

DT 01-103

REVOLUTION NETWORKS, LLC

Petition for Authority to Provide Local  
Telecommunications Services

Order Nisi Granting Authorization

O R D E R    N O.    23,749

July 30, 2001

I. INTRODUCTION AND BACKGROUND

On May 1, 2001, Revolution Networks, LLC (Revolution Networks) filed with the New Hampshire Public Utilities Commission (Commission) a petition for authority to provide switched and non-switched local exchange telecommunications services, pursuant to RSA 374:22-g.

Pursuant to New Hampshire Administrative Rule Puc Chapter 1300, an applicant's petition for certification 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.

**II. STAFF RECOMMENDATION**

The Commission Staff (Staff) has reviewed Revolution Networks' petition for compliance with these standards. Staff reports that the company has provided all of the information required by Puc 1304.02. That information supports Revolution Networks' 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). The final question is whether the certification is in the public good. Staff, evaluates this certification to be in the public good, and therefore, recommends approval of Revolution Networks as a New Hampshire CLEC.

Revolution Networks has provided a sworn statement and request for waiver of the surety bond requirement in Puc 1304.02(b) stating that they do not require advance payments or deposits of their customers. Staff recommends granting the waiver.

Revolution Networks has requested a waiver from the Commission requirement that they file a map of their proposed service area on the grounds that Revolution Networks intends to serve an area co-terminus with Verizon New Hampshire. Staff recommends that the waiver be granted.

Revolution Networks has requested a waiver of requirements that Revolution Networks maintain its financial records in conformance with the Uniform System of Accounts (USOA). As Commission rules do not specify a particular methodology of maintaining financial records, no waiver is necessary. Revolution Networks must, regardless of the methodology used, maintain the ability to report annually to the Commission its revenues earned in the state of New Hampshire.

Revolution Networks has also requested a waiver from all Commission Rules not specifically identified in PUC 1304.03(e). As that provision refers to merger requirements, Staff concludes that Revolution Networks intends to seek a waiver from Puc 1304(n). That section identifies the specific Commission rules applicable to CLECs. Therefore, no waiver is necessary.

We find that Revolution Networks has satisfied the requirements of PUC 1304.01(a)(1) and (2). In addition, we find that certification of Revolution Networks in its intended service area, Verizon's current service area, is in the public good. In making this finding, as directed by RSA 374:22-g, we have considered the interests of competition, fairness, economic efficiency, universal service, carrier of last

resort, the incumbent's opportunity to realize a reasonable return on its investment, and recovery by the incumbent of expenses incurred. This finding is further supported by the Telecommunications Act of 1996 (TAct). Because Revolution Networks has satisfied all of the requirements of PUC 1304.01(a), we will grant certification.

As part of its application, Revolution Networks agreed to abide by Verizon's present and future rates for intraLATA switched access or to charge a lower rate. If, at any point, Revolution Networks seeks to exceed Verizon's access rates it shall first contact the Staff to review the proposal. The Commission will monitor access rates as the intraLATA toll and local exchange markets develop. CLECs charging higher access rates than they, in turn, pay Verizon could inhibit intraLATA toll competition which would call into question Section 253 of the TAct.

We note that as new competitors enter the market, greater pressure is put on the 603 area code, so long as today's antiquated number assignment process remains in effect. Accordingly, we will require that Revolution Networks request and use numbers responsibly and conservatively, and to join in exploring alternative mechanisms to use existing numbers as efficiently as possible and thereby avert the need

for a new area code. By the granting of this authority, Revolution Networks is required to comply with all of 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 number resource conservation.

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

**ORDERED NISI**, that Revolution Networks' petition for authority to provide switched and non-switched intrastate local exchange telecommunications services in the service territory of Verizon, is GRANTED, subject, inter alia to the requirements of PUC 1304.03; and it is

**FURTHER ORDERED**, that Revolution Networks 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 request for waiver of the surety bond requirement per Puc 1304.02(b) is granted; and it is

**FURTHER ORDERED**, that the request for waiver of the state-specific reporting requirements is denied since revenues generated in New Hampshire must be filed with the Commission

on an annual basis as part of the New Hampshire Public Utilities Commission Annual Report;

**FURTHER ORDERED**, that Revolution Networks request for a waiver from any Commission Rule not specified in Puc 1304.03(n) is denied;

**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 August 6, 2001, and to be documented by affidavit filed with this office on or before August 13, 2001; and 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 August 16, 2001; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective August 29, 2001, unless the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

**FURTHER ORDERED**, that the Petitioner shall file, ten days prior to commencing service, a rate schedule including the name, description and price of each service, with the Commission in accordance with N.H. Admin. Rules, PUC 1304.03(b).

By order of the Public Utilities Commission of New  
Hampshire this thirtieth day of July, 2001.

---

Douglas L. Patch  
Chairman

---

Susan S. Geiger  
Commissioner

---

Nancy Brockway  
Commissioner

Attested by:

---

Thomas B. Getz  
Executive Director and Secretary