

DE 96-420

FREEDOM RING, L.L.C.

**Petition Requesting that Incumbent Local Exchange Carriers
(ILECS) Provide Customers with a Fresh Look Opportunity**

Order Nisi Eliminating Fresh Look

O R D E R N O. 24,225

October 24, 2003

The New Hampshire Public Utilities Commission (Commission) issued Order No. 22,798 in *Freedom Ring, L.L.C.*, 82 NH PUC 833 (1997) (Fresh Look Order), instituting "Fresh Look", an opportunity for certain long-term local service contract customers of incumbent local exchange carriers to terminate the contracts in order to choose a competitive carrier for local exchange service. Fresh Look applies to both special and tariffed long-term local contracts. The Fresh Look opportunity lasts for 180 days, beginning when the Commission verifies that a competitor is operational within a particular rate center identified by NXX prefixes.

By Order No. 22,877, 83 NH PUC 180 (1998), the Commission established the methodology for calculating termination charges for contracts that customers opt out of in favor of an alternative provider. Order No. 22,903, 83 NH PUC 239 (1998), clarified that Private Line service is excluded from the Fresh Look opportunity and approved the first Fresh Look opportunity in Manchester and Nashua. In Order No. 23,030, 83 NH

PUC 501 (1998), the Commission clarified that Fresh Look opportunities would be triggered only by facilities-based competition.

Staff initiated a review of Fresh Look in New Hampshire as a result of CLEC complaints regarding the reporting requirement. Staff reports that Fresh Look opportunities have been opened in twenty-one New Hampshire communities:

Order Number	Date Issued	Exchange(s)
22,903	4/17/1998	Manchester & Nashua
23,061	11/6/1998	Portsmouth
23,341	11/15/1999	Dover
23,368	12/16/1999	Concord
23,375	12/29/1999	Salem
23,404	2/7/2000	Bedford
23,411	2/28/2000	Exeter & Milford
23,438	4/3/2000	Derry
23,439	4/3/2000	Rochester
23,440	4/3/2000	Laconia & Merrimack
23,442	4/17/2000	Plaistow & Rye Beach
23,466	5/8/2000	Meredith & Tilton
23,494	5/30/2000	Hampton
23,554	9/12/2000	Suncook & Kingston
23,634	2/9/2001	Lebanon

Since 2001, no new petitions for Fresh Look have been received by the Commission. Nonetheless, according to Staff, the most recent annual reports submitted by CLECs operating in New Hampshire indicate that CLECs have facilities-based service in 72

communities. Staff's review indicates that participation in Fresh Look has been limited to five companies: New England Fiber Communications LLC d/b/a Brooks WorldCom; Freedom Ring Communications LLC d/b/a BayRing Communications; Choice One of New Hampshire, Inc.; Media One; and Lightship Telecom LLC.

Staff reports that, in an effort to engender greater participation, a Fresh Look reporting form was added to the annual report template. In response, one CLEC indicated that the reporting requirement is burdensome, particularly for those CLECs providing service using special access or UNE-P (Unbundled Network Elements - Platform) since those services do not require a CLEC to target a specific rate center for a sales drive.

Staff reports that all but six of the special contracts now in effect in New Hampshire have been signed subsequent to April, 2000. Further, according to Staff, four of the six older contracts are ineligible for Fresh Look as they affect rate centers that were already opened to Fresh Look. The remaining two are ten-year contracts for sophisticated telecommunications users with operations in several rate centers, the majority of which have already been opened to Fresh Look.

Based on its review, Staff recommends that the Commission terminate the Fresh Look opportunity and relieve CLECs from any further reporting requirements for Fresh Look. Inasmuch as the intent of the original Fresh Look order has been

substantially achieved, we find Staff's recommendation reasonable and in the public interest.

Based upon the foregoing, it is hereby

ORDERED NISI, that Fresh Look is hereby terminated; and it is

FURTHER ORDERED, that the Executive Director shall cause a copy of this Order Nisi to be published once in a statewide newspaper of general circulation or of circulation in those portions of the state where operations are conducted, such publication to be no later than November 3, 2003 and to be documented by affidavit filed with this office on or before November 17, 2003; and it is

FURTHER ORDERED, that all persons interested in responding to this order 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 November 10, 2003; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than November 17, 2003; and it is

FURTHER ORDERED, that this Order Nisi shall be effective November 24, 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-fourth day of October, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Graham J. Morrison
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary