



Agenda Date: 3/19/14  
Agenda Item: IVC

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
44 South Clinton Avenue, 9<sup>th</sup> Floor  
Post Office Box 350  
Trenton, New Jersey 08625-0350  
[www.nj.gov/bpu/](http://www.nj.gov/bpu/)

TELECOMMUNICATIONS

IN THE MATTER OF THE JOINT APPLICATION OF )  
VERIZON NEW JERSEY INC. AND ONE VOICE )  
COMMUNICATIONS, INC. FOR APPROVAL OF AN )  
INTERCONNECTION AGREEMENT UNDER SECTION )  
252(e) OF THE TELECOMMUNICATIONS ACT OF )  
1996 ) DOCKET NO. TO14010053

**Parties of Record:**

**Gregory M. Romano, Esq.**, for Verizon New Jersey Inc.  
**Stefanie A. Brand, Esq.**, Director, New Jersey Division of Rate Counsel  
**Jennifer Dize**, for One Voice Communications, Inc.

**BY THE BOARD:**

By letter dated January 16, 2014, Verizon New Jersey Inc. ("Verizon"), a New Jersey corporation, and One Voice Communications, Inc. ("One Voice") (jointly, "the Parties"), pursuant to Section 252(e) 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.) ("the Act"), submitted to the Board of Public Utilities ("Board") a joint application ("Application") for approval of a certain negotiated interconnection agreement dated November 13, 2013 ("the Agreement").

The Agreement sets forth the terms, conditions, and prices under which Verizon will offer and provide access to unbundled network elements, ancillary services, and wholesale telecommunications services available for resale to One Voice. Also, the Agreement continues in full force and effect unless terminated as provided in the Agreement.

By a letter dated January 27, 2014, the New Jersey Division of Rate Counsel ("Rate Counsel") filed its comments with the Board. Citing to 47 U.S.C. § 252(e), Rate Counsel notes that the Board "may reject the Agreement only if it finds that the Agreement discriminates against other carriers or is not consistent with the public interest, convenience, or necessity." Id. at 1-2. Rate Counsel "is satisfied that the terms of the Agreement meet the requirements of Section 252(e)." Id. at 2. Nevertheless, Rate Counsel states that it "does not object to Board approval of the Agreement subject to the conditions and comments" set forth in its letter. Id. at 8. For example, Rate Counsel recommends that the Board "assert its continuing authority over

the adoption of, as well as the terms and conditions of this Agreement, and state specifically in its Order approving the adoption of same that any subsequent amendments or modifications to the adopted Agreement shall be subject to review and approval of the Board.” Id. at 2. Also, Rate Counsel recommends that the Board reject certain provisions of the Agreement. Id. at 2-7.

## **DISCUSSION**

The Board finds that Rate Counsel’s objections to certain provisions of the Agreement are without merit and, accordingly, the Board declines to make modifications to the Agreement. See e.g., In the Matter of the Joint Application of Verizon New Jersey, Inc. and Ernest Communications, Inc. for Approval of an Interconnection Agreement Under Section 252(e) of the Telecommunications Act of 1996, Docket No. TO02050287, Order dated September 18, 2002 (rejecting Rate Counsel’s recommendation that Condition 3 of the Pricing Section of the Agreement is inconsistent with FCC rules).

Pursuant to 47 U.S.C. § 252(a)(1), an incumbent Local Exchange Carrier may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service, or network elements. In addition, 47 U.S.C. § 252(e)(1) requires approval by the Board 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. The Act provides that the Board may reject a negotiated agreement or any portion thereof 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 thereof is not consistent with the public interest, convenience, and necessity. [47 U.S.C. § 252(e)(2)(A)].

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 that the Agreement does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board **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, nor shall the Board be bound by any provisions within the Agreement regarding the confidentiality of information.

The Board 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 will be made available for public inspection and copying within ten days of the issuance of this Order.

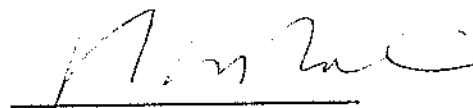
This Order shall be effective March 28, 2014.

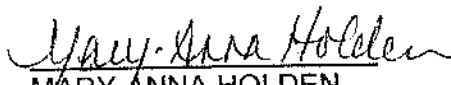
DATED: 3/19/2014

BOARD OF PUBLIC UTILITIES  
BY:

  
DIANNE SOLOMON  
PRESIDENT

  
JEANNE M. FOX  
COMMISSIONER

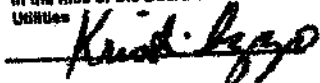
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
MARY-ANNA HOLDEN  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
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 JOINT APPLICATION OF VERIZON NEW JERSEY INC. AND ONE  
VOICE COMMUNICATIONS, INC. FOR APPROVAL OF AN INTERCONNECTION  
AGREEMENT UNDER SECTION 252(e) OF THE TELECOMMUNICATIONS ACT OF 1996

DOCKET NO. TO14010053

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