACT OF 1996)
ORDER APPROVING)
INTERCONNECTION)
AGREEMENT)
DOCKET NO. TO23050303)

Parties of Record:

Patricia Kolvitz, Senior Analyst, Verizon, New Jersey, Inc.
Robert Boyle, CEO, Planet Networks, Inc.
Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On June 21 2023, Verizon New Jersey, Inc. (“Verizon”), a New Jersey corporation, and Planet Networks, Inc. (“Planet Networks”) (together with Verizon, “Parties”), filed a joint petition with the New Jersey Board of Public Utilities (“Board”), pursuant to Section 252 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”), seeking approval of a negotiated “Interconnection Agreement” by and between Verizon and Planet Networks (“Agreement”).

Verizon is an incumbent local exchange carrier (“ILEC”) as defined by the Act with the duty to negotiate interconnection agreements pursuant to Section 252 of the Act.¹ Planet Networks is a competitive local exchange carrier (“CLEC”) authorized to operate in the State of New Jersey.

The Agreement sets forth the rates, terms, and conditions under which the Parties will interconnect their facilities and exchange traffic with each other for the provision of local exchange telecommunications service. The effective date of the Agreement was May 22, 2023, and will continue in effect until May 31, 2025, unless and until cancelled or terminated as provided for in the Agreement.

¹ See 47 U.S.C. §251(c) and §251(h)(1).

Verizon and Planet Networks asserted that the Agreement satisfies the requirements for Board approval because it does not discriminate against any other telecommunications carrier, as required by Section 252(e)(2)(A)(i). The Parties also asserted that the Agreement is consistent with the public interest, convenience and necessity, as required by Section 252(e)(2)(A)(ii).

The New Jersey Division of Rate Counsel (“Rate Counsel”) submitted comments to the Board by letter dated July 31, 2023, stating it did not object to Board approval of the Agreement, subject to consideration of specific issues, conditions, and recommendations. Specifically, Rate Counsel requested that the Board reject the terms under the Agreement’s Pricing Attachment, at paragraph 3, titled “CLEC Party Prices” as well as certain terms of Section 6 of the Agreement, titled “Assurance of Payment.” Rate Counsel claimed that Section 3 of the Agreement may be inconsistent with the established procedures of the Board and the Federal Communications Commission (“FCC”) for challenging whether a rate is unjust and unreasonable. Rate Counsel contended that Section 3 may also be inconsistent with FCC rules establishing a benchmark rate for interstate switched exchange access services that can be charged by CLECs. Rate Counsel further asserted that certain provisions under Section 6 of the Agreement warrant Board attention under Section 252(e)(2)(A)(ii) as it believes the provisions may be applied in a manner that is unjust, unreasonable, and discriminatory – serving as a potential barrier to entry for other competitive providers which could therefore violate the public interest.

DISCUSSION

Pursuant to 47 U.S.C. §252(a)(1), an ILEC may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service, or network elements without regard to the standards set forth in 47 U.S.C. §251(b) and (c). In addition, 47 U.S.C. §252(e)(1) requires approval by the Board, as the relevant state commission, 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. Pursuant to 47 U.S.C. §252(e)(2)(A), the Board may reject a negotiated agreement 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...”

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 does not discriminate against telecommunications carriers that are not parties to the Agreement. Therefore, the Board **HEREBY 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. In addition, approval does not constitute a determination concerning, nor shall the Board be bound by, any provisions within the Agreement regarding the confidentiality of information.

The Board has considered Rate Counsel’s objections to certain provisions of the Agreement, but finds the objections are without merit, and, accordingly, declines to make modifications to the Agreement. The Board notes that the Agreement has been independently and voluntarily negotiated between two (2) business entities, and is an integrated package that reflects a negotiated balance of many interests and concerns critical to both Parties.

The Board also 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 shall be made available for public inspection and copying within 10 days of the effective date of this Order.

This Order shall be effective on September 25, 2023.

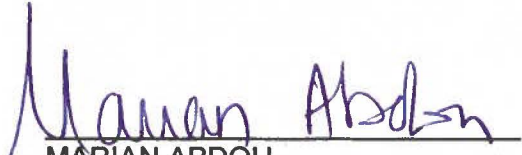
DATED: September 18, 2023

BOARD OF PUBLIC UTILITIES
BY:

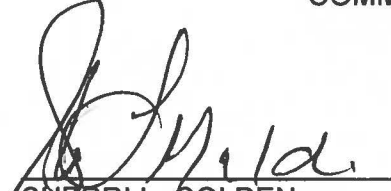

CHRISTINE GUHL-SADOVY
PRESIDENT


MARY-ANNA HOLDEN
COMMISSIONER


DR. ZENON CHRISTODOULOU
COMMISSIONER


MARIAN ABDOU
COMMISSIONER

ATTEST:


SHERRI L. GOLDEN
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 REFILED APPLICATION OF VERIZON NEW JERSEY INC AND PLANET NETWORKS INC FOR APPROVAL OF A NEW INTERCONNECTION AGREEMENT UNDER SECTION 252 (e) OF THE TELECOMMUNICATIONS ACT OF 1996

DOCKET NO. TO23050303

SERVICE LIST

Patricia Kolvitz
Senior Analyst, State Government Relations
Verizon New Jersey, Inc.
5055 North Point Pkwy
Alpharetta, GA 30022
patricia.kolvitz@verizon.com

Ava-Marie Madeam
Director, State & Local Government Affairs
Verizon New Jersey, Inc.
999 West Main Street, 3rd Floor
Freehold, NJ 07728
avamarie.p.madeam@verizon.com

Robert Boyle, CEO
Planet Networks, Inc.
4 Park Place
Newton, NJ 07860
robert@planet.net

Division of Rate Counsel
140 Front Street, 4th Floor
P.O. Box 003
Trenton, NJ 08625

Brian O. Lipman, Esq., Director
blipman@rpa.nj.gov

Emily Smithman, Esq.
Assistant Deputy Rate Counsel
esmithman@rpa.nj.gov

Robert Glover, Esq.
Assistant Deputy Rate Counsel
rglover@rpa.nj.gov

Department of Law and Public Safety
Richard J. Hughes Justice Complex
Public Utilities Section
25 Market Street
P.O. Box 112
Trenton, NJ 08625

Pamela Owen, Asst Sec. Chief
Pamela.Owen@law.njoag.gov

Terel Klein, DAG
Terel.Klein@law.njoag.gov

Board of Public Utilities
44 South Clinton Avenue, 1st Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

Sherri L. Golden, Board Secretary
board.secretary@bpu.nj.gov

Stacy Peterson, Deputy Executive Director
stacy.peterson@bpu.nj.gov

Office of Cable TV & Telecommunications

Lawanda R. Gilbert, Esq., Director
lawanda.gilbert@bpu.nj.gov

Jimarli Figueiredo
jimarli.Figueiredo@bpu.nj.gov

Carol Artale, Deputy General Counsel
carol.artale@bpu.nj.gov

Steven Athanassopoulos, Legal Specialist
steven.athanassopoulos@bpu.nj.gov