

DT 01-205

**VERIZON NEW HAMPSHIRE/RNK, INC.**  
d/b/a RNK Telecom

**Order Nisi Approving Interconnection Agreement**

**O R D E R    N O.    23,858**

**December 3, 2001**

On October 12, 2001, Verizon New England d/b/a Verizon New Hampshire (Verizon) and RNK, Inc. (RNK) jointly filed with the New Hampshire Public Utilities Commission (Commission) an Interconnection Agreement (Agreement) consisting of portions of two distinct agreements each of which had been previously adopted in separate jurisdictions. The adoption was made pursuant to section 252(i) of the Telecommunications Act of 1996 (TAct), 47 U.S.C. § 252(i). Portions of this Agreement were originally negotiated between Level 3 Communications, Inc., and Verizon NH under Docket No. DT 01-017 and became effective under operation of law. The other portions, between Cox Rhode Island Telecom II, LLC and Verizon Rhode Island, became effective by operation of law in RI Public Utilities Commission Docket No. 2614. The Agreement is also considered to include Amendments 1 and 2 between the parties filed under separate cover. The Agreement was filed for approval pursuant to section 252(e) of the TAct, 47 U.S.C. § 252(e).

RNK received certification as a Competitive Local

Exchange Carrier (CLEC) in New Hampshire on October 28, 1998, under Docket No. 98-127 in Order No. 23,409. RNK and Verizon sought and were granted approval of an interconnection agreement on February 19, 1998, in Docket No. 98-003 under Order No. 22,857.

The Agreement in this docket includes a comprehensive set of terms and conditions that will continue to facilitate the provisioning of telecommunications service by RNK as a CLEC in New Hampshire. The term of the adopted Agreement expires on September 30, 2002, for the Level 3 sections and February 4, 2002, for the Cox sections.

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 RNK 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 RNK 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 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 RNK and Verizon based upon a review of the petition, the Agreement and the two associated Amendments.

Section 252(e)(2)(A) of the TAct requires us to approve an adopted 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.

We note that RNK 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 RNK 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 RNK request and use numbers responsibly and conservatively, and invite RNK to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require RNK 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 including Amendments 1 and 2 between RNK, Inc. and Verizon New Hampshire is APPROVED; and it is

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

**FURTHER ORDERED**, that RNK 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 December 13, 2001 and to be documented by affidavit filed with this office on or before December 27, 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 December 20, 2001; and it is

**FURTHER ORDERED,** that this Order Nisi shall be effective January 2, 2002, 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 third day of December, 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