

DT 99-142

BELL ATLANTIC/ESSENTIAL.COM, INC.

Order Nisi Approving Resale Agreement

O R D E R N O. 23,337

November 8, 1999

On September 27, 1999, New England Telephone and Telegraph Company (Bell Atlantic) and Essential.Com, Inc. (Essential.Com) filed with the New Hampshire Public Utilities Commission (Commission) a Resale Agreement (Agreement) negotiated pursuant to Section 252(e) of the Telecommunications Act of 1996 (TAct).

This Agreement establishes terms for the discount purchase of Bell Atlantic telecommunications services for resale by Essential.Com to retail customers. Business and residence services are provided to Essential.Com at a mutually agreed upon percentage discount from the Bell Atlantic tariff rates. Service establishment charges and other charges related to providing service are expressed in dollar amounts.

Discounts in this filing range from 17.30% to 20.25% from retail and are the same as the Statement of Generally Available Terms (SGAT) filed by Bell Atlantic on July 11, 1997.

All other pricing is consistent with the current SGAT which includes revisions filed with the Commission on December 22, 1997. Per Order No. 22,692 (August 25, 1997), the SGAT took effect on October 20, 1997 subject to continued review and

approval by the Commission. If the Commission orders changes in SGAT pricing or discount levels within six months of the effective date of the Agreement a true-up will occur for all services previously purchased through the Agreement.

Bell Atlantic will provide training to Essential.Com regarding all services requested as well as reasonable amounts of information to assist marketing efforts.

Staff recommends approval of this negotiated Agreement based on its review, the summary provided by Bell Atlantic, and verbal clarification provided by Bell Atlantic.

We accept Staff's recommendation, finding that the Agreement meets the standards of §252(e)(2)(A) of the TAct for approval. 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.

Based upon the foregoing, it is hereby

ORDERED NISI, that the Agreement negotiated between Bell Atlantic and Essential.Com is approved; 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

November 15, 1999 and to be documented by affidavit filed with this office on or before November 22, 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 November 29, 1999; and it is

FURTHER ORDERED, that this Order Nisi shall be effective December 9, 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 eighth day of November, 1999.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Claire D. DiCicco
Assistant Secretary