

**BEFORE THE GUAM PUBLIC UTILITIES COMMISSION**

IN RE: )  
          ) GTA Docket 11-13  
          )  
JOINT SUBMISSION OF GTA TELECOM )  
LLC AND PTI PACIFICA INC. d/b/a IT&E ) **PUC COUNSEL REPORT**  
FOR APPROVAL OF INTERCONNECTION )  
AGREEMENT )  
\_\_\_\_\_ )

**INTRODUCTION**

1. This matter comes before the Guam Public Utilities Commission [“PUC”] upon the Joint Submission of GTA Telecom LLC [“GTA”] and PTI Pacifica Inc. d/b/a IT&E [“ITE”] (jointly “the Parties”).<sup>1</sup>
2. The Parties submit their Interconnection Agreement for approval by the PUC in accordance with the terms of Section 252(e) of the Telecommunications Act of 1996. They request that the PUC approve the Agreement in accordance with the requirements of Section 252(e).

**BACKGROUND**

3. IT&E has requested that GTA make available to it the Interconnection Agreement, in its entirety, previously executed between GTA and Pacific Data Systems, Inc.
4. On September 28, 2010, the PUC approved the Interconnection Agreement between GTA Telecom LLC and Pacific Data Systems, Inc.<sup>2</sup>
5. Here the Parties wish to “adopt” the Agreement between GTA Telecom LLC and Pacific Data Systems in its entirety, and the parties refer to it as the “Adopted Agreement.” Certain changes, including but not limited to the following, are proposed in the “Adopted” Agreement<sup>3</sup>:
  - (a) All services provided under the Adopted Agreement will be consistent with decisions of courts having jurisdiction over the Agreement, including but

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<sup>1</sup> Joint Submission of GTA and IT&E, GTA Docket 11-13, filed December 7, 2011.

<sup>2</sup> PUC Order Approving Interconnection Agreement, GTA Docket 10-08, dated October 29, 2010.

<sup>3</sup> Attachment A to the Joint Submission of GTA and IT&E, GTA Docket 11-13, filed December 7, 2011.

not limited to the decisions of the Courts of Appeals and the United States Supreme Court;

(b) IT&E is substituted in the Adopted Agreement for Pacific Data Systems ["PDS"]. GTA Telecom LLC remains as the other Party of the Adopted Agreement.

(c) The agreement is effective upon the Effective Date and continues in full force until the End Date, which will be the earlier of (1) the date a voluntary non-interim agreement has been negotiated and executed by the Parties; (2) the date a non-interim agreement has been arbitrated and executed by the Parties; or (3) September 28, 2013, which corresponds with the End Date of the Adopted Agreement.

(d) Except for the changes set forth, the Adopted Agreement remains unchanged and in full force and effect. In the event of a conflict between the terms of the Agreement and the Adopted Agreement, the parties' agreement (Attachment A to their Joint Submission) will control.

### ANALYSIS

6. The "Adopted" Agreement, which GTA and IT&E intend to use as their Interconnection Agreement, was fully reviewed and approved by the PUC in GTA Docket 10-08. After a thorough review of the "Adopted" Agreement in that Docket, PUC Legal Counsel found that the Agreement included terms and conditions which the PUC previously ordered, and that "the proposed ICA complies with the prior orders of the PUC and the ALJ."<sup>4</sup>
7. GTA's Counsel clarified to PUC Counsel that the "Effective Date" of the Adopted Agreement will be the date of approval by the PUC.<sup>5</sup>
8. As in GTA Docket 10-08, PUC Counsel finds in the instant case that the Interconnection Agreement Proposed by GTA and IT&E does not violate the standards set forth in 47 USC §252[e][2][A]. The Agreement includes the provisions previously mandated by the PUC; the provisions of the Agreement have been negotiated by the parties and appear to have resulted in a final product which adequately protects the interests of both. The Agreement does not discriminate

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<sup>4</sup> PUC Counsel Report, GTA Docket 10-08, dated October 19, 2010, at p. 2.

<sup>5</sup>E-mail from GTA Counsel Serge Quenga to PUC Counsel dated December 12, 2011.

against a telecommunications carrier not a party to the Interconnection Agreement. The Agreement is consistent with the public interest, convenience and necessity. It is in the public interest to provide the people of Guam with modern, innovative, accessible and affordable telecommunications services and products.<sup>6</sup>

### RECOMMENDATION

9. The Interconnection Agreement of the Parties [i.e., the “Adopted Agreement”] should be approved, as the proposed Interconnection Agreement satisfies the requirements of 47 USC §252[e][2][A].
10. Counsel has submitted a proposed Order which would approve the adoption by the Parties of their Interconnection Agreement.

Dated this 13<sup>th</sup> day of December, 2011.

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Frederick J. Horecky  
PUC Legal Counsel

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<sup>6</sup> See Guam Telecommunications Act of 2004, 12 GCA §12101(2).