

DT 99-098

BELL ATLANTIC/xDSL NETWORKS, INC.

Order Nisi Approving Interconnection Agreement

O R D E R N O. 23,265

July 26, 1999

On July 8, 1999, New England Telephone and Telegraph Company (Bell Atlantic) and xDSL Networks, Inc. (xDSL) 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).

The agreement filed adopts the terms and conditions of the interconnection agreement between Bell Atlantic and DEICA Communications, Inc. (Covad) which was approved by Commission Order No. 23,128 dated February 1, 1999. The initial term of the agreement expires on March 15, 2001. Absent sixty days notice from either party, the agreement remains in effect beyond the initial term after which a ninety day notice is 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 xDSL 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 xDSL 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 xDSL to provide digital and other high-tech services with minimal 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 as demonstrated by 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 xDSL 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 xDSL 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.

We note that as new competitors enter the market, greater pressure is put on the 603 area code, so long as today's antiquated number assignment process remains in effect. Accordingly, we would urge xDSL to request and use numbers responsibly and conservatively, and to join in exploring

alternative mechanisms to use existing numbers as efficiently as possible and thereby avert the need for a new area code.

Based upon the foregoing, it is hereby

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

FURTHER ORDERED, that xDSL 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 August 2, 1999 and to be documented by affidavit filed with this office on or before August 9, 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 August 12, 1999; and it is

FURTHER ORDERED, that this Order Nisi shall be effective August 23, 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-sixth day of July, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary