

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION



IN THE MATTER OF: ) GTA DOCKET 18-01  
 )  
THE JOINT PETITION OF TELEGUAM )  
HOLDINGS LLC AND PACIFIC DATA ) ORDER  
SYSTEMS INC FOR ARBITRATION OF )  
INTERCONNECTION AGREEMENT )  
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INTRODUCTION

This matter comes before the Guam Public Utilities Commission ["PUC"] upon Recommendations issued by Administrative Law Judge ["ALJ"] Frederick J. Horecky on January 12, 2018, which is made *Attachment "A" hereto*, in the arbitration proceedings in this Docket.

On April 28, 2017, pursuant to 27 U.S.C. §§ 251 and 252, TeleGuam Holdings, LLC ("GTA") submitted to Pacific Data Systems, Inc. ("PDS") a request to negotiate the Interconnection Agreement ("ICA") between the Parties. Since 2007, the Parties have entered into a series of ICAs to formalize their obligations under the 1996 Federal Telecommunications Act. The Parties are now in the process of negotiating their fourth ICA.

On October 3, 2017, the Parties submitted to the Guam Public Utilities Commission ("PUC") a Joint Petition for Arbitration of issues. On November 22, 2017, GTA and PDS submitted their joint list of remaining issues for arbitration in this matter.

On December 15, 2017, the remaining issues came before the ALJ for formal arbitration. Both Parties submitted Exhibits into evidence, and the ALJ received testimony and argument from the Parties.

On January 12, 2018, the ALJ issued his Recommendations to the PUC concerning each of the remaining issues pursuant to the Rules for Practice and Procedure before the Commission and Interconnection Implementation Rule 4(h).

### **RECOMMENDATIONS OF THE ALJ**

The PUC hereby adopts the Recommendations of the ALJ concerning the remaining eighteen (18) open issues in the negotiations between the Parties on the fourth ICA. The Commission concludes that the ALJ has fairly and equitably reviewed the remaining disputes between the Parties, and that his Recommendations will result in a final ICA that fully takes into account the interests of both Parties. In particular, the ICA must be revised to address changes that GTA has made to the current network architecture with regard to the nomenclature for loops and sub-loops, as well as their pricing.

The PUC previously recognized that GTA would be able to incorporate the new terminology "sub-loop" in the Interconnection Agreement, and to alter its billing and provisioning terminology as necessary to reflect its network architecture.

### **ORDERING PROVISIONS**

The PUC is required to issue a final order accepting or rejecting, in whole or in part, the recommendations of the Arbitrator [ALJ] within ten (10) days after the

recommendation has been filed. Having considered the record of the proceedings herein, the pleadings of the Parties and the ALJ Recommendations, and good cause appearing, the Guam Public Utilities Commission hereby **ORDERS** as follows:

1. The recommendations of the Administrative Law Judge dated January 12, 2018, are adopted.
2. Proposed Sections 1.1.1, 1.1.2, and 1.1.3 of the **GENERAL TERMS AND CONDITIONS** (Issues 3A and 3B) shall be included in the ICA; Sections 2.1 through 2.9 of the **INTERCONNECTION ATTACHMENT (ISSUE 49)** shall also be included in the ICA. These provisions accurately state the mutual obligations of the Parties (ILEC and CLEC) under the ICA.
3. Proposed Sections 2.1 through 2.9 of the **INTERCONNECTION ATTACHMENT (Issue 49)** shall be included in the ICA; these provisions more carefully define the local/extended area service that is subject to the ICA, and identifies and prohibits improper telecommunications practices.
4. Paragraph 28 of the ICA concerning the Notice of Network Changes (ISSUE 12) shall remain as is in the current ICA, with the addition of direct notice to the affected party. The amended provision will now provide adequate notice of network changes to the Parties.
5. Sections 2.64 and 2.66 concerning **GLOSSARY TERMS "Loop" and "Main Distribution Frame (MDF)" (ISSUES 21 and 28)** shall be included in the ICA.

These terms, as defined, accurately describe the functions of these elements in the GTA network.

6. The definition of Remote Equipment Center (REC) in Section 2.94 of the GLOSSARY shall be expanded to include a functional definition of what a REC is, and how it functions in GTA's Network.
7. A revised Collocation Attachment, Exhibit "A", shall continue to be included in the new ICA to assist in the definition of a REC (ISSUES 77 and 78). The Collocation Attachment shall be revised in accordance with the ALJ recommendations.
8. Section 5.5, Demarcation Point, in the Collocation Attachment, shall indicate what the connection point is in the REC, if not an "MDF"; if the MDFs at the RECs are "Feeder Distribution Interfaces" ("FDIs"), this should be specified in Section 5.5.
9. The changes proposed by GTA in provisions concerning "sub-loops" in the ICA shall be included in the new ICA. A "Sub-loop Feeder Facility", as defined in § 2.107 of ICA shall be eliminated (ISSUE 14).
10. The Glossary Definitions of "Sub-Loop", "Sub-Loop REC", and "Sub-Loop Non-REC" (Sections 2.102, 2.10X and 2.10Y) shall be adopted, as they are in accord with network changes that GTA has made.
11. The deletions in Section 2 of the Network Elements Attachment for certain services no longer provided, such as Inside Wire, Dark Fiber Transport, and Dedicated Transport, are approved; these provisions shall no longer be required in the ICA (ISSUE 59). Also, loops and sub-loops need only be available to PDS "where Home

Run Copper Facilities are available” (ISSUE 60). GTA does not have an obligation to offer Hybrid Loops using IP feeder to PDS, nor to offer IP services.

12. Proposed Section 4.1 of the Network Elements Attachment clarifies that GTA is only required to provide access to a sub-loop distribution facility to PDS in accordance with Applicable Law and the Arbitration Order (ISSUE 65). This proposed section shall be included in the ICA. The definitions of Sub-loop in Section 4.1.1 of the Network Elements Attachment shall also be included in the ICA.
13. The Pricing Attachment, GTA Exhibit 5, is approved and shall be included in the ICA (ISSUE 85).
14. Proposed provision Section 1.5 of the Network Elements Attachment, which provides that GTA may discontinue provision of UNEs if a requirement for provision of such UNEs is altered by Applicable Law (ISSUE 58). Such provision shall be included in the ICA, as it is consistent with current law.
15. The proposal for alteration of loop testing procedures to provide for “pass/fail indications”, as proposed in Section 3.4.1 (ISSUE 62) is not adopted and shall not be included in the ICA. GTA has not demonstrated that there is a need to change or alter existing testing procedures.
16. GTA’s proposal in Section 4.2.1.5 of the Service Order Attachment to change the installation interval for the provision of UNE loops or sub-loops shall not be included in the ICA (ISSUE 100). GTA has not demonstrated that the present

installation interval requirements are burdensome, or that GTA has been unable to comply with them.

17. GTA and PDS shall equally share the regulatory fees and expenses incurred in the Docket, including without limitation, Counsel and ALJ fees and expenses, and including fees and expenses for conducting the hearing/arbitration process.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

SO ORDERED this 1<sup>st</sup> day of February, 2018.

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Jeffrey C. Johnson  
Chairman

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Rowena E. Perez  
Commissioner

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Joseph M. McDonald  
Commissioner

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Michael A. Pangelinan  
Commissioner

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Peter Montinola  
Commissioner

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Filomena M. Cantoria  
Commissioner

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Andrew L. Niven  
Commissioner