

DT 99-083

BELL ATLANTIC - NEW HAMPSHIRE

Petition to Introduce Tariff #80

**Order Suspending Tariff, Initiating Investigation and Setting
Date for Prehearing Conference**

O R D E R N O. 23,237

June 21, 1999

On May 28, 1999, Bell Atlantic - New Hampshire (Bell Atlantic) filed with the New Hampshire Public Utilities Commission (Commission) Tariff #80. This tariff proposes to make available to Competitive Local Exchange Carriers (CLECs) additional collocation arrangements. In addition to physical and virtual collocation arrangements, which were included in Bell Atlantic's Statement of Generally Available Terms (SGAT) and are currently under deliberation, Bell Atlantic proposes to introduce new terms and conditions for the following additional collocation arrangements:

1. Microwave Collocation.
2. Interconnection between Collocated Spaces.
3. Secured Collocation Cageless Open Physical Environment (SCOPE).
4. Shared Cages.
5. Cageless Collocation Open Environment (CCOE).
6. Adjacent Structures.

Along with the tariff pages, Bell Atlantic filed cost study details in support of the filing. Prefiled direct testimony was not included with the filing.

According to Bell Atlantic, the proposed filing is in

compliance with the Federal Communications Commission's (FCC) First Report and Order in CC Docket No. 98-147 regarding *Deployment of Wireline Services Offering Advanced Telecommunications Capability* (FCC 99-48 released March 31, 1999). The proposed tariff incorporates the existing SGAT collocation arrangements as well as the above-captioned arrangements. Bell Atlantic has chosen to file a Collocation tariff rather than supplement the existing collocation sections of the SGAT due to concerns that such a supplemental filing would delay or complicate that proceeding. Therefore, Bell Atlantic requests the Commission to issue its Order in that proceeding without further delay. Bell Atlantic will incorporate any revisions in the SGAT to comply with the Commission's Order and will also incorporate such revisions in the proposed Tariff #80. Upon approval of the proposed tariff, Bell Atlantic proposes to eliminate collocation provisions in the SGAT, incorporate the existing SGAT collocation provisions in the proposed tariff or, in the alternative, incorporate all other sections of the SGAT into the proposed tariff, eliminating the need for an SGAT.

Staff has reviewed the proposed filing and has identified several concerns. Specifically, Staff is concerned the proposed rates for the new collocation arrangements do not comply with the Total Element Long Run Incremental Cost (TELRIC) standard adopted in the SGAT proceeding and by the FCC. Because

the proposed collocation prices may not be in compliance with the TELRIC standard, Staff is also concerned the proposed filing will constrain the development of competitive telecommunication markets in New Hampshire.

The filing raises, inter alia, issues related to the appropriate pricing and availability of various forms of CLEC collocation arrangements, and whether and how the development of competitive telecommunications markets in New Hampshire is advanced. Based on our review of the filing and Staff's recommendation, we will suspend the proposed filing pursuant to RSA 378:6 and direct Staff to conduct an investigation. In addition, we shall set a date for a Prehearing conference to establish a procedural schedule and hear the positions of the parties. We anticipate Staff, Bell Atlantic and other intervenors will propose a procedural schedule for consideration at the Prehearing conference.

Based upon the foregoing, it is hereby

ORDERED, that, pursuant to RSA 378:6, Bell Atlantic - New Hampshire's proposed filing is suspended, and it is

Further ORDERED, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.05, be held before the Commission located at 8 Old Suncook Road, Concord, New Hampshire on July 8, 1999, at 10:00 a.m., at which each party will provide a preliminary statement of its position with regard to the petition

and any of the issues set forth in N.H. Admin Rule Puc 203.05(c) shall be considered; and it is

FURTHER ORDERED, that the Prehearing Conference may be tape recorded unless a party, at least 5 days in advance of the Prehearing Conference, requests a transcript, in which case the Commission shall order a stenographic record, pursuant to N.H. Admin. Rule Puc 203.05(d); and it is

FURTHER ORDERED, that, immediately following the Prehearing Conference, Bell Atlantic, the Staff of the Commission and any Intervenors hold a Technical Session to review the petition and allow Bell Atlantic to provide any amendments or updates to its filing; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.01, Bell Atlantic shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than June 25, 1999, in a newspaper with statewide circulation or of general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before July 8, 1999; and it is

FURTHER ORDERED, that pursuant to N.H. Admin. Rules Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Bell Atlantic and the

Office of the Consumer Advocate on or before July 5, 1999, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interests may be affected by the proceeding, as required by N.H. Admin. Rule Puc 203.02 and RSA 541-A:32,I(b); and it is

FURTHER ORDERED, that any party objecting to a Petition to Intervene make said Objection on or before July 8, 1999.

By order of the Public Utilities Commission of New Hampshire this twenty-first day of June, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary