

**EXHIBIT B**

**NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION  
ORDER NO. 23,088  
DECEMBER 15, 1998**

DE 98-208

## MEDIAONE TELECOMMUNICATIONS OF NEW HAMPSHIRE INC

Petition for Authority to Provide  
Local Telecommunications Services

Order Nisi Granting Authorization

O R D E R N O. 23,088

December 15, 1998

On December 2, 1998, MediaOne Telecommunications of New Hampshire Inc. (MTNH) 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 the policy goals set by the New Hampshire Legislature in RSA 374:22-g, effective July 23, 1995.

The Legislature directed the Commission to adopt rules on or before December 31, 1996, to enforce the provisions of RSA 374:22-g. Effective December 4, 1996, the Commission adopted N.H. Admin. Rules, Puc Chapter 1300 which governs the petition of applicants to become competitive local exchange carriers (CLECs).

Pursuant to 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.

The Commission Staff (Staff) has reviewed MTNH's petition for compliance with these standards. Staff reports that the company has provided all the information required by Puc 1304.02. The information provided supports MTNH's 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). Staff, therefore, recommends approval of MTNH as a New Hampshire CLEC.

We find that MTNH has satisfied the requirements of Puc 1304.01(a)(1) and (2). In addition, we find that certification of MTNH in its intended service area, Bell Atlantic's current service area, is in the public good, thus meeting the requirement of Puc 1304.01(a)(3). 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 MTNH has satisfied the requirements of Puc 1304.01(a), we will grant certification.

As part of its application, MTNH agreed to abide by Bell Atlantic's present and future rates for intraLATA switched access or to charge a lower rate. If, at any point, MTNH seeks

to exceed Bell Atlantic'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 Bell Atlantic could inhibit intraLATA toll competition which would call into question Section 253 of the TAct.

Based upon the foregoing, it is hereby

ORDERED NISI, that MTNH's petition for authority to provide switched and non-switched intrastate local exchange telecommunications services in the service territory of Bell Atlantic, is GRANTED, subject, inter alia to the requirements of Puc 1304.03; and it is

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 22, 1998 and to be documented by affidavit filed with this office on or before December 29, 1998; 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 January 5, 1999; and it is

FURTHER ORDERED, that any party interested in responding to such comments or request for hearing shall do so no later than January 12, 1999; and it is

FURTHER ORDERED, that this Order Nisi shall be effective January 14, 1999, 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 fifteenth day of December, 1998.

Douglas L. Patch  
Chairman

Susan S. Geiger  
Commissioner

Nancy Brockway  
Commissioner

Attested by:

Thomas B. Getz  
Executive Director & Secretary