

DT 02-082

**VERIZON NEW HAMPSHIRE
ADELPHIA BUSINESS SOLUTIONS OPERATIONS, INC.**

**Order Nisi Approving Interconnection Agreement
and Amendment Number 1**

O R D E R N O. 24,005

June 28, 2002

On April 25, 2002, Verizon New England d/b/a Verizon New Hampshire and Adelphia Business Solutions Operations, Inc. (ABSO) jointly filed with the New Hampshire Public Utilities Commission (Commission) an Interconnection Agreement (Agreement) which had been previously adopted and Amendment No. 1 to the Agreement. The Agreement was originally negotiated between Level 3 Communications, LLC and Verizon NH and became effective by operation of law. The Agreement was filed for approval pursuant to section 252(e) of the Telecommunications Act of 1996 (TAct), 47 U.S.C. ' 252(e).

ABSO is certified as a competitive local exchange carrier (CLEC). That certification was originally granted in Docket 99-013 by Order No. 23,165 dated March 16, 1999 to Hyperion Communications of New Hampshire which later changed its name to Adelphia Business Solutions of New Hampshire, Inc. (ABSNH). ABSO was granted the certifications of ABSNH under Docket No. DT 00-146 by letter dated

February 7, 2001. ABSO currently operates under an interconnection agreement originally approved in Docket No. DT 99-026 by Order No. 23,170 dated March 22, 1999 under the ABSNH name.

The instant Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by ABSO as a CLEC in New Hampshire. The initial term of the adopted Agreement expires on September 30, 2002.

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 ABSO 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 ABSO to provide digital and other high-tech services without extensive revisions to the Agreement. The Amendment provides for network elements and collocation.

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 ABSO and Verizon, and the Amendment, based upon a review of the petition, the Agreement and the Amendment.

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 ABSO 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 are 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 ABSO 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 ABSO request and use numbers responsibly and conservatively, and invite ABSO to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require ABSO 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 Adelphia Business Solutions Operations, Inc. and Verizon New Hampshire is APPROVED; and it is

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

FURTHER ORDERED, that ABSO 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 July 8, 2002 and to be documented by affidavit filed with this office on or before July 22, 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 July 15, 2002; and it is

FURTHER ORDERED, that this Order Nisi shall be effective

July 29, 2002, unless the Petitioner fails to satisfy the publication obligation set forth above or 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-eighth day of June, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary