



Agenda Date: 9/17/18
Agenda Item: IVA

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 3rd Floor, Suite 314
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATIONS

IN THE MATTER OF THE SUBMISSION OF LEVEL 3)
COMMUNICATIONS AND ALTEVA OF WARWICK, LLC.)
FOR APPROVAL OF AN INTERCONNECTION)
AGREEMENT PURSUANT TO SECTION 252(e) OF THE)
COMMUNICATIONS ACT OF 1934, AS AMENDED)
ORDER APPROVING)
INTERCONNECTION)
AGREEMENT)
DOCKET NO. TO17111149)

Parties of Record:

Stefanie A. Brand, Esq., Director, New Jersey Division of Rate Counsel
R. Scott Seab, Senior Counsel, Level 3 Communications, LLC
Marie Corlett, VP & General Manager, Alteva of Warwick, LLC

BY THE BOARD:

By letter dated November 2, 2017, Level 3 Communications, LLC ("Level 3"), and Alteva of Warwick, LLC., ("Alteva"), (jointly, "the Parties"), pursuant to Sections 251 and 252 of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56 (codified in scattered sections of 47 U.S.C. §151 et seq.) ("Act"), submitted to the Board of Public Utilities ("Board") a joint application ("Application") for approval of a negotiated interconnection agreement, entitled "Interconnection and Reciprocal Compensation Agreement Between Alteva of Warwick, LLC and Level 3 Communications, LLC" ("Agreement"). Alteva is an incumbent local exchange carrier ("ILEC") as defined by the Act with the duty to negotiate interconnection agreements pursuant to Section 252 of the Act. See 47 U.S.C. §251(c) and §251(h)(1). The Agreement sets forth the rates, terms and conditions under which the Parties will interconnect their facilities and exchange traffic with each other for the provision of local exchange telecommunications service.

Level 3 and Alteva assert that the Agreement satisfies the requirements for Board approval because as it is consistent with law as it addresses all issues relating to Level 3's request and there are no issues in dispute. The Board must determine that the agreement does not discriminate against any other telecommunications carrier and is consistent with the public interest, convenience and necessity.

The Agreement automatically renews and remains in full force and effect on and after the expiration of the initial term on a year to year basis.

By letter dated December 21, 2017, the New Jersey Division of Rate Counsel ("Rate Counsel" or "RC") submitted comments to the Board stating that it does not object to Board approval of the Agreement subject to conditions.

RC requests the Board reject certain terms in the agreement, namely provisions contained in Section 3, titled "Term of the Agreement" as said terms could be construed as being discriminatory to nonparty telecommunications providers and inconsistent with the public interest.

DISCUSSION

Pursuant to 47 U.S.C. §252(a)(1), an ILEC may negotiate and enter into a binding interconnection agreement with a carrier requesting interconnection, service, or network elements without regard to the standards set forth in 47 U.S.C. §251(b) and (c). In addition, 47 U.S.C. §252(e)(1) requires approval by the Board of any interconnection agreement adopted by negotiation or arbitration, and further requires the Board to approve or reject the agreement, with written findings as to any deficiencies. The Act provides that the Board may reject a negotiated agreement only if it finds that: "(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity....." 47 U.S.C. §252(e)(2)(A).

The Board finds that Rate Counsel's request that the Board reject certain provisions of the Agreement are without merit, and accordingly, the Board declines to make modifications to the Agreement. The Board notes that the Agreement has been independently and voluntarily negotiated between two business entities, and is an integrated package that reflects a negotiated balance of many interests and concerns critical to both parties.

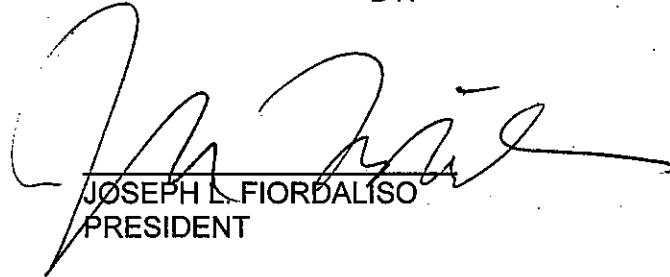
The Board's review of the Agreement and the record in this matter indicate that the Agreement is consistent with the public interest, convenience, and necessity and does not discriminate against telecommunications carriers not parties to the Agreement. Therefore, the Board **FINDS** that the Agreement meets the standards set forth in the Act, and **HEREBY APPROVES** the Agreement as presented by the Parties. This approval should not be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement. In addition, approval does not constitute a determination concerning, nor shall the Board be bound by, any provisions within the Agreement regarding the confidentiality of information.

The Board notes that amendments or modifications to Board-approved interconnection agreements are subject to Board review and approval. No agreement shall be read, nor does the Board believe the Parties to the Agreement intend that it be read, to limit the authority of the Board under Section 252(e) of the Act to review interconnection agreements. Accordingly, until and unless otherwise provided by the Board, subsequent amendments or modifications to the Agreement approved herein shall be subject to review and approval by the Board. Additionally, pursuant to 47 U.S.C. §252(h), a copy of the Agreement will be made available for public inspection and copying within ten days of the issuance of this Order.

This Order shall be effective on September 27, 2018.

DATED: 9/17/18

BOARD OF PUBLIC UTILITIES
BY:



JOSEPH L. FIORDALISO
PRESIDENT



MARY-ANNA HOLDEN
COMMISSIONER



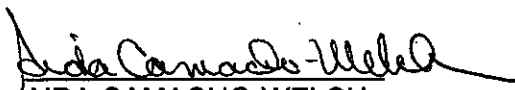
DIANNE SOLOMON
COMMISSIONER



UPENDRA J. CHIVUKULA
COMMISSIONER



ROBERT M. GORDON
COMMISSIONER

ATTEST: 
AIDA CAMACHO-WELCH
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public Utilities.

IN THE MATTER OF THE SUBMISSION OF LEVEL 3 COMMUNICATIONS AND ALTEVA OF
WARWICK, LLC. FOR APPROVAL OF AN INTERCONNECTION AGREEMENT PURSUANT
TO SECTION 252(e) OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED
DOCKET NO. TO17111149

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