

DT 03-009

**VERIZON NEW HAMPSHIRE/QUANTUMSHIFT COMMUNICATIONS, INC.**

**Order Nisi Approving Adopted Interconnection Agreement**

**O R D E R   N O.   24,130**

**February 28, 2003**

On January 20, 2003, Verizon New England d/b/a Verizon New Hampshire (Verizon) and QuantumShift Communications, Inc., (QuantumShift) f/k/a MVX.COM Communications, Inc. jointly filed with the New Hampshire Public Utilities Commission (Commission) an Interconnection Agreement (Agreement) pursuant to section 252(i) of the Telecommunications Act of 1996, 47 U.S.C. § 252(i). The Agreement was originally negotiated and arbitrated between Sprint Communications Company, LP and Verizon Massachusetts, and became effective in Massachusetts by operation of law. The Agreement is adopted without inclusion of any terms that were arbitrated in Massachusetts.

QuantumShift was granted authority to provide competitive local exchange carrier (CLEC) services in DT 00-100 by Order No. 23,482 dated March 16, 2000 under the name MVX.COM Communications, Inc.

The Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by QuantumShift as a CLEC in New Hampshire.

Staff recommends the Agreement be approved by Nisi order allowing parties not participating in the agreement time to make comment. A comment period is appropriate as this particular interconnection agreement has not been previously considered in New Hampshire.

We have reviewed the filing and find that approval is warranted. Although the Agreement is an adoption of an agreement currently in effect, it is not effective in this state. We will therefore impose the 30 day comment period and conditions associated with other Nisi orders.

We note that QuantumShift may purchase services or unbundled elements from Verizon's Statement of Generally Available Terms (SGAT) and its subsequent revisions.

In order to promote the continued growth of competitive telecommunications services in New Hampshire, we will require QuantumShift to comply with our notice requirements regarding "Fresh Look" opportunities pursuant to Order Nos. 22,798 and 22,903. The recommended method for giving notice is to provide the Commission with a contemporaneous copy of the Confirmation of Code Activation form which is used to notify the North American Numbering Code Administrator.

As new competitors enter the telecommunications market, we recognize that New Hampshire's 603 area code encounters constantly increasing demand. Accordingly, we will require that QuantumShift request and use numbers responsibly and conservatively, and invite QuantumShift to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require QuantumShift to comply with our orders on number conservation including Order No. 23,385 issued January 7, 2000, and Order No. 23,392 issued January 27, 2000, as well as further orders issued by the Commission concerning this matter.

**Based upon the foregoing, it is hereby**

**ORDERED**, that the Interconnection Agreement between QuantumShift and Verizon New Hampshire is APPROVED as of the effective date indicated below; and it is

**FURTHER ORDERED**, that QuantumShift 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 QuantumShift is prohibited from placing any orders under this Agreement and from otherwise doing business in New Hampshire until such time as QuantumShift has complied with all requirements of applicable federal and state

law or regulation; and it is

**FURTHER ORDERED**, that QuantumShift will notify the Commission within ten days of making their first facility-based commercial call in any exchange that has not already been opened to a "Fresh Look" opportunity as ordered in Docket DE 96-420; and it is

**FURTHER ORDERED**, that any clause in the Agreement found to be in violation of any Commission order is null and void; 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 March 10, 2003 and to be documented by affidavit filed with this office on or before March 24, 2003; and it is

**FURTHER ORDERED**, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than March 17, 2003; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective March 28, 2003, unless the Petitioner fails to satisfy the publication obligation set forth above or 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-eighth day of February, 2003.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Michelle A. Caraway  
Assistant Executive Director