



BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

In the Matter of:

GTA Docket 10-01

Joint Petition of GTA Telecom LLC and)
Pacific Data Systems Inc. for approval of)
the Amendment of the Interconnection)
Agreement pursuant to Section 252 of the)
Telecommunications Act of 1996)
)

PUC COUNSEL REPORT

On January 26, 2010, GTA Telecom LLC [GTA] and Pacific Data Systems Inc. [PDS] filed a Joint Petition with the Guam Public Utilities Commission [PUC] for approval of an Amendment to their Interconnection Agreement, pursuant to Section 252 of the Telecommunications Act of 1996.¹ The Commission originally approved the Interconnection Agreement between GTA and PDS by Order dated September 18, 2006.² In their present Petition, the parties request that the PUC approve a specific Amendment to the Interconnection Agreement attached as Exhibit "A" to the Petition.

The Amendment requires that GTA provide PDS with "Dedicated Transport unbundled from other Network Elements at the rate set forth in the Pricing Attachment". Subject to certain terms and conditions, the Amendment also grants PDS the right under applicable law "to convert such transport to unbundled dedicated transport", upon proper notice to GTA.³ According to Eric Votaw, Vice President, Regulatory, at GTA, PDS requested this Amendment because it wishes to obtain the Dedicated Transport services.⁴ PDS apparently desires this service in certain circumstances where dark fiber is not available, such as the Agana-Piti and Agana-Agat routes.⁵ Specific prices are indicated for Dedicated Transport Entrance Facilities on the "Pricing Attachment" to the Interconnection Agreement; Mr. Votaw states that there

¹ GTA & PDS Petition for Approval of the 2nd Amendment to the Interconnection Agreement, GTA Docket 10-01, filed January 26, 2010.

² PUC Order Approving Interconnection Agreement, Docket 05-11, issued September 18, 2006.

³ Exhibit "A" to GTA & PDS Petition for Approval of the 2nd Amendment to the Interconnection Agreement.

⁴ Telephone Conversation between Eric Votaw and PUC Counsel on February 19, 2010.

⁵ Id.

has been no price dispute between PDS and GTA on this service, and PDS has paid the agreed prices.⁶

The present Interconnection Agreement, as well as the requested Amendment, will terminate on September 26, 2010. The parties have represented to the Commission that they have already commenced negotiations for a new Interconnection Agreement.

The parties submit their "Interim" 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 IA 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.

The amendment proposed by GTA and PDS does not violate the standards set forth in 47 USC §252[e][2][A]. The Amendment offers a Dedicated Transport Service to PDS, which service is presumably available to other parties on the same pricing terms and conditions. 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

Recommendation

The Joint Petition of the parties should be approved, as the proposed Amendment to their Interconnection Agreement satisfies the requirements of 47 USC §252[e][2][A]. Counsel has submitted a proposed Order which would approve the adoption by the parties of Amendment 2 to their Interconnection Agreement.

Dated this 23rd day of February, 2010.

Frederick J. Horecky
PUC Legal Counsel

⁶ Agreement between Pacific Data Systems and GTA Telecom LLC filed with PUC on September 28, 2006, Exhibit A, p. 106.

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

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The amendment proposed by GTA and PDS does not violate the standards set forth in 47 USC §252[e][2][A]. The Amendment offers a Dedicated Transport Service to PDS, which service is presumably available to other parties on the same pricing terms and conditions. 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

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