

DT 00-171

TELERA COMMUNICATIONS, INC.

**Petition for Authority to Provide
Local Telecommunications Services**

Order Nisi Granting Authorization

O R D E R N O. 23,785

September 24, 2001

On April 2, 2001, after reviewing the petition filed by Telera Communications, Inc. (Telera), the New Hampshire Public Utilities Commission (Commission) issued an Order Nisi in this docket, Order No. 23,673, granting authority to provide switched and non-switched local exchange telecommunications services. By letter dated June 14, 2001, Telera informed the Commission that, by inadvertence, Telera failed to publish Order No. 23,673 as required. This order replaces Order No. 23,673.

Pursuant to N.H. Admin. Rules Puc Chapter 1300, a petition for such authority shall be granted when the Commission finds that (1) all information listed in Puc 1304.02 has been provided to the Commission; (2) the applicant meets standards for financial resources, managerial qualifications, and technical competence; and (3) certification for the particular geographic area requested is in the public good.

The Commission Staff (Staff) reviewed Telera's petition for compliance with these standards. Staff reports that Telera has provided all the information required by Puc 1304.02 and that the information provided supports Telera's assertion of financial resources, managerial qualifications, and technical competence sufficient to meet the standards set out in Puc 1304.01(b), (e), (f), and (g). Staff further reports that adding Telera to the choices available to New Hampshire telecommunications consumers appears to be in the public interest.

Telera requests a waiver of Puc 1304.02(a)(6), which requires a petitioner to file a U.S. Geological Survey-based map of the geographical areas it intends to serve. Telera provided a sworn statement, in lieu of that requirement, averring that it will offer service in the area currently served by Verizon-New Hampshire as shown on maps on file with the Commission. Staff recommends granting the waiver.

Telera also requests a waiver of the surety bond required by Puc 1304.02(b). Telera submitted a sworn statement that it does not require either advance payment or deposits from its customers. Staff recommends granting the waiver.

We find that Telera has satisfied the requirements

of Puc 1304.01(a)(1) and (2) and, further, that authorization is in the public good. As directed by RSA 374:22-g, in finding that the public good is served, we have considered the interests of competition, fairness, economic efficiency, universal service, carrier of last resort concerns, and the incumbent's opportunity to realize reasonable returns on investment and recovery of expenses. Because Telera has satisfied the requirements of Puc 1304.01(a) we will grant the petition.

As part of its petition, Telera avers it will charge access rates no higher than Verizon-New Hampshire's present and future rates for intraLATA switched access. At any point Telera wishes to exceed the authorized Verizon's New Hampshire access rates, it will first seek Commission review. The Commission will monitor access rates as the intraLATA toll and local exchange markets develop, in order to avoid any inhibition of intraLATA toll competition in contravention of the Telecommunications Act of 1996.

As new competitors enter the telecommunications market, we recognize that New Hampshire's 603 area code encounters greater and greater demand. Accordingly, we will require that Telera request and use numbers responsibly and conservatively, and invite Telera to explore alternative

mechanisms for using numbers as efficiently as possible. As evidenced by our recent orders, we have serious concern for the maintenance and viability of the 603 area code and the North American Numbering Plan as a whole. In approving this petition, we require Telera to comply with our orders on number resource optimization, including but not limited to Order No. 23,385 (January 7, 2000), and Order No. 23,392 (January 27, 2000).

Based upon the foregoing, it is hereby

ORDERED NISI, that Telera's petition for authority to provide switched and non-switched intrastate local exchange telecommunications services is hereby GRANTED, subject to all relevant Commission rules and orders; and it is

FURTHER ORDERED, that Telera's request for waiver of the map requirements of Puc 1304.02(a)(6) is hereby GRANTED; and it is

FURTHER ORDERED, that Telera's request for waiver of the surety bond requirement of Puc 1304.02(b) is hereby GRANTED; and it is

FURTHER ORDERED, that no less than ten days prior to commencing service, the Petitioner shall file with the Commission a rate schedule including the name, description, and price of each service, in accordance with N.H. Admin.

Rules, Puc 1304.03(b); and it is

FURTHER ORDERED, that Telera is required to comply with our Order No. 23,385 issued January 7, 2000, Order No. 23,392 issued January 27, 2000, and further orders issued by the Commission concerning number conservation; and it is

FURTHER ORDERED, that the Petitioner shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation, such publication to be no later than October 4, 2001 and to be documented by affidavit filed with this office on or before October 11, 2001; it is

FURTHER ORDERED, that all persons interested in responding to this Order Nisi shall submit their comments or file a written request for a hearing on this matter before the Commission no later than October 11, 2001; and it is

FURTHER ORDERED, that this Order Nisi shall be effective October 24, 2001, unless the Commission provides otherwise in a supplemental order issued prior to the effective date.

By order of the Public Utilities Commission of New Hampshire this twenty-fourth day of September, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary