



State of New Jersey
DIVISION OF RATE COUNSEL
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SHEILA OLIVER
Lt. Governor

BRIAN O. LIPMAN
Director

Via Electronic Filing Only

May 13, 2022

Ms. Carmen Diaz, Acting Board Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625-0350
Carmen.Diaz@bpu.nj.gov

Re: I/M/O 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 **BPU Docket No. TO18121350**

Dear Ms. Diaz:

The New Jersey Division of Rate Counsel (“Rate Counsel”) has reviewed the Joint Petition filed on March 31, 2022, by United Telephone Company of New Jersey, Inc. d/b/a CenturyLink (“CenturyLink”) and Peerless Network of New Jersey, LLC (“Peerless”) jointly (“Petitioners”) seeking the New Jersey Board of Public Utilities’ (“Board”) approval of an amendment to the Interconnection Agreement dated November 8, 2018 and filed with the Board on or about December 19, 2018. Rate Counsel requests acknowledgment of this electronic filing for its record.¹ For the reasons discussed below, Rate Counsel would not object to Board approval of the Amendment to the Interconnection Agreement.

CenturyLink is an Incumbent Local Exchange Carrier (“ILEC”) authorized to provide local exchange telephone services in portions of the State of New Jersey, and Peerless is a Competitive Local Exchange Carrier (“CLEC”) in the State of New Jersey. The companies operate under an Interconnection Agreement approved by the Board in Order dated March 28, 2019 under the same docket. Consistent and in accordance with Sections 251(b), (c) and 252(a) of the 1996 Act, the filing amends and updates the

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

current Interconnection Agreement to include a Carrier Partner Agreement. The Amendment provides the specific terms and conditions under which Peerless will provide interconnected VoIP-PSTN traffic, transit and switched access traffic with CenturyLink. Attachment 1 fully addresses the specific terms of the Carrier Partner Amendment which the parties executed on March 30, 2022. In reviewing such agreements the Board approval must be based on the satisfaction that the terms 1) do not discriminate against telecommunications carriers not a party to the agreement; and 2) are consistent with the public interest, convenience, and necessity pursuant to Section 252(e)(2)(A)(i) and (ii) of the 1996 Act. As part of the review in this matter Board Staff requested additional information from the Petitioners. Responses to the data requests confirm no anti-competitive impact on other carriers and confirm VoIP providers are required to comply with federal regulations governing access to 911 emergency services by end user VoIP customers during a temporary discontinuance of service traffic.²

The New Jersey State Legislature has declared that it is the policy of the State to provide diversity in the supply of telecommunications services, to promote competition, efficiency and innovation of services at competitive market-based prices.³ Therefore, Rate Counsel respectfully recommends the Board monitor incoming complaints to ensure the amended agreement does not adversely affect other telecommunications carriers, not a party to this agreement, which would jeopardize effective competitive services and safe and reliable services for customers throughout New Jersey.

Rate Counsel notes that in addition to the filing Petitioners have provided further information that supports a finding that the amended terms are in compliance with Section 252(e)(2)(A)(i) and (ii) of the

² On May 13, 2022, Petitioners provided responses to Board Staff's requests for additional information with copy to Rate Counsel for its review in this matter.

³ N.J.S.A. 48:2-21.16(a)(4) and N.J.S.A. 48:2-21.16(b)(1) and (3).

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1996 Act, and are in the public interest.⁴ Accordingly, Rate Counsel has no objection should the Board grant approval of the Amendment to the Interconnection Agreement.

Thank you for your attention to this matter.

Very truly yours,

BRIAN O. LIPMAN, ESQ.
DIRECTOR
NJ DIVISION OF RATE COUNSEL

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

MNR/td
c: Service List

⁴ On May 13, 2022, Petitioners provided responses to Board Staff's data requests concerning impact on competition and 911 emergency services for the Board's consideration in support of the interconnection amendment.