

DT 02-100

VERIZON NEW HAMPSHIRE/NUI TELECOM

Order Approving Negotiated Interconnection Agreement

O R D E R N O. 24,038

August 19, 2002

On May 20, 2002, Verizon New England d/b/a Verizon New Hampshire and NUI Telecom (NUI) 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).

NUI was granted certification to provide competitive local exchange carrier (CLEC) services in Docket No. 01-250 by Order No. 23,960 dated May 1, 2002 and competitive toll provider certification under IXC No. 30298 on June 25, 1998.

This Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by NUI as a CLEC in New Hampshire.

The initial term of the Agreement expires on April 14, 2004.

The Agreement may remain in effect after the expiration date, as specified by its terms and conditions.

Section 252(e)(2)(A) of the TAct requires the Commission to approve a negotiated interconnection agreement unless it is determined 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). The Agreement warrants approval under those standards.

We note that NUI may purchase services or unbundled elements 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 NUI 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 NUI request and use numbers responsibly and conservatively, and invite NUI to explore alternative

mechanisms to use existing numbers as efficiently as possible.

In approving this Agreement, we require NUI 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, that the Interconnection Agreement between NUI Telecom and Verizon New Hampshire is APPROVED; and it is

FURTHER ORDERED, that NUI 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 NUI is prohibited from placing any orders under this Agreement and from otherwise doing business in New Hampshire until such time as NUI has complied with all requirements of applicable federal and state law or regulation including but not limited to CLEC certification by this Commission; and it is

FURTHER ORDERED, that NUI 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 any clause in the Agreement found to be in violation of any Commission order is null and void.

By order of the Public Utilities Commission of New Hampshire this nineteenth day of August, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Michelle A. Caraway
Assistant Executive Director