

Genesis of this report

On January 3, 2002, the facilitator provided the report per the schedule. While there were some issues with specific recommendations, there were many issues where the facilitator did not feel that there was enough information to make a specific recommendation. Therefore the recommendation was to open an omnibus proceeding to address these issues on a whole, rather than piece meal.

Most, if not all of the parties, wanted more specific recommendations. Therefore it was decided to see if recommendations could be crafted that as an entire package might be agreeable. These recommendations would be presented to the Commission as the modified report from the facilitator. As with the facilitator's initial report to the Commission, all parties reserve their right to present their views to the Commission on any or all of the specific recommendations contained in the facilitator's revised report.

In order to streamline the discussion process and increase the likelihood of a specific recommendation, the facilitator urged that the sequence for determining a specific recommendation for the facilitator's modified report would be as follows:

1. Commission order
2. Facilitator's original specific recommendation augmented with additional information provided by the parties in their response to the facilitator's initial report, usually as a result of additional information specifically requested in the facilitator's report. Note: If there were a facilitator's recommendation that was not consistent with prior Commission rulings, the facilitator's recommendation was amended.
3. Rulings cited by parties from other Verizon North states (formerly known as NYNEX) that have received FCC 271 approval. Usually this meant looking to Massachusetts. However, there were instances where other accommodations were made.
4. Because the purpose of this revised report was to develop specific recommendations for each issues raised by the parties, at this point the Verizon SGAT became the recommendation in the revised facilitator's report, as a result of not recommending the changes of the other parties.

While each party may offer alternatives to any or all of the specific recommendations contained in the facilitator's revised report, it is anticipated that the issues in last category may comprise the issues that will be brought before the Commission at the hearing.

Dark Fiber Issues

1. Reduction of time estimates associated with dark fiber non-recurring charges.

While the facilitator's initial report recommended the 36.12% reduction contained in the Commission's July 6th order, per the above sequence, the Commission order is the overriding reason for this reduction. Verizon-NH was asked to verify the sources of associated work papers. As a result, this reduction would apply to several more rates.

2. Eliminate capital-related cost components from dark fiber charges and set the fill factor for dark fiber at 100%

The facilitator's initial report recommended that the most recent fill factor offered by Verizon-NH (80%) be accepted. Verizon provided the additional information as requested and it appears that the facilitator's understanding of the problems with the terms and conditions was incorrect. It was originally thought that Verizon-NH could petition to Commission to "take back" dark fiber already in use by a CLEC. Such is not the case. Rather, Verizon-NH can only petition the Commission prior to the CLEC actually getting to use the dark fiber. Therefore, no change is recommended in terms and conditions of the SGAT in this area.

3. Eliminated the proposed unusable dark fiber charge

The facilitator's original recommendation was to reduce the unusable dark fiber charge to \$0.00. Per the above sequence, there is no change in this recommendation.

4. Dark Fiber Nonrecurring:

4a. Reduce dark fiber service order charges

Per the sequence articulated above, the result is to recommend the rates for this element to the current Massachusetts rates. The Joint CLECs/OCA indicated that the Massachusetts rates would result in a 2/3 reduction in the proposed rates.

4b. Bill in tenths of a mile increments for dark fiber

The facilitator's initial report recommended no adjustment.

4c. Develop an appropriate cost for fiber layout maps

The facilitator's initial report recommended that the charges for fiber layout maps not be modified as suggested by the Joint CLECs/OCA. Based on further information, it is recommended there be a 3-month window where there would be no charge for a field survey under the following specific circumstance. The record review ordered by the CLEC indicated that there was fiber available, the field survey indicated that there was no fiber available and the unavailability of that "available" fiber per the record review was not due to use of that "available" fiber by other telecommunications carriers, e.g., CLECs and Verizon-NH. The purpose is to not charge for a field survey needlessly ordered because of an erroneous record review, as opposed to changed circumstances due to normal on-going activities.

4d. Availability of planners

Per the sequence articulated above, there is no change recommended in the Verizon-NH procedures in this regard.

4e. Make fiber jumper cable charges more cost-based

The facilitator's initial report recommended that the EF&I factor for a Smart Jack should be used.

5. Dark fiber request process

5a. Provide dark fiber information in 15 days and provide the full information required by Commission order in Verizon's initial response to the request for dark fiber

The facilitator's initial report along with clarifying, further discussion recommended that initial availability information be provided within 15 business days and that the full information as specified by the Commission be provided within 30 business days.

5b. Even if the CLEC checks Verizon's proposed box on the dark fiber request form, it should still be informed which segments have fiber available, and which do not, at no extra charge

Per the facilitator's initial report, it is recommended that if "no facilities are available", Verizon-NH will indicate the first route with "no available facilities" (the one triggering the "no facilities available" response) will be identified as a part of the initial availability. The additional information on alternate routes is required per Commission orders and has already been approved with a charge included.

6. Dark Fiber: Reservation Policies for fiber use

Further discussion indicated that this issue has already been addressed in previous Commission orders. Therefore, the previous Commission orders form the basis of the recommendation.

7. Provide access to dark fiber at all technically-feasible points

7a. Additional splice points

Further discussion indicated that this issue has already been addressed in previous Commission orders involving access points. Therefore, the previous Commission orders form the basis of the recommendation.

7b. Parallel processing

At this time, Verizon is conducting a parallel processing trial in Pennsylvania. The recommendation is that based on a favorable outcome of this trial, parallel processing will be rolled out in New Hampshire in a reasonable time frame.

8. Provide repair of dark fiber at parity to the repair that Verizon provides for its own fibers

8a. Parity

The recommendation is that the commitment that Verizon made in Massachusetts regarding its commitment to use the same methods, procedures, and practices to maintain CLEC fibers as it does for its fibers in the same sheath be adopted.

8b. Costs

The additional information requested in the facilitator's initial report, indicated that the original premise that Verizon-NH is not providing repairs at parity has been resolved in the previous assertion. Therefore the logic underlying the facilitator's report does not apply. The analysis is moot.

8c. Degraded fiber

Further information indicated that Verizon does not make repairs on individual strands in a fiber ribbon. Therefore if an entire ribbon degrades, maintenance will be performed on all of the strands in the ribbon, regardless of who uses the individual strands. Therefore the recommendation is that no changes are required.

9. Dark Fiber availability; consideration of dark fiber in fiber augments

Despite further discussion, there was no common ground. Therefore the recommendation is that the parties make their positions known to the Commission at the time of the hearing.

10. Tailor Engineer, Furnish and Install Factor to reflect line sharing arrangements

Per the facilitator's initial report, the EF&I factor utilized in the Smart Jack study would be more appropriate

11. Line Sharing Option A - Reduce Line Sharing Administration and Support Cost

Based on the supplemental information, it is recommended that no specific adjustment is needed.

12. Line Sharing Option C: Reduce Line Sharing Administration and Support Cost

Based on the supplemental information, it is recommended that no specific adjustment is needed.

13. Adjust Splitter Installation Charge to reflect nature of task actually performed

Based on further information, it is recommended that no specific adjustment is needed.

14. Revise the Application Augment Fee and Engineering and Implementation Fee to reflect simpler tasks involved with line sharing

While the parties may require further investigation, the recommendation is to adopt the Massachusetts fee and follow the Massachusetts rules.

15. Require each party to bear its own costs in regard to Cooperative Testing

Based on further discussion and the application of the sequence articulated above, the charges currently in place in Massachusetts are recommended.

16. Apply a \$0 charge for loop qualification or if a loop qualification charge is permitted, it should only be a charge for providing CLECs with electronic read-only access to applicable Verizon databases

16a. NRC Mechanized loop qualification

It is recommended that a rate of \$0.61 be charged.

16b. Manual loop qualification

16b1. Manual Loop Qualification and Engineering Query Charge

A rate of \$72.37, which came from the rate approved in the Rhode Island SGAT, is recommended. In addition, Verizon-NH indicated that all of central offices in New Hampshire have been enabled to accommodate mechanized loop qualification. In addition the staff has agreed to be available to the CLECs if unwarranted manual loop qualifications become a problem for the CLECs. It is anticipated that the results of a staff investigation may require Commission attention.

16b2. Engineering Query

The Verizon-NH rate revised for the labor hour adjustment is recommended. This revised rate is approximately \$105.22.

17. Establish \$0 charge for loop conditioning or alternatively, if any loop conditioning charge is allowed, it should be assessed on recurring basis and reflect efficient work practices and conditioning of multiple loops at a time

The facilitator's initial report recommended that there be a three-year phase-out period, with a 25% reduction the first year, 50% reduction the second year, 75% reduction the third year, and no charge at the end of the third year, each year to begin on January 1. Per the sequence articulated above, this is also the recommendation in this report.

17a. Removal of load coils

The starting rates will be reduced by the 36.12% adjustment for the labor time as previously recommended.

17b. Removal of bridged taps

The starting rates will be reduced by the 36.12% adjustment for the labor time as previously recommended.

17c. Multiple removals

Based on further discussion and per the decision sequence articulated above, Verizon-NH's policy regarding multiple removals is recommended.

18. Subloop unbundling

18a. Recurring

The recommendation in the facilitator's initial report was that no adjustment be made. Per the sequence articulated above, this is also the recommendation in this report.

18b. Non-recurring

The recommendation in the facilitator's initial report was to apply the labor hour adjustment previously ordered by the Commission. Per the sequence articulated above, this is also the recommendation in this report.

19. Set a 30 day provisioning interval for special access to EEL conversions and require Verizon-NH to bill at UNE rates at the end of the 30 day provisioning interval regardless of whether the conversion has taken place.

Further information indicates that the process in Massachusetts should be ready during the 1st quarter 2002. The recommendation continues to be that this process be made available in New Hampshire at that time.

20. Allow CLECs to order all EEL components in a single service order and require Verizon to refrain from billing until all elements are provisioned

Based on the further information requested and further discussion, it is recommended that to the extent that Verizon-NH voluntarily provides individual EEL components, Verizon-NH will file an SGAT with terms and conditions subject to Commission approval. The service list for this docket will be included in the Verizon-NH filing with the Commission.

21. Exempt CLECs from termination liability for special access to EEL conversions

Based on further information and discussion, it is recommended that there be an effective conversion for billing purposes between the 91st day (earliest order date) and the next billing period, even if retroactive billing adjustment is needed.

22. Eliminate the proposed EEL Link Test Charge

Per the sequence articulated above, the Massachusetts deaveraged rates for this charge are recommended.

23. UNE-P Recurring

Per the sequence articulated above, no adjustment is recommended since this issue has been addressed in prior Commission rulings.

24. Create uniform nonrecurring charges for new and migration UNE-P orders

Per the sequence articulated above, no adjustment is recommended since this issue has been addressed in prior Commission rulings.

25. Recover field installation costs as a recurring cost

Per the sequence articulated above, no adjustment is recommended since this issue has been addressed in prior Commission rulings.

26. Correct its invalid modeling assumptions as they pertain to the UNE-P

Per the sequence articulated above, no adjustment is recommended since this issue has been addressed in prior Commission rulings.

27. Remove all penalties related to overdrawing of collocation power

Further discussion indicated that this is not a UNE remand issue (*expecting other confirmation on Tuesday*) and is currently being addressed in other Commission dockets. Therefore it is recommended that no action be taken in this docket.

28. Reduce all of its final UNE rates by a further 6.43% to reflect merger savings

The merger savings issue (NYNEX/Bell Atlantic) was discussed in a prior docket. Per the sequence articulated above, since the Commission considered this issue as a part

of a previous docket, the results of that docket prevail and no adjustment is recommended.

29. Base its UNE rates on a cost of capital of 8.8%

Cost of capital was addressed in a prior Commission order. Per the sequence articulated above, since the Commission considered this issue as a part of a previous docket, the results of that docket prevail and no adjustment is recommended.