



*Via Overnight Mail & Electronic Mail*

November 22, 2005

Ms. Debra A. Howland, Esq.  
Executive Director and Secretary  
New Hampshire Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429

Re: Verizon New Hampshire Wire Center Investigation, DT 05-083

Dear Ms. Howland:

Conversent Communications of New Hampshire, LLC (Conversent) wishes to bring to the Commission's attention the attached letter from Verizon dated November 17, 2005, and received by Conversent today. In the letter, Verizon purports to supplement its list of wire centers that it claims are "non-impaired" with respect to the unbundling of one or more of DS1 loops, DS3 loops, DS1 dedicated transport, DS3 dedicated transport, and dark fiber dedicated transport under the *Triennial Review Remand Order (TRRO)*. In particular, Verizon has added the Concord, Dover, and Salem wire centers to the list with respect to one or more UNEs.

The accuracy of Verizon's list, the methodology by which it was compiled, and whether Verizon correctly applied that methodology, of course, are all (among others) issues in this proceeding. The Commission Staff, Verizon, Conversent, and the other parties have held lengthy and detailed technical sessions regarding the original, March 2005 wire center list. The parties, along with a number of asserted fiber-based collocators that are not parties, also have responded to detailed discovery propounded by the Staff relative to the original list.

Verizon's attempt to supplement the non-impaired wire center list, if implemented, will circumvent the Commission's effort to investigate the issues in this docket. The Commission should prohibit Verizon from adding any wire centers to the Non-impaired list until the Commission has determined that Verizon's methodology for compiling the list is correct and that Verizon has accurately employed that methodology.

Alternatively, at a minimum, the Commission should add the Concord, Dover, and Salem wire centers to those under investigation in this matter. In such case, Verizon should supplement its discovery responses to include information pertaining to these wire centers.

Ms. Debra A. Howland  
Re: Verizon Wire Centers, DT 05-083  
November 22, 2005  
Page 2

Verizon's letter raises another issue: the appropriate transition period for UNEs that are no longer subject to unbundling in wire centers that the Commission determines are properly included on the supplemental non-impaired list. In the *TRRO*, the FCC established a one-year transition period for DS1 and DS3 loops and DS1 and DS3 dedicated transport, and an eighteen-month period for dark fiber dedicated transport. See 47 C.F.R. §§ 51.319(a)(4)(iii), (a)(5)(iii), (e)(2)(ii)(C), (e)(2)(iii)(C), (e)(2)(iv)(B). In its letter (p. 2), Verizon claims that the applicable transition period for loop and non-dark fiber transport in the wire centers on the supplemental list will end on March 11, 2006 — effectively resulting in a four and one-half month transition period instead of the one-year period set by the FCC. Similarly, with respect to dark fiber dedicated transport in wire centers on the supplemental list, Verizon purports to impose effectively a nine and one-half month transition period through September 11, 2006, instead of the eighteen-month period set by the FCC.

This is improper. The Commission should require Verizon to give effect to the full transition periods set by the FCC. For wire centers added to the non-impaired list after the effective date of the *TRRO* (March 11, 2005), the Commission should determine that the transition periods begin to run on the day after receipt of the supplemental notification.

Thank you for your attention to this letter. Please contact me (401-834-3326 direct dial or [gkennan@conversent.com](mailto:gkennan@conversent.com)) if you have any questions.

Very truly yours,



Gregory M. Kennan  
Director, Regulatory Affairs and Counsel

Cc: Victor Del Vecchio, Esq.  
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November 17, 2005

Scott Sawyer  
Vice President-Regulatory Affairs  
Conversent Communications of New Hampshire LLC  
24 Albion Road Suite 230  
Lincoln, RI 02865

Subject: **NOTICE OF UPDATES TO VERIZON WIRE CENTER CLASSIFICATIONS**

In connection with its implementation of the FCC's Order on Remand in WC Docket No. 04-313 and CC Docket No. 01-338, released on February 4, 2005 (the "*TRO Remand Order*"), Verizon filed with the FCC a list of Verizon's Tier 1 and Tier 2 Wire Centers.<sup>1</sup> The *TRO Remand Order* requires these wire center classifications to allow parties to identify the interoffice routes on which the FCC has determined that competitive LECs ("CLECs") are not impaired without access to Dedicated DS1 Transport, Dedicated DS3 Transport, and Dark Fiber Transport.<sup>2</sup> In addition, Verizon's filing included a list of wire centers that satisfy the FCC's non-impairment criteria for DS1 and DS3 Loops.<sup>3</sup> Verizon also provided this information to CLECs directly, and published it on its wholesale website in an Industry Letter dated March 2, 2005.<sup>4</sup>

Pursuant to the rules adopted in the *TRO Remand Order*, Verizon has recently identified additional wire centers that meet the *Order's* non-impairment criteria. A list of those additional wire centers is attached

<sup>1</sup> As set forth in Section 51.319(e)(3) of the FCC's implementing regulations, Tier 1 wire centers are those incumbent LEC wire centers that contain at least four fiber-based collocators, at least 38,000 business lines, or both. Tier 1 wire centers also include those incumbent LEC tandem switching locations that have no line-side switching facilities, but nevertheless serve as a point of traffic aggregation accessible by CLECs. Tier 2 wire centers are those incumbent LEC wire centers that are not Tier 1 wire centers, but contain at least three fiber-based collocators, at least 24,000 business lines, or both.

<sup>2</sup> As explained with more specificity in Verizon's industry notice of February 10, 2005: (i) CLECs are not impaired without unbundled access to Dedicated DS1 Transport between any pair of Verizon Wire Centers that are both Tier 1 Wire Centers (and in no event may any CLEC obtain more than ten unbundled Dedicated DS1 Transport circuits on any route where Dedicated DS1 Transport remains available on an unbundled basis); (ii) CLECs are not impaired without unbundled access to Dedicated DS3 Transport between any pair of Verizon wire centers that are both either Tier 1 or Tier 2 Wire Centers (and in no event may any CLEC obtain more than twelve unbundled Dedicated DS3 Transport circuits on any route where Dedicated DS3 Transport remains available on an unbundled basis); and (iii) CLECs are not impaired without unbundled access to Dark Fiber Transport between any pair of Verizon wire centers that are both either Tier 1 or Tier 2 wire centers.

<sup>3</sup> As explained with more specificity in Verizon's industry notice of February 10, 2005: (i) CLECs are not impaired without unbundled access to DS1 Loops at any building location that is served by a Wire Center with at least 60,000 Business Lines and four Fiber-Based Collocators (and in no event may any CLEC obtain more than ten DS1 Loops at any building location where DS1 Loops remain available on an unbundled basis); (ii) CLECs are not impaired without unbundled access to DS3 Loops at any building location that is served by a Wire Center with at least 38,000 Business Lines and four Fiber-Based Collocators (and in no event may any CLEC obtain more than one DS3 Loop at any building location where DS3 Loops remain available on an unbundled basis).

<sup>4</sup> Verizon subsequently updated its wire center list as of April 15, 2005 and October 12, 2005. A list of "Verizon Wire Centers Exempt from UNE Hi-Cap Loop and Dedicated Transport Ordering" as updated on April 15, 2005, is available on the Ordering Local Service page of Verizon's Wholesale Web-site at: <http://www22.verizon.com/wholesale/local/order/1.19410.00.html>

NOTICE OF CHANGES TO VERIZON WIRE CENTER INFORMATION

November 17, 2005

Page 2

as Exhibit A. The list in Exhibit A will supplement Verizon's currently effective wire center classifications, effective 90 days from the date of this letter, on and after February 15, 2006 (the "Notice Effective Date").<sup>5</sup>

The *TRO Remand Order* requires requesting carriers to undertake a reasonably diligent inquiry before ordering high-capacity loops and dedicated transport, in order to certify that they are entitled to unbundled access to the facilities they seek. You are hereby placed on notice of the additional exempt wire center classifications in Exhibit A. Review of this updated wire center list is necessarily part of any reasonably diligent inquiry. Therefore, you are deemed to have actual or constructive knowledge that you are not entitled to unbundled access to elements that fall within the wire center classifications described in footnotes 2 and 3 here and reflected in Exhibit A. Such network elements are no longer subject to mandatory unbundling under Section 251 of the Act, and may not be ordered as UNEs on and after the Notice Effective Date.

CLECs that have obtained high-capacity UNE loops and UNE dedicated transport facilities out of offices listed as exempt from unbundling in Exhibit A ("Newly De-listed Embedded Base") must transition those facilities to alternative arrangements. Verizon has determined that, although it is not required by the *TRO Remand Order* to do so, it will defer full enforcement of this notice during the period from the Notice Effective Date to March 11, 2006 (September 11, 2006 in the case of Dark Fiber Transport) with respect to any such Newly De-listed Embedded Base, so that the date by which CLECs must have completed transition of their Newly De-listed Embedded Base under this notice shall be the same date that applies to CLECs' embedded base of UNEs that became "de-listed" as of the March 11, 2005 effective date of the *TRO Remand Order*, except where the relevant state commission has determined that a different transition period for any such Newly De-listed Embedded Base will apply.<sup>6</sup> Verizon may, subject to any different requirements that may apply in certain states, charge transition rates under the *TRO Remand Order* for any such Newly De-listed Embedded Base during the period from the Notice Effective Date to March 11, 2006 (September 11, 2006 in the case of Dark Fiber Transport). To the extent a CLEC has not transitioned any de-listed loops or transport by March 11, 2006, or by the end of any applicable state commission transition period, this embedded base of facilities will be priced at Verizon's corresponding tariffed special access rates (month-to-month) for those facilities. These access charges will be charged retroactively as necessary to apply them as of March 11, 2006. CLECs that have obtained Dark Fiber Transport facilities between offices where these facilities are no longer available as UNEs must migrate them to alternative arrangements (e.g., through self-provisioning, or by obtaining replacement arrangements from Verizon under commercial agreements or Verizon tariffs) by September 11, 2006, or by the end of any applicable state commission transition period. If a CLEC has not transitioned any de-listed Dark Fiber Transport by September 11, 2006, or by the end of any applicable state commission transition period (and given that Verizon does not offer an analogous dark fiber service under its access tariffs), Verizon, in its sole discretion, will either disconnect the subject facilities or reprice them at a commercial rate that Verizon determines in its sole discretion.

Verizon's supplemental wire center classifications rely upon data sources available as of November 10, 2005 as specified by the FCC in the *TRO Remand Order*, including ARMIS data. As the FCC found in the *TRO Remand Order*, the ARMIS filings are "an objective set of data that incumbent LECs already have created for other regulatory purposes.... [W]e can be confident in the accuracy of the thresholds, and a simplified ability to obtain the necessary information." *TRO Remand Order*, at para. 105. The supplemental wire centers also reflect affiliate relationships created since Verizon filed its initial wire center classifications, including those created as a result of the Verizon/MCI merger.<sup>7</sup> Additionally, all

<sup>5</sup> In states where the *TRO Remand Order* is being implemented via tariff (such as New York and Rhode Island), the wire center classifications reflected in Exhibit A will take effect on the effective date of any tariff revisions made by Verizon to reflect the updated wire center classifications.

<sup>6</sup> Verizon reserves its right to challenge any determinations addressing this issue. Verizon also reserves its right to apply a different transition period where necessary to conform to the requirements of any subsequent order of a state commission, FCC, or court of competent jurisdiction addressing the issues that are the subject of this Notice.

<sup>7</sup> In accordance with voluntary commitments made by Verizon in connection the FCC-approved Verizon/MCI Merger, within thirty days of the Merger Closing Date, Verizon will issue an update to its initial wire center list (i.e., the list that remains effective 3/11/05)

**NOTICE OF CHANGES TO VERIZON WIRE CENTER INFORMATION**

November 17, 2005

Page 3

fiber-based collocation arrangements relied upon were validated through physical inspections. If you nevertheless have questions about Verizon's wire center list, please submit them to Michael D. Tinyk at michael.d.tinyk@verizon.com. Under an appropriate nondisclosure agreement, Verizon will provide to you backup data that it used to develop its updated wire center list. If you have actual, verifiable data that you believe demonstrate that any wire center identified as exempt from unbundling requirements in Exhibit A should not be included on that list, please provide such data to your Verizon account manager as soon as possible and no later than the Notice Effective Date.

Sincerely,



Jeffrey A. Masoner  
Vice President – Interconnection Services Policy & Planning

VIA Certified Return Receipt

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that, in applying the criteria established by the FCC in the *TRO Remand Order*, excludes fiber-based collocation arrangements established by MCI or its affiliates from *all* of Verizon's wire centers. The supplemental list attached to this notification already excludes fiber-based collocation arrangements established by MCI or its affiliates, therefore, no update to the supplemental list will be required 30 days after the Merger Closing Date.



EXHIBIT A								
Verizon's Supplemental Wire Centers Exempt from UNE Hi-Cap Loop and Dedicated Transport Ordering - (Post March 11, 2005) <b>Effective November 10, 2005</b>								
Reflects Additional Wire Centers or 3/11/05 Effective Wire Centers with Exemption Status Change								
This list is a supplement to, not a replacement of, the 3/11/05 Effective Wire Center Exemption List								
<b>Transport (Unbundled Dedicated Transport + Unbundled Dedicated Transport portion of a Loop-Transport combination)</b>								
DS1 Unbundled Transport will not be offered between Wire Center CLLIs marked "Yes" in the Tier 1 column.								
DS3 Unbundled Transport and Dark Fiber will not be offered between Wire Center CLLIs marked "Yes" in either the Tier 1 or Tier 2 columns.								
<b>Loop (Unbundled Loop + Unbundled Loop portion of a Loop-Transport combination)</b>								
DS1 Unbundled Loop Services will not be offered from Wire Centers marked "Yes" in the DS1 Loop column.								
DS3 Unbundled Loop Services will not be offered from Wire Centers marked "Yes" in the DS3 Loop column.								
			Wire Center Qualified - Yes or No					
State	Wire Center	Tier 1		Tier 2		DS1 Loop		DS3 Loop
CA	LAPNCAXG	No		Yes		No		No
	LNBHCAXG	No		Yes		No		No
	ONTRCAXP	No		Yes		No		No
	SNMNCAXP	Yes		No		No		No
DE	WLMGDEWL	Yes	Note 1	No		No		Yes
FL	TAMPFLXX	Yes	Note 1	No		No		Yes
IN	FTWYINXA	Yes		No		No		No
	FTWYINXF	No		Yes		No		No
	FTWYINXL	No		Yes		No		No
MA	BSTNMABO	Yes	Note 1	No		Yes		Yes Note 1
	BURLMABE	Yes		No		No		No
	CHCPMARI	Yes		No		No		No
	HLYKMAMA	Yes		No		No		No
	LYNNMACH	No		Yes		No		No
	MLFRMAWA	No		Yes		No		No
	NATNMAMA	Yes		No		No		No
	NDHMMAPI	No		Yes		No		No
	NRBOMASC	Yes		No		No		No
	RKLDMAWE	No		Yes		No		No
	WNCHMAMA	No		Yes		No		No
	WSBOMASU	No		Yes		No		No
ME	BNGRMEPA	Yes		No		No		No
	LSTNMEAS	Yes		No		No		No
NC	DRHMNCXB	No		Yes		No		No
	DRHMNCXH	Yes		No		No		No
NH	CNCRNHSD	No		Yes		No		No
	DOVRNHTH	Yes		No		No		No
	SALMNHNB	Yes		No		No		No
			Wire Center Qualified - Yes or No					



**NOTICE OF CHANGES TO VERIZON WIRE CENTER INFORMATION**  
 November 17, 2005  
 Page 5

State	Wire Center	Tier 1		Tier 2		DS1 Loop	DS3 Loop
NJ	EDSNNJED	Yes		No		No	No
	RTFRNJRU	Yes	Note 1	No		No	Yes
NY	FRDLNYFM	Yes		No		No	No
	HMPSONYHS	No		Yes		No	No
	HNSTNYHU	No		Yes		No	No
	NYCMNYMN	No		Yes		No	No
	NYCQNYAS	No		Yes		No	No
	NYCQNYLI	Yes	Note 1	No		No	Yes
	RSLNNYRO	No		Yes		No	No
	TNWNNTW	No		Yes		No	No
PA	BGVLPABR	Yes		No		No	No
	PITBPAEL	Yes		No		No	No
	PTTWPAPT	No		Yes		No	No
	RDNGPARE	Yes		No		No	No
	WLPTPAWI	Yes		No		No	No
RI	CNTNRIPH	Yes		No		No	No
	EGRNRICH	No		Yes		No	No
	PWTCRIHI	Yes		No		No	No
	WWWKRIMA	No		Yes		No	No
VA	FLCHVAMF	Yes		No		No	No
	MNSSVAXA	Yes		No		No	No
	NWNWVAHU	No		Yes		No	No
	NWNWVAHV	No		Yes		No	No
	RONKVALK	Yes		No		No	No
WV	CLBGWVMA	No		Yes		No	No
Total Supplemental Qualifying WCs		23		25		1	4
<b>Note 1:</b> These exemptions are unchanged from the 3/11/05 Effective Exemption List, and are reproduced here because of other classification changes for the same wire center; reproduced exemptions are excluded from the count of "Total Supplemental Qualifying WCs".							

