

DT 01-076

VERIZON-NEW HAMPSHIRE

**Tariff filing to Introduce Modifications to
the Collocation Regulations**

Order Opening Investigation

O R D E R N O. 23,697

May 4, 2001

On April 6, 2001, Verizon-New Hampshire

(Verizon) filed proposed changes to its collocation tariff (Tariff No. 84). The proposed tariff modifications are as follows:

(1) that DC power be billed on a per load amp basis, i.e., on the total number of load amps ordered on all feeds, rather than on the number of fused amps. The CLEC would be permitted to specify the fuse size up to 2.5 times the load amps per feed;

(2) that, annually, each CLEC submit a notarized statement in writing, covering all completed collocation sites, stating that it is not exceeding the total ordered load specified on the collocation application;

(3) that Verizon may conduct random inspections to verify actual power load being drawn by a CLEC's collocation arrangement and that, in the event that Verizon determines that a CLEC is drawing more than the number of load amps stated on its collocation application, certain additional provisions will apply including, but not limited to, provision of written notification to the CLEC that it has exceeded its power requirement, assessment of charges for performing inspection, and the requirement that CLECs submit a non-scheduled attestation of the power being drawn at each of its remaining collocation arrangements;

(4) that CLECs will be assessed a time and materials nonrecurring charge if Verizon is required to perform any work associated with a CLEC's request for a change in power requirements; and,

(5) that, prior to June 5, 2001, the time and materials charge will be waived if the requested change only requires a fuse change.

Verizon requested that the Commission allow these revisions to go into effect on an expedited basis, specifically, on one day's notice. In support of its request for expedited treatment, Verizon pointed out that the changes will benefit CLEC collocation customers by lowering overall charges for power and that the changes are made in response to CLEC requests.

On April 24, 2001, Sprint Communications (Sprint) filed comments regarding the proposed tariff. In its comments, Sprint, while supporting the assessment of the DC power charge on the basis of the number of load amps ordered by CLECs, rather than basing the charge on the number of fused amps provided, raises a number of objections relating to the associated penalties and audit provisions as proposed by Verizon in this tariff filing.

On April 15, 2001, BIT-NET Internet Services filed a request with the Commission for partial intervenor status in this docket, stating that it is particularly interested in any changes to virtual collocation regulations and requirements

and how they would affect non-facilities based CLECs. BIT-NET is currently considering various alternatives to gain access to unbundled network elements, including, but not limited to, filing for CLEC status.

On April 20, 2001, Verizon filed additional revisions affecting the Space Limitations section (Part E, Section 2.4.2) of the tariff to make it consistent with proposed revisions to the Statement of Generally Available Terms and Conditions (SGAT). These revisions were made, according to Verizon, to bring the SGAT into compliance with the Federal Communications Commission's (FCC's) Order 00-297 regarding space unavailability notification. The revised language states that, "When space is unavailable for physical collocation, [Verizon] will post a list of all such sites on its website and will update the list within ten *calendar* days of the date at which a central office runs out of collocation space." The revised language also allows CLECs to tour the entire premises, *without charge*, within an additional ten *calendar* days of the tour request upon signing a confidentiality agreement.

Because of the concerns expressed by Sprint regarding the application of penalties and audits relating to DC power, Staff has recommended suspending the tariff for an

additional 30 days, pursuant to RSA 378:6,IV, and inviting parties who wish to comment to file a response to Sprint's comments within ten days of this order.

We agree with Staff that Sprint has raised concerns deserving further investigation. However, there is little likelihood that the problems foreseen by Sprint will emerge in the near future. This is especially so if we assume, as we do, that Verizon will act reasonably in implementing the tariff's terms and conditions. Not to allow the tariff to take effect would delay the implementation of the new rates and billing determinants. Accordingly, we will not suspend the tariff, but we will open an investigation into the terms and conditions. If, after such investigation, we determine that Sprint's concerns have merit, we will order Verizon to adjust the tariff prospectively. For the reasons set forth above, the tariff will take effect as filed by operation of law. RSA 378:6, IV.

Based upon the foregoing, it is hereby

ORDERED, that an investigation be opened into the issues raised by Sprint concerning the terms and conditions of Tariff No. 84; and it is

FURTHER ORDERED, that Staff is directed to convene a meeting of interested parties, and report to the Commission

within thirty days of the date of this order.

By order of the Public Utilities Commission of New
Hampshire this fourth day of May, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary