

DT 99-020

**INVESTIGATION OF THE CONGESTION ON THE PUBLIC  
SWITCHED TELEPHONE NETWORK**

**Order Establishing Revised Procedural Order**

**O R D E R    N O.    23,395**

**February 2, 2000**

The New Hampshire Public Utilities Commission (Commission) initiated this docket, in February 1999, to investigate congestion on the public switched telephone network (PSTN) which has sometimes caused customers to receive delayed dial tone and, in some cases, no dial tone at all (fast busy signals). The Commission, which made all incumbent local exchange carriers mandatory parties to the docket, determined that a number of potential solutions should be considered. Potential solutions include, but are not limited to, prohibition of Internet Service Provider (ISP) traffic on the line side of the switch, development of a tariff designed to encourage customers that are ISPs to purchase service provisioned from the trunk side of the switch, and requiring that ISPs disconnect customers who have not actively used the connection for a specified period of minutes.

The Commission scheduled a prehearing conference and notified all known ISPs, the Emergency Communications Bureau, the Office of Emergency Management, and various

telecommunications providers. After the prehearing conference, the Commission issued a procedural schedule in Order No. 23,185. Pursuant to that order, the Parties to this docket and the Commission Staff attempted to identify and resolve the issues via a collaborative effort. The Parties include the New Hampshire Internet Service Providers Association (NHISPA), New England Telegraph and Telephone, Inc. d/b/a Bell Atlantic-New Hampshire (Bell Atlantic), Bretton Woods Telephone Company, Inc., Chichester Telephone Company, Contoocook Valley Telephone Company, Dixville Telephone Company, Dunbarton Telephone Company, Inc., Granite State Telephone, Inc., Northland Telephone Company, Hollis Telephone Company, Inc., Kearsarge Telephone Company, Meriden Telephone Company, Merrimack County Telephone Company, Union Telephone Company, Wilton Telephone Company, Inc., MCI Worldcom, Bay Ring Communications, Global NAPS ValleyNet, Inc., MonadNet Corp., FCG Networks, MV Communications, Destek Networking Group, John Leslie Consulting, Metro 2000, Inc., Digital Entropy, North Country Internet Access, Vitts Networks, Sugar River Valley Online, and the Office of the Consumer Advocate (OCA). The Parties and Staff exchanged data requests and responses and participated in technical sessions held on March 29, April 13, May 14, May 18, June 3, July 1,

August 3, September 3, 1999, and November 19, 1999. By June the participants decided on a matrix of items that should be addressed in order to relieve congestion on the PSTN. Despite good faith efforts, however, the participants reached no final agreement.

Accordingly, at the final technical session on November 19, 1999, the participants decided that a formal adjudicative process is required. By agreement, on November 30, 1999, Bell Atlantic filed a summary of the network relief actions taken and planned since the inception of the proceeding. Bell Atlantic recited its plans to migrate data traffic from the circuit-switched PSTN to a fast-packet data network, and further indicated that it will endeavor to: monitor the switch and network performance of the PSTN, to increase the capacity of the line-side network, to offer ISP services designed to encourage migration to the trunk-side network, and to transport aggregated traffic originated on the PSTN. Also included as part of the Bell Atlantic filing is the proposed stipulation that was being discussed among the parties.

Subsequent to the Bell Atlantic filing, and also by agreement, on December 23, 1999, the NHISPA filed a position paper summarizing its analysis of the situation and proposed

stipulation and requesting specific further relief. The NHISPA requests that the Commission collect additional data regarding different customer classes' utilization of the PSTN. The NHISPA also requests that the Commission order Bell Atlantic (1) to offer ISPs with heavy line-side use a cheaper and more efficient alternative, so called "dry copper", that by-passes technology that is inappropriate for data transmission, e.g. load coils used to improve speech quality; (2) to make dry copper available as a tariffed service to ISPs; (3) to waive termination fees for ISPs that relocate from the line-side to the trunk-side, whether or not the relocation takes the ISP to a different LEC; and (4) to provide cost-based access to Bell Atlantic fiber without delay.

The work of the Parties and Staff has established the parameters of this important issue of network congestion and has provided us with a substantial amount of background, particularly by providing the proposed stipulation and identifying particular disagreements over what is necessary to relieve congestion on the PSTN. Apparently proceeding to the formal hearing process is unavoidable but the collaborative efforts of all will provide depth to our deliberative process. Despite the comments filed by parties thus far, formal

testimony shall be submitted in support of the parties' respective positions, consistent with the provisions of our rules, Puc Chapter 200, as follows:

Written Suggestions on how to obtain data from entities not under PUC jurisdiction and not parties to this docket	February 10, 2000	
NHISPA Testimony	February 10, 2000	
Data Requests	February 23, 2000	
Data Responses	March 7, 2000	
Other Parties and Staff Testimony	March 20, 2000	
Data Requests	March 28, 2000	
Data Responses	April 11, 2000	
Settlement Discussions, if feasible	April 14, 2000	
Hearings	April 18, 2000	10 a.m.
	April 19, 2000	10 a.m.

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

**ORDERED**, that the Procedural Schedule in this docket is revised as outlined above.

By order of the Public Utilities Commission of New  
Hampshire this second day of February, 2000.

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Douglas L. Patch  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Thomas B. Getz  
Executive Director and Secretary