

DT 02-119

VERIZON NEW HAMPSHIRE/EXCEL TELECOMMUNICATIONS, INC.

Order Nisi Approving Negotiated Interconnection Agreement

O R D E R N O. 24,041

August 19, 2002

On June 18, 2002, Verizon New England d/b/a Verizon New Hampshire and Excel Telecommunications, Inc (Excel) 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).

Originally Excel was granted certification to provide competitive local exchange carrier (CLEC) services in Docket No. DE 96-167 by Order No. 22,594 dated May 13, 1997. This certification was forfeited under PUC 1304.03(a). The Company subsequently requested and was granted a new certification in DT 02-012 by Order No. 23,990 dated June 7, 2002. Excel also holds a competitive toll provider certification under IXC No. 01697 granted on February 25, 1993.

This Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by Excel as a CLEC in New Hampshire. The initial term of the Agreement expires on June 2, 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). We will approve this Agreement nisi and invite interested parties to submit comments regarding effects on third parties and the public interest or request a hearing.

We note that Excel 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 Excel 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 Excel request and use numbers responsibly and conservatively, and invite Excel to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require Excel 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 Excel Telecommunications, Inc. and Verizon New Hampshire is **APPROVED NISI**; and it is

FURTHER ORDERED, that Excel 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 Excel is prohibited from placing any orders under this Agreement and from otherwise doing business in New Hampshire until such time as Excel 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 Excel 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; 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 August 29, 2002 and to be documented by affidavit filed with this office on or before September 12, 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 September 4, 2002; and it is

FURTHER ORDERED, that this Order Nisi shall be effective September 18, 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 nineteenth day of August, 2002.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Michelle A. Caraway
Assistant Executive Director