

DT 03-063

VERIZON NEW HAMPSHIRE

Revisions to Verizon Performance Assurance Plan

Order Approving Revisions as Modified by Stipulation

O R D E R N O. 24,193

July 24, 2003

Appearances: Victor Del Vecchio, Esq. for Verizon New Hampshire; Philip Macres, Esq. for BayRing Communications; Laura Gallo, Esq. for WorldCom MCI; F. Anne Ross, Esq. for the Office of Consumer Advocate; and E. Barclay Jackson, Esq. for Commission Staff.

I. PROCEDURAL BACKGROUND

On February 24, 2003, Verizon New Hampshire (Verizon) filed for approval by the New Hampshire Public Utilities Commission (Commission) a revised version of the New Hampshire Performance Assurance Plan (NHPAP). The proposed revised version of the NHPAP has been posted on the Commission's website at www.puc.state.nh.us. Verizon made its filing in accordance with Section II.K.2. of the currently effective NHPAP, which was approved by the Commission in Order No. 23,940 (March 29, 2002).

The proposed revisions to the NHPAP are based on the PAP adopted by the New York Public Service Commission (NYPSC) for Verizon New York, Inc. The revised version of the NHPAP uses standards and measures set forth in the New York Carrier-to-Carrier Guidelines, as well as those specific to New Hampshire. Modifications to the New York Carrier-to-Carrier Guidelines adopted by the NYPSC normally result in corresponding revisions

to the New Hampshire Carrier-to-Carrier Guidelines pursuant to the Stipulation approved in Order No. 23,940. The proposed revisions to the NHPAP incorporate changes adopted by the NYPSC as well as changes that reflect the amended New Hampshire Carrier-to-Carrier Guidelines filed with the Commission on November 27, 2002.

The filing raises, *inter alia*, issues related to certain corrective editorial and administrative changes, allocations of dollars within Critical Measure No. 6 for UNE Loop and Resale, a provision to cover situations when there is no activity in the previous month, and bill credit allocations between UNE Platform and Loop sections.

On April 4, 2003, the Commission issued an Order of Notice in this matter which scheduled a Prehearing Conference for May 6, 2003, and a Technical Session after the Prehearing Conference, and directed Verizon to notify persons desiring to be heard at the hearing by publishing the Order of Notice in a newspaper of general distribution. An affidavit of publication in the Union Leader was filed with the Commission on April 10, 2003.

On March 8, 2003, the Office of Consumer Advocate notified the Commission of its intention to participate in this docket. On April 29, 2003, WorldCom MCI (MCI) filed a Petition to intervene, and on May 1, 2003 Freedom Ring Communications, LLC

d/b/a/ BayRing Communications (BayRing) filed a Petition to intervene.

The Prehearing Conference was held as scheduled on May 6, 2003. On May 19, 2003 the Executive Director for the Commission issued a Secretarial Letter granting all motions to intervene, waiving the Prehearing order requirement of Puc 203.05(e) and scheduling a Technical Session for May 21, 2003. On July 7, 2003, the Staff filed with the Commission a Stipulation between Verizon and Staff along with a cover letter indicating that MCI, BayRing and OCA had not signed the Stipulation, but that they did not oppose it. On July 17, 2003, Staff filed with the Commission an amended Stipulation (attached hereto) signed by Verizon, BayRing and Staff (the Signatories). This amended Stipulation reflected changes that the Signatories discussed at the hearing on July 10, 2003.

II. COMMISSION ANALYSIS

The Signatories agreed that the revisions to the NHPAP filed by Verizon on February 24, 2003, are consistent with changes filed and approved by the NYPSC, amending the NYPAP and, that subject to the agreed upon revisions, the Commission should approve it. The agreed upon revisions had to do with the penalty allocations and the ability of CLECs to request a subsequent change to the allocations in the future.

The Stipulation states that the dollars at risk in the NHPAP will be reallocated within Mode of Entry and Critical Measures based on a New Hampshire specific allocation of 40% to unbundled network element platform (UNE-P) and 60% to unbundled network element loop (UNE-L). The Stipulation states that CLECs may petition the Commission to request a change in the allocation if the NHPAP UNE-L to UNE-P ratio changes significantly. The Stipulation further states that Verizon will submit the change to the allocation of dollars in a revised NHPAP to be filed within 30 days of a Commission order approving the Stipulation. Finally, the stipulation provides that the changes to the NHPAP will take effect two calendar months following the Commission approval of the Stipulation.

We find that the revisions to the NHPAP filed by Verizon on February 24, 2003 reflect the changes adopted by the NYPSC. We also find that the change proposed by the Stipulation regarding allocation of dollars is appropriate given the difference between the competitive landscapes of New Hampshire and New York. Therefore, we accept the Stipulation and will approve it.

Based upon the foregoing, it is hereby

ORDERED, Verizon's proposed revisions to the NHPAP filed on February 24, 2003 as amended by the Stipulation filed on July 17, 2003 is approved.

By order of the Public Utilities Commission of New
Hampshire this twenty-fourth day of July, 2003.

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary

DT 03-063

Verizon New Hampshire

Revised Performance Assurance Plan Guidelines

STIPULATION

On February 24, 2003, Verizon New Hampshire (Verizon NH) filed for New Hampshire Public Utilities Commission (Commission) approval a revised version of the New Hampshire Performance Assurance Plan (NHPAP). The NHPAP is based on the Performance Assurance Plan adopted by the New York Public Service Commission (NYPS) and uses standards and measures set forth in the New York Carrier-to-Carrier Guidelines as well as New Hampshire specific measurements. Modifications to the New York Carrier-to-Carrier Guidelines adopted by the NYPS result in corresponding revisions to the New Hampshire Carrier-to-Carrier Guidelines in compliance with the Stipulation approved in Order No. 23,940. The proposed revisions to the NHPAP incorporate changes adopted by the NYPS and changes filed on November 27, 2002 in the amended New Hampshire Carrier-to Carrier Guidelines.

The Commission issued an Order of Notice on April 4, 2003 and scheduled a Prehearing Conference for May 6, 2003. Appearances were entered by Laura Gallo for WorldCom, Inc., Philip J. Macres of Swidler Berlin Shereff Friedman LLP for Freedom Ring Communications, L.L.C. d/b/a BayRing Communications, Victor D. Del Vecchio for Verizon NH, F. Anne Ross of Office of the Consumer Advocate and E. Barclay Jackson for Staff of the Commission.

Technical sessions were held on May 6 and May 21, 2003 to review the petition that Verizon NH filed.

During the technical discussions the following facts were agreed upon:

1. The parties and Staff agreed to adopt the changes to the NHPAP filed on February 24, 2003 with the exception noted in paragraph 2 below.

2. The dollars at risk in the NHPAP will be reallocated within Mode of Entry and Critical Measures based on an allocation of 40% to unbundled network element platform ("UNE Platform") and 60% to unbundled network element loop ("UNE Loop"). Pursuant to paragraph 3 below, CLECs may petition the PUC to request a change to the allocation if the NH PAP UNE-Loop to UNE-Platform ratio changes significantly.

3. The Commission has the authority to (i) reallocate the monthly distribution of bill credits between and among any provisions of the NHPAP in accordance with Section II.B.2 ("Reallocation of Potential Bill Credits") and (ii) review and/or audit the NHPAP annually to determine whether any modifications or additions should be made in accordance with Section K.1 ("Annual Review, Updates and Audits") of the NHPAP.

In light of the above, the signatories to this Stipulation agree to the following disposition of this docket and recommend that the Commission approve it:

1. The revisions to the NHPAP that Verizon NH filed on February 24, 2003 are consistent with the changes filed and

approved by the NYPPSC amending the New York PAP and, subject to the exception noted in paragraph 2 below, should be approved by the Commission.

2. The dollars at risk in the NHPAP will be reallocated within Mode of Entry and Critical Measures based on a New Hampshire specific allocation of 40% to UNE Platform and 60% to UNE Loop. Pursuant to paragraph 3 below, CLECs may petition the PUC to request a change to the allocation if the NH PAP UNE-Loop to UNE-Platform ratio changes significantly.

3. The change to the allocation of dollars at risk will be incorporated into the revised NHPAP and filed within 30 days of a Commission order approving this Stipulation.

4. The effective date of the revised NHPAP will be two calendar months following Commission approval of the Stipulation, as explained below. Under this implementation schedule, if the Commission order approving the Stipulation were released during the month of June, the revised guidelines would be implemented beginning with the August data month. Because the mitigation of performance results is based on the previous two months' results, Verizon NH would file final August and September reports based on the existing guidelines. The preliminary August and September NHPAP reports would be filed using the revised guidelines (in addition to the existing guidelines) and would be available for mitigation of October results. The transition to the revised guidelines would then be completed with the filing of the October data month report.

5. This Stipulation is the result of a negotiated settlement among the parties. The Stipulation will not be construed as an agreement as to any matter of fact or law, other than as specifically set forth above. The parties' willingness to resolve the issues in this proceeding by way of Stipulation is without waiver of rights with respect to this matter in other states.

6. This Stipulation is expressly conditioned upon the Commission's acceptance of all of its provisions, without change or condition. If the Commission does not accept the Stipulation in its entirety, the Stipulation will be deemed to be null and void and without effect, and will not constitute any part of the record in this proceeding. In the event any modification or condition is made to the Stipulation, each party will be placed in the position that it enjoyed in this proceeding before entering into the Stipulation.

date

by _____
Victor D. Del Vecchio, Esq.
for Verizon New Hampshire

date

by _____
E. Barclay Jackson, Esq.
for Staff of the Commission

date

by _____
Philip J. Macres, Esq.
For Freedom Ring
Communications LLC d/b/a
BayRing Communications