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ORIGINAL



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December 15, 2003

VIA UPS OVERNIGHT DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

DOCUMENT

Re: *Investigation into the Obligation of Incumbent Local Exchange Carriers to
Unbundle Network Elements, Docket No. I-00030099*

Dear Secretary McNulty:

I enclose for filing the original and three copies of Verizon Pennsylvania Inc. and Verizon North Inc.'s Response to AT&T Communications of Pennsylvania, LLC.'s Motion To Overrule Objections and To Compel Responses to its First Set of Interrogatories and Requests for Production of Documents in the above named matter.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Suzan D. Paiva

SDP/slb

Enclosure

cc: Via E-Mail and UPS Overnight Delivery
Honorable Michael Schierle
Honorable Susan Colwell
Attached Service List

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DEC 15 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the :
Obligation of Incumbent : Docket No.
Local Exchange Carriers : I-00030099
to Unbundle Network Elements :
:

DOCKETED
JAN 08 2004

**VERIZON PENNSYLVANIA INC. AND VERIZON NORTH INC.'S
RESPONSE TO AT&T COMMUNICATIONS OF PENNSYLVANIA, LLC.'S
MOTION TO OVERRULE OBJECTIONS AND TO COMPEL
RESPONSES TO ITS FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

On December 10, 2003, Verizon Pennsylvania Inc. and Verizon North Inc. ("Verizon") provided a timely response to each one of the questions in the first set of discovery of AT&T Communications of Pennsylvania, LLC ("AT&T"), and provided detailed information requested by AT&T regarding Verizon's own lines, as well as the information in its possession regarding the lines of competitors. Verizon agreed to provide answers to these requests even though in general they are neither relevant to this proceeding nor likely to lead to the discovery of admissible evidence. To the contrary, the majority of the information sought by AT&T has little, if anything, to do with this Commission's determination of whether the Federal Communications Commission's ("FCC") objective and mandatory triggers are satisfied. These triggers, which are keyed to "objective data" and "provide bright-line rules" for determining impairment, are focused exclusively on "actual competitive deployment" by the CLECs, which the FCC has concluded is the "best indicator that requesting carriers are not impaired." *Triennial Review Order ("TRO")* ¶¶ 498 & 506. In contrast, AT&T's requests focus not on the CLEC deployment that will determine whether the triggers are met, but instead on

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Verizon's retail operations and a customer category – residential customers – not at all dispositive in this proceeding.¹

But while Verizon has provided AT&T with the available information in response to these requests – irrelevant as this information is, for the reasons set out below – this is not enough for AT&T. Instead, AT&T has moved to compel on certain requests to which Verizon has already provided all available information.² And while AT&T's Motion is filled with the predictable empty invective, AT&T offers no legitimate basis to support its extraordinary position that Verizon should be required to provide information that is not longer available through Verizon's systems.³ AT&T's Motion is based on "facts" that are simply incorrect, and theories about the scope and purpose of this proceeding that are

¹ The customer category at issue in this proceeding is "mass market" customers, which consist of residential and small business customers. See, e.g., TRO ¶ 459. As set out in detail below, AT&T's notion that the FCC's switching trigger has a residential customer requirement is simply false. See, e.g., *id.* ¶ 501 (stating that the self-provisioning switching trigger is satisfied if three or more unaffiliated competing carriers each is serving "mass market customers in a particular market with the use of their own switches.").

² In its eagerness to file its Motion to Compel, AT&T did not even wait for Verizon to provide its timely responses, which has forced AT&T to file a subsequent letter "confirming" its motion. But while AT&T impatiently and with great indignation filed its Motion to Compel, AT&T has been far from diligent in meeting its own discovery obligations. On the same day that Verizon provided timely responses to AT&T's data requests, including the responses that are the subject of AT&T's Motion, AT&T was obligated to provide responses to Verizon's discovery. Not only did AT&T fail to comply with this deadline, but AT&T did not even notify Verizon of this failing. Instead, it was Verizon, after waiting two days, that contacted AT&T, and only after being contacted by Verizon did AT&T provide its untimely responses. In ignoring the discovery deadline established by the Presiding Officers, AT&T was fully aware that the discovery Verizon sought was essential to Verizon's supplemental filing that is scheduled for December 19th. Verizon is currently reviewing AT&T's untimely discovery responses, and will decide shortly what steps, if any, to take in response to AT&T's behavior. But for purposes of deciding AT&T's Motion, the Presiding Officers should recognize that AT&T does not come before them with clean hands, and should keep AT&T's behavior in mind as they review AT&T's shrill attacks on Verizon.

³ AT&T's Motion seeks to have Verizon provide a breakdown between residential customers and business customers for all of the unbundled loops that Verizon has sold to CLECs in Pennsylvania. As set out in more detail below and in the declaration accompanying this pleading, it is not the case, as AT&T asserts, that Verizon has this information and is refusing to produce it. Rather, Verizon does not have the information, although AT&T and other CLECs undoubtedly do. Verizon has provided a residential/business split for UNE-P lines and resale lines, since this information is available. See Spreadsheet, Appendix A, Part B, 1-3, 5-7.

flatly refuted by the plain language of the FCC's *Triennial Review Order*. For all of these reasons, AT&T's Motion should be denied.

ARGUMENT

A. VERIZON HAS NOT WITHHELD ANY AVAILABLE CLEC-SPECIFIC INFORMATION ON THE BASIS THAT THIS INFORMATION IS CONFIDENTIAL

As an initial matter, Verizon addresses the issue raised in Judge Schnierle and Judge Colwell's e-mail message of December 10, 2003, directing Verizon "to supply any documents that support its refusal to supply 'operational and/or proprietary information regarding other telecommunications carriers.'" Verizon may have inadvertently introduced some confusion by interposing this objection, which was made only to the extent that particular requests by AT&T sought operational and/or proprietary information about other carriers that Verizon was unable to provide.⁴ However, in light of the December 12, 2003 Order authorizing Verizon to release CLEC-specific proprietary information to other carriers, Verizon has *not* withheld *any* information responsive to AT&T's requests on this basis, nor, in light of the Order, will Verizon withhold any such information at all in this proceeding. To the contrary, Verizon has provided substantial information regarding other carriers in its responses to the interrogatories served on Verizon by AT&T and other carriers.⁵

⁴ In light of the December 12, 2003 ruling on CLEC-specific proprietary information, in retrospect it would have been better for Verizon to have clarified the language of this objection or dropped it entirely; Verizon apologizes for any confusion that this language has caused.

⁵ While in light of the December 12th Order, Verizon is providing unmasked CLEC-specific data to all parties to this proceeding, Verizon has traditionally treated CLEC-specific proprietary information as confidential and if it has provided this information at all, it has done so in a redacted form that masks the identify of individual CLECs. As a general rule, not only have CLECs not objected to this masking approach, but at least some carriers have insisted on this protection. And in light of 47 U.S.C. § 222, which imposes a duty on telecommunications carriers "to protect the confidentiality of proprietary information of, and relating to, other telecommunications carriers," Verizon has always believed that this is the proper course. In addition, while *Triennial Review* proceedings are based on the competitive facilities owned by CLECs, in various pre-hearing conferences in other states, CLECs have expressed concerns about other carriers having access to their proprietary information. In fact,

B. VERIZON DOES NOT HAVE THE INFORMATION TO DETERMINE THE NUMBER OF RESIDENTIAL CUSTOMERS SERVED BY COMPETITORS USING THEIR OWN SWITCHING, NOR IS THIS INFORMATION, WHICH IS EASILY AVAILABLE TO AT&T FROM OTHER SOURCES, RELEVANT TO THE COMMISSION'S TRIGGER ANALYSIS

In its Motion to Compel, AT&T claims that the residential/business breakdown for unbundled loops “is clearly within its [Verizon’s] possession.” *AT&T Motion* at 1. This statement is false. The information needed to provide this breakdown is not in Verizon’s possession, since it is not information that Verizon retains or tracks in its systems.⁶ As set forth in the attached declaration, when a CLEC orders an unbundled loop, the CLEC identifies whether the number associated with that loop is associated with either a residential or business customer. This information is used for listings purposes. However, this information is not retained in Verizon’s systems. Instead, as the unbundled loop itself is processed, it is assigned a code number that allows for the tracking of the loop by such indicators as the identity of the CLEC that has purchased the loop, the loop’s transmission speed, and whether the loop is being used to provide voice or data service. But the information originally provided by the CLEC on the Local Service Request regarding whether the loop is for a CLEC residential or business end user customer is not included as part of this coding.⁷

in the Texas *Triennial Review* proceeding, AT&T itself argued that for certain highly sensitive confidential information – a designation that AT&T asserted could only be narrowly applied – “a party shall have the right to limit the production to the Commission and Commission Staff only.” See October 17, 2003 Letter from Michelle S. Bourlanoff, Senior Attorney, AT&T, to the Public Utility Commission of Texas. Indeed, in this proceeding AT&T has asserted a proprietary claim regarding whether it is serving mass market customers with its own switch(es). In light of these factors, while Verizon has never had any objection to providing this CLEC-specific proprietary information to other carriers, since much of it is highly relevant, Verizon did not believe it was appropriate for it to make this decision unilaterally, absent either a Commission order or a waiver from particular carriers.

⁶ The systems referenced in this pleading are the former Bell Atlantic systems that cover the vast majority of Verizon’s accounts.

⁷ The information does remain on the LSR, but these LSRs are archived after six months. Verizon does not believe that these archived LSRs can be accessed and searched in a manner that would allow for the discovery of the information that AT&T demands, since it would require the reconstruction of the

Thus, the information needed to determine the breakdown of unbundled loops between residential customers and business customers is simply not available in Verizon's systems and Verizon cannot provide it. This is not new news to AT&T. Verizon was unable to provide this information in its section 271 proceedings – proceedings in which AT&T played an extremely active role – nor has Verizon been able to provide this information in other state Triennial Review proceedings in which Verizon has been asked for it. AT&T's shock and outrage on the availability of this information is thus completely feigned.

While AT&T makes much of the fact that the wholesale bills AT&T receives from Verizon identify each unbundled loop as “Unbundled Loop Service – Business,” *AT&T Motion* at 9, what AT&T either does not know or will not admit is that this “business” designation is assigned to *all* unbundled loops that Verizon provides to CLECs – even loops that are being used by CLECs to serve a residential customer. From the perspective of Verizon's billing systems, all unbundled loops sold to CLECs are “business” loops because CLECs being billed for those loops are businesses, not residential end-users. Thus, AT&T's claim that these wholesale bills “put the lie” to Verizon's assertion that this information is not available (*AT&T Motion* at ¶ 15) is very much like the rest of AT&T's *Motion* – overwrought and inaccurate.

It is also not the case that Verizon is trying to “hide” residential information. *AT&T Motion* ¶ 14. Verizon has provided AT&T with this residential/business split for all available information that AT&T has requested. In particular, AT&T has been

processing of each loop order. And any such attempt, which Verizon believes would be futile, would also be the type of unduly burdensome special study that is not required under the Commission's discovery rules. *See* 52 Pa. Code §5.361(a) (respondent to discovery is not required to undertake an “unreasonable investigation” or incur unreasonable “burden or expense” in order to respond).

provided with this split for all UNE-P arrangements and for all resale arrangements. To the extent that AT&T really wants this for unbundled loops, it should seek it from the CLECs whose customers are the subject of AT&T's inquiry. AT&T knows its own residential/business split for unbundled loops, and it stands to reason that other CLECs too know the breakdown of their residential and business loops. AT&T has not been shy about making use of discovery – it has served on Verizon literally hundreds of discovery requests in various state *Triennial Review* proceedings – and there is nothing to prevent AT&T from sending discovery requests to other CLECs in order to obtain from these carriers the information that AT&T claims it so desperately needs.

Nor is there any reason for Verizon to “hide” this information. AT&T's assertion that this residential/business split “is at the heart of this case” is flatly refuted by the plain language of the *Triennial Review Order*. Significantly, AT&T does not provide a citation to the *Triennial Review Order* for its claim, for the obvious reason that no such citation exists. The FCC's mandatory triggers are based on “mass market” customers, which consist of both residential customers and small business customers. *See, e.g., TRO* ¶ 430, 459 note 1402 (“Mass market customers are residential and very small business customers – customers that do not, unlike larger businesses, require high-bandwidth connectivity at DS1 capacity and above.”). In order to determine whether customers qualify as mass market customers, this Commission need not and should not determine whether they are residential or business customers, but rather whether the customers are “analog voice customers that purchase only a limited number of POTS lines and can only be economically served via DS0 loops.” *TRO* ¶ 497.

Therefore, contrary to the entire premise of AT&T's motion to compel, the self provisioning switching trigger can be satisfied where three or more competitors are

serving mass market customers, even if all of these competitors are serving *only* small business customers that “can only be economically served via DSO loops.” Likewise, AT&T’s suggestions – again without citations to the FCC’s *Triennial Review Order* – that Verizon can only satisfy the FCC’s switching trigger by showing that “CLECs are serving residential customers via the CLECs’ own switching facilities,” (*AT&T Motion* at ¶ 6), or that the Commission “is assured that those customers [currently served by UNE-P] already have other options readily available,” (*AT&T Motion* at ¶ 12) or that this Commission must look to whether “facilities-based CLECs are limiting service to some portion of the business segment of the mass market” (*AT&T Motion* at ¶ 10) are nothing but rank distortions of the FCC’s mandatory switching trigger.

There can be no legitimate dispute on this point. The FCC’s objective self-provisioning switching trigger is simple and straightforward: the Commission *must* find no impairment “when three or more unaffiliated competing carriers each is serving mass market customers in a particular market with the use of their own switches.” *TRO* ¶ 501. There is no requirement that these carriers serve a minimum number of customers or a particular type of customer. Any conceivable ambiguity on this point was clarified by the *Errata* issued by the FCC on September 17, 2003 – a critical development about which AT&T is conspicuously silent. As part of these *Errata*, the FCC eliminated from the self-provisioning trigger for switching any requirement that a provider that satisfies this trigger must be “operationally ready,” “willing to provide service to all customers in the designated market,” and “capable of economically serving the entire market.” Instead, as the FCC has told the United States Court of Appeals for the District of Columbia Circuit, “as for switching for mass market customers, the [Triennial Review] Order requires *automatic elimination* of unbundling in any market where three competitors have

deployed switching, either through traditional circuit switches or intermodal alternatives such as cable or packet switches.”⁸ The number of residential customers – if any – is simply irrelevant.

In its *Motion*, AT&T does not hide its ultimate goal, which is to preserve the UNE Platform, regardless of the whether there are competitive network elements available. See *AT&T Motion to Compel* ¶ 12. But this goal is unlawful. The United States Supreme Court had already determined that the 1996 Act “does not authorize the . . . [FCC] to create isolated exemptions from some underlying duty to make all network elements available. It requires the . . . [FCC] to determine on a rational basis *which* network elements must be made available, taking into account the objectives of the Act and giving some substance to the ‘necessary’ and ‘impair’ requirements.”⁹ In fact, in its *Triennial Review Order*, the FCC said that it was following “Congress’s direction for us [the FCC] to make specific, affirmative findings that *elements* should or should not be unbundled.” *TRO* ¶ 71 (emphasis added). The FCC claimed that it was focused not on preserving the UNE Platform, but “on opening . . . bottleneck markets.” *Id.* ¶ 141. And in making these determinations, the FCC acknowledged that “unbundling is one of the most intrusive forms of economic regulation – and one of the most difficult to administer,” and therefore concluded that “it is unlikely that Congress intended to apply unbundling more generally absent an unambiguous mandate.” *Id.*

The FCC has “delegate[d] to the states a role in the implementation” of the “federal unbundling requirements for certain network elements,” and has limited “the

⁸ Opposition of Respondents to Petitions for a Writ of Mandamus at 2, *United States Telecom Association v. FCC*, Nos. 00-1012, 00-1015 *et al.* (D.C. Cir.) (Filed with the Court on October 9, 2003) (emphasis added).

⁹ *AT&T v. Iowa Utilities Bd*, 525 U.S. 366, 389 (1999).

states delegated authority to the specific areas and network elements identified in this Order.” *Id.* ¶ 186 & 189. The FCC has not granted state commissions the power to endorse the UNE Platform as a vehicle for “competition,” as AT&T suggests.

AT&T also claims that this residential/business breakdown is “important” to resolve the Commission’s determination of the “cross over” point between mass market and enterprise customers, although AT&T never gets around to explaining how or why this is so. *AT&T Motion* at ¶ 13. As the FCC has explained, this “cross over” is the point “where it makes economic sense for a multi-line customer to be served via a DS1 loop.” *TRO* ¶ 497. To the extent that a CLEC is *already* serving a multi-line customer via a DS0 loop, this customer is by definition a mass market customer, since the CLEC has made the determination that the multi-line customer can be economically served via a DS0 loop.

The number of residential unbundled loops has nothing to do with this analysis, as AT&T well knows. First of all, AT&T and other CLECs make this very economic determination every day in the marketplace, and in doing so, they do not look to the number of residential unbundled loops that CLECs in general have purchased in a particular market. Nor does AT&T need this information to determine the largest multi-line customer that CLECs can economically serve via DS0 loops. AT&T has already made this determination. It informed the FCC during that agency’s Triennial Review proceeding that this cross over point is “approximately 18-19 lines.”¹⁰ AT&T’s assertion means not only that AT&T can calculate the theoretical cross over point without any discovery

¹⁰ Comments of AT&T Corp. at 204-205, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, WC Docket No. 01-338 (FCC filed Apr. 5, 2003).

addressed to Verizon, but also, in light of this representation to the FCC, that AT&T is effectively precluded from arguing for a different cross over number in this proceeding.

Finally, AT&T's contention that "AT&T compromised on scheduling issues in return for Verizon's assurances that it would respond fully to AT&T's discovery," which is echoed in the PCC's letter, is misleading. *AT&T Motion to Compel* ¶ 2. Verizon expressly agreed to provide *available* information; it never agreed to create information that did not exist or would require unduly burdensome special studies. Verizon has lived up to its part of the bargain, by providing all of the retail and residential information that is readily available to Verizon, even though this information is not likely to lead to the discovery of relevant evidence. ¹¹ AT&T's *Motion* should be denied.



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Counsel for Verizon Pennsylvania Inc. and
Verizon North Inc.

December 15, 2003

¹¹ Notably, in response to AT&T request number I-9 Verizon provided the results of its study of mass market loops provided by competitors using their own switching isolating the "Total Loops Where There Are 4 Or More Loops At A Given Address." In response to Sprint request number I-2, Verizon has broken down the information into locations with 1-3 lines, 4-8 lines, 9-12 lines and 13+ lines.

DECLARATION

- 1) My name is Carleen Gray. My office is located at 125 High Street, Boston, Massachusetts. I am a Senior Product Manager at Verizon with product management responsibility for analog and high capacity unbundled loops. I have been employed by Verizon and its predecessor companies since 1975, when I was assigned to be a service representative responsible for ordering and billing support for business accounts. I joined the Wholesale Marketing organization in October 1996. I graduated from Providence College with a Bachelor of Science degree in Business Administration.
- 2) The purpose of my affidavit is to respond to AT&T's assertion that Verizon is deliberately withholding the breakdown between residential end user customers and business end user customers for the unbundled loops that Verizon has sold to CLECs in Pennsylvania, and that this information is "clearly within" Verizon's "possession." These assertions are incorrect.
- 3) When a CLEC orders an unbundled loop from Verizon, the CLEC identifies on the Local Service Request ("LSR") whether the telephone number associated with the unbundled loop is a residential or business end user customer. This information is used by Verizon for listings purposes.
- 4) This residential/business designation on the LSR is not used further in processing the unbundled loop order in the former Bell Atlantic systems. Instead, the codes assigned to the unbundled loop record such things as the identity of the CLEC that has purchased the loop, the loop's transmission speed, and whether the loop is

being used to provide voice or data service. But the information originally provided by the CLEC on the LSR is not maintained in Verizon's systems.

- 5) As AT&T noted in its *Motion to Compel*, wholesale bills that Verizon provides to CLECs that purchase unbundled loops list these loops as "Unbundled Loop Service – Business" However, this designation is assigned to all unbundled loops that Verizon provides to CLECs – even loops that are being used by CLECs to serve residential customer. From the perspective of Verizon's billing systems, all unbundled loops sold to CLECs are "business" loops because CLECs are businesses, regardless of the nature of the CLECs' end users.
- 6) Accordingly, the information needed for Verizon to provide a breakdown between residential and business end user customer for unbundled loops sold to CLECs is not maintained in Verizon's systems, and so Verizon is unable to provide the information that AT&T seeks.
- 7) I verify that the information contained in this declaration is true and correct to the best of my knowledge, information and belief. I understand that the statements contained therein are made subject to the penalties of 18 Pa.C.S.A. § 4904, which relates to the unsworn falsification to authorities.


CARLEEN GRAY

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc. and Verizon North Inc.'s Response to AT&T Communications of Pennsylvania, LLC.'s Motion To Overrule Objections and To Compel Responses to its First Set of Interrogatories and Requests for Production of Documents, upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 15th day of December, 2003.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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December 15, 2003

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VIA UPS OVERNIGHT DELIVERY

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Commonwealth Keystone Building
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Harrisburg, PA 17120

DOCUMENT

Re: Investigation into the Obligation of Incumbent Local Exchange
Carriers to Unbundle Local Circuit Switching for the Enterprise Market
Docket No. I-00030100

Investigation into the Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements
Docket No. I-00030099

Development of an Efficient Loop Migration Process
Docket No. M-00031754

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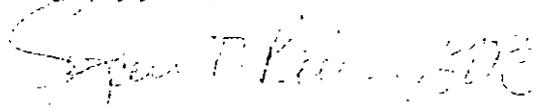
PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

Dear Mr. McNulty:

Enclosed is a copy, and three additional copies, of each Confidentiality Agreement signed by Verizon employees who are not attorneys of record nor part of the attorneys' immediate legal staff, and by Verizon consultants, for each of the three dockets opened in the TRO implementation matter, as required by the Commission's Protective Order adopted October 2, 2003 at Paragraph 7. These Confidentiality Agreements supplement the Agreements previously filed with the Commission.

Please do not hesitate to contact me if you have any questions.

Very truly yours,


Suzan DeBusk Paiva

SDP/slb
Enc.

Via UPS Overnight Delivery
cc: Honorable Michael C. Schnierle (Cover Letter and Certificate Only)
Honorable Susan Colwell (Cover Letter and Certificate Only)
Certificate of Service

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APPENDIX A-2

DEC 15 2003

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

Docket No. ~~I-00031754~~

I-00030099

CONFIDENTIALITY AGREEMENT

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JAN 08 2004

TO WHOM IT MAY CONCERN:

The undersigned is the employee of Verizon (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of ANY CLEC (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 12/8/03

Donna M. McTague
Signature

DOANNA M. MCTAGUE
Print Name

Employee
Status relative to Retaining Party

Verizon
Employer

1717 Arch, Phila, PA
Address

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APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

~~11~~
Docket No. I-00031734

I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED

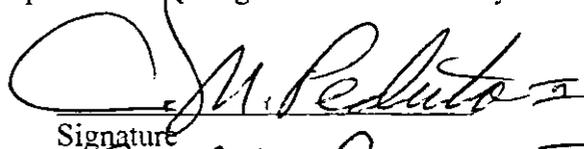
JAN 08 2004

TO WHOM IT MAY CONCERN:

The undersigned is the Consultant of Verizon (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of Verizon (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 11/24/03



Signature

C. M. PEDUTO II

Print Name

Consultant

Status relative to Retaining Party

Stevton Consulting, LLC

Employer

515 Deerhorn Ct. Millersville

Address

MD 21101

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

^{AA}
Docket No. ~~F-00031754~~

I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED

JAN 08 2004

TO WHOM IT MAY CONCERN:

The undersigned is the CONSULTANT of
STEVTON CONSULTING, LLC (retaining party) and is not, or has no knowledge or basis
for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other
than stock of any competitor of VERIZON-NY CLEC (producing party) or an
employee of any competitor of the producing party who is primarily involved in the pricing,
development, and/or marketing of products or services that are offered in competition with those
of the producing party; or (2) an officer, board member, stockholder, partner, or owner than
stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this
Confidentiality Agreement deal with the treatment of Proprietary Information and Highly
Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply
with, the terms and conditions of said Protective Order as a condition of access to the Proprietary
Information and Highly Confidential Proprietary Information. Further, the undersigned, if an
independent expert, represents that he/she has complied with the provisions of ordering
paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality
Agreement.

DATE: 12/15/03

Evelynne A Ramont
Signature

EVELYNNE A RAMONT
Print Name

CONSULTANT
Status relative to Retaining Party

STEVTON CONSULTING, LLC
Employer

515 DEER HORN CT
Address

Millersville, MD 21108

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

^{AT}
Docket No. K00031754

T-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED

JAN 08 2004

TO WHOM IT MAY CONCERN:

The undersigned is a Employee of Verizon (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of Verizon OR ANY CLEC (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate or competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, reports that he/she has complied with the provisions of ordering paragraph number 5(b)(1) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 12/4/03

Michelle St. Clair
Signature

Michelle St. Clair
Print Name

Employee
Status relative to Retaining Party

Verizon
Employer

13110 N Courthouse Rd
Address
Annlington Va

DOCUMENT

22201

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

¹¹
Docket No. I-00031754
I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED
JAN 08 2004

TO WHOM IT MAY CONCERN:

The undersigned is the EMPLOYEE of
VERIZON (retaining party) and is not, or has no knowledge or basis
for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other
than stock of any competitor of ANY CLEC (producing party) or an
employee of any competitor of the producing party who is primarily involved in the pricing,
development, and/or marketing of products or services that are offered in competition with those
of the producing party; or (2) an officer, board member, stockholder, partner, or owner than
stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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Information and Highly Confidential Proprietary Information. Further, the undersigned, if an
independent expert, represents that he/she has complied with the provisions of ordering
paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality
Agreement.

DATE: 12-9-03

H E West
Signature

H. E. West
Print Name

EMPLOYEE
Status relative to Retaining Party

VERIZON
Employer

540 Broad St. Newark, NJ 07102
Address

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

^{##}
Docket No. ~~X-00031754~~
I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED

JAN 08 2004

TO WHOM IT MAY CONCERN:

The undersigned is the EMPLOYEE of VERIZON (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of ANY CLEC (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

The undersigned has read the Protective Order and understands that it and this Confidentiality Agreement deal with the treatment of Proprietary Information and Highly Confidential Proprietary Information. The undersigned agrees to be bound by, and to comply with, the terms and conditions of said Protective Order as a condition of access to the Proprietary Information and Highly Confidential Proprietary Information. Further, the undersigned, if an independent expert, represents that he/she has complied with the provisions of ordering paragraph number 5(a)(ii) of the Protective Order prior to executing this Confidentiality Agreement.

DATE: 12-9-03

Wm. H. Williams
Signature
Wm. H. Williams
Print Name
EMPLOYEE
Status relative to Retaining Party
Verizon
Employer
540 Broad St, Newark, NJ 07102
Address

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

⁷¹¹
Docket No. X-00031754
I-00030099

CONFIDENTIALITY AGREEMENT

DOCKETED

JAN 08 2004

TO WHOM IT MAY CONCERN:

The undersigned is the Manager - Wholesale of Verizon (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of Verizon OR ANY CLEC (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DATE: 12/5/2003

Michael R. Willis
Signature

Michael R. Willis
Print Name

Employee
Status relative to Retaining Party

Verizon
Employer

251 Locke Dr. S2C62, Marlborough MA 01752
Address

DOCUMENT

APPENDIX A-2
PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg PA 17105-3265

Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements

A
Docket No. ~~K00031754~~

I-00030099

DOCKETED
JAN 08 2004

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the EMPLOYEE of Verizon (retaining party) and is not, or has no knowledge or basis for believing that he/she is: (1) an officer, board member, stockholder, partner or owner other than stock of any competitor of ANY CLEC (producing party) or an employee of any competitor of the producing party who is primarily involved in the pricing, development, and/or marketing of products or services that are offered in competition with those of the producing party; or (2) an officer, board member, stockholder, partner, or owner than stock of any affiliate of a competitor of the producing party. (See ¶5 of Protective Order).

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DATE: 12-9-03

Wanda S. Wortley
Signature

Wanda S. Wortley
Print Name

Jr. Staff Cslt-Reg.
Status relative to Retaining Party

Verizon
Employer

600 Haddenbyrdj Drivg Jr
Address

DOCUMENT

75038

CERTIFICATE OF SERVICE

I, Suzan DeBusk Paiva, hereby certify that I have this day served a copy of Verizon's Confidentiality Agreements upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (related to service by a participant) and 1.55 (related to service upon attorneys).

Dated at Philadelphia, Pennsylvania, this 15th day of December, 2003.

VIA UPS OVERNIGHT DELIVERY

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
Thomas, Thomas, Armstrong
& Niesen
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Counsel for RTCC

Norman Kennard, Esquire
Hawke McKeon Sniscak & Kennard
100 North Tenth Street
Harrisburg, PA 17101
Counsel for PTA

RECEIVED

DEC 16 2003

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Ross Buntrock, Esquire
Heather Hendrickson, Esquire
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ARC/InfoHighway, McGraw, Met Tel
and Talk America

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Daniel Clearfield, Esquire
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Harrisburg, PA 17101-1236
Counsel for ATX, Full Service Network,
Line Systems Inc., Remi Retail and
Comcast

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

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Darius Withers, Esquire
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Focal, SNiP LiNK and XO

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Robin F. Cohn, Esquire
Tamar Finn, Esquire
Philip J. Macres, Esquire
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Harrisburg, PA 17101

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Barrett Sheridan, Esquire
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Harrisburg, PA 17101-1923

Michelle Painter, Esquire
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Washington, DC 20036
Counsel for MCI

Kandace Melillo, Esquire
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Commonwealth Keystone Building
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Harrisburg, PA 17120

Sue Benedek, Esquire
Sprint Communications Co. LP
240 North Third Street
Suite 201
Harrisburg, PA 17101
Counsel for Sprint

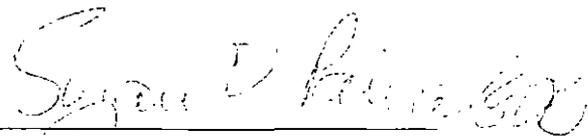
Richard U. Stubbs, Esquire
Cavalier Telephone Mid-Atlantic, LLC
965 Thomas Drive
Warminster, PA 18974
Counsel for Cavalier

Charles V. Gerkin, Jr., Esquire
Allegiance Telecom, Inc.
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Dallas, TX 75231
Counsel for Allegiance

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AT&T Communications of PA
3033 Chain Bridge Road
Oakton, VA 22185
Counsel for AT&T

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, P.C.
1110 N. Mountain Road
Harrisburg, PA 17112
Counsel for Penn Telecom

Thomas Koutsky, Esquire
Z-Tel Communications, Inc.
1200 19th Street, N.W., Suite 500
Washington, DC 20036



Suzan DeBusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103
(215) 963-6068

ORIGINAL

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SUITE 500
WASHINGTON, D.C. 20036

(202) 955-9600

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CHICAGO, IL
STAMFORD, CT
PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MUMBAI, INDIA
TOKYO, JAPAN

FACSIMILE
(202) 955-9792
www.kelleydrye.com

ROSS A. BUNTROCK
DIRECT LINE: (202) 887-1248
EMAIL: rbuntrock@kelleydrye.com

December 16, 2003

VIA OVERNIGHT DELIVERY

RECEIVED
DOCUMENT DEC 15 2003

Mr. James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17105

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

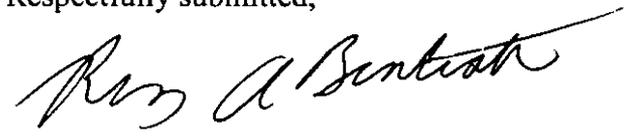
1-00030099

Re: Petition to Intervene Docket No. I-0003099

Dear Mr. McNulty:

Enclosed herewith for filing please find an original and three (3) copies of the Petition to Intervene of ACN, Inc. Please date-stamp the duplicate copy of this filing and return it in the enclosed self-addressed, postage-paid envelope. If you have any questions regarding this filing, please contact the undersigned counsel at (202) 887-1248.

Respectfully submitted,



Ross A. Buntrock

Encl.

cc: Active Service List (via email and First-Class Mail)

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Investigation into the Obligation of : Docket No. I-00030099
Incumbent Local Exchange Carriers to
Unbundle Network Elements

DOCKETED
FEB 04 2004

RECEIVED

DEC 15 2003

PETITION TO INTERVENE
OF ACN, INC.

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Pursuant to the regulations of the Pennsylvania Public Utility Commission ("Commission") governing intervention, 52 Pa. Code §§ 5.71-5.75, ACN, Inc. ("ACN") petitions to intervene in the above-captioned proceedings and in support thereof states the following:

1. On August 21, 2003, the Federal Communications Commission ("FCC") released the *Triennial Review Order*,¹ in which it adopted new rules governing Incumbent Local Exchange Carrier ("ILEC") obligations with respect to network elements. Specifically, the FCC established a list of network elements that must be unbundled on a national basis and also promulgated standards used for determining on a more granular level whether a particular network element that is not on the national list should be unbundled. The FCC delegated to individual state commissions the task of performing the granular unbundling analysis required by the *Triennial Review Order*, taking into account such factors as geography, customer class, the type of service, and the facilities used to provide the service.

DOCUMENT

¹ *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, FCC 03-36, Report and Order (released August 21, 2003), as corrected by errata, FCC 03-227 (issued September 17, 2003 ("Triennial Review Order")).
DC01/BUNTR/214108.1

2. With respect to the mass market, the *Triennial Review Order* provides state commissions with nine months from the effective date of the order (i.e., June 2, 2004) to conduct a granular analysis to determine whether ILECs must continue to provide competing carriers with unbundled access to high-capacity loops, unbundled local circuit switching, and dedicated transport.

3. On October 3, 2003 the Commission issued its procedural order in this case ("Procedural Order"). In the Procedural Order the Commission established the procedural schedule that will be used to implement the FCC's *Triennial Review Order* in Pennsylvania. Pursuant to the Procedural Order, any party seeking a review of ILEC unbundling obligations was required to file a petition to initiate a 9-month proceeding. On October 31, 2003 Verizon Pennsylvania, Inc. ("Verizon") filed its a petition. Petitions to intervene in the 9-month proceeding were due on or before November 14, 2003.

4. Pursuant to the Second Prehearing Order dated December 4, 2003, the Commission's Office of Administrative Law Judge granted petitions to intervene filed by Allegiance Telecom of Pennsylvania, Inc., ARC Networks, Inc., d/b/a InfoHighway Communications Corporation, AT&T Communications of Pennsylvania, LLC, Bullseye Telecom, Cavalier Telephone Mid-Atlantic, LLC, Choice One Communications of Pennsylvania, Inc., CTSI, LLC, Lightship Telecom, LLC, McGraw Communications, Inc., MCI WorldCom Network Services, Inc., Metropolitan Communications of Pennsylvania, Inc., Penn Telecom, Sprint Communications Company, L.P., Talk America, Inc., and Z-Tel Communications, Inc., ATX Licensing, Inc., Full Service Computing Corporation, t/a Full Service Network, Line Systems, Inc., and Remi Retail Communications, LLC, the Pennsylvania Carriers Coalition, Broadview Networks, Inc.,

Focal Communications Corporation of Pennsylvania, Snip Link, LLC, and XO Pennsylvania, Inc., and RCN Telecom Services, Inc.

5. ACN seeks to participate in this proceeding as a member of coalition of carriers whose petitions to intervene were granted by the Commission on December 4, 2002, and whom are represented by the same counsel in this proceeding, including: Broadview Networks, Bullseye Telecom, ARC Networks, Inc., d/b/a InfoHighway Communications Corporation, McGraw Communications, Metropolitan Communications of Pennsylvania, Inc. and Talk America Inc. Therefore, although the deadline for intervention set forth in the Procedural Order has passed, no party to this proceeding will be prejudiced by grant of this Petition and good cause exists to grant ACN's Petition to Intervene in this proceeding. Pursuant to Section 5.74(a) of the Commission's regulations, 52 Pa. Code §5.74(a), a petition to intervene may be granted for good cause shown prior to the conclusion of evidentiary hearings.

6. ACN meets the substantive standard for intervention stated in Section 5.72 of the Commission's regulation. 52 Pa. Code §5.72. (Intervention is necessary or appropriate when the petitioner claims "[a]n interest which may be directly affected and which is not adequately represented by existing participants...".) 52 Pa. Code §5.72(a)(3). ACN provides local and long distance services to residential customers in the Commonwealth of Pennsylvania using a combination of its own facilities and unbundled network elements ("UNEs") purchased from Verizon. Therefore, the outcome of the 9-month proceeding directly relates to the availability of UNEs that are integral to ACN's service offerings in Pennsylvania.

7. ACN has not been ordered to respond to the Commission's Preliminary Discovery Requests set forth in Appendix A of the Commission's Procedural Order

entered at the above docket, however ACN submits that it has reviewed those discovery requests and ACN has no information relevant to the Commission's inquiries in this case. However, if permitted to intervene, ACN will timely respond to any and all information requests served upon it. Therefore, allowing ACN to intervene in this matter may allow the Commission access to additional information necessary to develop a complete record and evaluate the issues raised by Verizon's petition.

8. If permitted to intervene, ACN will accept the procedural schedule already established for this proceeding in the Second Prehearing Order without modification. ACN will be represented by counsel in this proceeding who already represents a coalition of carriers, and whom is familiar with the substantive and procedural posture of this proceeding.

9. In summary, ACN's interests will be affected by the Commission's *resolution of the issues in the above proceeding, and no other party ACN adequately represent those interests.* The granting of this Petition will not unfairly prejudice Verizon or any other party; nor will it be disruptive of the expedited procedural calendar for the 9-month proceeding. Further, ACN's participation in this proceeding will aid the Commission's resolution of the issues raised by Verizon's petition to initiate the 9-month proceeding.

WHEREFORE, ACN, Inc. respectfully requests that Your Honor grant the relief requested in this Petition to Intervene.

Respectfully submitted,



Genevieve Morelli
Ross A. Buntrock
Heather Hendrickson
KELLEY DRYE & WARREN, LP
1200 Nineteenth Street, NW
Suite 500
Washington, DC 20036
(202) 955-9600 (telephone)
(202) 955-9792 (facsimile)
gmorelli@kelleydrye.com
rbuntrock@kelleydrye.com
hhendrickson@kelleydrye.com

Counsel for ACN, Inc.

Dated: December 16, 2003

212 Locust Street, Suite 300, Harrisburg, Pennsylvania 17101
Tel: (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

Alan C. Kohler
Direct Dial: (717) 237-7172
Direct Fax: (717) 237-2752
E-mail: akohler@wolfblock.com

DOCUMENT
FOLDER

December 16, 2003

VIA E-MAIL AND OVERNIGHT DELIVERY

Debra M. Kriete
Rhoads & Sinan LLP
One South Market St., 12th Floor
PO Box 1146
Harrisburg, PA 17108-1116

RECORDED
03 DEC 18 AM 9:06
PENNSYLVANIA
SECRETARY'S BUREAU

Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Deb:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to Allegiance Telecom, Inc. in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
Parties of Record

DSH:39206.1/FUL022-216383

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA E-MAIL and OVERNIGHT DELIVERY

Julia A. Conover, Esq.
William Peterson, Esq.
Suzan Debusk Paiva
Verizon Pennsylvania Inc.
1717 Arch Street, 32N
Philadelphia, PA 19103

Kandace F. Melillo
Office of Trial Staff
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Michelle Painter, Esq.
MCI WorldCom
1133 19th St., NW
Washington, DC 20036

Robert C. Barber, Esq.
AT&T Communications of Pennsylvania, Inc.
3033 Chain Bridge Rd., Rm. 3-D
Oakton, VA 22185

Hon. Michael Schnierle
Administrative Law Judge
PA PUC
P.O. Box 3265
Harrisburg, PA 17105-3265

Robin F. Cohn
Russell M. Blau
Swidler Berlin Sheriff Friedman LLP
3000 K Street N.W.
Washington, DC 20007

Enrico C. Soriano
Steven A. Augustino
Darius B. Withers
Kelley, Drye & Warren, LLP
1200 Nineteenth Street, NW, Suite 500
Washington, DC 20036

Zsuzsanna E. Benedek, Esq.
Sprint PCS
240 N. Third St. Suite 201
Harrisburg, PA 17101

Carol Pennington
Angela Jones, Esq.
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North 2nd Street
Harrisburg, PA 17101

Barrett Sheridan, Esq.
Philip F. McClelland
Office of Consumer Advocate
5th Floor, Forum Place Bldg.
555 Walnut Street
Harrisburg, PA 17101-1921

Renardo L. Hicks, Esquire
Anderson, Gulotta & Hicks, PC
1110 North Mountain Road
Harrisburg, PA 17112

Genevieve Morelli
Ross A. Buntrock
Heather Hendrickson
Kelley Drye & Warren, LP
12 Nineteenth Street, NW, Suite 500
Washington, DC 20036

DEC 18 AM 9:06
SECRETARY'S BUREAU

Richard U. Stubbs
Conrad Counsel
Cavalier Telephone Mid Atlantic LLC
965 Thomas Drive
Warminster, PA 18974

Rogelio E. Pena
1375 Walnut Street, Suite 220
Boulder, CO 80302

William E. Ward
CTC Communications Corporation
115 Second Avenue
Waltham, MA 02451

Jeffrey J. Heins
Aldelphia Business Solutions of PA Inc.,
d/b/a Telcove
712 North Main Street
Coudersport, PA 16915

Jeanne Price
Marvin Hendrix
CEI Networks
PO Box 458
130 East Main Street
Ephrata, PA 17522

Philip J. Macres
Swidler Berlin Shereff Friedman LLP
3000 K Street NW
Suite 300
Washington DC 20007-5116

Thomas Koutsky
1200 19th Street NW
Suite 500
Washington DC 20036

Charles V. Gerkin, Jr.
Allegiance Telecom, Inc.
9201 North Central Expressway
Dallas, TX 75231

Date: December 16, 2003



Alan Kohler, Esq.

212 Locust Street, Suite 300, Harrisburg, Pennsylvania 17101
Tel: (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

Alan C. Kohler
Direct Dial: (717) 237-7172
Direct Fax: (717) 237-2752
E-mail: akohler@wolfblock.com

DOCUMENT
FOLDER

December 16, 2003

VIA E-MAIL AND OVERNIGHT DELIVERY

Enrico C Soriano Esquire
Steven A Augustino Esquire
Darius B Withers Esquire
Kelley Drye & Warren LLP
1200 19th Street NW
Washington DC 22182

SECRETARY'S BUREAU

03 DEC 18 AM 9:05

Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Mr. Soriano:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to XO Pennsylvania, Inc. and Choice One in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
Parties of Record

DSH:39210.1/FUL022-216383

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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December 16, 2003

VIA E-MAIL AND OVERNIGHT DELIVERY

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3000 K Street NW
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RECORDED
03 DEC 18 AM 9:06
PHILLY
SECRETARY'S BUREAU

Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Mr. Macres:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to RCN Telecom Services, Inc. in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
Parties of Record

DSH:39209.1/FUL022-216383

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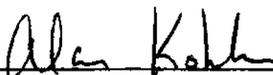
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VIA E-MAIL AND OVERNIGHT DELIVERY

Robert C. Barber
AT&T Communications of PA, Inc.
3033 Chain Bridge Road
Oakton, VA 22185

Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Bob:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to AT&T Communications of PA, Inc. in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
Parties of Record

DSH:39214.1/FUL022-216383

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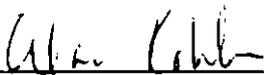
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Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Mr. Hicks:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to Penn Telecom in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
Parties of Record

DSH:39213.1/FUL022-216383

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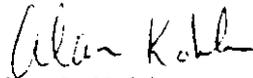
Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Mr. Stubbs:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to Cavalier Telephone Mid-Atlantic, LLC in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
Parties of Record

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MCI WorldCom Network Services, Inc.
1133 19th Street NW
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SECRETARY'S BUREAU

63 DEC 18 AM 9:06

Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Michelle:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to MCI WorldCom Network Services, Inc., in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

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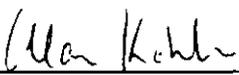
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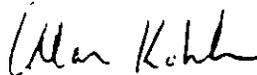
Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Mr. Buntrock:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to Broadview Networks, Inc. in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

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December 16, 2003

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RECEIVED

Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Suzan:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to Verizon Pennsylvania, Inc. and Verizon North, Inc. in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
Parties of Record

DSH:39192.1/FUL022-216383

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant).

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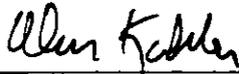
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Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements Docket
No. I-00030099

Dear Mr. Heins:

Enclosed please find the Pennsylvania Carriers' Coalition's Interrogatories Set I directed to Adelphia Business Solutions of PA, Inc. d/b/a TelCove in the above-referenced proceeding.

Thank you for your attention to this matter.

Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/smw

cc: Secretary James J. McNulty (cover letter and certificate only)
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