

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

In Re: Joint Submission of Guam Telecom)
LLC and Pacific Data Systems Inc. for) GTA Docket 10-08
Approval of Interconnection Agreement)
_____)

ORDER APPROVING INTERCONNECTION AGREEMENT

Findings

This matter comes before the Guam Public Utilities Commission [GPUC] upon the Joint Submission of the Final Form of the Interconnection Agreement [IAC] between GTA Telecom LLC [GTA] and Pacific Data Systems, Inc. [PDS].¹ The PUC has the authority to review and approve Interconnection Agreements pursuant to Section 252[e] of the Telecommunications Act of 1996.² The Commission approved the initial Interconnection Agreement between GTA and PDS by Order dated September 18, 2006.³ That Agreement expired on or about September 28, 2010. The “new” IAC between the parties is now before the Commission for review and requested approval.

On October 19, 2010, PUC Counsel filed a report recommending approval of the proposed ICA between GTA and PDS.⁴ Counsel recommends approval based upon a finding that the ICA is a thorough and comprehensive document which addresses all aspects of the relationship between the parties in detail.⁵ The PUC adopts such finding. Furthermore, the liability, attorney fee, and other provisions which the Commission required to be adopted in IAC’s in GTA Docket 10-02 have been included in the proposed IAC between GTA and PDS.⁶

The parties submit their Interconnection Agreement to PUC for approval pursuant to 47 USC §252[e] of the Telecommunications Act of 1996, as amended. Pursuant to 47 USC §252[e][2][A], the provisions of the ICA adopted by negotiation may only be rejected by PUC if PUC 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.

¹ Joint Submission of GTA and PDS, GTA Docket 10-08, filed September 28, 2010.

² See 47 U.S.C. §252[e].

³ PUC Order Approving Interconnection Agreement Docket 05-11, issued September 18, 2006.

⁴ PUC Counsel Report, GTA Docket 10-08, filed October 19, 2010.

⁵ See Draft Interconnection Agreement, filed September 28, 2010.

⁶ PUC Order, GTA Docket 10-02 (Financial Incentive Plan), issued July 27, 2010).

The amendment proposed by GTA and PDS 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 vigorously negotiated by the parties and appear to have resulted in a final product which adequately protects the interests of both. The Amendment does not discriminate against a telecommunications carrier not a party to the Interconnection Agreement. The Amendment 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.⁷

Order

Based upon the foregoing, the Guam Public Utilities Commission **orders that:**

1. The Interconnection Agreement between GTA Telecom LLC and Pacific Data Systems Inc., as filed herein on September 28, 2010, is approved.
2. In the event that the parties revise, modify or further amend their Interconnection Agreement, as approved herein, the revised, modified or amended Interconnection Agreement shall be submitted to PUC for approval pursuant to 47 USC §252[e][1] prior to taking effect.
3. The Interconnection Agreement as approved herein shall terminate not later than three years after approval thereof by the PUC.
4. PUC reserves the jurisdiction and authority to enforce the Interconnection Agreement, to issue appropriate orders with regard thereto, and to hear and resolve complaints with respect to the Interconnection Agreement pursuant to PUC's existing authority.
5. GTA and PDS are ordered and directed to each pay one half of the PUC's regulatory expenses and fees in this docket.

Dated this 29th day of October, 2010.

⁷ See Guam Telecommunications Act of 2004, 12 GCA §12101(2).

PUC Order
GTA Docket 10-08
GTA/PDS Submission for Approval of ICA
October 29, 2010

Jeffrey C. Johnson
Chairman

Joseph M. McDonald
Commissioner

Rowena E. Perez
Commissioner

Filomena M. Cantoria
Commissioner

Michael A. Pangelinan
Commissioner