

DT 02-228
DT 01-206

VERIZON NEW HAMPSHIRE

SGAT Terms and Conditions for Multi-Loop and Spare Loop
Conditioning; SGAT Terms and Conditions for Access to
Loop Facility Assignment System (LFACS)

Order Approving Stipulations

O R D E R N O. 24,153

April 4, 2003

I. BACKGROUND

Docket No. DT 02-228 deals with the terms and conditions Verizon New Hampshire (Verizon) proposed for two unbundled network elements (UNEs) offered under its Statement of Generally Available Terms and Conditions (SGAT); the conditioning of multiple loops, and the conditioning of spare loops. Verizon submitted to the New Hampshire Public Utilities Commission (Commission) a cost study for multiple loop conditioning and a proposal (including cost study) for spare loop conditioning on July 26, 2002, pursuant to Order No. 23,948 in DT 01-206.

The Office of the Consumer Advocate (OCA) and The Destek Group participated as intervenors. After a duly noticed prehearing conference was held on January 14, 2003, Staff, the OCA, and Verizon agreed on certain facts and conclusions at a technical session on January 22, 2003. The agreement was later memorialized as a Stipulation (Loop Conditioning Stipulation)

that the parties and Staff presented to the Commission at a hearing on March 26, 2003.

The hearing on the Loop Conditioning Stipulation was held concurrently with a hearing on a Stipulation in Docket No. DT 01-206 regarding treatment of access to a Verizon database called Loop Facility Assignment and Control System (LFACS), which the Commission also addressed in Order No. 23,948. In that Order, and also in Order No. 23,993, the Commission required Verizon to provide competitive local exchange carriers (CLECs) with direct read-only access to LFACS. Verizon appealed this decision to the New Hampshire Supreme Court. Subsequently, the Commission agreed to rehear this matter, and, on October 24, 2002, the Commission suspended the requirement and initiated a formal rehearing. The Commission notified all original parties to DT 01-206 of the rehearing schedule.

After testimony filed by Verizon regarding methods for determining loop qualification and competitors' ability to access such information, Staff and the OCA conducted discovery and participated in technical discussions. During these discussions, Verizon discovered several minor mistakes impacting the rates proposed for multiple loop conditioning and spare loop conditioning and provided corrected cost studies. Also, as a result of the technical discussions, the parties and Staff agreed

upon certain facts and conclusions that they reduced to a Stipulation (LFACS Stipulation).

II. STIPULATIONS

A. Loop Conditioning Stipulation

In the Loop Conditioning Stipulation, the Parties and Staff pointed out that no New Hampshire CLEC had intervened. Parties and Staff agreed that Verizon's proposed rates for multi-loop conditioning, as viewed in light of the cost study presented by Verizon, comply with the conditions the Commission enumerated in Order No. 23,948. Further, the Parties agreed that a service offering of spare loop conditioning would result in increased wholesale rates for all xDSL loops, that such an offering could lead to possible degradation of the quality and availability of the voice network, and that evidence of CLEC orders for conditioned loops longer than 18,000 feet indicates that little or no demand may exist for spare loop conditioning. Hence, the parties and Staff recommended that Verizon's proposal for provisioning multi-loop conditioning should be approved as presented, that no terms and conditions for spare loop conditioning should be included in the SGAT unless and until a demand for same is demonstrated, and that Verizon should be found to have met its spare loop conditioning obligation under Order No. 23,948.

B. LFACS Stipulation

In the LFACS Stipulation, the parties and Staff pointed out that none of the CLECs that originally intervened in DT 01-206 participated in the discovery process or technical sessions. The parties and Staff agreed that CLECs now have three methods of accessing loop qualification information electronically. They also agreed that useful loop qualification that is readily available to Verizon personnel is also available to CLECs through each of the three methods. According to the Stipulation, CLECs have availed themselves of the information using such methods, and that the Federal Communications Commission as well as some state commissions have found the methods and availability of information to meet the requirements of the federal Telecommunications Act of 1996 (TAct).

The parties and Staff recommend that the Commission find that Verizon's methods provide non-discriminatory access to loop conditioning information consistent with the TAct and, further, that no direct, read-only access to the LFACS data base other than through an electronic interface is necessary. Finally, the parties and Staff advise that no further investigation into this matter is required.

III. COMMISSION ANALYSIS

A. Loop Conditioning Stipulation

We have reviewed the exhibits and testimony in support of Verizon's cost study and proposal regarding multi-loop and spare loop conditioning. The specific rates for removing load coils on second and subsequent loops, which we find reasonable, will phase out by the year 2005, although the service will remain available if necessary. We find the result reasonable and therefore will approve the Loop Conditioning Stipulation to resolve this docket.

B. LFACS Stipulation

The detailed examination of the methods by which Verizon provides access to loop qualification information persuades us that it meets the requirements of the TAct for non-discriminatory provisioning. We therefore find that Verizon has met its obligation under the TAct. At the same time, to the extent instances occur that demonstrate discriminatory implementation of the methods, the CLECs may bring such circumstances to the Commission's attention. We find the result reasonable and therefore will approve the LFACS Stipulation to resolve this issue.

Based upon the foregoing, it is hereby

ORDERED, that the Loop Conditioning Stipulation is hereby approved to resolve the issues in Docket No. 02-228; and it is

FURTHER ORDERED, that the LFACS Stipulation is hereby approved to resolve the issues raised on rehearing.

By order of the Public Utilities Commission of New Hampshire this fourth day of April, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary