DE 96-420

FREEDOM RING, L.L.C.

Petition Requesting that Incumbent LECs Provide Customers with a Fresh Look Opportunity

Order Opening a Fresh Look Opportunity in Rochester

O R D E R N O. 23,439

April 3, 2000

Order No. 22,798 (December 8, 1997) in this docket granted long-term contract customers of New England Telephone and Telegraph Company d/b/a Bell Atlantic-New Hampshire (Bell Atlantic) a 180-day Fresh Look opportunity beginning on the date that the New Hampshire Public Utilities Commission (Commission) verifies that a competitor is operational within a given exchange identified by central office codes. A Fresh Look opportunity provides for a lower contract termination charge to the Bell Atlantic customer than would normally be required under the contract agreement thus improving the customer's ability to seek competitive alternatives.

By Order No. 23,030 (October 5, 1998), the Commission clarified Order No. 22,798 "to indicate that only the presence of facility-based competitive local exchange carriers (CLECs), not the existence of operational resellers within a particular geographical area, triggers the Fresh Look window". Order No. 22,798 was further clarified by the Commission in Order No. 23,368 (December 16, 1999) “to indicate that only the completion of a commercial call from a non-residential customer triggers the Fresh Look window”.

On March 3, 2000, Choice One of New Hampshire, Inc. (Choice One) notified the Commission that it is providing commercial local exchange service in the Bell Atlantic Rochester exchange. This order verifies that Choice One, a facility-based CLEC, is operational within the Rochester exchange. Accordingly, for the Rochester Exchange a Fresh Look opportunity as described in Order No. 22,798 begins on the date this order issues and ends at midnight on September 30, 2000. The relevant Rochester central office codes are: 330, 332, 335 and 337.

Staff has recommended that we require Bell Atlantic to notify customers with contracts in Rochester about the Fresh Look opportunity via direct mail rather than a bill insert. According to Staff, bill inserts have caused some customer confusion in the past and have been unnoticed by other customers. We will require Bell Atlantic to notify all long-term contract customers in the Rochester exchange, excluding all other customers, about Fresh Look via a direct mailing containing language formerly approved by the Commission for use in bill inserts on this subject.

Customers having telephone numbers beginning with any of the NXX prefixes listed above may, during the 180 day

Fresh Look opportunity, terminate long-term special contracts and tariff contracts pursuant to our Order No. 22,798. By that order, we excluded long-term intraLATA toll contracts from the Fresh Look opportunity because the toll market is open to competition. By Order No. 22,903, we further clarified that Private Line service is similarly excluded from the Fresh Look opportunity because Private Line service is similarly open to competition and is not a local exchange service.

In order to take advantage of a Fresh Look opportunity, a customer’s long-term contract must have two years remaining and the customer must have received a bona fide offer from a competing local exchange carrier (CLEC) to provide the services. Customers taking advantage of a Fresh Look opportunity are subject to a termination charge calculated by Bell Atlantic using the formula we described in Order No. 22,798.

A customer with a Fresh Look opportunity may request that Bell Atlantic calculate termination charges at any time. In addition, a CLEC which is acting as the customer’s agent may request that Bell Atlantic calculate the termination charge. Requests for Bell Atlantic to calculate termination charges may be either written or verbal. Bell Atlantic has arranged for verbal requests to be handled via an 800 number at 1-800-695-3230.

When customer requests are submitted along with notice of receipt of a CLEC’s bona fide offer to provide service, Bell Atlantic shall produce termination charge calculations within a maximum of 3 business days for tariff contracts and within a maximum of 5 business days for special contracts. When requests are not accompanied by notice of receipt of a CLEC’s bona fide offer to provide service, Bell Atlantic shall produce termination charge calculations within a maximum of 6 business days for tariff contracts and within a maximum of 10 business days for special contracts.

A customer shall not lose its Fresh Look opportunity simply because of a dispute arising between Bell Atlantic and the long-term contract customer, or its CLEC agent, which results in the expiration of the 180-day period prior to resolution of the dispute. A customer who tenders a request to Bell Atlantic to terminate a long-term contract, that is, submits a notice of receipt of a CLEC’s bona fide offer to provide service along with a request for termination charge calculations, within the 180-day period, shall retain eligibility for Fresh Look after the 180-day period runs.

Competing carriers which meet the four-point test we identified in Order No. 22,798 and clarified in Order No. 23,030 as constituting an operational CLEC must notify the Commission of that status in a timely manner.[1] Delay in making timely notification could cause an unjustified extension of the Fresh Look opportunity. Therefore, if unwarranted delay occurs, we may establish a Fresh Look window retroactive to a date we consider appropriate in the circumstances.

Based upon the foregoing, it is hereby

ORDERED, that a 180-day Fresh Look opportunity is open in the Rochester exchange, identified by the central office codes listed above; and it is

FURTHER ORDERED, that termination charge calculations shall be requested and provided as discussed above; and it is

FURTHER ORDERED, that Bell Atlantic notify, via direct mail, only long term contract customers in the Rochester exchange of the Fresh Look opportunity which begins

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[1]An operational competitor, according to the four-point test, has the following attributes: (1) certification as a CLEC, (2)an approved final price schedule on file with the Commission, (3) an executed, approved interconnection agreement or the ability to purchase out of another LEC's schedule for providing basic local exchange services, and (4) completion by the new entrant of its first commercial call.

on the date of this order and ends on September 30, 2000.

By order of the Public Utilities Commission of New Hampshire this third day of April, 2000.

Douglas L. Patch Chairman	Susan S. Geiger Commissioner	Nancy Brockway Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary