

DT 99-067

LOCAL NUMBER PORTABILITY

Implementation of §251(b) of the Telecommunications Act of 1996

Order rescinding Order No. 23,210 for Granite State Telephone Company, Inc., Merrimack County Telephone Company, Contoocook Valley Telephone Company, Inc., Wilton Telephone Company, Inc., Hollis Telephone Company, Inc., Dunbarton Telephone Company, Inc., Northland Telephone Company of Maine, Inc., Bretton Woods Telephone Company, Inc., Dixville Telephone Company, Chichester Telephone Company, Meriden Telephone Company, and Kearsarge Telephone Company

O R D E R N O. 23,290

August 23, 1999

On May 10, 1999, the New Hampshire Public Utilities Commission (Commission) issued Order No. 23,210 Nisi ordering full implementation of permanent local number portability (LNP) by incumbent and competitive local exchange carriers (ILECs and CLECs, respectively) by October 31, 1999.

On May 27, 1999, Granite State Telephone Company, Inc. (GST), Merrimack County Telephone Company, Contoocook Valley Telephone Company, Inc., Wilton Telephone Company, Inc., Hollis Telephone Company, Inc., Dunbarton Telephone Company, Inc., Northland Telephone Company of Maine, Inc., Bretton Woods Telephone Company, Inc., and Dixville Telephone Company (hereinafter GST, *et al*) filed an Objection to Order Nisi and Request for Hearing with the Commission. On the same date, May 27, 1999, Chichester Telephone Company, Meriden Telephone Company, and Kearsarge Telephone Company (the "TDS

Companies") filed Comments with the Commission.

On June 14, the Commission issued Order No. 23,233 temporarily suspending the effective date of the Order NISI No. 23,210 with respect to the above-referenced companies. The Commission further ordered that Staff conduct an investigation of the issues raised in the Comments and Objection to the Commission's order and report its findings to the Commission by July 16, 1999.

These filings raise, inter alia, issues related to the timing of the implementation of LNP and the requirements imposed by the Telecommunications Act and its subsequent implementation by the Federal Communications Commission (FCC). Specifically, the filings address the following: (1) the implications for LNP based upon the parties' status as rural telecommunications carriers, (2) cost recovery mechanisms relating to implementation of LNP, and (3) the technical feasibility of meeting the October 31, 1999 deadline.

We agree with the FCC's statement that it "is reasonable to focus initial efforts in implementing number portability in areas where competing carriers plan to enter" (GST, et al, Objection at 5). The existing FCC rules state that each ILEC must make long-term number portability available in smaller MSAs (metropolitan statistical areas as defined by the Bureau of the Census) within six months after a specific request

by another telecommunications carrier in the areas in which the requesting carrier is operating or plans to operate (GST, et al, Objection at 4). Given that no competing carrier has announced plans to operate in the territories served by the above-referenced companies, and, further, that no carrier has filed an objection to these motions, relieving these companies of the obligation to institute LNP by October 31, 1999 will not thwart the development of competition in the telecommunications industry in New Hampshire. Accordingly, we will not require GST *et al* and the TDS companies to implement LNP at this time.

Based upon the foregoing, it is hereby

ORDERED, that Order No. 23,210 is rescinded for Granite State Telephone Company, Inc., Merrimack County Telephone Company, Contoocook Valley Telephone Company, Inc., Wilton Telephone Company, Inc., Hollis Telephone Company, Inc., Dunbarton Telephone Company, Inc., Northland Telephone Company of Maine, Inc., Bretton Woods Telephone Company, Inc., Dixville Telephone Company, Chichester Telephone Company, Meriden Telephone Company, and Kearsarge Telephone Company; and it is

FURTHER ORDERED, that the existing FCC and PUC rules with respect to number portability will continue to apply to these companies, such that, if a competitive provider begins

offering service, the competitor may request of the ILEC that it become LNP capable.

By order of the Public Utilities Commission of New Hampshire this twenty-third day of August, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary