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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

1 WILLIAM A. MUNDELL
2 Chairman
3 JIM IRVIN
4 Commissioner
5 MARC SPITZER
6 Commissioner

AUG 30 2001

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6 IN THE MATTER OF THE APPLICATION) DOCKET NO. T-01846B-01-0571
7 OF VERIZON CALIFORNIA INC.,)
8 FOR APPROVAL OF AN)
9 INTERCONNECTION AGREEMENT) DECISION NO. 63968
10 WITH FUZION WIRELESS)
11 COMMUNICATIONS, INC.) ORDER

10 Open Meeting
11 August 28 and 29, 2001
12 Phoenix, Arizona

12 BY THE COMMISSION:

13 FINDINGS OF FACT

14 1. On July 20, 2001, Verizon California Inc. ("Verizon"), filed an Application for
15 approval of an Interconnection Agreement and supplement between Verizon and Fuzion Wireless
16 Communications, Inc. ("Fuzion"). The term of the Agreement shall be effective upon
17 Commission approval and remain in effect until October 1, 2003. The Agreement could be
18 extended by either party if written notice is provided no later than nine (9) months prior to the
19 Termination Date. The Agreement governs the terms and conditions under which Verizon will
20 offer interconnection services to Fuzion.

21 2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local
22 exchange carriers to make their networks available for Interconnection and Resale by new
23 entrants to the local exchange market. The 1996 Act provides for interconnection and resale
24 agreements to be concluded by voluntary negotiation.

25 3. This Agreement between Verizon and Fuzion was voluntarily negotiated, without
26 resort to arbitration.

27 4. Under the terms of the Agreement, Verizon will provide specified local exchange
28 services for Interconnection, Resale, Collocation and Unbundled Network Elements to Fuzion.

1 Generally, Verizon services will be made available to Fuzion for resale at a 10.9% discount.

2 5. According to the 1996 Act and Commission Rule, the Commission must approve
3 voluntarily negotiated interconnection and resale agreements, if their provisions are non-
4 discriminatory and in the public interest.

5 6. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the
6 public interest. Verizon is offering the same terms and conditions of the Agreement to all other
7 interested parties. The Agreement is in the public interest because it will act to further competition
8 in the local exchange market in Arizona.

9 7. Since there are no grounds for rejection of the Agreement pursuant to Section
10 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission approve the
11 Interconnection Agreement between Verizon and Fuzion.

12 CONCLUSIONS OF LAW

13 1. Verizon is an Arizona Public Service Corporation within the meaning of Article
14 XV, Section 2, of the Arizona Constitution.

15 2. The Commission has jurisdiction over Fuzion and over the subject matter of the
16 Application.

17 3. The Commission, having reviewed the Application and Staff's Memorandum has
18 determined that the Resale Agreement negotiated between Verizon and Fuzion meets the
19 requirements of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-
20 negotiated agreements and is in the public interest.

21 4. The Commission maintains jurisdiction over the subject matter of the Agreement
22 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission
23 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
24 promulgated thereunder.

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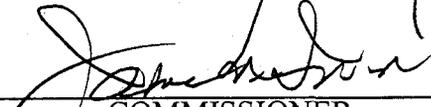
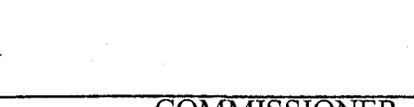
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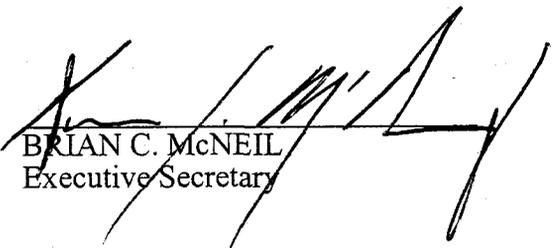
IT IS THEREFORE ORDERED that the Commission hereby approves the Interconnection Agreement between Verizon and Fuzion filed on July 20, 2001.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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| CHAIRMAN | COMMISSIONER | COMMISSIONER |

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 30th day of August, 2001.



BRIAN C. McNEIL
Executive Secretary

DISSENT: _____

SMO:EAA:bsl/MCC

1 SERVICE LIST FOR: Verizon California Inc., and Fuzion Wireless Communications, Inc.

2 DOCKET NO. T-01846B-01-0571

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