



State of New Jersey  
DIVISION OF RATE COUNSEL  
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PHIL MURPHY  
*Governor*

SHEILA OLIVER  
*Lt. Governor*

BRIAN O. LIPMAN  
*Director*

Via Electronic Filing Only

December 20, 2021

Ms. Aida Camacho-Welch, Board Secretary  
New Jersey Board of Public Utilities  
44 South Clinton Avenue, 9th Fl.  
P.O. Box 350  
Trenton, New Jersey 08625-0350

Re: United Telephone Company of New Jersey, Inc., d/b/a CenturyLink and Spok, Inc., (f/k/a USA Mobility Wireless, Inc.) - Approval of the Paging Interconnection Agreement and the Partner Delivery Service Arrangements to the Interconnection Agreement.  
**BPU Docket No.: TO21091137**

Dear Board Secretary:

The New Jersey Division of Rate Counsel (“Rate Counsel”) has reviewed the above-referenced matter, filed on September 20, 2021, by United Telephone Company Of New Jersey, Inc., d/b/a Centurylink and Spok, Inc., (f/k/a USA Mobility Wireless, Inc.) (“CenturyLink”) on behalf of both CenturyLink and Spok, Inc., (“Spok”) (collectively “Petitioners”) seeking approval by the New Jersey Board of Public Utilities (“Board”) a Paging Interconnection Agreement (“Agreement”) and the Partner Delivery Service Arrangements Amendment (“Amendment”) to that Agreement between Petitioners. Rate Counsel requests acknowledgment of this electronic filing for its record.<sup>1</sup> Rate Counsel does not object to the Board’s approval of the Agreement subject to the recommendation discussed below.

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<sup>1</sup> Pursuant to e-filing procedures approved by the Board under Docket No. Docket No. EO20030254, dated March 19, 2020.

On October 28, 2020, the Federal Communications Commission (“FCC”) issued a Report and Order (“*2020 UNE Order*”) adjusting the incumbent LEC-specific obligations in the 1996 Act, including unbundling and resale requirements, to account for changed circumstances.<sup>2</sup>

The amended Agreement filed by the parties revises the terms, and conditions under which CenturyLink will offer and provide network interconnection, access to network elements, ancillary network services, and wholesale telecommunications services interconnection between CenturyLink and Spok, under amendment dated August 23, 2021.<sup>3</sup> Rate Counsel notes the Board continues to have the authority to reject an interconnection agreement or terms therein if it finds that the agreement discriminates against other carriers or is not consistent with the public interest, convenience, or necessity.<sup>4</sup> To wit, terms and conditions that provide the opportunity for discriminatory and anti-competitive practices, render ineffective the enactment and purpose of Section 252(e), to the detriment of New Jersey ratepayers who pay the price in the form of less competition and higher rates.<sup>5</sup> Such terms violate the public interest and the provision of safe and adequate telecommunications services at reasonable rates and must be rejected.

Therefore, as anticompetitive practices will hinder and stifle market competition and services for New Jersey customers, Rate Counsel respectfully requests that the Board actively monitor complaints, if any, filed under the amended interconnection Agreement. The proactive monitoring will allow the Board to determine if a negative trend is occurring and provide an

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<sup>2</sup> *Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services Report and Order*, WC Docket No. 19-308, (rel. October 28, 2020), at paragraph 3, p.2, access at: <https://docs.fcc.gov/public/attachments/FCC-20-152A1.pdf>

<sup>3</sup> Amended Agreement Attachment, p.2.

<sup>4</sup> 47 U.S.C. § 252(e)(1) and (2).

<sup>5</sup> 47 U.S.C. § 252(e)(2)(A)(ii).

Board Secretary – Letter  
CenturyLink and Spok, Amded ICA  
**BPU Docket: TO21091137**  
December 20, 2021  
Page 3 of 3

opportunity to timely address any unintended anticompetitive impact that may result from the Interconnection Agreement’s amended terms. Accordingly, because it is the policy of the State to promote diversity and greater competition in the supply of telecommunications services that lead to enhanced service offerings at lower rates,<sup>6</sup> Rate Counsel does not object to Board approval of the amended Agreement in this matter subject to the recommendation discussed above.

Thank you for the opportunity to provide comment on this matter.

Very truly yours,

BRIAN O. LIPMAN, ESQ.  
DIRECTOR  
NEW JERSEY DIVISION  
OF RATE COUNSEL

*/s/ Maria Novas-Ruiz*  
Maria T. Novas-Ruiz,  
Assistant Deputy Rate Counsel

MNR/td  
cc: Service List

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<sup>6</sup> N.J.S.A. 48:2-21.16(a)(4) and N.J.S.A. 48:2-21.16(b)(1) and (3).