

DT 02-209

**VERIZON NEW HAMPSHIRE /BULLSEYE TELECOM, INC.**

**Order Nisi Approving Negotiated Interconnection Agreement**

**O R D E R   N O.   24,092**

**December 6, 2002**

On November 20, 2002, Verizon New England d/b/a Verizon New Hampshire and BullsEye Telecom, Inc. (BullsEye) 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).

BullsEye Telecom, Inc. was certified as a Competitive Local Exchange Carrier (CLEC) on October 4, 2002, in Docket 02-120 by Order No. 24,062. On June 24, 2002 BullsEye Telecom became a certified Toll Provider by IXC No. 06-004-02.

The subject Interconnection Agreement is a comprehensive set of terms and conditions that will facilitate the provisioning of telecommunications service by BullsEye as a CLEC in New Hampshire. The initial term of the Agreement expires on September 3, 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 or request a hearing regarding effects on third parties and the public interest.

We note that BullsEye 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 BullsEye to comply with our notice requirements regarding Fresh Look opportunities pursuant to Order Nos. 22,798 and 22,903. 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 BullsEye request and use numbers responsibly and conservatively, and invite BullsEye to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this Agreement, we require BullsEye 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 BullsEye Telecom, Inc. and Verizon New Hampshire is APPROVED nisi; and it is

**FURTHER ORDERED,** that BullsEye Telecom, Inc. 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 BullsEye is prohibited from placing any orders under this Agreement and from otherwise doing business in New Hampshire until such time as BullsEye 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 BullsEye 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 December 16, 2002 and to be documented by affidavit filed with this office on or before December 30, 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 December 23, 2002; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective January 3, 2003, 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 sixth day of December 2002.

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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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Debra A. Howland  
Executive Director and Secretary