

**DT 04-091**

**TIME WARNER CABLE INFORMATION SERVICES (NEW HAMPSHIRE), LLC  
D/B/A TIME WARNER CABLE**

**Petition for Authority to Provide Facilities Based  
Local Telecommunications Services**

**Order Nisi Granting Authorization**

**ORDER NO. 24,356**

**July 27, 2004**

On May 24, 2004, Time Warner Cable Information Services (New Hampshire), LLC d/b/a Time Warner Cable (TWCIS-NH) filed with the New Hampshire Public Utilities Commission (Commission) an application to provide facilities based Competitive Local Exchange Carrier (CLEC) service in New Hampshire, pursuant to N.H. Administrative Rules. Pursuant to RSA 374:22-g, the Commission may authorize the provision of intrastate switched and non-switched local exchange telecommunications services by more than one provider, in all telephone franchise areas served by a telephone utility that provides local exchange service and has more than 25,000 access lines.

TWCIS-NH, a Delaware corporation, is an indirect wholly owned subsidiary of Time Warner, Inc. TWCIS-NH affiliates are authorized to provide local exchange service in Maine, North Carolina, Kansas, Missouri, California, Texas, New York, and South Carolina.

Pursuant to N.H. Administrative Rule Chapter Puc 1300, an applicant's petition for certification as a CLEC shall be granted when the Commission finds that (1) all information listed in Puc 1304.02 has been provided to the Commission; (2) the applicant meets standards for financial resources, managerial qualifications, and technical competence; and, (3) certification for the particular geographic area requested is in the public good.

The Commission Staff (Staff) has reviewed TWCIS-NH's petition for compliance with these standards. Staff reports that TWCIS-NH has provided all the information required by Puc 1304.02 and that the information provided supports TWCIS-NH's assertion of financial resources, managerial qualifications, and technical competence sufficient to meet the standards set out in Puc 1304.01(b)(2), (e), and (g). Staff further reports that adding TWCIS-NH to the choices available to New Hampshire telecommunications consumers appears to be in the public interest.

We find that TWCIS-NH has satisfied the requirements of Puc 1304.01(a)(1) and (2). We also find that granting TWCIS-NH authority to operate as a CLEC in Verizon's territory, is in the public good, thus meeting the requirement of Puc 1304.01(a)(3). In making this finding, as directed by RSA 374:22-g, we have considered the interests of competition, fairness, economic efficiency, universal service, carrier of last resort, the incumbent telephone company's opportunity to realize a reasonable return on its investment, and recovery by the incumbent of expenses incurred.

As part of its petition, TWCIS-NH states that it will charge access rates no higher than Verizon's effective access rates as filed in Tariff 85. The Commission will monitor access rates as the intraLATA toll and local exchange markets develop, in order to avoid any inhibition of intraLATA toll competition in contravention of the Telecommunications Act of 1996.

(Pub.L.No. 104-104, 110 Stat. 56, *codified* at 47 U.S.C. §151 *et seq.*)

Pursuant to Puc 1304.02(a)(7), applicants for CLEC certification agree to adhere to all state laws and Commission policies, rules and orders. We take this opportunity to draw attention to two rules in particular. Puc 1306.01(8) and Puc 1306.01(10), respectively, describe

Enhanced 911 (E911) and Telecommunications Relay Service (TRS) as part of the minimum basic service that every CLEC must provide. Pursuant to Puc 1306.01(c), authorized CLECs are responsible to collect and properly remit the E911 surcharge, currently set at 42 cents per access line per month. See *Enhanced 911*, Order No. 21,800, 80 NH PUC 554 (1995). Pursuant to Puc 1306.01(b) (1) and (2), authorized CLECs are also responsible to collect and remit TRS charges, currently set at 4 cents per access line per month. See *Adjust Basic Exchange Rates for Telecommunications Relay Service*, Order No. 24,091 (December 6, 2002). As new competitors enter the telecommunications market, we recognize that New Hampshire's 603 area code encounters increasing demand. Accordingly, we will require that TWCIS-NH request and use numbers responsibly and conservatively, and we invite TWCIS-NH to explore alternative mechanisms to use existing numbers as efficiently as possible. In approving this application, we require TWCIS-NH to comply with our orders on number conservation, including Order No. 23,385 (January 7, 2000) and Order No. 23,392 (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 conditioned upon the effective date below, TWCIS-NH's application for authority to provide facilities based intrastate local exchange telecommunications services, is GRANTED, limited to Verizon's service area and subject to all relevant Commission rules and orders; and it is

**FURTHER ORDERED**, that TWCIS-NH 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 6, 2004 and to be documented by affidavit filed with this office on or before August 20, 2004; and it is

**FURTHER ORDERED**, that all persons interested in responding to this Order Nisi shall submit their comments or file a written request for a hearing on this matter before the Commission no later than August 13, 2004; and it is

**FURTHER ORDERED**, that this Order Nisi shall be effective August 26, 2004, unless TWCIS-NH fails to satisfy the publication obligation set forth above or the Commission provides otherwise in a supplemental order issued prior to the effective date; and it is

**FURTHER ORDERED**, that, should TWCIS-NH fail to exercise the authority granted herein within two years of the date of this order, the authority granted shall be deemed withdrawn, null, and void; and it is

**FURTHER ORDERED**, that TWCIS-NH shall file, with the Commission, ten days prior to commencing service, a rate schedule including the name, description and price of each service, with the Commission in accordance with N.H. Admin. Rules, Puc 1304.03(b).

By order of the Public Utilities Commission of New Hampshire this twenty-seventh day of July, 2004.

---

Thomas B. Getz  
Chairman

---

Graham J. Morrison  
Commissioner

Attested by:

---

Michelle A. Caraway  
Assistant Executive Director