



STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 1st Floor
Post Office Box 350
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www.nj.gov/bpu/

OFFICE OF CABLE TELEVISION
AND TELECOMMUNICATONS

IN THE MATTER OF THE JOINT PETITION OF)
UNITED TELEPHONE COMPANY OF NEW)
JERSEY, INC. D/B/A CENTURLINK AND)
PEERLESS NETWORK OF NEW JERSEY, LLC.)
FOR APPROVAL OF THE CARRIER PARTNER)
FOR INTERCONNECTED VOIP PROVIDER)
AMENDMENT TO THE INTERCONNECTION)
AGREEMENT)

ORDER APPROVING
AMENDMENTS TO THE
INTERCONNECTION
AGREEMENT

IN THE MATTER OF THE JOINT PETITION OF)
UNITED TELEPHONE COMPANY OF NEW)
JERSEY, INC. D/B/A CENTURLINK AND)
PEERLESS NETWORK OF NEW JERSEY, LLC.)
FOR APPROVAL OF THE THIRD PARTY TRANSIT)
PROVIDER AMENDMENT TO THE)
INTERCONNECTION AGREEMENT)

DOCKET NO. TO18121350

Parties of Record:

Pamela Sherwood, Esq., United Telephone Company of New Jersey, Inc. d/b/a CenturyLink
Patrick Phipps, Director of Regulatory Affairs, Peerless Network of New Jersey, LLC
Brian O. Lipman, Esq., Director, New Jersey Division of Rate Counsel

BY THE BOARD:

On March 31, 2022, United Telephone Company of New Jersey, Inc. d/b/a CenturyLink (“CenturyLink”), a New Jersey corporation, and Peerless Network, LLC (“Peerless”), (collectively, “Petitioners”), filed joint petitions (hereinafter referred to as “Petition 1” and “Petition 2”, respectively, and “Joint Petitions”, collectively) with the New Jersey Board of Public Utilities (“Board”) 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”) seeking approval of amendments (“Amendments”) to a negotiated interconnection agreement by and

between CenturyLink and Peerless ("Agreement").¹ CenturyLink 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). Peerless is a competitive local exchange carrier ("CLEC") authorized to operate in the State of New Jersey.

The Joint Petitions were filed by CenturyLink and represent two (2) distinct alterations to the Agreement. The key terms and conditions of the Amendments include:

Petition 1

The Petitioners entered into a Carrier Partner² for Interconnected VoIP Provider³ Agreement that governs the terms and conditions for transport and termination of telecommunications traffic ("Carrier Partner Amendment"). Under the Carrier Partner Amendment, Peerless wishes to act as a Carrier Partner for an Interconnected VoIP Provider. Peerless will provide a switch for its use and seeks to combine its traffic with Interconnected VoIP Provider's VoIP-Public Switched Telephone Network ("PSTN") Traffic and exchange such traffic with CenturyLink, subject to limitations and requirements of the Local Exchange Routing Guide ("LERG") and other applicable requirements.

Under the terms of the Carrier Partner Amendment, Peerless and CenturyLink will continue to exchange traffic per the terms of the Agreement, including treatment of traffic terminating to CenturyLink end-users. Solely for purposes of this specific Carrier Partner Amendment, all traffic originated by parties utilizing Peerless and terminating to CenturyLink end-users, or transiting CenturyLink to other providers, will be treated as though it originated from Peerless. Petition 1 further stipulates that Interconnected VoIP Provider traffic will be included as the CLEC's responsibility in accordance with applicable terms of the Agreement.

Petition 2

The Petitioners wish to amend the Agreement to allow Peerless to provide transit service⁴ to other telecommunications carriers and exchange that traffic with CenturyLink, subject to limitations and requirements of the Local Exchange Routing Guide ("LERG") and other applicable requirements ("Third Party Transit Provider"). Under the terms of the Agreement, the Third Party Transit

¹ The Agreement titled "Interconnection Agreement By and Between United Telephone Company of New Jersey, Inc. d/b/a CenturyLink and Peerless Network of New Jersey, LLC for the State of New Jersey" was approved by the Board under the same docket number on May 28, 2019.

² As used herein, "Carrier Partner" is a CLEC that provides the facilities and trunking that an Interconnected VoIP Provider needs in order to exchange traffic with CenturyLink and demonstrates facilities readiness as described in the Federal Communications Commission Report and Order 15-70 adopted on June 18, 2015 at paras. 36-37 ("VoIP Numbering Order").

³ As used herein, "Interconnected VoIP Provider" is an entity that provides "interconnected VoIP service" as that term is defined in 47 C.F.R. §9.3 and that obtains numbering resources as described in the VoIP Numbering Order.

⁴ In general terms, "transit service" is any traffic that originates from one (1) telecommunications carrier's network and/or its end-user(s), transits another telecommunications carrier's network, and terminates to yet another telecommunications carrier's network and/or its end-user(s).

Provider services include: (1) Local Traffic, (2) IntraMTA, (3) ISP-Bound, (4) IntraLATA LEC Toll⁵, (5) InterMTA⁶, and (6) VoIP-PSTN. Under this proposed amendment, all traffic originated by parties utilizing Peerless' Third Party Transit Provider services and terminating to CenturyLink end-users will be treated as though it originated from Peerless.

By letters dated May 13, 2022, and May 18, 2022, the New Jersey Division of Rate Counsel ("Rate Counsel") submitted comments to the Board stating it does not object to Board approval of the Amendments.

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). Under 47 U.S.C. §252(e)(1), any amendment to an interconnection agreement adopted by negotiation or arbitration must be submitted to the Board, as the relevant state commission, for approval, and requires the Board to approve or reject the agreement with written findings as to any deficiencies. The Act provides that the Board, as the relevant state commission, 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 Petitioners assert that the Amendments to the Agreement outlined in the Joint Petitions satisfy the requirements for Board approval because they do not discriminate against any other telecommunications carrier, as required by Section 252(e)(2)(A)(i) of the Act. The Petitioners also assert the Amendments are consistent with the public interest, convenience, and necessity as required by Section 252(e)(2)(A)(ii).

The Board's review of the Joint Petitions indicate the Amendments are consistent with the public interest, convenience, and necessity, and do not discriminate against telecommunications carriers who are not parties to the Agreement. Therefore, the Board **FINDS** that the Amendments submitted for Board review in Petition 1 and Petition 2 meet the standards set forth in the Act. Accordingly, the Board **HEREBY APPROVES** the Amendments to the Agreement submitted by the Petitioners. The Petitioners should note this approval is not to be construed as preapproval of any future petitions for rate recovery of costs incurred pursuant to the Agreement. Additionally, this approval does not constitute a determination concerning, nor shall the Board be bound by, any provisions within the Agreement regarding the confidentiality of information. Pursuant to 47 U.S.C. §252(h), a copy of the amended Agreement shall be made available for public inspection and copying within ten days of the issuance of this Order.

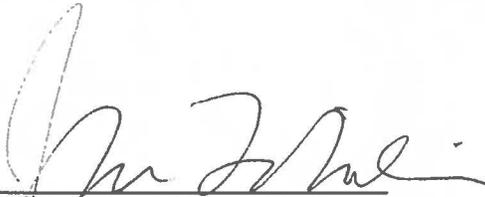
⁵ A "toll call is one that "terminates outside the local calling area in which the call originated. The local calling area is defined in the ILEC's tariffs filed with an approved by the Board." N.J.A.C. 14:10-1.2. An "IntraLATA toll call" is "a toll call that originates and terminates in a single LATA." *Id.* "LATA" stands for Local Area Transport Area, which means "a geographic area, outside of which a Bell Operating Company does not carry telephone calls." *Id.* A "LEC" is a "local exchange carrier."

⁶ For the purpose of the Agreement, InterMTA and IntraMTA traffic means commercial mobile radio services traffic exchanged with CenturyLink within and between Major Trading Areas.

This Order shall be effective on June 15, 2022.

DATED: June 8, 2022

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: 

CARMEN D. DIAZ
ACTING SECRETARY

IN THE MATTER OF JOINT PETITION OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC. D/B/A CENTURYLINK AND PEERLESS NETWORK OF NEW JERSEY, LLC. FOR APPROVAL OF THE CARRIER PARTNER FOR INTERCONNECTED VOIP PROVIDER AMENDMENT TO THE INTERCONNECTION AGREEMENT

IN THE MATTER OF JOINT PETITION OF UNITED TELEPHONE COMPANY OF NEW JERSEY, INC. D/B/A CENTURYLINK AND PEERLESS NETWORK OF NEW JERSEY, LLC. FOR APPROVAL OF THE THIRD PARTY TRANSIT PROVIDER AMENDMENT TO THE INTERCONNECTION AGREEMENT

DOCKET NO. TO18121350

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