

DT 00-112

TOTALINK OF NEW HAMPSHIRE, LLC

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

Order Nisi Granting Authorization

O R D E R N O. 23,671

April 2, 2001

On May 17, 2000, TOTALink of New Hampshire, LLC (TOTALink) 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. On August 1, August 7, and September 15, 2000, TOTALink filed additional information in support of its petition.

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 TOTALink'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 TOTALink'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 further reports that adding TOTALink to the choices available to New Hampshire telecommunications consumers appears to be in the public interest. Staff, therefore, recommends approval of TOTALink as a New Hampshire CLEC.

TOTALink requests a waiver of Puc 1304.02(a)(6), which requires a petitioner to file a U.S. Geological Survey-based map of the geographical areas it intends to serve. TOTALink provided a sworn statement, in lieu of that requirement, averring that it will offer service in the area currently served by Verizon-New Hampshire as shown on maps on file with the Commission. Staff recommends granting the waiver.

TOTALink also requests a waiver of the surety bond required by Puc 1304.02(b). TOTALink submitted a sworn statement that it does not require either advance payment or deposits from its customers. Staff recommends granting the waiver.

We find that TOTALink has satisfied the requirements of Puc 1304.01(a)(1) and (2) and, further, that authorization is in the public good. As directed by RSA 374:22-g, in finding that the public good is served, we have considered the interests of competition, fairness, economic efficiency, universal service, carrier of last resort concerns, and the incumbent's opportunity to realize reasonable returns on investment and recovery of expenses. Because TOTALink has satisfied the requirements of Puc 1304.01(a) we will grant the petition.

As part of its petition, TOTALink avers it will charge access rates no higher than Verizon-New Hampshire's present and future rates for intraLATA switched access. At any point TOTALink wishes to exceed the authorized Verizon's New Hampshire access rates, it will first seek Commission review. The Commission will monitor access rates as the intraLATA toll and local exchange markets develop, in order to avoid any inhibition of intraLATA toll competition in contravention of the Telecommunications Act of 1996.

As new competitors enter the telecommunications market, we recognize that New Hampshire's 603 area code encounters greater and greater demand. Accordingly, we will require that TOTALink request and use numbers responsibly and

conservatively, and invite TOTALink to explore alternative mechanisms for using numbers as efficiently as possible. As evidenced by our recent orders, we have serious concern for the maintenance and viability of the 603 area code and the North American Numbering Plan as a whole. In approving this petition, we require TOTALink to comply with our orders on number resource optimization, including but not limited to Order No. 23,385 (January 7, 2000), and Order No. 23,392 (January 27, 2000).

Based upon the foregoing, it is hereby

ORDERED NISI, that TOTALink's petition for authority to provide switched and non-switched intrastate local exchange services is hereby GRANTED, subject to all relevant Commission rules and orders; and it is

FURTHER ORDERED, that TOTALink's request for waiver of the map requirements of Puc 1304.02(a)(6) is hereby GRANTED; and it is

FURTHER ORDERED, that TOTALink's request for waiver of the surety bond requirement of Puc 1304.02(b) is hereby GRANTED; and it is

FURTHER ORDERED, that no less than ten days prior to commencing service, the Petitioner shall file with the Commission a rate schedule including the name, description,

and price of each service, in accordance with N.H. Admin. Rules, Puc 1304.03(b); and it is

FURTHER ORDERED, that TOTALink of New Hampshire, LLC is required to comply with our Order No. 23,385 issued January 7, 2000, Order No. 23,392 issued January 27, 2000, and further orders issued by the Commission concerning number conservation; 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 April 9, 2001 and to be documented by affidavit filed with this office on or before April 16, 2001; 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 April 19, 2001; and it is

FURTHER ORDERED, that this Order Nisi shall be effective May 2, 2001, 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 second day of April, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary