

DT 01-127

GLOBAL NAPS, INC.

**Petition for an Order Directing Verizon-NH to Comply
With its Interconnection Agreement Obligation
to Pay Reciprocal Compensation**

Order Staying Effectiveness of Order No. 24,217

O R D E R N O. 24,233

November 4, 2003

The New Hampshire Public Utilities Commission (Commission) issued Order No. 24,217, (October 2, 2003) calling for the payment of reciprocal compensation to Global NAPS, Inc. (GNAPS or Global) from Verizon New Hampshire (Verizon) if GNAPS had established switching facilities in New Hampshire before March 1, 2001. The Order required GNAPS to advise the Commission and Verizon, within 5 business days, of the date on which the GNAPS' New Hampshire switch was activated.

On October 9, 2003, GNAPS filed a letter stating, "By way of response, Global had switching facilities in New Hampshire on or before June 10, 1999." On October 17, 2003, the Commission notified GNAPS that this answer was unresponsive, and requested additional information. That same day, Verizon filed a letter claiming that GNAPS has no switch in New Hampshire, and that if the facts were as Verizon believes them to be, GNAPS is not entitled to any payment under the Order. On October 22, 2003, GNAPS filed additional information regarding its switching

facilities, responding to the Commission's October 17, 2003, request. Finally, on October 31, 2003, Verizon filed a Motion for Reconsideration regarding Order No. 24,217.

After careful review of the information provided by GNAPs and Verizon, the Staff of the Commission (Staff) conducted a preliminary investigation of the facts alleged. Staff's preliminary investigation revealed that (1) GNAPs has certain equipment for the routing of traffic in Manchester, New Hampshire, (2) while that equipment is described as an "Internet switch" there may be an issue as to whether the equipment is a switch as defined by the Interconnection Agreement, and (3) GNAPs' annual reports filed with the Commission in 2000 and 2001 do not indicate the presence of a switch in New Hampshire.

According to Staff, Amendment No. 1 of the Interconnection Agreement between GNAPs and Verizon states that "Compensable Internet Traffic ... is transmitted to a central office switch of the other Party that is physically located in the State of New Hampshire, and is then handed off by that Party to an Internet Service Provider located in the State of New Hampshire..." The Amendment defines "Qualified Central Office Switch" as "a circuit switch..." and lists four conditions on the location of such a switch. The Interconnection Agreement

further defines a central office switch, stating:

1.15 "Central Office Switch" means a LEC local switching system where Telephone Exchange Service Customer station loops are terminated for purposes of interconnection to each other and to trunks. A Central Office Switch may be employed as a combination End Office/Tandem Office Switch.

- (a) "End Office Switch" or "End Office" is a switching entity that is used to terminate Customer station Loops for the purpose of interconnection to each other and to trunks; and
- (b) "Tandem Office Switch" or "Tandem Office" or "Tandem" is a switching entity that has billing and recording capabilities and is used to connect and switch trunk circuits between and among End Office Switches and between and among End Office Switches and carriers' aggregation points, points of termination, or points of presence, and to provide Switched Exchange Access Services.

At the conclusion of its preliminary investigation, Staff recommended that the Commission make a factual determination of whether the equipment GNAPs uses in Manchester is a switch. We accept Staff's recommendation. Therefore, we will stay the effectiveness of Order No. 24,217 and re-open the proceedings for the purpose of determining the factual issue of whether a switch exists within the meaning of the Interconnection Agreement. To assist us in making this determination, we direct GNAPs to pre-file testimony that includes answers to the following series of questions:

- 1) What is the exact equipment referred to by GNAPs as

"switching facilities"? 2) When was the equipment installed and activated? 3) How is traffic routed to and from the equipment? 4) How does the equipment meet the definition of a switch contained in the Interconnection Agreement between GNAPS and Verizon?

The direct pre-filed testimony shall include any further information that GNAPS believes would be helpful in determining whether GNAPS has a switch in New Hampshire and when that switch was activated. Verizon shall be afforded the opportunity to provide responsive testimony.

Based upon the foregoing, it is hereby

ORDERED, that Order No. 24,217 is hereby STAYED; and it is

FURTHER ORDERED, that this docket shall be reopened for further proceedings to determine the status of the equipment GNAPS uses in Manchester; and it is

FURTHER ORDERED, that GNAPS shall file testimony as outlined hereinabove; and it is

FURTHER ORDERED, that the procedural schedule for this matter shall be as follows:

GNAPs Testimony	November 15, 2003
Responsive Testimony	December 1, 2003
Technical Session	December 11, 2003
Settlement Discussions	January 15, 2004
Hearing	January 22, 2004

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

Thomas B. Getz
Chairman

Susan S. Geiger
Commissioner

Graham J. Morrison
Commissioner

Attested by:

Debra A. Howland
Executive Director and Secretary