

DT 99-067

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

Order Nisi Ordering Full Implementation of
Permanent Local Number Portability by
Incumbent and Competitive Local Exchange Carriers

O R D E R N O. 23,210

May 10, 1999

Section 251(b)(2) of the Telecommunications Act of 1996 (TAct) stipulates that carriers have "the duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." In addition, New Hampshire Administrative Rule Puc 1310.01(b) states that incumbent Local Exchange Carriers (ILECs) and competitive Local Exchange Carriers (CLECs) "shall provide number portability as soon as it is technically feasible pursuant to the Telecommunications Act of 1996." The New England Telephone and Telegraph Company (Bell Atlantic) and MCI-WorldCom/Brooks and other LECs have advised the Commission that LNP is technically feasible.

In compliance with these requirements, and in response to a request from the New Hampshire Public Utilities Commission (Commission), Bell Atlantic, an ILEC, agreed to advance its commitment to implement permanent Local Number Portability (LNP) in New Hampshire from year-end 1999 to a June 30, 1999 implementation date. Bell Atlantic confirmed this agreement in a letter to the Commission dated January 8, 1999.

The implementation of permanent LNP serves the interests of New Hampshire residents by fostering competition as envisioned by the passage of the TAct. LNP will allow consumers the option of retaining their existing telephone number when switching their service between competing local service providers, thus removing an obstacle to competition by encouraging those consumers who might otherwise make a change to a new local service provider but who, for any number of economic and non-economic reasons, are unwilling to do so if it results in losing their existing phone number.

We reaffirm that the interests of competition as mandated by the TAct require that number portability become the norm in New Hampshire. Based on the representations of Bell Atlantic and MCI-WorldCom/Brooks, we find that LNP is technically feasible. We therefore direct all ILECs and CLECs to implement permanent Local Number Portability throughout their networks within a reasonable time frame. We consider October 31, 1999 to be a reasonable time and will therefore establish that date as the deadline.

Based upon the foregoing, it is hereby

ORDERED NISI, that all ILECs and CLECs in the State of New Hampshire provide for full implementation of permanent Local Number Portability by October 31, 1999; and it is

FURTHER ORDERED, that the Commission 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 May 17, 1999; and it is

FURTHER ORDERED, the Commission shall mail to each ILEC and CLEC authorized in New Hampshire a copy of this Order nisi; 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 May 27, 1999; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than June 7, 1999; and it is

FURTHER ORDERED, that this Order nisi shall be effective June 17, 1999, 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 tenth day of May, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary