

DT 01-213

VERIZON NEW HAMPSHIRE/A.R.C. NETWORKS, INC.
D/b/a InfoHighway Communications

Order Nisi Approving Interconnection Agreement

O R D E R N O. 23,876

December 21, 2001

On October 30, 2001, Verizon New England d/b/a Verizon New Hampshire and A.R.C. Networks, Inc. (A.R.C.) d/b/a InfoHighway Communications 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).

A.R.C. is new to New Hampshire having been certified as an intraLATA Toll Provider on October 9, 2001 by IXC No. 10-002-01 and as a Competitive Local Exchange Carrier (CLEC) on October 11, 2001, in Docket No. DT 01-135 by Order No. 23,806.

This Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by A.R.C. as a CLEC in New Hampshire. The initial term of the Agreement expires on September 18, 2003. Either party may terminate this Agreement after the initial term by providing at least ninety days prior written notice. Absent such notice the Agreement will remain in effect until the earlier of the adoption of a successor agreement or one year after the

initial term.

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 A.R.C. 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 A.R.C. 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 A.R.C. 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.

We note that A.R.C. may purchase services or unbundled

elements that may not be covered in this 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 A.R.C. 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 A.R.C. request and use numbers responsibly and conservatively, and invite A.R.C. to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require A.R.C. 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 A.R.C. Networks, Inc. d/b/a InfoHighway Communications

and Verizon New Hampshire is APPROVED; and it is

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

FURTHER ORDERED, that A.R.C. 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 January 4, 2002 and to be documented by affidavit filed with this office on or before January 18, 2002; 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 January 14, 2002; and it is

FURTHER ORDERED, that this Order Nisi shall be effective January 22, 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 twenty-first day of December, 2001.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary