

**THE STATE OF NEW HAMPSHIRE  
PUBLIC UTILITIES COMMISSION**

**DT 05-083**

**ORDER OF NOTICE**

The New Hampshire Public Utilities Commission (Commission) hereby gives notice that it is opening a formal investigation pursuant to RSA 365:5 in connection with certain provisions of Tariff No. NHPUC 84 of Incumbent Local Exchange Carrier (ILEC) and Regional Bell Operating Company (RBOC) Verizon NH. The provisions at issue are contained in certain tariff revisions filed by Verizon on February 22, 2005 in Docket No. DT 05-034.

Specifically, the Commission will investigate issues related to Verizon's obligation as an ILEC to provision certain unbundled network elements (UNEs) -- DS1 loops, DS3 loops and dedicated high-capacity transport facilities (including dark fiber transport) -- to Competitive Local Exchange Carriers (CLECs) pursuant to Section 251 of the Telecommunications Act of 1996, 47 U.S.C. § 251, and the Federal Communications Commission's *Triennial Review Remand Order* (TRO Remand Order), 2005 WL 289015 (F.C.C., Feb. 4, 2005). The Commission intends to conduct its investigation as an adjudicative proceeding pursuant to RSA 541-A:31 and N.H. Code Admin. Rules Part Puc 203.

The TRO Remand Order makes clear that Verizon remains obliged to provision these UNEs under section 251 at some of its wire centers but not others and requires CLECs to determine which wire centers meet specific criteria set forth in the TRO Remand Order. The TRO Remand Order provides a formula and method for how to determine which wire centers qualify with regard to newly requested services but does not provide a method of how to deal with already

provisioned services other than to direct the parties to negotiate changes in their interconnections agreements. Additionally in New Hampshire, the Commission must deal with changes to the Verizon tariff as a result of the TRO Remand Order rather than just interconnection agreements. For that reason, we find a formal investigation is warranted. The purpose of the investigation is to determine which wire centers in New Hampshire are affected and what procedure the Commission should adopt for future determinations with respect to affected wire centers.

The Commission additionally reserves the right, if necessary, to determine in this proceeding whether, notwithstanding the requirements of section 251 and the TRO Remand Order, Verizon remains obliged to provision the affected UNEs at any New Hampshire wire centers by virtue of Verizon's status as an RBOC that has obtained authority under section 271 of the Telecommunications Act, 47 U.S.C. § 271, to provide interLATA long-distance service in New Hampshire. *See* Order No. 24,442 (March 11, 2005) entered in Docket Nos. DT 03-201 and DT 04-176.

**Based upon the foregoing, it is hereby**

**ORDERED**, that a Prehearing Conference, pursuant to N.H. Admin. Rules Puc 203.05, be held before the Commission located at 21 S. Fruit St., Suite 10, Concord, New Hampshire on May 25, 2005 at 10:00 a.m., at which interested parties and the Commission Staff will provide a preliminary statement of its position with regard to the investigation and any of the issues set forth in N.H. Admin Rule Puc 203.05(c) shall be considered; and it is

**FURTHER ORDERED**, that Verizon NH is a mandatory party to this proceeding; and it is


**FURTHER ORDERED**, that, immediately following the Prehearing Conference, Verizon, the Staff of the Commission and any Intervenors hold a Technical Session to review the issues in the investigation; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin. Rules Puc 203.01, Verizon shall notify all persons desiring to be heard at this hearing by publishing a copy of this Order of Notice no later than May 4, 2005, in a newspaper with statewide circulation or of general circulation in those portions of the state in which operations are conducted, publication to be documented by affidavit filed with the Commission on or before May 25, 2005; and it is

**FURTHER ORDERED**, that pursuant to N.H. Admin Rules Puc 203.02, any party seeking to intervene in the proceeding shall submit to the Commission an original and eight copies of a Petition to Intervene with copies sent to Verizon and the Office of the Consumer Advocate on or before May 20, 2005, such Petition stating the facts demonstrating how its rights, duties, privileges, immunities or other substantial interest may be affected by the proceeding, as required by N.H. Admin Rule Puc 203.02 and RSA 541-A:32,I(b); and it is

**FURTHER ORDERED**, that any party objecting to a Petition to Intervene make said Objection on or before May 25, 2005.

By order of the Public Utilities Commission of New Hampshire this twenty-second day of April, 2005.

  
Debra A. Howland  
Executive Director & Secretary

Individuals needing assistance or auxiliary communication aids due to sensory impairment or other disability, should contact the Americans with Disabilities Act Coordinator, NHPUC, 21 S. Fruit St., Suite 10, Concord, New Hampshire 03301-2429; 603-271-2431; TDD Access: Relay N.H. 1-800-735-2964. Notification of the need for assistance should be made one week prior to the scheduled event.