

# STATE OF NEW HAMPSHIRE

## Inter-Department Communication

**DATE:** July 13, 2010

**AT (OFFICE):** NHPUC

**FROM:** Jennifer Ducharme, Utility Analyst 

**SUBJECT:** NH PUC Docket No. DT 10-143  
NextGen Communications, Inc., Application for CLEC Certification

**TO:** Executive Director  
Kate Bailey, Division Director- Telecommunications

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### Recommendation

Staff has completed its review of the above filing. Analysis of the Company's application demonstrates that NextGen Communications Inc., (NextGen), has not met the definition of a public utility defined by RSA 362:2.

### Background

On June 11, 2010, NextGen filed a petition for authority to provide competitive local exchange service in New Hampshire. NextGen included a description of their service offerings which included, VoIP positioning center services and E911 data, location and routing services.

Staff has determined that NextGen's service offerings are not retail telecommunications services and do not meet the necessary elements of public utility operations as defined by RSA 362:2, as previously interpreted, because it will not offer a telecommunication service directly "for the public." Accordingly, NextGen does not qualify for CLEC certification.

Staff recommends that NextGen be informed that it does not need CLEC status in New Hampshire to provide VoIP positioning center services and E911 data, location and routing services. NextGen should also be informed that although it will not be authorized as a CLEC in New Hampshire, it does not alter the duty of the incumbent local exchange carrier under state and federal law to interconnect with a telecommunications carrier, and to negotiate in good faith the terms and conditions of interconnection necessary to provide telecommunications services in the State.

