

DT 99-151

**MVX.COM COMMUNICATIONS, INC.**

**Petition for Authority to Provide  
Local Telecommunications Services**

**Order Nisi Granting Authorization**

**O R D E R    N O.    23,391**

**January 20, 2000**

On December 7, 1999, after reviewing the petition filed by MVX.COM Communications, Inc. (MVX.COM), the New Hampshire Public Utilities Commission (Commission) issued an Order Nisi in this docket, Order No. 23,364, granting authority to provide switched and non-switched local exchange telecommunications services. By letter dated January 13, 2000, MVX.COM informed the Commission that, by inadvertence, MVX.COM failed to publish Order No. 23,364 as required. This order replaces Order No. 23,364.

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 MVX.COM'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 MVX.COM'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 MVX.COM as a New Hampshire CLEC.

MVX.COM has provided a sworn statement and request for waiver of the surety bond requirement in Puc 1304.02(b) stating that they do not require advance payments or deposits of their customers. Staff recommends granting the waiver.

We find that MVX.COM has satisfied the requirements of Puc 1304.01(a)(1) and (2). In addition, we find that certification of MVX.COM 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 MVX.COM has satisfied the requirements of Puc 1304.01(a), we will grant certification.

As part of its application, MVX.COM 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, MVX.COM 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.

As new competitors entered the telecommunications market, our concern about the greater demands put on numbering resources, particularly the 603 area code, prompted us to seek additional authority from the FCC to mandate number conservation measures. The FCC granted our petition on November 30, 1999, Order DA-2634 in CC Docket No. 96-98; by our Order No. 23,385, we exercised our additional authority. We established number assignment standards and a process for reclaiming unused and reserved NXX codes and thousands blocks, and we gave notice that a thousands block number pooling trial will commence May 1, 2000. MVX.COM is subject to the number conservation measures and reporting requirements delineated in Order No. 23,385.

**Based upon the foregoing, it is hereby**

**ORDERED NISI, that MVX.COM'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 Order No. 23,385; and it is

**FURTHER ORDERED,** that request for waiver of the surety bond requirement per Puc 1304.02(b) is granted; 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 January 28, 2000 and to be documented by affidavit filed with this office on or before February 4, 2000; 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 February 9, 2000; and it is

**FURTHER ORDERED,** that this Order Nisi shall be effective February 21, 2000, 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 20th day of January, 2000.

---

Douglas L. Patch  
Chairman

---

Susan S. Geiger  
Commissioner

---

Nancy Brockway  
Commissioner

Attested by:

---

Thomas B. Getz  
Executive Director and Secretary