

DT 05-083

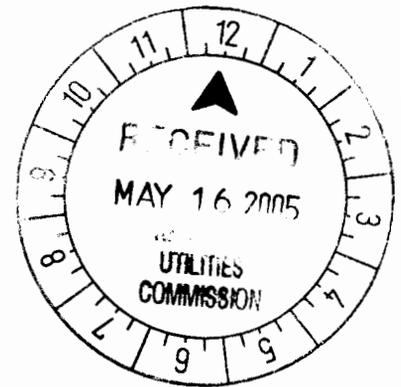


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May 9, 2005

Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 S. Fruit Street, Suite 10
Concord, NH 03301-2429



RE: NH PUC Order of Notice – DT 05-083

Dear Executive Director Howland:

Enclosed, you will find the affidavit of publication relative to the above-entitled matter. Please return the receipt copy in the attached self-addressed, stamped envelope.

Very truly yours,

A handwritten signature in cursive script that reads "Lisa M. Thorne".

Lisa M. Thorne

I hereby certify that the foregoing notice was published in The Union Leader and/or New Hampshire Sunday News, newspapers printed at Manchester, N.H., by the Union Leader Corporation on the following dates, Viz: *May 3, 2005*

(Signed) *Therese M. Landry*

UNION LEADER CORPORATION

State of New Hampshire,
Hillsborough, SS.

(Dated) *May 6, 2005*

Subscribed and sworn to by the said *THERESE M. LANDRY*

Before me,

Claudette Mitchell

Notary Public **CLAUDETTE T. MITCHELL**, Notary Public
My Commission Expires June 20, 2006

Legal Notice

THE STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION DT 05-083

ORDER OF NOTICE

The New Hampshire Public Utilities Commission (Commission) hereby gives notice that it is opening a formal investigation pursuant to RSA 365:5 in connection with certain provisions of Tariff No. NHPUC 84 of Incumbent Local Exchange Carrier (ILEC) and Regional Bell Operating Company (RBOC) Verizon NH. The provisions at issue are contained in certain tariff revisions filed by Verizon on February 22, 2005 in Docket No. DT 05-034.

Specifically, the Commission will investigate issues related to Verizon's obligation as an ILEC to provision certain unbundled network elements (UNEs) - DS1 loops, DS3 loops and dedicated high-capacity transport facilities (including dark fiber transport) - to Competitive Local Exchange Carriers (CLECs) pursuant to Section 251 of the Telecommunications Act of 1996, 47 U.S.C. 8251, and the Federal Communications Commission's Triennial Review Remand Order (TRO Remand Order), 2005 WL 289015 (F.C.C., Feb. 4, 2005). The Commission intends to conduct its investigation as an adjudicative proceeding pursuant to RSA 541-A:31 and N.H. Code Admin. Rules Part Puc 203.

The TRO Remand Order makes clear that Verizon remains obliged to provision these UNEs under section 251 at some of its wire centers but not others and requires CLECs to determine which wire centers meet specific criteria set forth in the TRO Remand Order. The TRO Remand Order provides a formula and method for how to determine which wire centers qualify with regard to newly requested services but does not provide a method of how to deal with already provisioned services other than to direct the parties to negotiate changes in their interconnections agreements. Additionally in New Hampshire, the Commission must deal with changes to the Verizon tariff as a result of the TRO Remand Order rather than just interconnection agreements. For that reason, we find a formal investigation is warranted. The purpose of the investigation is to determine which wire centers in New Hampshire are affected and what procedure the Commission should adopt for future determinations with respect to affected wire centers.

The Commission additionally reserves the right, if necessary, to determine in this proceeding whether, notwithstanding the requirements of section 251 and the TRO Remand Order, Verizon remains obliged to provision the affected UNEs at any New Hampshire wire centers by virtue of Verizon's status as an RBOC that has obtained authority under section 271 of the Telecommunications Act, 47 U.S.C. 8271, to provide

interLATA long-distance service in New Hampshire. See Order No. 24,442 (March 11, 2005) entered in Docket Nos. DT 03-201 and DT 04-176.

Based upon the foregoing, it is hereby ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.05, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 25, 2005 at 10:00 a.m., at which interested parties and the Commission Staff will provide a preliminary statement of its position with regard to the investigation and any of the issues set forth in N.H. Admin Rule Puc 203.05(c) shall be considered; and it is

FURTHER ORDERED, that Verizon NH is a mandatory party to this proceeding; and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Verizon, the Staff of the Commission and any Intervenor hold a Technical Session to review the issues in the investigation; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.01, Verizon shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than May 4, 2005, in a newspaper with statewide circulation or of general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before May 25, 2005; and it is

FURTHER ORDERED, that pursuant to N.H. Admin Rules Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Verizon and the Office of the Consumer Advocate on or before May 20, 2005, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other ~~substantial interest~~ ~~may be affected~~ by the proceeding, as required by N.H. Admin Rule Puc 203.02 and RSA 541-A:32.1(b); and it is

FURTHER ORDERED, that any party ~~objecting to~~ a Petition to Intervene make said Objection on or before May 25, 2005.

By order of the Public Utilities Commission of New Hampshire this twenty-second day of April, 2005.

Debra A. Howland
Executive Director & Secretary
Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.
(UL—May 3)