

DT 02-175

**VERIZON NEW HAMPSHIRE/KMC TELECOM III LLC, INC.**

**Order Approving Adopted Interconnection Agreement**

**O R D E R N O. 24,093**

**December 11, 2002**

On September 24, 2002, Verizon New England d/b/a Verizon New Hampshire (Verizon) and KMC Telecom III LLC Inc., (KMC III) jointly filed with the New Hampshire Public Utilities Commission (Commission) a petition for approval of an Interconnection Agreement (Agreement). The Agreement is adopted by KMC III pursuant to section 252(i) of the Telecommunications Act of 1996, 47 U.S.C. § 252(i). The Agreement was originally negotiated between Level 3 Communications, LLC and Verizon NH (Level 3 Agreement), docketed under DT 01-017 and effective by operation of law as of April 26, 2001. Dark Air Corporation, another Competitive Local Exchange Carrier, subsequently adopted the Level 3 Agreement which the Commission approved by Order No. 23,928 (March 8, 2002) in Docket DT 02-023.

KMC III is the surviving entity of a corporate reorganization which merged KMC Telecom I, Inc., KMC Telecom II, Inc., and KMC Telecom III, Inc., all wholly owned subsidiaries of KMC Telecom Holdings, Inc. The Commission approved the merger by Executive Secretarial letter dated July 20, 2001.

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

Staff recommends the Agreement go into effect immediately because it is the adoption of an agreement previously approved by Order Nisi in Docket No. DT 02-023 and no comments or request for a hearing were received in that docket.

We have reviewed the filing and find that approval is warranted. As the Agreement is an adoption of an agreement currently in effect, we will accept Staff's recommendation and allow this Agreement to be effective immediately.

We note that KMC III 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 KMC III 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 KMC III request and use numbers responsibly and conservatively, and invite KMC III to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require KMC III 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 KMC Telecom III LLC Inc. and Verizon New Hampshire is APPROVED; and it is

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

**FURTHER ORDERED,** that KMC III shall 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.

By order of the Public Utilities Commission of New Hampshire this eleventh day of December, 2002.

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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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 Debra A. Howland  
 Executive Director and Secretary