

DT 01-189

**VERIZON NEW HAMPSHIRE/ACCESS POINT, INC.**

**Order Nisi Approving Interconnection Agreement**

**O R D E R   N O.   23,838**

**November 8, 2001**

On September 26, 2001, Verizon New England d/b/a Verizon New Hampshire (Verizon) and Access Point, Inc. (Access Point) 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), 47 U.S.C. § 252(e).

Access Point has been an approved Competitive Local Exchange Carrier (CLEC) in New Hampshire since July 7, 2000. It received that certification in Docket No. DT 00-141 under Order No. 23,541. Access Point had previously adopted an Interconnection Agreement which had been approved by this Commission under Order No. 23,127, on February 1, 1999.

This Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by Access Point as a CLEC in New Hampshire. The initial term of the Agreement expires on August 21, 2003. This Agreement will continue in effect after the initial term absent 90 days prior written notice by either

party.

This Agreement provides, inter alia, for transmission/routing of exchange service traffic and exchange access traffic, transmission/termination of other types of traffic and joint network configuration. It further provides for unbundled access, resale, co-location, number portability, dialing parity, access to rights-of-way, access to data bases, and directory assistance service. 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, provides for a joint grooming plan, 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 Access Point 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 Access Point 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 adopted in New Hampshire for the services/elements that are common. Staff points out that the TAct does not require a telecommunications company to sell each service/element for the same price or terms to each requesting party.

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

Section 252(e)(2)(A) of the TAct requires us to approve a negotiated Interconnection Agreement unless we determine that the Agreement or some portion of it "discriminates against a telecommunications carrier not a party to the agreement" or that the implementation of the Agreement would not be consistent with "the public interest, convenience, and necessity." 47 U.S.C. § 252(e)(2)(A). We have reviewed the filing and find that approval is warranted according to this standard. 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 Access Point 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 Access Point 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 constantly increasing demand. Accordingly, we will

require that Access Point request and use numbers responsibly and conservatively, and invite Access Point to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require Access Point 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 between Access Point, Inc. and Verizon New Hampshire is APPROVED; and it is

**FURTHER ORDERED**, that Access Point 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 Access Point is prohibited from placing any orders under this agreement and from otherwise doing business in New Hampshire until such time as Access Point has complied with all requirements of applicable federal and state law or regulation; and it is

**FURTHER ORDERED**, that Access Point 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 November 19, 2001 and to be documented by affidavit filed with this office on or before November 26, 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 27, 2001; and it is

**FURTHER ORDERED,** that this Order Nisi shall be effective December 6, 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 eighth day of November, 2001.

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Thomas B. Getz  
Chairman

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Susan S. Geiger  
Commissioner

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Nancy Brockway  
Commissioner

Attested by:

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Claire D. DiCicco  
Assistant Secretary