

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION



GUAM CELLULAR AND PAGING, INC.
Petitioner

vs.

DOCKET 07-5

GTA TELECOM LLC
Respondent

ORDER APPROVING INTERCONNECTION AGREEMENT

Procedural History

On September 28, 2006, Guam Cellular and Paging, Inc. ("Guamcell") requested negotiations with GTA Telecom LLC ("GTA") for interconnection under the terms of the Telecommunications Act of 1996, as amended, codified at 47 U.S.C. § 151 *et seq.* (the "Federal Act").

On or about March 6, 2007, Guamcell filed with the Guam Public Utilities Commission ("PUC") a petition for arbitration pursuant to 47 U.S.C. § 252(b)(1) to arbitrate certain open issues regarding the terms of interconnection between Guamcell and GTA.

On August 13, 2007, the PUC issued a Decision resolving the disputed issues presented by GTA and Guamcell (the "Arbitration Order"). GTA and Guamcell were then instructed to submit an interconnection agreement in accordance with the Arbitration Order within thirty (30) days for approval by PUC pursuant to 47 U.S.C. § 252(e).

On August 23, 2007 Guamcell petitioned the PUC for rehearing, under PUC Rule 27, on PUC's ruling in the Arbitration Order that pricing for entrance facilities shall be established under Guam law rather than under Federal pricing standards. On November 16, 2007 PUC issued an Order denying the petition. By this Order PUC also suspended further proceedings in the docket until Guamcell brought itself into compliance with PUC Rule 40(a), which requires that a party pay regulatory fees within 30 days of invoice. By Memorandum Order dated February 8, 2008, PUC's administrative law judge ("ALJ") found that Guamcell had complied with Rule 40(a) and established a new schedule for implementing the Arbitration Order.

The Arbitration Order directs ALJ to review and issue a ruling on the condition regarding calling card calls as proposed on page 14 of GTA's August 4, 2007 comments.

On February 26, 2008, ALJ directed that section 5.7 of the Interconnection Agreement be amended consistent with his ruling on that date.

On March 10, 2008 the parties filed with PUC a final copy of the interconnection agreement ("Interconnection Agreement"), a copy made *Attachment A* hereto, which contains the provisions negotiated by the parties, including permanent transit rates and which incorporated PUC's resolution of open issues submitted for arbitration, including ALJ's ruling on calling card calls. The parties further requested on March 10, 2008 that PUC arbitrate a disagreement regarding the effective date for interim rates for entrance facilities. By Memorandum Order dated April 8, 2008, ALJ recommended that August 13, 2007 be designated as the effective date for the interim entrance facilities rates.

On March 28, 2008 PUC's consultant Georgetown Consulting Group, filed comments indicating that the Interconnection Agreement should be approved under section 252(e) of the Federal Act subject to conditions stated therein. By Memorandum Order dated April 8, 2008, ALJ rejected Georgetown's recommendation that GTA be directed to correct its billings from September 26, 2006 to August 12, 2007 for T-1 circuit service to Guamcell. ALJ found that Guamcell has independent remedies available to address this issue.

Discussion and Findings of Fact

1. The Interconnection Agreement properly incorporates PUC's decisions as to the disputed issues in arbitration. To the extent the final provisions of the Interconnection Agreement vary from specific decisions of PUC, pursuant to agreement of the parties, the provisions are treated as negotiated provisions rather than arbitrated provisions.

2. The interim prices contained in the Interconnection Agreement for entrance facilities and shall be subject to replacement and true-up by permanent prices to be adopted by PUC as provided in the Arbitration Order.

3. Pursuant to 47 U.S.C. § 252(e), any interconnection agreement between GTA and Guamcell adopted by negotiation or arbitration must be submitted to PUC for approval. The parties have jointly submitted the Interconnection Agreement to PUC for approval pursuant to such section of the Federal Act.

4. Pursuant to 47 U.S.C. § 252(e)(2)(B), the provisions of the Interconnection Agreement adopted by arbitration may only be rejected by PUC if it finds that such provisions do not meet the requirements of Section 251 of the Federal Act, including the Federal Communications Commission's ("FCC") regulations prescribed under such section, or the pricing standards set forth in Section 252(d) of the Federal Act.

5. PUC finds that the arbitrated provisions of the Interconnection Agreement meet the requirements of Section 251 of the Federal Act, including the regulations

prescribed by FCC pursuant to Section 251, and (subject to the establishment of permanent pricing as described in this Order and the Arbitration Order) the pricing standards set forth in Section 252(d) of the Federal Act.

6. Pursuant to 47 U.S.C. § 252(e)(2)(A), the provisions of the Interconnection Agreement adopted by negotiation may only be rejected by PUC if it finds that (i) any such provision discriminates against a telecommunications carrier not a party to the agreement or (ii) the implementation of any such provision is not consistent with the public interest, convenience and necessity.

7. PUC finds that the negotiated provisions of the Interconnection Agreement do not discriminate against a telecommunications carrier not a party to the Interconnection Agreement and are consistent with the public interest, convenience and necessity. PUC observes that other telecommunications carriers seeking interconnection with GTA may adopt the same terms and conditions. PUC further finds that the implementation of the Interconnection Agreement may promote competition, consistent with the goals of the Guam Telecommunications Act of 2004.

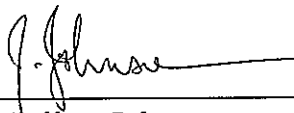
Order

Based upon the foregoing, the Guam Public Utilities Commission **ORDERS THAT:**

1. The Interconnection Agreement between GTA and Guamcell is approved.
2. The interim prices contained in the Interconnection Agreement for entrance facilities shall be effective on August 13, 2007, subject to replacement and true-up by prices to be adopted by PUC as provided in the Arbitration Order.
3. In the event that the parties revise, modify or amend the Interconnection Agreement approved herein, the revised, modified or amended Interconnection Agreement shall be submitted to PUC for approval pursuant to 47 U.S.C. § 252(e)(1) prior to taking effect.
4. The undersigned has been authorized by the Arbitration Order to enter this order on PUC's behalf.
5. The Arbitration Order requires GTA and Guamcell to each pay one half of PUC's regulatory fees and expenses in this docket. PUC reserves the right and authority under 12 GCA 12104(c)(7) to reallocate and apportion (in such manner as PUC may determine) a fair share of these regulatory expenses to any other telecommunications company, which seeks interconnection with GTA and elects to adopt the Interconnection Agreement.

6. PUC reserves the jurisdiction to interpret and enforce the terms of the Interconnection Agreement, to resolve complaints relating to the Interconnection Agreement and to issue appropriate orders with regard thereto.

Dated this 9th day of April 2008.

A handwritten signature in cursive script, appearing to read "J. Johnson", written over a horizontal line.

Jeffrey Johnson
Chairman