

DT 01-160

VERIZON NEW HAMPSHIRE/METROMEDIA FIBER NETWORK SERVICES,
INC.

Order Nisi Approving Interconnection Agreement

O R D E R N O. 23,809

October 11, 2001

On August 10, 2001, Verizon New England d/b/a Verizon New Hampshire and Metromedia Fiber Network Services, Inc. (MMFN) jointly filed with the New Hampshire Public Utilities Commission (Commission) a negotiated Interconnection Agreement (Agreement). The Agreement was filed for approval pursuant to section 252(e) of the Telecommunications Act of 1996 (TAct).

This Agreement is a set of terms and conditions that will facilitate the entry of MMFN as a competitive local exchange carrier (CLEC) in New Hampshire. The initial term of the agreement expires on May 31, 2003. However, absent ninety days prior written notice from either party, the Agreement remains in effect until the earlier of the effective date of a new Interconnection Agreement or a period of one year beyond the initial term unless neither party has requested negotiation of a new Agreement.

This Agreement provides, inter alia, for joint network configuration. It further provides for unbundled

access, co-location, access to rights-of-way and access to data bases. The parties will exchange technical and traffic information which will be kept proprietary; each party will maintain facilities within its own network and will not interfere with the other party's systems.

The parties agree to jointly engineer, plan and operate a diverse transmission system with which they will interconnect their respective networks. The Agreement specifies the designation of interconnection points and provides for the physical interface of facilities.

The interoffice facilities are priced on an unbundled basis to allow for use with other unbundled network elements, thus creating numerous facilities-based and/or resale options to MMFN in the provisioning of exchange and exchange access services. The Agreement also includes detailed unbundling of local outside plant and central office facilities that would allow MMFN to provide digital and other high-tech services without extensive revisions to the Agreement.

Prices in this filing are virtually the same as those in previously approved non-cellular interconnection agreements for the services/elements that are common. Staff points out that the TAct does not require that a

telecommunications company sell each service/element for the same price or terms to each requesting party.

The Commission Staff has recommended approval of the Agreement between MMFN and Verizon based upon a review of the petition and the Agreement.

We have reviewed the filing and find it meets the standards of section 252(e)(2)(A) of the TAct for approval of a negotiated Agreement. The Agreement does not appear to be discriminatory to any carrier not a party to the negotiations and is consistent with the public interest, convenience, and necessity. We will approve it on a nisi basis in order to provide any interested party an opportunity to submit comments or request a hearing pursuant to RSA 374:26.

We note that MMFN may purchase services or unbundled elements that may not be covered in this interconnection agreement from Verizon's Statement of Generally Available Terms (SGAT) and its subsequent revisions that is in effect per Order No. 22,692, subject to continued review pursuant to Section 252(f)(4) of the TAct.

In order to promote the continued growth of competitive telecommunications services in New Hampshire, we will require MMFN to comply with our notice requirements regarding Fresh Look opportunities. The recommended method

for giving notice is to provide the Commission with a contemporaneous copy of the Confirmation of Code Activation form which is used to notify the North American Numbering Code Administrator.

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 MMFN request and use numbers responsibly and conservatively, and invite MMFN to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require MMFN to comply with our orders on number conservation including Order No. 23,385 issued January 7, 2000, and Order No. 23,392 issued January 27, 2000, as well as further orders issued by the Commission concerning this matter.

Based upon the foregoing, it is hereby

ORDERED NISI, that the Interconnection Agreement negotiated between Metromedia Fiber Network Services, Inc. and Verizon New Hampshire is approved; and it is

FURTHER ORDERED, that MMFN 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 MMFN will notify the Commission within ten days of making their first facility-based commercial call in any exchange that has not already been opened to a "Fresh Look" opportunity as ordered in Docket DE 96-420; 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 October 25, 2001 and to be documented by affidavit filed with this office on or before November 8, 2001; and it is

FURTHER ORDERED, that all persons interested in responding to this petition be notified that they may submit their comments or file a written request for a hearing on this matter before the Commission no later than November 1, 2001; and it is

FURTHER ORDERED, that this Order Nisi shall be effective November 9, 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 eleventh day of October, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary