

ENG

DE 98-188

BELL ATLANTIC/ACC NATIONAL TELECOM CORP

Order Nisi Approving Interconnection Agreement

ORDER NO. 23,095

December 21, 1998

On October 23, 1998, ACC National Telecom Corporation (ANTC) and New England Telegraph Company (Bell Atlantic) jointly filed with the New Hampshire Public Utilities Commission (Commission) a negotiated Interconnection Agreement (Agreement). The Agreement was filed for approval pursuant to section 252(e) of the Telecommunications Act of 1996 (TAct).

While most terms, conditions and pricing are similar to previously filed facility-based agreements, this agreement provides more extensive descriptive and pricing information.

The initial term of the agreement expires on December 31, 1999. Absent ninety days notice from either party, the agreement remains in effect beyond the initial term after which a ninety day notice is also required to terminate the agreement.

This Agreement provides, inter alia, for transmission/routing of exchange service traffic and exchange access traffic, transmission/termination of other types of traffic and joint network configuration. It further provides for unbundled access, resale, collocation, number portability, dialing parity, access to rights of way, access to data bases,

and directory assistance service. The parties will exchange technical and traffic information which will be kept proprietary; each party will maintain facilities within its own network and will not interfere with the other party's systems.

This Agreement is a comprehensive set of terms and conditions that will facilitate the entry of ANTC as a competitive local exchange carrier (CLEC) in New Hampshire. The parties agree to jointly engineer, plan and operate a diverse transmission system with which they will interconnect their respective networks. The Agreement specifies the designation of interconnection points, provides for a joint grooming plan, and provides for the physical interface of facilities.

The interoffice facilities are priced on an unbundled basis to allow for use with other unbundled network elements, thus creating numerous facilities-based and/or resale options to ANTC in the provisioning of exchange and exchange access services. The Agreement also includes detailed unbundling of local outside plant and central office facilities that would allow ANTC to provide digital and other high-tech services with minimal, if any, future negotiating or "grooming" of the Agreement.

Prices in this filing are virtually the same as those in previously approved non-cellular interconnection agreements

for the services/elements that are common. Staff points out that the TAct does not require that a telecommunications company sell each service/element for the same price or terms to each requesting party. A CLEC can request the entire agreement of another CLEC; an option that was not exercised in this filing.

A Statement of Generally Available Terms (SGAT) was filed by Bell Atlantic on July 11, 1997 and took effect October 20, 1997 per order 22,692 (August 25, 1997) subject to continued review pursuant to section 252(f)(4) of the TAct. This allows ANTC and other competitors to purchase services or unbundled elements that may not be covered by their interconnection agreement.

The Staff has recommended approval of the Agreement between ANTC and Bell Atlantic based on a review of the petition, the Agreement and verbal clarification provided by Bell Atlantic.

We have reviewed the filing and find it meets the standards of section 252(e)(2)(A) of the TAct for approval of a negotiated Agreement. The Agreement does not appear to be discriminatory to any carrier not a party to the negotiations and is consistent with the public interest, convenience, and necessity. We will approve it on a nisi basis in order to provide any interested party an opportunity to submit comments or request a hearing pursuant to RSA 374:26.

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

**ORDERED NISI**, that the Interconnection Agreement negotiated between ANTC and Bell Atlantic is approved; and it is

**FURTHER ORDERED**, that ANTC will 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. The recommended method of notifying the Commission is to provide a copy of the "Confirmation of Code Activation Form" which is used to notify the North American Numbering Code Administrator.

**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 December 28, 1998 and to be documented by affidavit filed with this office on or before January 4, 1999; 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 January 18, 1999; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective January 20, 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 twenty-first day of December, 1998.



Douglas L. Patch  
Chairman

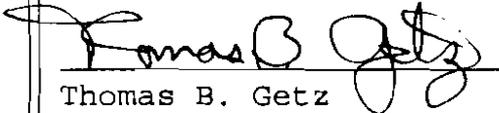


Susan S. Geiger  
Commissioner



Nancy Brockway  
Commissioner

Attested by:



Thomas B. Getz  
Executive Director & Secretary