

BEFORE THE GUAM PUBLIC UTILITIES COMMISSION

IN RE:)
) PTI Docket 19-02
)
PETITION OF TELEGUAM HOLDINGS LLC)
AND PTI PACIFICA INC. d/b/a IT&E FOR) **ORDER**
APPROVAL OF WIRELINE)
INTERCONNECTION AGREEMENT)
_____)

INTRODUCTION

1. This matter comes before the Guam Public Utilities Commission [“PUC”] upon the Petition of TeleGuam Holdings LLC [“GTA”] and PTI Pacifica Inc. d/b/a IT&E [“PTI”] (jointly “the Parties”).¹
2. The Parties submit their Wireline 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).²

BACKGROUND

3. On August 13, 2007, the PUC approved an Interconnection Agreement between IT&E Overseas Inc. [the Predecessor to PTI] and GTA Telecom LLC.³
4. On December 13, 2011, the PUC approved the Interconnection Agreement between GTA Telecom LLC and PTI as filed. At that time, the Parties adopted an Interconnection Agreement previously approved by the PUC for GTA and Pacific Data Systems Inc.⁴

¹ Petition of GTA and IT&E, PTI Docket 19-02, filed February 25, 2019; although the Petition is only signed by the Representative of PTI, the ALJ confirmed in a telephone conversation on March 8, 2019, with GTA Vice President Dan Tydingco, that GTA supports and joins in the Petition.

² Representatives of both Parties executed the Interconnection Agreement on February 20 and 21, 2019.

³ PUC Order, Docket 07-06, dated August 13, 2007.

⁴ PUC Order, GTA Docket 11-13, dated December 13, 2011, at pg. 2.

5. On September 25, 2012, the PUC approved the Assignment of the Interconnection Agreement between GTA Telecom LLC and PTI to TeleGuam Holdings LLC.⁵
6. After discussion and negotiations, on February 25, 2019, GTA and PTI filed their final, executed Wireline Interconnection Agreement with the PUC. In the instant docket and PTI Docket 19-01, PTI seeks approval of two Interconnection Agreements: one for CMRS and one for Wireline. The Administrative Law Judge [ALJ] filed his Report herein dated March 21, 2019.

DETERMINATIONS

7. The Wireline Interconnection Agreement provides for a term of three (3) years.⁶
8. The Agreement establishes the interconnection of the Parties facilities and equipment for the transmission and routing of wireline telecommunications traffic between the respective End User Customers of the Parties and the compensation for such facilities and traffic exchanged.⁷
9. The parties provide Non-CMRS Telecommunications Services under this Agreement to End User Customers and Wholesale Telecommunications Services to other entities that provide retail service to End User Customers.⁸
10. The parties physically connect their respective networks at "Points of Interconnection" through one or more Mid-Span Fiber Meet points; so as to furnish Non-Access Reciprocal Compensation traffic between PTI or PTI Retail Provider End User Customers and GTA End User Customers and Transit Traffic between PTI or Retail Provider End User Customers transiting to other local carriers.⁹
11. The Agreement provides detailed provisions concerning services to be provided, payment requirements, dispute resolution, handling of confidential information, default, good faith performance, indemnification, insurance, liabilities, and other matters.

⁵ PUC Order, GTA Docket 12-09, dated September 25, 2012, at p. 3.

⁶ Wireline Interconnection Agreement by and between PTI Pacifica, Inc., and TeleGuam Holdings, LLC, for Guam, dated February 21, 2019, at p. 2.

⁷ Id. at Interconnection Attachment, p. 44.

⁸ Id.

⁹ Id. at p. 46.

12. The provisions of the ICA incorporate some of the updated definitions and provisions of the recently negotiated ICA between GTA and Pacific Data Systems, Inc. in GTA Docket 18-01 on March 28, 2018.
13. PTI Counsel has indicated that the Parties were able to successfully negotiate an ICA Agreement by eliminating certain mileage-based charges and tariffs that were previously included.¹⁰ The recognition of Points of Interconnection at one or more Mid-Span Fiber Meet points had significant benefit to both Parties in the reduction of the cost of interconnection.
14. The Parties also negotiated an Interconnection Attachment and a Pricing Attachment.¹¹
15. The Parties have successfully negotiated all necessary revisions to the Agreement and have resolved pending issues. The execution of the Agreement by PTI and GTA indicates that they have reached final and complete resolution of any issue concerning the acceptability of their new Wireless Interconnection Agreement. The provisions of the Agreement appear to have resulted in a final product which adequately protects the interests of both.
16. The Agreement does not discriminate against a telecommunications carrier not a party to the Interconnection Agreement pursuant to the standards set forth in 47 USC §252[e][2][A]. In the Agreement, it is specified that neither party will use any service provided which in any manner prevents other persons from using their service or destroys the normal quality of service to other carriers or to either Party's customers.¹²
17. The Agreement is consistent with the public interest, convenience and necessity. In accordance with the Guam Telecommunications act of 2004, it is in the public interest to provide the people of Guam with modern, innovative, accessible, and affordable telecommunication services and products.¹³

¹⁰ Phone Conversation between PUC ALJ Horecky and IT&E Counsel Steve Carrera on March 8, 2019.

¹¹ Id. at pgs. 43 and 56.

¹² Id. at p. 52.

¹³ See Guam Telecommunications Act of 2004, 12 GCA §12101(2).

18. The rates in the Pricing appear to be “just and reasonable” as they are based upon the pricing set forth in GTA’s General Exchange Tariff (GET).

ORDERING PROVISIONS

After careful review of the record herein, the proposed Interconnection Agreement of GTA and PTI, and considering the recommendations of the ALJ, for good cause shown, on motion duly made, seconded and unanimously carried by the undersigned Commissioners, the Guam Public Utilities Commission hereby **ORDERS** that:

1. The Wireline Interconnection Agreement between GTA and PTI, executed on February 21, 2019, is approved pursuant to 47 USC 252[e][4].
2. The Parties are ordered to carry out their duties and obligations as set forth in the Interconnection Agreement and in the Determinations and Ordering Provisions herein.
3. The PUC approves the “Pricing Attachment” attached to the Wireline ICA, finding that the rate set forth therein are just and reasonable, and in accordance with GTA’s General Exchange Tariff [GET].
4. In the event that the Parties revise, modify, or amend the Wireline Interconnection Agreement approved herein, the revised, modified or amended Wireline Interconnection Agreement shall be submitted to the PUC for approval pursuant to 47 USC 252[e][1] prior to taking affect.
5. Pursuant to agreement by the Parties, PTI is ordered and directed to pay the PUC’s regulatory expenses and fees in this Docket.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

Order
In Re: Petition of GTA & PTI
For Approval of ICA
PTI Docket 19-02
March 28, 2019

Dated this 28th day of March, 2019.

Jeffrey C. Johnson
Chairman

Rowena E. Perez
Commissioner

Joseph M. McDonald
Commissioner

Michael A. Pangelinan
Commissioner

Peter Montinola
Commissioner

Filomena M. Cantoria
Commissioner

Mark Miller
Commissioner