DT 06-020

VERIZON NEW HAMPSHIRE

Supplemental Wire Centers Qualifying for Relief from Certain Unbundled Services

Order Classifying Wire Centers and Establishing Transition Periods

O R D E R N O. 24,723

January 5, 2007

I. PROCEDURAL HISTORY

On January 20, 2006, Verizon New Hampshire (Verizon) filed with the New Hampshire Public Utilities Commission (Commission) a request to change the impairment status of its Concord, Dover and Salem wire centers pursuant to section 251 of the Telecommunications Act of 1996 and the Federal Communication Commission's *Triennial Review Remand Order* (*TRRO*), 20 F.C.C.R. 2533 (Feb. 4, 2005).

On March 17, 2006, the Commission issued an initial order of notice scheduling a prehearing conference for April 14, 2006, to be followed by a technical session. On March 20, 2006, the Office of Consumer Advocate (OCA) entered an appearance on behalf of residential ratepayers pursuant to RSA 363:28. Motions to intervene were filed by BayRing Communications, Inc. (BayRing) and segTEL, Inc. jointly on April 6, 2006, and by Conversent Communications of New Hampshire, LLC on April 7, 2006.[1]

A prehearing conference and initial technical session were held as scheduled on April 14, 2006. During the prehearing conference, the question was raised as to whether publication of the order of notice had taken place. The prehearing conference went forward as scheduled, and the matter of publication was held in abeyance until it could be determined if publication had

[1] Subsequent to the submission of the intervention request, Conversent Communications of New Hampshire became One Communications. This party is referred to herein as Conversent/One.

occurred as ordered. All motions to intervene were granted at the prehearing conference. Subsequently, it was determined that publication had not occurred. On April 18, 2006, the Commission issued a supplemental order of notice to ensure that all affected parties be properly notified and provided an opportunity to be heard.

On April 18, 2006, Staff filed a report of the April 14, 2006 technical session. In its report, Staff proposed a procedural schedule for discovery and a second technical session, initially scheduled for June 2, 2006, and later rescheduled to July 12, 2006. According to Staff, the parties agreed that any analysis or conclusions of Staff regarding data should adhere to criteria established in Commission Order No. 24,598 (March 10, 2006) in Docket No. DT 05-083 (Wire Center Order).[2]

The next technical session was duly held on July 12, 2006, and on August 2, 2006, Staff filed its report. At the conclusion of the technical session, the Parties agreed to hold a follow-up telephone conference on July 25, 2006, to discuss issues raised for adjudication in this docket. During the July 25 teleconference, the Parties agreed with the methodology used by Verizon to count lines in the Concord wire center, as analyzed and verified by Staff. The participants also agreed to an effective date of February 15, 2006, for reclassification of the Concord wire center to Tier 2. On August 21, 2006, Stephen Merrill of the OCA filed an affidavit attesting to his having reviewed the confidential information and discovery filings in the docket and verified the methodology used by Verizon and agreed to by Parties for counting business lines in the Concord wire center.

On September 13, 2006, BayRing and segTEL filed a joint request that the Commission consider the appropriate transition period for delisted UNEs in the wire centers under review in

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[2] The Commission denied a motion for rehearing of Order No. 24,598 in Order No. 24,629 (June 1, 2006).

this docket and provide parties with an opportunity for comment. On September 27, 2006, the Commission issued a secretarial letter requesting initial and reply comments by October 11 and October 25, 2006, respectively. Comments were duly filed by BayRing/segTEL, Conversent/One, and Verizon.

II. RELATED DOCKET NOS. DT 05-083 AND DT 06-012

On March 10, 2006, the Commission issued the Wire Center Order in consolidated Docket Nos. DT 05-083 and DT 06-012, regarding certain issues relevant to this docket. Among other things, the Wire Center Order identified the process the Commission would use to determine the number of fiber-based collocators in a wire center, and classified Dover (subject to the current proceeding) as a Tier 3 wire center based on the number of fiber-based collocators. Several motions for reconsideration and rehearing, and objections thereto, were filed pursuant to that order. On April 28, 2006, the Commission issued a secretarial letter suspending the Wire Center Order pending further consideration of issues raised in various motions for rehearing and reconsideration. On June 1, 2006, the Commission issued Order No. 24,629 in Docket Nos. DT 05-083 and DT 06-012 denying all motions for rehearing, reconsideration or clarification, lifting the suspension imposed on April 28, 2006, affirming the Wire Center Order, and closing the docket.

In its April 18, 2006 supplemental order of notice in the instant docket, the Commission noted that it would assess the wire centers at issue in this docket based on its findings in Docket No. DT 05-083, as set forth in the Wire Center Order.

III. AGREEMENT ON CERTAIN ISSUES

The parties in this docket reached agreement on certain issues raised in the July 12, 2006 technical session and July 25, 2006 telephone conference. Parties agreed with the methodology used by Verizon to count lines in the Concord wire center. Staff examined the documents and verified that Verizon's methodology and business line count in Concord comply with FCC rules, noting that it further believes that any future counts utilizing the same methodology in accordance with the same FCC rules would also comply. Parties also agreed to recommend that the effective date for Concord attaining Tier 2 status for transport be February 15, 2006.

Parties further agreed that the methodology for counting business lines should include (1) the sum of all incumbent LEC-owned business switched access lines,[3] and (2) the sum of all UNE loops connected to the wire center, including UNE loops provisioned in combination with other unbundled elements.[4] Parties also agreed that UNE dark fiber loops, services provided via special access circuits, and non-switched services provided by Verizon should not be counted.

Finally, Verizon noted that while it does not agree with the Commission's conclusions in Order No. 24,598, it would comply with the Commission's methodology as outlined in the Wire Center Order with respect to the wire centers at issue in this docket. Accordingly, all parties understood that the Commission's affirmation of its findings in the Wire Center Order with respect to the wire centers of Concord, Dover and Salem in this docket will result in the following: (1) Dover and Salem continue to be classified as Tier 3 wire centers, (2) Concord is classified as a Tier 2 wire center for transport, (3) Verizon would be directed to file tariff pages identifying Concord as a Tier 2 wire center effective February 15, 2006, and (4) Verizon would

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[3] In Concord, these include: RETAIL business analog loops, RETAIL Centrex loops, RETAIL ISDN PRI loops, RETAIL ISDN BRI business loops, RETAIL ISDN BRI Centrex loops, RETAIL Public Coin/COCOT loops, RESALE business analog loops, RESALE Centrex loops, RESALE ISDN PRI loops, RESALE ISDN BRI business loops, RESALE ISDN BRI Centrex loops, RESALE Public Coin/COCOT loops, Wholesale Advantage (fka UNE-P) business loops, Wholesale Advantage (fka UNE-P) Centrex loops, Wholesale Advantage (fka UNE-P) ISDN PRI loops, Wholesale Advantage (fka UNE-P) ISDN BRI business loops, Wholesale Advantage (fka UNE-P) Public Coin/COCOT loops.

[4] In Concord, these include: UNE analog loops (including 4-wire loops), UNE DS1 loops (multiplied by 24, UNE DS3 loops (multiplied by 672) UNE BRI loops (multiplied by 2), UNE DSL loops, DS0 EEL loops, DS1 EEL loops (multiplied by 24), DS3 EEL loops (multiplied by 672).

be directed to refund to CLECs monies collected by virtue of applying the transition rates in Tariff 84 to Section 251 UNEs it had classified as delisted in Dover and Salem, retroactive to the date Verizon began charging such transition rates.

IV. POSITIONS OF PARTIES AND STAFF

Business Line Counts

a. Verizon New Hampshire

Verizon asserts that CLECs in the Concord, Dover, and Salem wire centers are not impaired without access to DS-3 high capacity and dark fiber dedicated transport unbundled network elements (UNEs) between those wire centers and any New Hampshire wire centers designated as Tier 1 or Tier 2 wire centers. Verizon identified Concord as a Tier 2 wire center based on the number of business lines in the wire center pursuant to the definition of business lines in 47 C.F.R. §51.5, Terms and Definitions (Rule 51.5). According to Verizon, there are more than 24,000 business lines in Concord. Verizon identified the Salem wire center as a Tier 1 wire center based on four or more fiber-based collocators pursuant to its interpretation of the definition of fiber-based collocator codified at Rule 51.5. Verizon further asserts that Dover should be upgraded from Tier 2 (per its contention in DT 05-083) to Tier 1 as a result of new fiber-based collocation activity. Verizon supports the method of review of wire centers agreed upon in Docket No. DT 05-083, wherein Staff investigates the competitively sensitive information filed by Verizon, and Staff and OCA verify the information.

b. BayRing and segTEL

BayRing and segTEL agree with Verizon that the review procedure employed in the original wire center investigation in Docket No. DT 05-083 by Staff would be appropriate in this docket as well. BayRing and segTEL further note that the issue of business lines was not thoroughly vetted in the prior wire center investigation in Docket No. DT 05-083 and that discovery on that issue needed to be conducted in this docket.

c. CTC and Lightship

CTC/Lightship agree with the positions of BayRing and segTEL.

d. Conversent/One

Conversent/One agrees with the positions of BayRing and segTEL on business line counts.

e. OCA

The OCA states that its interest in this docket is indirect and that it seeks to ensure that there are alternative providers in the marketplace.

f. Staff

Staff notes that in this investigation it seeks a careful review of Verizon's methodology for counting business lines as well as to ensure that the classification of wire centers in Concord, Salem, and Dover are in compliance with FCC rules and the Wire Center Order. Staff believes that clear guidance and rules on wire center classifications are essential for an element of certainty in today's changing telecommunications market. Staff urges the Commission to analyze the definition of "business lines" provided in the *TRRO* and FCC rules, and to examine Verizon's methodology for compliance.

Transition Periods

A. Verizon

Effective Dates. Verizon concurs with the effective date agreed upon by parties with respect to the reclassification of the Concord wire center as a Tier 2 center, but argues that the applicable transition rates should apply only from February 15, 2006 to March 10, 2006 for DS3 transport and from February 15, 2006 to September 10, 2006 for dark fiber transport. For future wire center reclassification decisions, Verizon proposes the effective date be set as the date of filing of tariff revisions proposing a change in the impairment status of a wire center. Verizon further notes that it plans to provide CLECs at least ten days from the issuance of the Commission's present order before disconnecting any embedded base of DS3 and dark fiber transport between the Concord wire center and any of the three existing non-impaired centers (i.e., Manchester, Nashua, and Portsmouth).

Length. Verizon argues that a 90-day transition period from the date it files tariff revisions proposing a change in the impairment status of a wire center is more than reasonable. Verizon points out that the default transition period set forth in its Tariff No. 84, Part A, Section 1.4.3.B and in most of its existing interconnection agreements consists of a 30-day notice and transition period, and that the 90-day period proposed here is three times longer. Verizon maintains that the 12-month and 18-month rolling transition periods advocated by the CLECs here applied only to those wire centers which met the applicable non-impairment triggers as of the effective date of the *TRRO* and, further, were considered and expressly rejected by the FCC in the *TRRO* with respect to the reclassification of any wire centers subsequent to that date. Verizon further argues that the FCC granted initial transition periods of 12 and 18 months only because of the large initial number of wire centers which would qualify as nonimpaired and thus trigger the need for conversion to alternative services on the part of both ILECs and CLECs. According to Verizon, the FCC expects transition periods for any wire center reclassifications occurring subsequent to the effective date of the *TRRO* to be negotiated between ILECs and requesting carriers through the section 252 negotiation process, and that the number of centers eligible for future reclassification is small and therefore lengthy transition periods are not required. Verizon further notes that other state commissions have adopted transition periods of 60 days, 90 days, 6 months and 180 days, while, according to Verizon, one state adopted a 30-day notice requirement. Verizon concludes that the 90-day transition period it proposes is reasonable and consistent with other state findings.

Other Issues. With respect to the supplemental issues raised by BayRing and segTEL, Verizon argues that those issues go beyond the scope of the Commission's request for comments on appropriate transition periods in this case. Verizon further posits that federal law has established that the states have no regulatory authority over local telecommunications competition, that the FCC alone has the authority to determine which network elements must be made available as UNEs, that Bell operating companies such as Verizon satisfy the provisioning requirements set forth in sections 201 and 202 by offering 271 elements through interstate tariffs or through commercial agreements with other carriers, and that states have no authority to enforce terms and conditions associated with the provisioning of interstate services under section 271. Verizon concludes that BayRing and segTEL's recommendations to the Commission go beyond the scope of the Commission's secretarial letter and must be rejected as generally contrary to federal law and to the injunctive effects of the August 22, 2006 New Hampshire district court decision in *Verizon New England, Inc. v. New Hampshire Pub. Utils. Comm'n*, No. 05-CV-94-PB, 2006 WL 2433249 (D.N.H. Aug. 22, 2006).

B. BayRing and segTEL

Effective Dates. BayRing and segTEL propose the effective date for future wire center reclassifications be set as the date of a Commission order verifying Verizon's claim of nonimpairment for a particular wire center or centers and approving the appropriate tariff revisions. In the event parties to a reclassification proceeding agree on or stipulate to a particular effective date for a particular wire center's nonimpairment classification, BayRing and segTEL propose that the Commission confirm such an agreement.

Length. BayRing and segTEL posit that, at a minimum, the Commission should require a 12-month transition for lit services and an 18-month transition for dark fiber services, as initially established in the FCC's *TRRO*. BayRing and segTEL argue that the reasons cited by the FCC for those particular periods still exist – that is, that CLECs and ILECs require adequate time to undertake a variety of tasks such as deciding where to deploy, or whether to purchase or lease alternate facilities in the transition from UNEs to alternate arrangements once a wire center is no longer impaired. BayRing and segTEL add that the FCC found a longer period necessary for dark fiber due to the lack of a comparable tariffed service and the lengthier time required for self-deployment or negotiation of alternate arrangements with other carriers for dark fiber services. BayRing and segTEL add that lengthier transition periods are particularly necessary in New Hampshire, where there are few or no alternative providers in the market, unlike in larger states such as Massachusetts where greater numbers of competitive providers are available. BayRing and segTEL note that the Illinois and Ohio commissions adopted the 12- and 18-month transition periods, and that both Illinois and Michigan, for example, have considered and rejected a 90-day transition period as too short, anticompetitive, and unreasonable.

Other Issues. BayRing and segTEL further request the Commission to establish a transition rate of TELRIC plus 15 percent to be applicable for the duration of the transition periods established, and to consider a case-by-case extension option of the applicable transition period where no alternative services exist. BayRing and segTEL further argue that the Commission should take a proactive approach to minimize future market disruptions by requiring Verizon and CLECs to engage in prompt, good faith negotiations for conversion to alternate services, by providing a venue for fast track arbitration of transition or conversion complaints, and by initiating a new docket to evaluate a separate wholesale tariff for elements no longer available under section 251 of the Telecommunications Act of 1996.

C. Conversent/One

Effective Dates. Conversent/One supports an effective date for the reclassification of a wire center as the date the Commission approves or allows to go into effect a tariff amendment proposed by Verizon.

Length. At the April 14, 2006 prehearing conference, Conversent/One noted that the issue of the transition period applicable to UNEs that are delisted as a result of subsequent additions to the non-impaired wire center list should be considered in this proceeding. Conversent/One posited that this issue was expressly reserved in the March 10, 2006 order in related Docket No. DT 05-083 but is squarely presented in this case where Verizon's tariff filing provides for what Conversent considers an unrealistically and unfairly short transition period. Conversent/One argues that the 12- and 18- month transition periods established by the FCC in the *TRRO* remain appropriate for any wire centers reclassified subsequent to the issuance of the *TRRO*. According to Conversent/One, the purpose of the rolling transition plans of 12 and 18 months is to allow for a reasonable and orderly transfer from UNEs to other facilities or arrangements, noting that dark fiber transfers require additional time to negotiate alternative arrangements because, as the FCC found, dark fiber is not offered as a tariffed service. Conversent/One maintains that that purpose continues to apply to post-TRRO transitions, and further notes that other states have imposed the same 12- and 18-month transition periods, while still others have imposed uniform 12-month transitions or 9- and 12-month transitions. Conversent/One adds that Verizon's proposed 90-day transition period is unreasonably and unrealistically short and, moreover, abrogates the process the Commission established in its Wire Center Order.

According to Conversent/One, Verizon can take at least 166 calendar days to provision collocation arrangements under Tariff No. 84, a time interval that exceeds the 90-day transition period proposed by Verizon. One Communications adds that Verizon is in sole possession of information indicating when it will propose to change the impairment status of a particular wire center and, therefore, it would be absurd to expect CLECs to anticipate in advance a change in impairment status and the need to make alternative arrangements. With respect to the Concord wire center, Conversent/One points out that Verizon's proposed transition periods for that center would be, in effect, retroactive and not consistent with the intent of the parties' agreement on an effective date of February 15, 2006.

V. COMMISSION ANALYSIS

The Commission has reviewed Staff's reports of the July 12, 2006 technical session and the follow-up telephone conference of July 25, 2006. The agreement reported by Staff reflects close technical analysis by Staff and parties of the types of lines counted as "business lines" for purposes of classifying wire centers pursuant to FCC requirements codified at 47 C.F.R. 51.5, Terms and Definitions. Data submitted by Verizon to support its methodology for counting business lines in its Concord wire center were verified by Staff and affirmed by the OCA. Based on our review of the various submissions in this proceeding, including Staff's report of the parties agreement and OCA's affidavit attesting to its review of Verizon's methodology in light of the definition for "business line" set forth at 47 C.F.R. §51.5, we find the agreement reached by the parties with respect to line counts to be reasonable. We further find that Verizon's methodology for business line counts in its Concord wire center complies with the applicable FCC definition at 47 C.F.R. §51.5.

In this docket, we also undertook to make certain findings regarding the classification of the Salem and Dover wire centers based on the fiber-based collocation benchmarks set forth at 47 C.F.R. §51.319. In that regard, we acknowledge the parties' agreement on the following: (1) Dover and Salem shall continue to be classified as Tier 3 wire centers, (2) Concord shall be classified as a Tier 2 wire center for transport, based on business line counts, (3) Verizon shall be directed to file tariff pages identifying Concord as a Tier 2 wire center effective February 15, 2006, and (4) Verizon shall be directed to refund to CLECs monies collected by virtue of applying the transition rates in Tariff 84 to section 251 UNEs it had classified as delisted in Dover and Salem, retroactive to the date Verizon began charging such transition rates. We find that the above points of agreement are reasonable and consistent with our determinations in Docket No. DT 05-083 as set forth in the Wire Center Order.

We note that, in the course of this proceeding, parties have raised the closely related issues of (1) transition – a reasonable time frame for a CLEC to arrange alternative facilities, and (2) notice – the notice Verizon must provide when it sets a date certain for the disconnection of facilities. These issues merit separate consideration.

With regard to transition periods for those elements that are delisted under section 251 of the Telecommunications Act and removed from Verizon's tariff pursuant to the New Hampshire District Court decision,[5] we have reviewed party comments and find that a rolling 7-month

[5] On August 22, 2006, the United States District Court for the District of New Hampshire issued its decision in Verizon New England, Inc. v. New Hampshire Public Utilities Commission (Opinion No. 2006 DNH 094 in Docket No. 05-cv-94-PB), enjoining the Commission from enforcing certain orders "to the extent that they require Verizon to continue offering unbundled access to de-listed network elements through its wholesale tariff." Id. at 30. The District Court's decision is now on appeal to the United States Court of Appeals for the First Circuit, although it has not been stayed pending appeal.

period for DS1 and DS3 loops and transport, and a rolling 13-month period for dark fiber are reasonable. We note that the FCC expressly recognized the need to provide adequate time for alternative arrangements to be made once Verizon is relieved of certain unbundling obligations in wire centers found to be nonimpaired. CLEC parties have noted that such arrangements may require the identification of alternate providers capable of provisioning the necessary services, as well as the establishment of new collocation arrangements, which can take at least 166 calendar days under Verizon's existing tariff provisions. We note Verizon's position that the CLECs have been directed by the FCC to conduct reasonable due diligence with regard to the availability or unavailability of unbundled services in any particular wire center. While we agree that there is a certain burden imposed on the CLECs to be aware of the current state of competition in the areas in which they choose to operate, we also agree that the transition from Verizon-provisioned UNEs to self-deployed facilities or alternate provisioning requires some reasonable transition period. Given the predominantly rural nature of the New Hampshire market and the paucity of competitive providers of fiber products and services in that market, we find that something more than the 90 days proposed by Verizon is warranted. This is borne out by the fact that two of the four offices classified as nonimpaired were so classified based on the number of business lines, rather than the number of fiber-based collocators, information not readily accessible to CLECs.

Nonetheless, in light of the fact that CLECs should expect to take some responsibility for keeping abreast of the competitive status of the market in which they undertake operations, and the fact that the *TRRO*, in effect, gave notice in March of 2005 to competitive carriers that they should anticipate and consider alternative arrangements, in the event wire centers in more competitive markets are reclassified as non-impaired, we find that the initial 12- and 18-month transition periods are not necessary for post-*TRRO* reclassifications. However, we recognize the continued relevance of the FCC's findings that a six-month differential for transition between lit services and dark fiber services is warranted.

In effect, transition from both lit and dark-service UNEs in a particular reclassified wire center will require a CLEC to pursue one of several alternative arrangements: (1) self-deployment of alternative facilities, (2) purchase of an alternative product or service from a competitive provider, (3) purchase from Verizon's retail tariff, (4) establishment of a new collocation in a wire center where UNEs are still available, or (5) entry into a commercial agreement with Verizon. The third option is not available for dark fiber, as there is no equivalent tariffed product available.

We took several factors into consideration when determining the reasonableness of particular transition periods. First, wire center reclassification may or may not reflect the existence of competitive alternatives, as centers may be reclassified based on business line counts rather than the presence of fiber-based collocators, or, if based on the number of fiber-based collocators, classification is made without regard to whether any particular fiber-based collocator provides service from the affected wire centers and on a wholesale basis. Second, due to the nature of the services CLECs provide using dark fiber, several different transport products may be required to replace a single dark fiber transport service. As a result, CLECs who wish to convert dark fiber facilities leased from Verizon must either build out their own fiber facilities or establish a collocation in one of Verizon's wire centers to gain access to competitor-provisioned facilities. Finally, with regard to DS3 transport[6], we note that, due to the fact that two of the four wire centers classified as nonimpaired pursuant to the Wire Center Order and the present order were classified as such due to business line counts only and not to the number of fiber based

[6] DS1 transport is not at issue here, because Manchester is the only Tier 1 wire center in New Hampshire at this time. The transition period we set here will nonetheless apply to DS1 transport as well as DS3 transport.

collocators, CLECs will be likely to replace direct transport between two such centers with transport that takes advantage of an intermediary wire center, requiring a new collocation arrangement in that intervening center.

Conversent/One has suggested that the standard interval for establishment of a collocation, based on the tariff, is, in effect, 166 calendar days for most, if not all, new collocations. Tariff 84 also provides that the interval for one DS3 (where facilities exist) is 15 business days (Tariff 84, part A, Section 3.2.4.A.1), or roughly 21 calendar days in addition to the time required to provision collocation. When facilities are not available or when an order is placed for more than eight DS3 circuits, the interval is negotiated. The resulting interval of 187 calendar days, if everything proceeds smoothly, would require a transition period of at least 7 months. Thus, we recognize that, given existing tariff provisions governing collocation provisioning, at least seven months is warranted for the transition of both lit services and dark fiber services.

Because a tariffed alternative is not available for dark fiber, replacement of dark fiber transport services will take longer than replacement for lit services. Thus, we maintain the six-month differential in transition periods.

Based on the foregoing, we find that 7- and 13-month transition periods are adequate to provide competitive carriers time to make alternative arrangements. We further find that the applicable transition periods shall begin on the effective date of tariff revisions approved by the Commission. Any effective date for transition set before such a determination could create undue confusion and financial burden if a proposed reclassification is, in fact, not approved. With respect to the Concord wire center, we require Verizon to apply the 7- and 13-month transition periods from the agreed upon date of February 15, 2006, with resulting conversion deadlines of September 15, 2006 and March 15, 2007.

With regard to notice, while a Commission determination that a wire center is nonimpaired will trigger the applicable transition period and transition pricing for the elements at issue, we find that Verizon must also provide adequate notice to the CLEC when setting a date certain for disconnection of delisted elements if CLECs fail to make alternative arrangements by the end of the transition period. Pursuant to Part A, Section 1.9.2.B and consistent with Part A, Section 1.4.3.B of Tariff No. 84, we find that 30 calendar days notice prior to actual disconnection is reasonable, provided that such notice indicates the planned date for such disconnection.

In light of the foregoing, we approve the agreement of the parties set forth in Staff's report of August 2, 2006, with respect to the methodology applied by Verizon in the counting of business lines in its Concord, New Hampshire wire center.

Based upon the foregoing, it is hereby

ORDERED, that the agreement reached by Parties and set forth in Staff's August 2, 2006, report is approved; and it is

FURTHER ORDERED, that Verizon's Dover and Salem wire centers be classified as Tier 3 wire centers and Verizon's Concord wire center be classified as a Tier 2 wire center for transport; and it is

FURTHER ORDERED, that Verizon file tariff pages identifying Concord as a Tier 2 wire center effective February 15, 2006; and it is

FURTHER ORDERED, that Verizon refund to CLECs monies collected by virtue of applying the transition rates in Tariff 84 to section 251 UNEs it had classified as delisted in Dover and Salem, retroactive to the date Verizon began charging such transition rates; and it is

FURTHER ORDERED, that rolling transition periods of 7 months for DS1 and DS3 loops and transport and 13 months for dark fiber shall begin on the date of the Commission approval of Verizon's revisions to Tariff No. 84 for provisioning and pricing regarding those elements; and it is

FURTHER ORDERED, that the notice period for disconnection of DS1 and DS3 loops and transport and for dark fiber shall be 30 days prior to disconnection.

By order of the Public Utilities Commission of New Hampshire this fifth day of January, 2007.

Thomas B. Getz Chairman	Graham J. Morrison Commissioner	Clifton C. Below Commissioner

Attested by:

Debra A. Howland
Executive Director & Secretary