

DT 99-155

**ONESTAR LONG DISTANCE, INC.**

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

**Order Nisi Granting Authorization**

**O R D E R    N O.    23,397**

**February 3, 2000**

On October 21, 1999, OneStar Long Distance, (OneStar) filed with the New Hampshire Public Utilities Commission (Commission) a petition for authority to provide switched and non-switched local exchange telecommunications services, pursuant to the policy goals set by the New Hampshire Legislature in RSA 374:22-g, effective July 23, 1995.

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 OneStar'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 OneStar'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 OneStar as a New Hampshire CLEC.

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

As part of its application, OneStar 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, OneStar 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.

We note that as new competitors enter the market, greater pressure is put on the 603 area code. We urge OneStar to request and use numbers responsibly and conservatively. Furthermore, we point out that in response to our petition, by its November 30, 1999 Order DA-2634 in Cc Docket No. 96-98, the FCC delegated to us additional authority to implement various area code conservation measures. The additional authority includes reclaiming unused and reserved NXX codes and setting numbering allocation standards. Therefore, we put OneStar on notice that we may order it and other CLECs to fulfill specific numbering conservation requirements.

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

**ORDERED NISI**, that OneStar'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 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 request for waiver of the Uniform System of Accounts financial records is unnecessary since the Commission only requires that the accounts be maintained in accordance with Generally Accepted Accounting Principles, however revenues generated in New Hampshire must be filed with the Commission on an annual basis as part of the New Hampshire Public Utilities Commission Annual Report; 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 February 10, 2000 and to be documented by affidavit filed with this office on or before February 21, 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 21, 2000; and it is

**FURTHER ORDERED,** that this Order Nisi shall be effective March 3, 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 third 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