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January 20, 2004

VIA HAND DELIVERY

The Honorable Michael C. Schnierle
The Honorable Susan D. Colwell
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

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

Dear Judges Schnierle and Colwell:

Enclosed please find the following prefiled Rebuttal Testimony of Sprint Communications Company, L.P. (hereinafter "Sprint"):

Sprint Statement 1.1 of Peter N. Sywenki (Proprietary & Public Versions)
Sprint Statement 2.1 of James D. Dunbar (Public Version only)

The proprietary version is distributed to parties who have executed the confidentiality agreement.
Parties who have not executed the confidentiality agreement are only served a public version of Sprint Statement No. 1.1.

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

Sincerely,

Sue Benedek

ZEB/jh
enclosures

cc: James J. McNulty, Secretary (*letter and certificate only*)(*via hand delivery*)
Certificate of Service (*via electronic mail and overnight mail*)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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CERTIFICATE OF SERVICE

I hereby certify that I have this 20th day of January, 2004, served a true copy, via electronic and overnight mail, of the foregoing Rebuttal Testimony, in accordance with the requirements of 52 Pa. Code §1.54:

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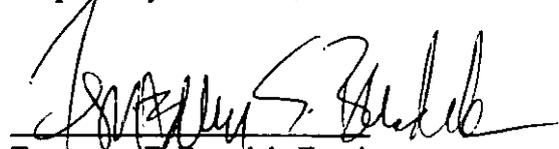
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Respectfully Submitted,



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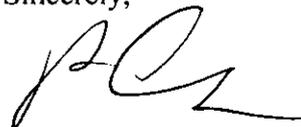
Re: Investigation into the Obligation of Incumbent Local
Exchange Carriers to Unbundle Network Elements,
Docket No. I-00030099

Dear Ms. Paiva:

Enclosed please find the PROPRIETARY responses of RCN Telecom Services, Inc., and RCN Telecom of Philadelphia, Inc., to Verizon-Pennsylvania, Inc.'s Third Set of Interrogatories in the above-captioned proceeding.

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

Sincerely,



Robin F. Cohn

cc: James J. McNulty, Secretary (cover letter and service list)
Patrick McGuire
Service List

I hereby certify that on this 20th day of January, 2004, I served a copy of the foregoing PROPRIETARY Responses of RCN Telecom Services, Inc., and RCN Telecom Services of Philadelphia, Inc., to Set III Interrogatories of Verizon Pennsylvania and Verizon North in Docket Number I-00030099, by electronic mail and U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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

Dear Ms. Paiva:

Enclosed please find the PROPRIETARY responses of CTSI, LLC to Verizon-Pennsylvania, Inc.'s Third Set of Interrogatories in the above-captioned proceeding.

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

Sincerely,



Robin F. Cohn

cc: James J. McNulty, Secretary (cover letter and service list)
Service List

I hereby certify that on this 20th day of January, 2004, I served a copy of the foregoing PROPRIETARY Responses of CTSI, LLC to Set III Interrogatories of Verizon Pennsylvania and Verizon North in Docket Number I-00030099, by electronic mail and U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Ms. Paiva:

Enclosed please find the responses of Lightship Telecom, LLC to Verizon-Pennsylvania, Inc.'s Third Set of Interrogatories in the above-captioned proceeding.

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

Sincerely,


Robin F. Cohn

cc: James J. McNulty, Secretary (cover letter and service list)
Service List

I hereby certify that on this 20th day of January, 2004, I served a copy of the foregoing Responses of Lightship Telecom, LLC to Set III Interrogatories of Verizon Pennsylvania and Verizon North in Docket Number I-00030099, by electronic mail and U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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A handwritten signature in black ink, appearing to read 'R. Cohn', written over a horizontal line.

Robin F. Cohn



January 20, 2004

Via E-mail and Overnight Delivery

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SECRETARY'S BUREAU

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

Dear Mr. Buntrock:

Please find enclosed the Supplemental Responses of MCI WorldCom Network Services, Inc. ("MCI") to the Interrogatories of Joint Parties, Set I, #s 13-17, in the above-referenced case.

Please contact me if you have any questions or concerns with this filing.

Very truly yours,

A handwritten signature in cursive script that reads "Michelle Painter".
Michelle Painter

cc: Certificate of Service
James McNulty (cover letter and Certificate of Service only)

Enclosures

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Supplemental Responses to Joint Parties' Interrogatories to be served upon the parties of record in Docket Nos. I-00030099 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

Dated in Washington, DC on January 20, 2004

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Michelle Painter

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PA PUBLIC UTILITY COMMISSION
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MCI

January 20, 2004

DOCUMENT

Via E-Mail and Overnight Delivery

The Honorable Michael Schnierle
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

The Honorable Susan Colwell
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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

Dear Your Honors:

Please find enclosed a copy of the Rebuttal Testimony of Michael D. Pelcovits (MCI Statement 1.1) on behalf of MCI WorldCom Network Services, Inc. in the above-referenced matter.

Please note that the Testimony contains Proprietary information.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,


Michelle Painter

cc: Certificate of Service
James McNulty (Cover Letter and Certificate of Service only)

Enclosure

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Rebuttal Testimony to be served upon the parties of record in Docket Nos. I-00030099 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

Dated in Washington, DC on January 20, 2004

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VIA ELECTRONIC MAIL AND UPS OVERNIGHT

Administrative Law Judge Michael C. Schnierle
Administrative Law Judge Susan D. Colwell
Pennsylvania Public Utility Commission
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Harrisburg, PA 17120

DOCUMENT

Re: Investigation of Obligations of Incumbent Local Exchange
Carriers to Unbundle Network Elements, Docket No. I-00030099

Dear Judge Schnierle and Judge Colwell:

Enclosed please find Verizon Pennsylvania Inc.'s and Verizon North Inc.'s
Rebuttal Testimony, Statement 1.2 and Statement 2.0, in the above-referenced matter.
The Testimony and Attachments include proprietary information.

Respectfully,


Suzan DeBusk Paiva

Enclosure

cc: Via UPS Overnight Delivery
Secretary James J. McNulty (cover and certificate only)

Via E-Mail and UPS Overnight Delivery
Attached Certificate of Service

CERTIFICATE OF SERVICE

I, Suzan D. Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Rebuttal Testimony, 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 20th day of January, 2004.

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January 20, 2004

VIA E-MAIL & FIRST CLASS MAIL

Honorable Susan D. Colwell
Honorable Michael C. Schnierle
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400 North Street P.O. Box 3265
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DOCUMENT

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

Your Honors:

Please be advised that the Pennsylvania Carrier's Coalition ("PCC") will not be filing rebuttal testimony in the above captioned matter.

A copy of this letter has been served on the parties of record in this proceeding as evidenced by the attached Certificate of Service.

Respectfully submitted,



Daniel Clearfield

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

DC/jls

cc: Attached Cert. of Service w/enc.

DSH:39513.1/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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Date: January 20, 2004

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January 21, 2004

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

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JAN 21 2004

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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.'s Motion for Admission Pro Hac Vice for attorney Mary L. Coyne in the above captioned matter.

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

Very truly yours.

Suzan D. Paiva

SDP/meb

Enclosure

cc: Via UPS Overnight Delivery
Honorable Michael Schnierle
Honorable Susan Colwell

cc: Via E-Mail and UPS Overnight Delivery
Attached Certificate of Service

44

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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JAN 21 2004

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

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**MOTION FOR ADMISSION PRO HAC VICE OF
MARY L. COYNE**

Pursuant to Rule 301 of the Pennsylvania Rules of Admission, I, Suzan D. Paiva, an active member of the bar of this Commonwealth (Attorney No. 53853), respectfully move for the admission pro hac vice of Mary L. Coyne for the purposes of representing Verizon Pennsylvania Inc. and Verizon North Inc. ("Verizon") in this proceeding. In support hereof, movant states as follows:

1. Ms. Coyne is a member in good standing of the Bars of the District of Columbia and Louisiana (inactive).
2. Ms. Coyne is an attorney with Verizon, 1515 North Courthouse Road, Arlington, Virginia 22201.
3. Ms. Coyne has represented Verizon in matters before the Pennsylvania Public Utility Commission.
4. Ms. Coyne has not been subject to any disciplinary action.
5. Ms. Coyne is of good character.

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FEB 05 2004

DOCUMENT

Wherefore, movant respectfully requests this Commission to admit Mary L. Coyne as counsel for Verizon in the above-captioned action.

Respectfully Submitted,



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Counsel for Verizon Pennsylvania Inc. and Verizon
North Inc.

January 21, 2004

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION JAN 21 2004

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

:
:
:
:

Docket No.
I-00030099

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**ORDER GRANTING MOTION FOR ADMISSION
PRO HAC VICE OF MARY L. COYNE**

Upon consideration of the Motion for Admission Pro Hac Vice of Mary L. Coyne, it is
this _____ day of January, 2004,

ORDERED that the Motion is hereby GRANTED; and it is further

ORDERED that Mary L. Coyne is admitted pro hac vice for the purposes of representing
Verizon Pennsylvania Inc. and Verizon North Inc. in the above-captioned action.

Michael C. Schnierle
Administrative Law Judge

SUSAN D. COLWELL
Administrative Law Judge

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CERTIFICATE OF SERVICE

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

I, Suzan D. Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Motion for Admission Pro Hac Vice for attorney Mary L. Coyne, 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 21st day of January, 2004.

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January 21, 2004

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA UPS

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Harrisburg, Pennsylvania 17120

**Re: Investigation into the Obligations of Incumbent Local Exchange Carriers
to Unbundle Network Elements; Docket No. I-00030099
Supplemental Rebuttal Testimony of SNiP LiNK LLC**

Dear Secretary McNulty:

Attached please find supplemental rebuttal testimony for SNiP LiNK LLC in the above captioned docket. The supplemental rebuttal testimony revises Attachment A to incorporate additional information received from AboveNet on January 20, 2004. In addition, Attachment B has been re-sorted for clarity, but no revisions were made to the data therein. Finally, SNiP LiNK submits for the record in Attachment C a complete copy of the AboveNet response that was provided to the proprietary service list on Tuesday, January 20, 2004. Other than the above, no changes were made to the testimony presented by SNiP LiNK in its rebuttal testimony. Both proprietary and public versions of this filing are being provided to the service list for this docket and Administrative Law Judges Schnierle and Colwell via overnight and electronic mail. Please date stamp the enclosed duplicate and return it in the provided envelope. Please feel free to contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W. Emmott

Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Service List, ALJ Michael C. Schnierle and ALJ Susan D. Colwell (public and proprietary version via overnight and electronic mail)

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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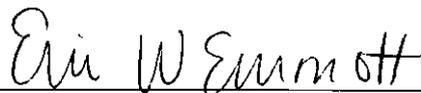
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Date: January 21, 2004

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

VIA UPS

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

**Re: Investigation into the Obligations of Incumbent Local Exchange Carriers
to Unbundle Network Elements; Docket No. I-00030099
Response CLEC Coalition to Verizon's Third Set of Interrogatories.**

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the response of the CLEC Coalition to Verizon's Third Set of Interrogatories directed to certain CLECs in the above-captioned proceeding. The respondents for the CLEC Coalition data responses are as follows: (1) Broadview Networks, Inc. – Rebecca H. Sommi; (2) BullsEye Telecom, Inc. – Steven Goldman; (3) ARC Networks, Inc. d/b/a InfoHighway Communications, Corp. – Peter Karoczkai; (4) McGraw Communications, Inc. – Sadia Mendez; (5) Metropolitan Telecommunications of PA, Inc. – David Aronow; and (6) Talk America Inc. – Francie McComb.

KELLEY DRYE & WARREN LLP

James J. McNulty, Secretary
January 22, 2004
Page Two

Please note that the responses to these interrogatories are labeled "proprietary" and should be afforded the necessary protections under the protective order. Please date stamp the enclosed duplicate and return it in the provided envelope. Please contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,



Ross A. Buntrock (*admitted pro hac vice*)

Heather T. Hendrickson (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Service List (proprietary version via first class and electronic mail)

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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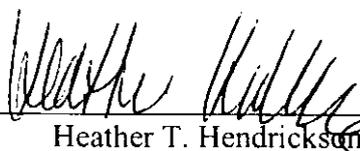
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DOCUMENT

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Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements; Docket No. I-00030099
Response of Focal Communications Corporation of Pennsylvania to Verizon's Fourth Set of Interrogatories.

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the response of Focal Communications Corporation of Pennsylvania, Inc. to Verizon's Fourth Set of Interrogatories directed to certain CLECs in the above-captioned proceeding. Please note that the responses to these interrogatories are labeled "proprietary" and should be afforded the necessary protections under the protective order. Please date stamp the enclosed duplicate and return it in the provided envelope. Please contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W Emmott

Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

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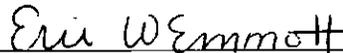
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January 22, 2004

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PROPRIETARY

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Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements; Docket No. I-00030099
Response of Loop/Transport Carrier Coalition to Verizon's 3rd Set of Interrogatories.

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the response of the Loop/Transport Carrier Coalition to Verizon's Third Set of Interrogatories directed to certain CLECs in the above-captioned proceeding. Please note that the responses to these interrogatories are labeled "proprietary" and should be afforded the necessary protections under the protective order. Please date stamp the enclosed duplicate and return it in the provided envelope. Please contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

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Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

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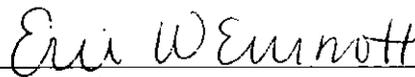
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January 22, 2004

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SECRETARY'S BUREAU

Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements; Docket No. I-00030099
Response of Choice One Communications of Pennsylvania to Verizon's Fourth Set of Interrogatories.

Dear Secretary McNulty:

Enclosed please find an original and a copy of this cover letter and certificate of service for the response of Choice One Communications of Pennsylvania Inc. to Verizon's Fourth Set of Interrogatories directed to certain CLECs in the above-captioned proceeding. Please note that the responses to these interrogatories are labeled "proprietary" and should be afforded the necessary protections under the protective order. Please date stamp the enclosed duplicate and return it in the provided envelope. Please contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

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Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

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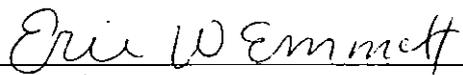
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Erin W. Emmott

Date: January 22, 2004

RECEIVED
2004 JAN 26 PM 11:15
SECRETARY'S BUREAU

DATE: January 22, 2004

SUBJECT: I-00030099

TO: Office of Administrative Law Judge

FROM: James J. McNulty, Secretary *KB*

DOCKETED
FEB 05 2004

DOCUMENT

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

Attached is a copy of Loop/Transport Carrier Coalition's Petition for Issuance of Subpoena filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

ksb

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January 23, 2004

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA UPS

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

DOCUMENT

Re: Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Network Elements; Docket No. I-00030099
Answer of CLEC Coalition to Verizon's Motion to Strike

Dear Secretary McNulty:

Enclosed for filing with the Pennsylvania Public Utility Commission, please find an original and three (3) copies of the Answer of ARC Networks, Inc. d/b/a InfoHighway Communications, Corp., Broadview Networks, Inc., BullsEye Telecom, Inc., McGraw Communications, Inc., and Metropolitan Telecommunications of PA, Inc. (collectively the "CLEC Coalition") to Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Motion to Strike portions of the CLEC Coalition Testimony.

KELLEY DRYE & WARREN LLP

James J. McNulty, Secretary
January 23, 2004
Page Two

Please feel free to contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,



Genevieve Morelli (*admitted pro hac vice*)

Ross A. Buntrock (*admitted pro hac vice*)

Heather T. Hendrickson (*admitted pro hac vice*)

Enclosures

cc: Service List (via UPS and electronic mail)
ALJ Michael C. Schnierle and ALJ Susan D. Colwell (via UPS and electronic mail)

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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Heather Hendrickson

Date: January 23, 2004

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JAN 23 2004

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

ANSWER OF ARC NETWORKS, INC. D/B/A INFOHIGHWAY COMMUNICATIONS
CORP., BROADVIEW NETWORKS, INC., BULLSEYE TELECOM, INC.,
MCGRAW COMMUNICATIONS, INC. AND
METROPOLITAN TELECOMMUNICATIONS OF PA, INC. TO
VERIZON PENNSYLVANIA INC.'S AND VERIZON NORTH INC.'S
MOTION TO STRIKE PORTIONS OF TESTIMONY

DOCKETED

FEB 05 2004

I. INTRODUCTION

Pursuant to Section 5.103(c) of the Public Utility Commission's regulations and 52 Pa. Code § 5.103(c). ARC Networks, Inc. d/b/a InfoHighway Communications Corp., Broadview Networks, Inc., BullsEye Telecom, Inc., McGraw Communications, Inc. and Metropolitan Telecommunications of PA, Inc. (collectively "CLEC Coalition") hereby files its Answer to Verizon Pennsylvania Inc.'s and Verizon North Inc.'s (hereinafter referred to as "Verizon") January 20, 2004 "Motion to Strike Irrelevant Portions of Intervenor Testimony" ("Motion").

In its Motion, Verizon seeks to have stricken as "irrelevant" portions of the Direct Testimony of Joseph Gillan, a portion of the Testimony of Rebecca Sommi, and the entire Direct Testimony of Peter Karoczkai and Michael Hou, all of whom are witnesses in this proceeding sponsored by the CLEC Coalition. The CLEC Coalition submits that the testimony Verizon seeks to have stricken is not only relevant, but goes to the very core of the issues raised in this proceeding. The CLEC Coalition testimony that Verizon characterizes as "irrelevant" sheds light on facts that are essential to resolution of this case and which the Federal Communications Commission ("FCC") mandates be considered in this proceeding. The Commission should,

DOCUMENT

therefore, reject Verizon's cynical attempt to turn this proceeding into mere exercise in counting switches in the territory where Verizon seeks to avoid providing unbundled local circuit switching and deny this Motion. In support of its Answer, the CLEC Coalition submit the following:

II. ANSWER

A. Testimony filed on behalf of the CLEC Coalition is relevant to the issues in this proceeding and should be considered

Verizon initiated this proceeding by filing a petition asking this Commission to make a finding of "no impairment" with respect to local switching in portions of five Metropolitan Statistical Areas ("MSAs") in Pennsylvania. Verizon further states that it is making a "triggers only" case in order to "avoid delays caused by protracted proceedings." Verizon Motion to Strike at 2. Verizon argues, therefore, that "the Presiding Officers must obviously limit the scope of this proceeding to these triggers." *Id.* at 2. Verizon argues that "testimony that justifies, praises and defends UNE-P," is irrelevant and should be stricken from the case. *Id.* at 3-4. However, contrary to Verizon's claims, the CLEC Coalition testimony in this case is not only relevant, but necessary to rebut the evidence Verizon has attempted to deduce regarding the triggers and amply demonstrates that the triggers, are not, in fact met.

Furthermore, simply because Verizon has filed a "triggers only" case rather than a potential deployment case, by no means allows Verizon to attempt to impose its strained reading of the Triennial Review Order ("TRO") on either the Commission or the other parties to this proceeding. Indeed, the issues that the Commission must examine in this proceeding are broad and it has been given substantial flexibility by the FCC to apply the facts it adduces to the standards contained in the TRO. The availability of UNE-P, or lack thereof, is at the heart of this case. Consequently, the Commission should hear all testimony that addresses why UNE-P

should continue to be made available; in short, the parties must be allowed to develop their cases refuting Verizon's claims of non-impairment with regard to local switching. Such testimony, while addressing the specific trigger analysis set forth in the TRO, also must address practical impact of possible elimination of UNE-P in Pennsylvania.

B. Direct Testimony of Joseph Gillan

Verizon seeks to strike portions of the Direct Testimony of Joseph Gillan, consultant for the CLEC Coalition ("Gillan Testimony"). Specifically, Verizon seeks to strike page 3, line 11 through page 6, line 2 as well as page 7, line 8, through page 17. *See* Verizon Motion to Strike at 4. Verizon claims this portion of the testimony discusses generally the benefits of UNE-P and should be stricken as irrelevant to this case.

The goal of the Gillan Testimony is to provide a comprehensive picture to this Commission of the necessity of local switching to the mass market in Pennsylvania. Such a picture must not only address the trigger analysis, but also the practical effects of possible elimination of UNE-P in Pennsylvania. As stated in the Gillan Testimony "[t]he stark reality is that before UNE-P became generally and operationally available to CLECs, there was no meaningful mass market competition. If UNE-P is eliminated prematurely, competition for the average POTS customer would like disappear." *See* Gillan Testimony at 3.

The Gillan Testimony provides quantitative data with regard to the trigger analysis as well as qualitative data and analysis, neither of which is irrelevant to this proceeding and should be considered by this Commission.

C. Direct Panel Testimony of Michael Hou and Peter Karoczkai

As with the testimony of Joseph Gillan, Verizon seeks to strike, as irrelevant, the entire panel testimony of Michael Hou, Senior Vice President of Broadview Networks, Inc. and

Peter Karoczkai, Senior Vice President of InfoHighway Communications Corp. filed on behalf of the CLEC Coalition (“CLEC Panel Testimony”). *See* Verizon Motion to Strike at 4.

The CLEC Panel Testimony is not irrelevant, as claimed by Verizon; rather it specifically addresses an argument consistently raised by Verizon that the availability of UNE-P discourages investment in facilities. *See* CLEC Panel Testimony at 3. Michael Hou and Peter Karoczkai are senior officers of CLECs providing service in Pennsylvania. Furthermore, both are familiar with the operational impact of local switching to their business viability. Accordingly, the Panel Testimony provides the Commission with a business perspective which complements the trigger-specific testimony provided by the CLEC Coalition. As stated above, given the granular analysis that must be conducted, this Commission should not strike any testimony that provides credible and valuable input into this proceeding.

D. Direct Testimony of Rebecca Sommi

Verizon seeks to strike portions of the testimony of Rebecca Sommi, Vice President – Operations and Support for Broadview Networks, Inc. filed on behalf of the CLEC Coalition (“Sommi Testimony”). Specifically Verizon seeks to strike page 11 through page 15 of the testimony, claiming that the testimony addresses economic and operational impediments, which is irrelevant to the “trigger” case set forth by Verizon. *See* Verizon Motion to Strike at 8.

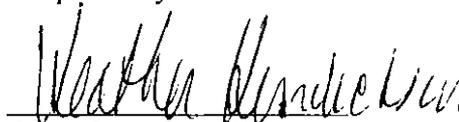
Verizon claims that the Sommi Testimony, along with other CLEC testimony addressing operational, economic and technical issues, is “attempting to convert the FCC’s objective trigger analysis into a subjective potential deployment review.” *See* Verizon Motion to Strike at 6. As shown, the CLEC Coalition set forth a comprehensive set of initial testimony that addresses the full range of issues that should be addressed by this Commission. The portions of the Sommi Testimony that Verizon seeks to strike is unique and necessary to this case as it helps demonstrate that Broadview does not meet the self provisioning trigger standards because it

must utilize UNE-P to serve the entire Philadelphia MSA (one of the markets where Verizon seeks a finding of non-impairment). The Sommi Testimony shows that Broadview is impaired without access to UNE-P, even though it uses its own switch, by distinguishing between impairment that remains in wire centers in which Broadview is collocated and wire centers in which it is not. See Sommi Testimony at 11. This testimony adds valuable information to this case and should not be stricken because Verizon seeks to eliminate unfavorable testimony under the guise of “irrelevance.”

III. CONCLUSION

For the forgoing reasons, Verizon’s Motion to Strike portions of the Joseph Gillan testimony, the Rebecca Sommi testimony, and the entire Peter Karoczkai and Michael Hou testimony should be denied.

Respectfully Submitted



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Heather T. Hendrickson

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Counsel to ARC Networks, Inc. d/b/a InfoHighway Communications Corp., Broadview Networks, Inc., BullsEye Telecom, Inc., McGraw Communications, Inc. and Metropolitan Telecommunications of PA, Inc.

Dated: January 23, 2004

ORIGINAL



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January 23, 2004

VIA HAND DELIVERY

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DOCUMENT

SECRETARY'S BUREAU

2004 JAN 23 PM 3:33

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

Dear Secretary McNulty:

Attached please find an original and three (3) copies of an Executed Confidentiality Agreement of James A. Appleby on behalf of Sprint Communications Company, L.P. (hereinafter "Sprint") in the above-referenced proceeding.

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

Sincerely,

Sue Benedek

ZEB/jh
enclosures

cc: The Honorable Michael C. Schnierle (*via electronic mail and hand delivery*)
The Honorable Susan D. Colwell (*via electronic mail and hand delivery*)
Certificate of Service (*via first-class and electronic mail*)

88

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

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

Docket No. I-00030099

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SECRETARY'S BUREAU

CONFIDENTIALITY AGREEMENT

TO WHOM IT MAY CONCERN:

The undersigned is the Senior Manager of Regulatory Policy of Sprint (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 party (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: 1-23-04

James A. Appleby

Signature

James A. Appleby

Print Name

Employee

Status relative to Retaining Party

Sprint

Employer

16450 Sprint Parkway Overland Park

Address

KS 66251

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

SECRETARY'S BUREAU

2004 JAN 23 PM 3:33

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CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of January, 2004, served a true copy, via electronic and first-class mail, of the foregoing Confidentiality Agreement in accordance with the requirements of 52 Pa. Code §1.54:

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William B. Peterson, Esquire
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IRWINA. POPOWSKY
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January 23, 2004

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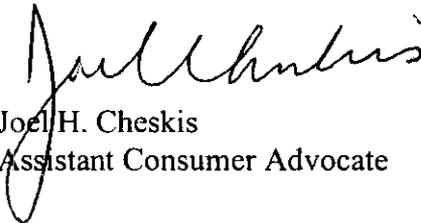
Re: Investigation into the Obligations of
Incumbent Local Exchange Carriers to
Unbundle Network Elements
Docket No. I-00030099

Dear Secretary McNulty:

Enclosed please find for filing an original and three (3) copies of the Office of Consumer Advocate's Answer to the Motion to Strike of Verizon Pennsylvania, Inc., in the above-captioned matter.

Copies have been served upon all parties of record as shown on the attached Certificate of Service.

Sincerely,


Joel H. Cheskis
Assistant Consumer Advocate

Enclosures
cc: All parties of record
*76655

79

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

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

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2004 JAN 29 PM 3:09
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DOCKETED
FEB 05 2004

ANSWER
OF THE OFFICE OF CONSUMER ADVOCATE
TO THE MOTION TO STRIKE
OF VERIZON PENNSYLVANIA, INC.

Pursuant to Section 5.103(c) of the Public Utility Commission's regulations, 52 Pa. Code § 5.103(c), the Pennsylvania Office of Consumer Advocate ("OCA") hereby files this Answer to the Motion to Strike filed by Verizon Pennsylvania, Inc. on January 20, 2004 in the above-captioned proceeding. The OCA submits that Verizon's Motion should be denied specifically as it pertains to OCA testimony because the testimony that Verizon seeks to have stricken is relevant, and indeed critical, to the ultimate issues that the Presiding Officers and Commissioners must address in disposing of this case. This particularly includes the impact of the unbundled network element platform ("UNE-P") on mass market residential customers as well as the batch hot cut process, as discussed in more detail below. In support of its Answer, the OCA submits as follows:

DOCUMENT

I. INTRODUCTION

On October 31, 2003, Verizon filed a Petition asking the Commission to initiate a proceeding and, among other things, make a finding that competitors are not impaired without access to unbundled switching. Unbundled switching is the essential network element that

comprises the UNE-P. In its Petition, Verizon seeks to avoid having to offer competitors access to local service switching in parts of five Metropolitan Statistical Areas (“MSAs”). This Petition was filed pursuant to the Federal Communications Commission’s (“FCC”) Triennial Review Order¹ dated August 21, 2003 which adopted new rules concerning the obligation of incumbent local exchange carriers (“ILECs”), such as Verizon, to make their unbundled network elements available to competing carriers (“CLECs”).

Administrative Law Judges Michael C. Schneirle and Susan D. Colwell were assigned to preside over Verizon’s October 31, 2003 Petition, at Docket No. I-00030099. On November 25, 2003, a prehearing conference was held wherein a procedural schedule was established. On January 9, 2004, the OCA filed the Direct Testimony of Dr. Robert Loube and Mr. Rowland Curry pursuant to the established schedule. On January 20, 2004, Verizon filed the instant Motion to Strike to which the OCA files this Answer. In particular, Verizon seeks to strike page 4 through page 9, line 10, pertaining to the impact of this proceeding on mass market residential customers, and page 41, line 10 through page 50, pertaining to batch hot cuts, of Dr. Loube and Mr. Curry’s testimony.

As discussed further below, the OCA submits that Verizon’s Motion to Strike should be denied because those portions of the OCA testimony that the Company seeks to strike are essential to the issues that must be decided in this case. Verizon’s attempts to turn this proceeding into a mechanistic counting exercise should be rejected. Rather, this Commission is the steward of telecommunications competition in Pennsylvania and must be fully apprised of all of the issues related to the decisions it makes.

¹ Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Report and Order (rel. Aug. 21, 2003)(FCC 03-36), as corrected by errata, FCC 03-227 issued on September 17, 2003 (“Triennial Review Order” or “TRO”).

II. ANSWER

A. Verizon's Motion to Strike portions of the testimony of Office of Consumer Advocate witnesses Curry and Loube pertaining to the benefits of UNE-P is without merit and should be rejected.

1. Introduction.

The OCA submits that Verizon's Motion to Strike should be denied as it pertains to the testimony of OCA witnesses Dr. Bob Loube and Mr. Rowland Curry. As discussed further below, Verizon's Motion is without merit because

- Verizon presents a myopic view of this proceeding and understates the task that the Commission must undertake in this proceeding.
- The UNE-P background information in the OCA testimony is useful in determining how to apply the TRO in this proceeding.
- The Commission has previously recognized as relevant the issues that Dr. Loube and Mr. Curry include in their testimony concerning issues such as competitive line counts.
- Verizon's Motion inappropriately lumps together the OCA testimony with that of other intervening witnesses' testimony and, in doing so, mischaracterizes the testimony.
- Verizon's Motion to Strike is generally overbroad as it pertains to Dr. Loube and Mr. Curry's testimony.

Therefore, Verizon's Motion to Strike should be denied as it pertains to the testimony of Dr. Loube and Mr. Curry.

2. The Commission should be permitted to review Dr. Loube and Mr. Curry's testimony regarding UNE-P.

In its Motion to Strike, Verizon generally argues that "the Presiding Officers must obviously limit the scope of this proceeding to these triggers." Verizon Motion at 2. More specifically, with regard to "testimony that justifies, praises and defends UNE-P," Verizon

argues that such evidence is irrelevant and should be stricken from the case. Id. at 3-4. Verizon claims that this proceeding is most assuredly not a referendum on UNE-P, Id. at 3, and that the FCC does not expect this Commission to conduct a policy review on the wisdom of UNE-P. Id. at 4. The OCA submits that Verizon's myopic view of this proceeding, and subsequent reading of the OCA testimony regarding the benefits of UNE-P in Pennsylvania's telephone market, misstates the task that the Commission must undertake in adjudicating this case and mischaracterizes the OCA testimony being filed.

The Commission has been given an important role to play by the FCC through the TRO. Given the multiplicity of issues raised by the TRO, the Commission has not been converted into a mechanical cipher. The Commission continues to be empowered to establish "just and reasonable" rates pursuant to 66 Pa.C.S. § 1308 and remains the steward of telecommunications competition in the Commonwealth. The OCA has a statutory duty to represent consumers before the Commission. 71 P.S. §§309-1, et seq. It would not serve the Commission well to eliminate the testimony of Dr. Loube and Mr. Curry at issue in this case that generally demonstrates the importance of UNE-P as it is now before the Commission.

Verizon overreaches by attempting to strike a large portion of the testimony of Dr. Loube and Mr. Curry concerning the application of the TRO and the issues of continuing the availability of the UNE-P. Verizon attempts to strike five pages of the testimony as part of its overall effort to turn this proceeding into a mechanistic counting exercise by eliminating any discussion of the competitive background related to telephone competition in this proceeding.

If the testimony in this proceeding demonstrates anything, it is that there are strong disagreements as to how to interpret and apply the TRO. The OCA will not review these disputes in this pleading. However, it is clear that the Commission must make important choices

as to whether the triggers have been met and how such triggers may be applied to market areas under the language of the TRO. Depending upon how the Commission interprets these rules, the Commission may either maintain or eliminate UNE-P competition in Pennsylvania. It is important for the Commission to be able to consider the general OCA testimony at issue in this case as it makes these decisions.

3. The topics addressed by Dr. Loube and Mr. Curry pertain to issues that the Commission has previously recognized as relevant.

Verizon seeks to strike the testimony of OCA witnesses Dr. Loube and Mr. Curry pertaining to the impact the outcome of this proceeding will have on mass market residential customers. In this testimony, Mr. Curry stated, among other things, that competition for residential customers relies heavily on the ability of competitive carriers to purchase UNE-P services from the incumbent carrier. OCA St. 1 at 4. Mr. Curry further testified that, if the UNE-P elements are eliminated, Pennsylvania customers will no longer be able to benefit from competitive choice, particularly those customers for whom UNE-P is their only competitive option for local telephone service. Id. Dr. Loube then discusses the specific data submitted in this proceeding that provides the empirical support for this testimony, including a Herfindahl-Hirschmann Index (HHI) analysis. Id. at 4-5.

Significantly, Dr. Loube uses this empirical data to show how the Verizon count of retail lines underestimates the Verizon share of the facilities-based mass market and overestimates the CLEC mass market line counts, essentially showing that the Commission cannot rely upon Verizon's estimates it has provided to support its Petition. Id. at 6. Separately, Mr. Curry then discusses the FCC's position on some of the relevant issues that the Commission must address in this proceeding, including what a finding of "impairment" or "no impairment" would signify and who are the mass market customers that will be affected. Id. at 7-8. Mr.

Curry concludes this section of the testimony by stating that the overall key to this proceeding is that competition will be diminished, and customers will no longer receive the benefits of competitive choice, if the Commission makes a finding of “no impairment” and eliminates the key element, local circuit switching, in any market in Pennsylvania. Id. at 9.

The OCA submits that this testimony is relevant to the issues that the Presiding Officers and Commission must dispose of in this case and should not be stricken from Dr. Loubé and Mr. Curry’s testimony, as Verizon argues. This case is about achieving the goals and objectives of the United States Congress as articulated in the Telecommunications Act of 1996 (“TA-96”)² to foster local telephone competition. The Commission explicitly recognized this fact in the opening paragraph of their October 2, 2003 Procedural Order that initiated this case.³

In particular, the Commission stated:

In 1996, Congress adopted a national policy of promoting local telephone competition through then enactment of the Telecommunications Act of 1996. TA-96 relies upon the dual regulatory efforts of the Federal Communications Commission and its counterpart in each of the states, including this Commission, to foster competition in local telecommunications markets....”

This language was reiterated verbatim by the Commission in the beginning of its December 18, 2003 Order in the enterprise market proceeding.⁴ Furthermore, the Commission specifically requested in its October 2, 2003 Procedural Order that Verizon provide with their Petition the number of residential and business voice-grade equivalent lines that CLECs are serving through UNE-P for each wire center in their territory.

² Telecommunications Act of 1996, Pub.L.No. 104-104, 110 Stat. 56 (1996), codified at 47 U.S.C. §§151, et seq. (“TA-96” or “the Act”).

³ Investigation into the Obligations 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, and Development of an Efficient Loop Migration Process, Docket No. M-00031754, Procedural Order (entered October 3, 2003) Id. at 1-2.

⁴ Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Local Circuit Switching for the Enterprise Market, Docket No. I-00030100, Order (entered December 18, 2003).

As such, the Commission must be aware that their decision in this case will affect over 440,000 Pennsylvania telecommunications lines. This is particularly so for residential consumers who are most dependent on CLEC access to the UNE-P. It is certainly relevant for the Commission to be aware that the number of local lines served by CLECs in Verizon's Pennsylvania territory would be cut in half if Verizon was no longer required to provide UNE-P to CLECs. Particularly in light of the Commission's request for the line counts, it is clear, then, that Dr. Loube and Mr. Curry's testimony regarding these specific numbers is relevant to this proceeding and something the Commission itself seeks to consider.

The Commission should not act blindly in this proceeding but must make its decision being fully aware of the facts so that the goals of TA-96 can be followed. Dr. Loube's testimony regarding the number of UNE-P customers in Pennsylvania is also expressed in an HHI analysis that relays this same relevant information to the Commission in an additional manner to further aid their consideration of the data. Dr. Loube concludes this portion of his testimony by stating that his results show that Verizon continues to be dominant in every Pennsylvania market, *Id.* at 6, which is clearly relevant to the Commission in a proceeding where they are considering removing the main form with which competitors provide alternative service.

4. Verizon's Motion to Strike Dr. Loube and Mr. Curry's testimony is overbroad.

Verizon's Motion to Strike seeks to have the testimony of six different intervenors stricken that it claims includes evidence citing alleged benefits of UNE-P. Verizon Motion at 4. Verizon does not individually address the testimony of each of those intervenors' witnesses but makes its argument generally that articulated portions of those pieces of testimony should be stricken. A close examination of the testimony of Dr. Loube and Mr. Curry shows that their testimony has been inappropriately included in Verizon's Motion to Strike because it does not

include many of the contentions that Verizon claims are being made. For example, Verizon's allegations concerning testimony about whether the UNE-P encourages investment and a "Chicken Little" scenario, Id., do not fairly apply to the OCA's testimony. Additionally, the OCA does not ask that this Commission "conduct a policy review of the wisdom of UNE-P" as Verizon argues in its Motion. Id. Thus, much of Verizon's hyperbole does not apply to the OCA's testimony.

For example, Mr. Curry's testimony from page 7, line 5 thru page 9, line 10 does not pertain to the issue which Verizon opposes. In those portions of his testimony, Mr. Curry discusses the standards by which the Commission must determine whether CLECs are impaired or not impaired without access to incumbent carriers' network facilities and switching on an unbundled basis. OCA St. 1 at 7. Mr. Curry also discusses the FCC's definition of mass market customers, Id. at 8, and what he believes is the "overall key" to this proceeding. Id. at 9. Mr. Curry's testimony here does not "justify, praise or defend UNE-P" as Verizon argues. Verizon Motion at 2, nor does Mr. Curry's testimony serve as a "referendum on UNE-P." Id. at 3.

Furthermore, Dr. Loube's testimony from page 6, line 3 to line 15 should also not be included in Verizon's argument that the benefits of UNE-P are irrelevant to this proceeding and should be stricken. In this portion of his testimony, Dr. Loube discusses the errors Verizon made in its count of residential retail lines and CLEC mass market lines and provides an example of such an error. Dr. Loube's testimony is not a "referendum on UNE-P" nor a "policy review" that Verizon argues is irrelevant to this proceeding. Rather, Dr. Loube's testimony directly pertains to why Verizon's data that it uses to support its petition is suspect and should be disregarded. As such, Verizon's Motion is overly broad as applied to this portion of Dr. Loube's testimony as it does not pertain to the arguments that Verizon raises in its Motion

The five pages of OCA testimony that Verizon seeks to strike will not burden or delay this case but is necessary to provide the Commission with the background, and real world impact, that it needs to make an informed decision.

5. Conclusion

Verizon's Motion to Strike portions of the testimony of OCA witnesses Curry and Loube pertaining to the benefits of UNE-P is without merit and should be rejected. Rather, this testimony is relevant to the instant proceeding and should be included. The Commission specifically requested similar information from Verizon in its October 2, 2003 Procedural Order initiating this proceeding and recognizes the importance of promoting competition as the fundamental purpose of this proceeding. Therefore, the importance of UNE-P on local competition is relevant to this case. However, should the Presiding Officers determine that the importance of UNE-P is not relevant to this proceeding, Verizon's Motion to Strike should be narrowed because it seeks to have stricken portions of the OCA testimony that do not pertain to the issue of which Verizon complains. Verizon's Motion to Strike should be denied.

B. Verizon's Motion to Dismiss portions of the testimony of Office of Consumer Advocate witnesses Curry and Loube pertaining to the Batch Hot Cut process is without merit and should be rejected.

In summary, the OCA raises the following points:

1. The TRO requires that the states employ on-the-record proceedings to resolve the issues delegated to the states. This proceeding is the only such proceeding in Pennsylvania.
2. The OCA testimony does not attempt to resolve the Batch Hot Cut issue within the context of this proceeding. The testimony of OCA illustrates how the outcome (or lack thereof) of the Batch Hot Cut technical conferences affects the instant proceeding and offers guidance on an appropriate solution.

Verizon bases its Motion on the opinion that off-the-record paper technical conferences in a related proceeding render on-the-record testimony concerning Batch Hot Cuts in this proceeding improper.⁵ Excluding the Batch Hot Cut testimony of the OCA here would fail to recognize this important aspect of any non-impairment finding.

1. The PUC has established only one on-the-record proceeding in the TRO, and the OCA will have only no other opportunity to create a record on this issue.

In the TRO, the FCC found that “...it is unlikely that incumbent LECs will be able to provision hot cuts in sufficient volumes absent unbundled local circuit switching in all markets.”⁶ The FCC also found in the TRO that “...the issue identified by the record identified [sic] is an inherent limitation in the number of manual cut overs that can be performed, which poses a barrier to entry that is likely to make entry into a market uneconomic.”⁷ Based on these and other findings, the FCC found national impairment to exist in the hot cut process; that process is an insurmountable disadvantage to carriers seeking to serve the mass market without local switching as a UNE.⁸ The determination of impairment clearly hinges upon sufficient improvement in the Batch Hot Cut process.

Regarding the cut-over process, the TRO provides each state may make one of two determinations. It provides that each state may either maintain its status quo or develop a batch cut process within the nine-month window of the TRO proceeding.⁹ If a state should choose not to implement a Batch Hot Cut process, that state must make “detailed findings explaining why such a process is not necessary in a particular market...”¹⁰ It is clear that within

⁵ Verizon Motion at 9; Development of an Efficient Loop Migration Process, Docket No. M-00031754, Secretarial Letter (October 14, 2003).

⁶ TRO at ¶468.

⁷ TRO at ¶469.

⁸ TRO at ¶473; ¶475.

⁹ TRO at ¶488.

¹⁰ TRO at ¶489.

the nine month TRO window the PUC must make findings of fact regarding how existing hot-cut processes are sufficient, or make a determination that a particular Batch Hot Cut process alleviates the impairment issues identified by the FCC. The PUC recognized this requirement in its October 3, 2003 Procedural Order where it wrote, “[t]he Triennial Review requires a determination of such a process [loop migration] in order to ensure that carriers compete effectively in the marketplace.”¹¹ The Commission did not, however, establish that proceeding as an on-the –record proceeding.

Regarding this Commission’s loop migration proceeding, the OCA understands that the technical conferences proposed are in reality paper collaboratives; there may be no meetings where parties negotiate batch hot cut issues. In fact, the PUC has simply stated that Staff is to notify the Commission immediately if it cannot foresee consensus among interested parties.¹²

Also, the Commission established dates when interim status reports are to be posted on the Commission’s website. Although the Commission established January 7, 2004 as the due date for the most recent status report, as of today, no report is yet available. Thus, it would appear that the Batch Hot Cut issue has not been resolved and there are no plans to build an evidentiary record on this point.

Given the requirements of the TRO, an off-the-record technical conference can neither serve as the basis for the required determination of non-impairment in the cut-over process, nor is it clear that an adequate and agreed upon Batch Hot Cut process will emerge from the loop migration proceeding. Instead, the PUC has established the instant proceeding as the

¹¹ Development of an Efficient Loop Migration Process. Docket No. M-00031754, Procedural Order at 25 (October 3, 2003).

¹² Development of an Efficient Loop Migration Process. Docket No. M-00031754, Procedural Order at 25 (October 3, 2003).

fact-finding exercise required by the TRO; no other fact-finding proceeding exists in which parties may address the issues presented by the TRO. Therefore, the OCA briefly raises issues concerning the cut-over process and impairment here as it has no other means of doing so in the context of this Commission's nine-month TRO proceeding.

The Commission has established the current on-the-record proceeding as the only such means by which the PUC will determine whether non-impairment exists over any portion of Pennsylvania pursuant to section 251 of the 1996 Telecommunications Act. The question of whether CLECs can use the Verizon hot cut process and the related UNE Loop facilities to serve the mass market customer was the critical factor that resulted in the FCC's finding of mass market impairment. The PUC must resolve this problem in order to meet the statutory requirements before it makes any finding of non-impairment. As such, the problem of hot cuts is inextricably interrelated to whether the PUC find non-impairment in this proceeding.

2. The OCA offers no testimony duplicative of the Batch Hot Cut technical conference comments within the context of this proceeding. The OCA limits its testimony here to the lack of batch hot cut solutions now available.

Further, the OCA does not seek to develop a hot cut process that may result in a finding of non-impairment in this proceeding. Instead, the OCA has merely pointed out the lack of progress achieved on this issue to date and the problem that this presents concerning a finding of non-impairment here. The testimony of the OCA points out that the outcome of *this* proceeding is linked to the Commission's ultimate determination concerning non-impairment.

In its testimony, the OCA has not attempted to design a batch hot cut method or argue in favor of Electronic Loop Provisioning (ELP) as Verizon contends. Instead, the OCA has simply pointed out the importance of this issue and the lack of resolution to date. Thus, Verizon's motion should be denied as to the question of how the results of the Batch Hot Cut

process are important to the resolution of the instant proceeding – the issues here do not go to the technical design of that process.

Moreover, the OCA testimony contains important information concerning the lack of progress on these issues as developed through discovery in this docket. In its testimony, the OCA explains that Verizon has yet to finalize its methodology and review its plans for participants in a *trial* of its proposed Batch Hot Cut process.¹³ In addition, the OCA testimony explains that Verizon has no metrics with which to monitor its proposed Batch Hot Cut process.¹⁴ The PUC should not be denied the opportunity to review such information developed as a part of discovery in this proceeding that demonstrates the inadequate development of this issue and how it is relevant to the ultimate determinations that the Commission will have to make regarding the TRO in this proceeding.

III. CONCLUSION

WHEREFORE, the Office of Consumer Advocate respectfully requests that Administrative Law Judges Michael C. Schneirle and Susan D. Colwell deny Verizon Pennsylvania's Motion to Strike. The OCA testimony which the Company seeks to strike is relevant, and indeed critical, to the issues that must be decided in this case. Verizon's attempts to turn this proceeding into a mechanistic counting exercise by eliminating any discussion of real world issues should be rejected. Rather, this Commission is the steward of telecommunications

¹³ OCA St. No. 1 at 49.

¹⁴ OCA St. No. 1 at 49.

competition in Pennsylvania and must be fully apprised of the issues related to the decisions it makes.

Respectfully submitted,



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Dated: January 23, 2003
77706.doc

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Answer to the Motion to Strike of Verizon Pennsylvania, Inc., upon counsel for parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 23rd day of January, 2004.

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January 23, 2004

Via E-mail and Overnight Delivery

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DOCUMENT

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

Dear Julie:

Please find enclosed MCI WorldCom Network Services, Inc.'s responses to Verizon's Fifth Set of Interrogatories and Document Requests in the above-referenced matter. Please note that the attachments and some responses contain MCI Proprietary data and should be treated accordingly.

Please contact me if you have any questions or concerns with this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Michelle Painter".
Michelle Painter

cc: James McNulty (Cover letter and Certificate of Service only)
Certificate of Service

Enclosures

SERVICE LIST

I hereby certify that I have this day caused a true copy of MCI's Responses to Verizon's Set V Interrogatories to be served upon the parties of record in Docket Nos. I-00030099 in accordance with the requirements of 52 Pa. Code Sections 1.52 and 1.54 in the manner and upon the parties listed below.

Dated in Washington, DC on January 23, 2004

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January 26, 2004

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

Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of the Pennsylvania Carrier's Coalition's Answer to Verizon Pennsylvania Inc. and Verizon North Inc.'s Motion to Strike Intervenor Testimony.

If you have any questions, please contact me. Thank you for your attention to this matter.

Respectfully submitted,



Daniel Clearfield

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

DC/smw

Enclosure

cc: The Honorable Michael C. Schnierle w/enc.
The Honorable Susan Colwell w/enc.
Parties of Record w/enc.

DSH:39559.1/FUL022-216383

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Investigation into the :
Obligation of Incumbent Local : Docket No.
Exchange Carriers to Unbundle : I-000300099
Network Elements :

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**THE PENNSYLVANIA CARRIERS' COALITION'S ANSWER
TO VERIZON PENNSYLVANIA INC. AND VERIZON NORTH INC.'S
MOTION TO STRIKE INTERVENOR TESTIMONY**

I. Introduction

The Pennsylvania Carriers' Coalition ("PCC")¹ submits this Answer to the Motion to Strike Intervenor Testimony filed by Verizon Pennsylvania, Inc. ("Verizon PA") and Verizon North, Inc. (collectively "Verizon") pursuant to 52 Pa. Code § 5.103. Through its Motion, Verizon is asking this Commission to disregard both the objectives of the Telecommunications Act of 1996 ("the Act"), as well as the pragmatic and real-world consequences of the application of the Federal Communication Commission's ("FCC") "triggers," for determining whether switching will continue to be available as a UNE to serve mass market customers.

Verizon's Motion is consistent with its strategy to cast this proceeding as nothing more than a mechanical counting exercise, devoid of any need for analysis or exercise of judgment by the Commission. Despite acknowledging that the ultimate issue of access to specific network elements must be made with consideration for the objectives of the Act,² Verizon asks this Commission to ignore all testimony touching upon those objectives. Likewise, Verizon attempts

¹ The PCC is an informal group of competitive local exchange carriers ("CLECs") comprised of Full Service Computing Corp. t/a Full Service Network ("FSN"), ATX Licensing, Inc. ("ATX"), Remi Retail Communications, LLC ("Remi") and Line Systems, Inc. ("LSI").

² Motion at 3.

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to label as irrelevant testimony directly related to providing a context for a determination as to whether a carrier in a particular market appropriately constitutes a "trigger."³ Finally, despite the Commission's very recent declaration that Verizon PA also faces network element obligations under a separate and distinct authority,⁴ Verizon asserts that testimony directly related to the substance and scope of those obligations is immaterial.

Clearly, such a rote process was not envisioned by the FCC, and this Commission, as the steward of telecommunications competition in the Commonwealth, should not accept Verizon's attempts to limit its authority, discretion, and adjudicatory purview. The Commission assumes a significant role under the FCC's Triennial Review Order ("TRO"),⁵ and contrary to Verizon's insinuation, it is completely capable of developing a record in this proceeding, considering the full breadth of relevant evidence and affording that evidence the weight it deems appropriate. Ultimately, there is simply no reason to rule on the issues raised in the PCC's testimony at this stage of the proceeding prior to the Commission's consideration. Accordingly, the testimony of the PCC witnesses is directly relevant to the issues before the Commission in this proceeding,⁶ and the Commission should deny the Motion of Verizon PA and Verizon North.

³ Motion at 2-4.

⁴ *Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Local Circuit Switching for the Enterprise Market*, Docket No. I-00030100, Order (December 18, 2003) at 14-16.

⁵ *Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338, Report and Order (rel. Aug. 21, 2003)(FCC 03-36), as corrected by errata, FCC 03-227 issued on September 17, 2003 ("TRO").

⁶ *Commonwealth v. Crews*, 640 A.2d 395, 402 (Pa. 1994) ("Evidence is relevant if it logically tends to establish a material fact in the case, tends to make a fact at issue more or less probably, or supports a reasonable inference or presumption regarding the existence of a material fact").

II. Procedural Background

On October 31, 2003, acting pursuant to the TRO, Verizon filed a Petition asking the Commission to initiate a proceeding and find that competitors serving mass market customers are not impaired without access to unbundled switching, the essential network element that comprises UNE-P. In its Petition, Verizon seeks to avoid having to offer competitor carriers ("CLECs") access to local service switching in parts of five Metropolitan Statistical Areas ("MSAs").

On January 9, 2004, PCC filed the Direct Testimony of David Schwencke, President and CEO of Full Service Computing Corporation t/a Full Service Network ("FSN"), David Malfara, Sr., President and CEO of Remi Retail Communications, LLC ("Remi"), and Scott Dulin, Senior Vice-President of ATX Licensing, Inc. ("ATX"). On January 20, 2004, Verizon filed its Motion to Strike, contesting PCC testimony set forth at page 6, lines 6 through page 7 lines 19 (Schwencke), and page 11, line 23 through page 15 line 13 (Malfara) of PCC Statement 1.

These portions of the testimony provide facts demonstrating the absurd results that would stem from Verizon's extremely narrow reading of the FCC's TRO and the scope of this proceeding; the devastating consequences and extraordinary circumstances that could be visited upon both the mass market customers and Pennsylvania's CLECs depending upon the Commission's interpretation and application of the TRO; the appropriateness of applying the FCC's triggers to specific factual contexts; and the continuing need for CLEC access to unbundled switching under the separate and distinct considerations of state law and this Commission's *Global Order*.⁷

⁷ *Joint Petition of Nextlink, et al.*, Docket Nos. P-00991648 and P-00991649, Opinion and Order (September 30, 1999).

As one can see, and as further discussed below, the Commission should deny Verizon's Motion to Strike because the targeted portions of the PCC's testimony are essential to the issues that must be decided in this case. There is no basis for turning this proceeding into a simplistic counting exercise. The Commission must be fully apprised of all of the issues related to the decisions it makes and, at the very least, should refrain from eliminating issues from consideration at this early stage of the proceeding.

III. Specific Answer to Motion

Verizon's Motion should be denied as it pertains to the testimony of Messrs. Schwencke and Malfara. Verizon initiated this proceeding by asking the Commission to make a finding of "no impairment" with respect to local switching in parts of five MSAs. In making the requested determination, Verizon further asserts that the Commission is limited in what evidence and issues it may consider and that testimony that "justifies, praises and defends UNE-P" is irrelevant.⁸ Ultimately, Verizon attempts to turn this proceeding into an exercise in counting switches, and derisively refers to testimony identifying the very real consequences of such a myopic and misguided approach as "Chicken Little" scenarios.⁹

The PCC testimony, by demonstrating the patently absurd results of Verizon's interpretation of the scope of this proceeding and the application of the triggers, refutes the claims in Verizon's petition and undermines its claim for relief. The parties to this proceeding, including PCC, must be entitled to develop their cases as to why the Commission should not make a finding of non-impairment with regard to local switching. The practical and real impacts of eliminating UNE-P in the five MSAs, which would include the decimation of Pennsylvania's

⁸ Motion at 2.

⁹ Motion at 4.

CLECs and the deprivation of competition to mass market customers, is certainly relevant to the specific trigger analysis in the TRO and this Commission's broader role in conducting that analysis. At the very least, it permits the Commission to place the Verizon argument and the CLEC response in the proper context and can be used by the Commission as an aid in interpreting the FCC's Order.¹⁰

Moreover, as the Commission has already recognized¹¹ and Verizon has admitted,¹² this case is ultimately about achieving the goals of the Telecommunications Act of 1996 to foster local telephone competition. Accordingly, testimony that addresses whether those goals will be achieved (or utterly frustrated) if Verizon's petition is granted is clearly relevant and the Commission is more than capable of considering such testimony and affording it the weight the Commission deems appropriate. Additionally, as noted in the TRO, the FCC is permitted under Section 251(d)(2) of the Act to consider extraordinary circumstances in determining whether or not to require access to a network element, like local switching, even if the impairment standard is not fully satisfied.¹³ The existence of such circumstances is relevant to this Commission's

¹⁰ For example, the PUC may decide to consider an established rule of statutory construction in reading the FCC's TRO – that the legislature in enacting a statute does not intend absurd results. *See, e.g.*, 1 Pa. C.S. § 1922(1).

¹¹ *Investigation into the Obligations 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, and *Development of an Efficient Loop Migration Process*, Docket No. M-00031754, Procedural Order (entered October 3, 2003) *Id.* at 1-2 ("TA-96 relies upon the dual regulatory efforts of the Federal Communications Commission and its counterpart in each of the states, including this Commission, to foster competition in local telecommunications markets...").

¹² Motion at 3.

¹³ TRO at ¶¶ 172-174.

determination, and the parties are entitled to develop a record substantiating the need for the invocation of the "at a minimum" language¹⁴ in order to effectuate the purposes of the Act.

An examination of the PCC testimony in question demonstrates its relevance to these material points. Both Mr. Schwencke and Mr. Malfara provided a clear window into the result produced by Verizon's myopic approach to this proceeding: forced repatriation of tens of thousands of residential and mass market customers to Verizon and the termination of two vibrant, cutting edge competitive carriers in Pennsylvania.¹⁵ Contrary to Verizon's suggestion, the decimation of local telecommunications competition in the Commonwealth is neither an exaggeration nor a trivial and immaterial matter for this proceeding. Moreover, as Mr. Malfara testified, retaining access to local switching and UNE-P is key to enhancing service offerings to meet customer needs.¹⁶ The witnesses also provide qualitative analysis about the economic feasibility (or lack thereof) of eliminating access to local switching and CLECs continuing to serve customers via resale, a new switch or existing enterprise switch.¹⁷ In addition to the issues identified above, this testimony is also relevant in providing context for the trigger analysis and assisting the Commission in determining whether a carrier should be considered a trigger company.

Finally, and if for no other reason, Verizon's Motion must be denied because the PCC's testimony is directly relevant to the separate state law obligations Verizon faces to provide CLECs with access to local switching. As the Commission just held in the Enterprise Market

¹⁴ *Id.*

¹⁵ PCC St. 1.0 at 6-7, 11-14.

¹⁶ PCC St. 1.0 at 12-13.

¹⁷ PCC St.1.0 at 7, 12-15.

proceeding, Verizon PA has a continuing obligation to provide access to local switching and UNE-P under the *Global Order* and Section 271(c)(2)(B)(iv) of the Act.¹⁸ Needless to say, the Commission found those independent obligations to be relevant in the Enterprise Market proceeding, and they are no less relevant here. Accordingly, the PCC's testimony which provides an evidentiary basis for those continuing state law obligations on Verizon PA is equally relevant.

IV. Conclusion

For all of these reasons, Verizon's Motion to Strike portions of the testimony of David Schwencke and David Malfara should be denied.

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Date: January 26, 2004

¹⁸ *Investigation into the Obligations of Incumbent Local Exchange Carriers to Unbundle Local Circuit Switching for the Enterprise Market*, Docket No. I-00030100, Order (December 18, 2003) at 14-16.

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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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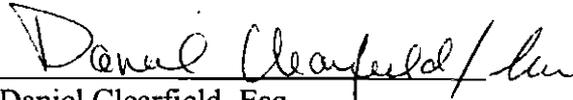
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PA PUBLIC UTILITY COMMISSION
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Re: Investigation Into Obligations Of Incumbent
Local Exchange Carriers To Unbundle Network Elements
Docket No. I-00030099

Dear Mr. McNulty:

Please find enclosed for filing in the above-captioned proceeding the original and three (3) copies of the AT&T Communications of Pennsylvania, LLC's Opposition to Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Motion to Strike.

Please do not hesitate to contact me with any questions regarding the enclosures.

Very truly yours,


Robert C. Barber

Enclosures

cc: (w/ encl)
The Honorable Michael Schnierle
The Honorable Susan Colwell
Service List (w/ encl)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**AT&T COMMUNICATIONS OF PENNSYLVANIA, LLC'S
OPPOSITION TO VERIZON PENNSYLVANIA INC.
AND VERIZON NORTH'S
MOTION TO STRIKE**

DOCKETED
FEB 27 2004

Verizon has demonstrated since the inception of this proceeding that it is not at all interested in the Commission's reasoned and fully-informed application of the "triggers" established in the Triennial Review Order, much less in the adverse effect that the incorrect and overly-simplistic application of the "triggers" that Verizon advocates would have on Pennsylvania's consumers. Rather, pushing its "count to 3 and pull the trigger" approach, Verizon has attempted to distort the TRO's "brightline" test into a "blindfold" test, in which the Commission would ignore such critical factors as the nature of the trigger candidates, the full extent of unbundled loop ("UNE-L") competition, and, ultimately, the competitive consequences of the triggers analysis.

Verizon's instant Motion to Strike is just the latest manifestation of that approach. Specifically, claiming that the information is "irrelevant and immaterial," Verizon has moved to strike: (1) certain portions of the direct testimony of AT&T witnesses Kirchberger and Nurse and of AT&T witness Dr. Mayo that discuss the extent of, and prior Commission support for, competition in Pennsylvania through the

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unbundled network elements platform (“UNE-P”);¹ (2) a portion of the direct testimony of AT&T witnesses Kirchberger and Nurse that discusses the network architectural issues that underlie the FCC’s determination that competitors such as AT&T are impaired without access to UNE-P and dedicated transport;² and (3) a portion of the direct testimony of AT&T witnesses Kirchberger and Nurse that discusses a necessary change to Verizon’s network that must be undertaken to eliminate that impairment.³ Verizon’s motion is without merit, and should be denied.

There is no question that Verizon’s attempt to eliminate UNE-P in most areas of Pennsylvania fails on the objective data alone. As AT&T witnesses Kirchberger and Nurse demonstrated in their testimony, none of the “geographic markets” identified by Verizon possess three qualifying self-provided switch based carriers providing UNE-L service to both the business and residential segments of the mass market.⁴ Nevertheless, each of the issues addressed in AT&T’s testimony that Verizon has moved to strike provides critical context to the Commission’s resolution of the TRO’s triggers criteria.

As an initial matter, the very notion that testimony related to the use of UNE-P in Pennsylvania is irrelevant or immaterial to the issues in this case is preposterous on its face. As much as Verizon would like to ignore it, this case is all about UNE-P. If Verizon has its way, the CLECs’ ability to use the platform as a means of providing

¹ VZ-PA Motion to Strike at 3-4.

² VZ-PA Motion to Strike at 5-8.

³ VZ-PA Motion to Strike at 8-9.

⁴ AT&T Stmt. 1.0 at 35-57.

competitive alternatives to residential and small business customers in Pennsylvania will be lost altogether. It is thus critical for the Commission to understand the extent to which UNE-P currently is being used in the Commonwealth, particularly in the “geographic markets” that Verizon has put at issue in the case, and the extent to which that competition will be affected by Verizon’s proposed application of the TRO triggers.⁵ The testimony that Verizon is seeking to strike provides that context.

The Commission certainly understood the relevance of UNE-P to this proceeding when it initiated it. In its Procedural Order, the Commission directed Verizon to respond to data responses indicating the number of UNE-P arrangements that CLECs had obtained to serve residential and business customers.⁶ The Commission also noted the potential relevance of its decision in the Global Order establishing the availability of UNE-P as a basis for considering the question of the appropriate geographic market for application of the triggers, and directed the parties to address that issue in their testimony.⁷

The portion of AT&T witness Kirchberger and Nurse’s testimony that Verizon attacks here in fact describes the Global Order and other Commission precedent concerning UNE-P. As they note in the testimony, this Commission has a long standing commitment to ensuring that competitors have access to the unbundled

⁵ For example, the portion of Dr. Mayo’s testimony that Verizon is moving to strike also describes the economic affect of eliminating local circuit switching as an unbundled element. See AT&T Stmt. 2.0 at 49.

⁶ Procedural Order, Docket No. I-00030099, Oct. 3, 2004, App. A, Questions for Petitioning ILECs Nos. 3 and 7.

⁷ Id. at 14 (“Parties should also address whether the Commission has already adopted an applicable market definition in either the *Global Order* at p. 90 (addressing UNE-P availability). . .”).

network elements they need to compete effectively for residential and small business customers in Verizon Pennsylvania Inc.'s local exchange market.⁸ The foundation of these efforts has been the establishment of UNE-P as a mechanism for offering customers a meaningful competitive choice.

In fact, in the Global Order the Commission, declaring that the "importance of a CLEC's ability to obtain UNEs as a 'platform' cannot be overemphasized," rejected Verizon's efforts to constrain the availability of unbundled network switching and the UNE platform.⁹ Instead, the Commission, applying the standards established in the Telecommunications Act of 1996 and relying on a massive evidentiary record, held that "UNE-P is the only effective way for CLECs to begin immediately offering competitive local exchange services to a broad range of customers, particularly residential and small business customers," and directed Verizon to make UNE-P immediately available.¹⁰

⁸ AT&T Stmt. 1.0 at 57-59.

⁹ *Joint Petition of Nextlink Pennsylvania, Inc., et al.*, Docket Nos. P-00991648 and P-00991649, Sept. 30, 1999 ("Global Order"), at 87.

¹⁰ *Id.* The Commonwealth Court subsequently held in rejecting Verizon's challenge to this determination that the Commission's decision to make UNE-P available was "clearly in accordance" with the requirements of both federal and state law. *Bell Atlantic-Pennsylvania, Inc. v. Pennsylvania PUC*, 763 A.2d 440, 513 (Pa. Cmwlth. Ct. 2000).

While claiming that this case "is most assuredly not a referendum on UNE-P," Verizon's motion nevertheless includes selective quotes from the TRO and even the Supreme Court's decision in *AT&T v. Iowa Utilities Bd.* that suggest that UNE-P is in fact disfavored. For example, Verizon states that the FCC "claimed it was focused on (sic) not on preserving UNE-P. . . ." Motion at 3. But nothing in Paragraph 141 of the TRO, upon which Verizon makes this claim, says anything about UNE-P. Instead, that paragraph makes explicit reference to the need to use unbundling requirements to "open "the bottleneck markets **largely controlled by incumbent LECs.**" TRO, ¶141 (emphasis added). Interestingly, that highlighted language,

And the record developed in this case, as described in AT&T's testimony, shows that competitors are using the platform to provide competitive local exchange service to hundreds of thousands of customers – predominantly residential customers – in the same areas in which Verizon is now trying to eliminate it.¹¹ It is these customers who have been placed directly in the cross-hairs of Verizon's erroneous application of the triggers. Accordingly, this is evidence that must be before the Commission when it renders its decision on Verizon's petition.

The same holds true for the network architecture information that Verizon seeks to strike from AT&T Stmt. 1.0. Contrary to Verizon's claims, this contextual information is directly relevant and material to the application of the TRO self-provided switching trigger. One of the TRO's primary goals is to recognize the market barriers faced by new entrants,¹² and the FCC in fact based its national finding that carriers are impaired without access to unbundled local switching on the fundamental barrier to UNE-L entry posed by lack of an economically and operationally efficient hot cut process.¹³

The persistence of that problem is the central point addressed in the testimony of AT&T witnesses Kirchberger and Nurse that Verizon seeks to strike.

which only underscores the competitive necessity for UNE-P, was carefully omitted from Verizon's Motion. Moreover, while citing one excerpt from *Iowa Utilities Bd.*, Verizon fails to mention that in that decision the Supreme Court specifically upheld the FCC's rule prohibiting the incumbents from separating already combined UNEs before leasing them to a CLEC. See 512 U.S. 366, 393-95 (1999).

¹¹ AT&T Stmt. 1.0 at 59.

¹² See TRO ¶ 84. It would also contravene the TRO provisions specifying impairment may continue in markets that "facially satisfy the self-provisioning trigger." TRO ¶ 503.

¹³ See TRO, ¶473.

As those witnesses describe, CLECs continue to face substantial operational and economic barriers to entry that prevent the expansion of facilities-based services.¹⁴ This information is not being provided, as Verizon claims, “to convert the FCC’s objective trigger analysis into a subjective potential deployment review.” Again, the “objective” data alone shows that Verizon has not met its burden of proving that the triggers have been met anywhere in the Commonwealth. Rather, the purpose of AT&T’s testimony is to explain **why** the triggers have not been met.¹⁵ Unless the Commission understands why CLECs are impaired without access to unbundled switching, its decision would be made in a vacuum.

AT&T’s testimony concerning the differences between Verizon’s network and the CLEC network that are at the root of these economic and operational barriers also is directly relevant to the issues raised in this case concerning the application of the self-provisioning triggers for dedicated transport. In this regard, the essence of Verizon’s claims that AT&T is a trigger candidate on certain specified routes in Pennsylvania is that since Verizon engineers its network to provide direct transport between certain wire centers, then so must AT&T and other CLECs. As the portion of Messrs. Kirchberger and Nurse’s testimony that Verizon has moved to strike explains, however, the network architectures of the incumbent’s legacy monopoly network and that of a new entrant are fundamentally and necessarily different.¹⁶

¹⁴ AT&T Stmt. 1.0 at 70-81.

¹⁵ This is stated explicitly in AT&T witness Kirchberger and Nurse’s testimony. See AT&T Stmt. 1.0 at 70.

¹⁶ AT&T Stmt. 1.0 at 73-76.

These differences help explain why AT&T should not be treated as a trigger candidate for dedicated transport, and provide yet another basis for denying Verizon's motion to strike that testimony.

Finally, Verizon's motion to strike evidence concerning hot cuts and Electronic Loop Provisioning is yet another example of its "strap on the blindfold and pull the trigger" approach to this case. One of the most significant of the impairment issues facing CLECs is Verizon's inability to overcome the difficulties associated with performing hot cuts in the volumes necessary to sustain a fully competitive mass market.¹⁷ In fact, the FCC's determination that there is impairment in the mass market without local switching was motivated "in part, by the problems with the hot cut process – a problem that the FCC also found was not likely to be corrected until Verizon "implement[s] batch cut processes."¹⁸

Verizon, understandably, would prefer to divorce consideration of this issue from its effort to eliminate UNE-P. That gambit, however, ignores the reality that the volume of individual hot cuts Verizon has preformed to date would be dwarfed by those that it would be required to accomplish if UNE-P were no longer available. It also flies in the face of the provisions of the TRO. The FCC clearly states that implementation of a state approved batch hot cut process should cause CLECs to "begin to utilize self-provisioned switches in greater number going forward," and that "*in subsequent reviews*" of self-provisioning "states **will begin to find that**

¹⁷ TRO, ¶ 439-440, 459.

¹⁸ TRO ¶ 502.

*requesting carriers are not impaired.*¹⁹ The TRO thus makes it plain that the impairment that exists today will continue until or unless the batch hot cut process implemented by the Commission meets the needs of commercial mass-market volumes in a manner that promotes effective and efficient competition.²⁰

In fact, in order for VZ-PA to successfully challenge the national finding of impairment with respect to any geographic market, it must demonstrate that it has successfully operationalized a seamless, low cost UNE-L loop facility migration process that can serve both residential and small business mass market customers at commercial volumes throughout the relevant market. Thus, at the end of this proceeding, the Commission must be in a position to determine whether VZ-PA has eliminated all operational barriers, including, at a minimum, impediments that may arise through issues associated with collocation, the delays and cost of unbundled loop provisioning, migration of all loop types between and among CLECs and VZ-PA, the impact of IDLC loops as an impediment to UNE-L competition, and the ability of VZ-PA's interconnection and tandem network to handle the substantially

¹⁹ TRO ¶ 502 (emphasis added).

²⁰ The hot cut charge is only one of the additional costs that a CLEC faces (and that VZ-PA does not) when the CLEC provides service using VZ-PA loops connected to the CLEC's own switch. Before the first VZ-PA loop can be "hot cut" to the CLEC's switch, the CLEC must incur costs to (i) establish collocation space in VZ-PA's wire center, (ii) equip that space with the necessary racks, frames and electronics to connect the loop once the hot cut is made, digitize its signal, and aggregate traffic from multiple loops onto transport facilities, (iii) establish transport facilities between the collocation space and the building housing the CLEC's switch, and (iv) install and operationalize equipment, including electronics, to "de-aggregate" each loop's signal and establish the connection with the CLEC switch. Even if VZ-PA's hot cuts were free of charge and perfectly performed, the CLEC still incurs these other costs and VZ-PA does not.

increased volumes in a UNE-L-only world.²¹ VZ-PA must also demonstrate that its processes are commercially reasonable for line-splitting, line-sharing,²² and other DSL-related arrangements affecting the provision of voice service to “mass-market” customers. VZ-PA’s *promises* regarding its ability to perform and its actual performance are insufficient.²³

The AT&T testimony that Verizon is moving to strike goes directly to these issues. In particular, the testimony described an electronic loop provisioning process that would substantially eliminate the barriers posed by Verizon’s current hot cut process.²⁴ As the testimony again clearly states, AT&T was not asking the Commission to order Verizon to implement ELP in this case.²⁵ What the testimony does show, however, is that without fundamental changes in Verizon’s network, the barriers to entry that require the continued availability of UNE-P will remain. This information is thus directly relevant and material to the impairment decision that the Commission does face in this proceeding.

²¹ See TRO ¶¶ 512-514.

²² Hot cut processes must be able to work with line-sharing so long as line-sharing remains available.

²³ The FCC is explicit on this point with respect to hot cuts: mere “promises of future hot cut performance,” even when based on testimony submitted by ILECs like Verizon “attesting to their willingness and ability to handle any requested volume of hot cuts,” will not be sufficient evidence to establish that the operational impairments currently inherent in the hot cut process have been overcome. TRO n. 1437.

²⁴ AT&T Stmt. 1.0 at 81-87.

²⁵ AT&T Stmt. 1.0 at 88.

WHEREFORE, for the reasons set forth above, Verizon's Motion to Strike should be denied.

Respectfully submitted,

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Dated: January 26, 2004

Certificate of Service
Docket No. I-00030099

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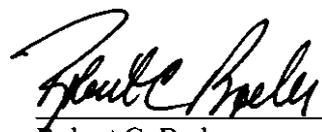
Ross A. Buntrock, Esq.
Kelley Drye & Warren LLP
1200 19th Street N.W.
Suite 500
Washington, DC 20036

Debra M. Kriete, Esq.
Rhoads & Sinon LLP
1 South Market Square, 12th Fl.
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ORIGINAL

Thomas Koutsky, Esq.
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1200 19th Street, NW
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Washington, DC 20036

Robin Cohn, Esq.
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3000 K St., NW
Washington, DC 20007



Robert C. Barber

Dated: January 26, 2004

* overnight mail

ORIGINAL



Zsuzsanna E. Benedek
Senior Attorney

240 North Third Street, Suite 201
Harrisburg, PA 17101
Telephone (717) 236-1385
Fax (717) 238-7844

January 27, 2004

VIA HAND DELIVERY

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

DOCUMENT

SECRETARY'S BUREAU

2004 JAN 27 PM 3:18

RECEIVED

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

Dear Secretary McNulty:

Attached please find an original and three (3) copies of an Executed Confidentiality Agreement of Julie Ward on behalf of Sprint Communications Company, L.P. (hereinafter "Sprint") in the above-referenced proceeding.

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

Sincerely,

Sue Benedek

ZEB/jh
enclosures

cc: The Honorable Michael C. Schnierle (*via electronic mail and hand delivery*)
The Honorable Susan D. Colwell (*via electronic mail and hand delivery*)
Certificate of Service (*via first-class and electronic mail*)

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

SECRETARY'S BUREAU

2004 JAN 27 PM 3:18

RECEIVED

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

Docket No. I-00036099

CONFIDENTIALITY AGREEMENT

DOCKETED
FEB 06 2004

TO WHOM IT MAY CONCERN:

The undersigned is the Sprint Senior Manager - Reg. Policy (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 party (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: 1/26/04

Julie Ward
Signature

Julie Ward
Print Name

EMPLOYEE
Status relative to Retaining Party

Sprint
Employer

6480 Sprint Pkwy OP, KS
Address

DOCUMENT

Enrico C. Soriano, Esquire
Steven A. Augustino, Esquire
Darius B. Withers, Esquire
Kelley, Drye and Warren, LLP
1200 19th Street, NW
Washington, DC 20036

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Rhoads and Sinon, LLP
One South Market Street
12th Floor
Harrisburg, PA 17101

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

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

Jeffrey J. Heins
Telecove Communications, Inc.
712 North Main Street
Coudersport, PA 16915

Thomas Koutsky, Vice President
Law and Public Safety
Z-Tel Communications, Inc.
1200 19th Street, NW, Suite 500
Washington, DC 20036

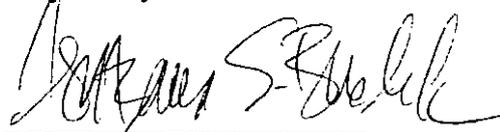
Peggy Rubino
Z-Tel Communications, Inc.
601 South Harbour Island Boulevard
Suite 220
Tampa, FL 33602

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

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

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

Respectfully Submitted,



Zsuzsanna E. Benedek, Esquire
Sprint Communications Company, L.P.
240 North Third Street, Suite 201
Harrisburg, PA 17101
Phone: (717) 245-6346
Fax: (717) 238-7844
E-Mail: sue.e.benedek@mail.sprint.com

RECEIVED
2004 JAN 27 PM 3: 18
SECRETARY'S BUREAU

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	I-00030099		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Incumbent Local Exchange Carriers	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	January 26, 27, 28, 29 & 30, 2004			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Michael C. Schnierle & Susan D. Colwell	DATE:	1/30/04	
		Briefs to be Filed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:	Already set	
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
RECEIVED OFFICE OF O.A.L.J. 04 FEB 11 PM 3:26 PA PUC		REMARKS:	Cancel hearing for 1/30/04. We finished on 1/29.	

DOCUMENT
FOLDER

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
Erin Emmott Kelsey Dye & Warren LLP Steve Augustino	1200 19TH Street, NW Suite 500 Washington DC 20034 <small>City State Zip</small>	Choice One, Focal, SO: P LINK, XO
Telephone: 202 955 9766	E-mail Address: eemmotte@kelseydye.com	Fax Number: 202 955-9792
Robert C. Barber Mark A. Ketter	3033 Chain Bridge Road Oakton VA 22185 <small>City State Zip</small>	AT&T COMMUNICATIONS OF PENNSYLVANIA, LLC
Telephone: 703-691-6061	E-mail Address: R.Barber@att.com	Fax Number: 703-691-6093
Renardo L. Hicks	1110 N. Mountain Rd. HBG PA 17112 <small>City State Zip</small>	PENN TELECOM INC.
Telephone: 717-541-1184	E-mail Address: RHICKS@AGHWEB.COM	Fax Number: 717-541-5434

Check this box if additional parties or attendees appear on back of form.


 John A. Kelly CRC, Inc.
 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Address	Who are you representing?
Genevieve Morelli Ross Buntrock Kelley Dye & Warren LLP 1200 19th St. NW Washington DC 20036 Telephone: 202-887-1248	1200 19th St. NW City: Washington State: DC Zip: 20036	ARC Networks Inc Albela In his Highway Comm - unications, Broadband Networks Bulseye Telecom Inc, McGraw Comm. and Mettel of PA E-mail Address: rbuntrock@kelleydye.com Fax Number: 202-955-9792
Michelle Paenter Telephone: 202-736-6204	1133 19th St NW City: Washington State: DC Zip: 20036	McI WorldCom Network Services E-mail Address: Michelle.Paenter@mcicom.com Fax Number: 202-736-6242
Kandace F. Melillo Telephone: 717-783-6155	Pa PUC OTS P.O. Box 3265 City: Hbg State: PA Zip: 17105-3265	Pa PUC OTS E-mail Address: kmelillo@state-pa.us Fax Number: 717-772-2677
Dan Clearfield Wolf Black Telephone:	1412 Smoke house City: Hbg State: PA Zip: 17110	PCC E-mail Address: dclearfield@wolfblack.com Fax Number: (717) 237-7161
Julia A. Conover Suzan D. Paiva Mary Coyne Telephone:	1717 Arch St 32 NW City: Phila State: PA Zip: 19129	Verizon E-mail Address: Julia.A.Conover@ Fax Number:
ANGELA T. JONES Telephone: 717-783-2525	1102 COMMERCE BLDG 300 N. 2ND ST. City: Hbg State: PA Zip: 17101	Verizon.com OFFICE OF SMALL BUSINESS ADVOCATE E-mail Address: anjones@state.pa.us Fax Number: 717-783-2831
Philip McClelland Joel Charkis Telephone: 783-5048	555 Walnut St. City: Hbg State: Pa. Zip: 17101	Office of Consumer Advocate E-mail Address: pmcclelland@pa.gov Fax Number: 783-757
Sue Brundek Telephone: 717-245-6346	240 N. Third St. Suite 201 City: Hbg State: PA Zip: 17102	Sprint Comm. Co. Ltd E-mail Address: sue.c.brundek@verizon.com Fax Number:

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Name and Telephone Number	Address			Who are you representing?
Richard U. Stubbs General Counsel Cavalier Telephone U.S. Atlantic, LLC 965 Thomas Drive 18977	City Warminster	State PA	Zip 18974	Cavalier Telephone Mid-Atlantic, LLC
Telephone: 267-803-4002	E-mail Address: rstubbs@cavtel.com			Fax Number: 267-803-4147
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:
Telephone:	E-mail Address:			Fax Number:

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

Suzan DeBusk Paiva
Assistant General Counsel
Law Department



RECEIVED
ORIGINAL
JAN 28 2004

Verizon Pennsylvania Inc.
1717 Arch Street, 32NW
Philadelphia, PA 19103

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Tel: (215) 963-6068
Fax: (215) 563-2658
Suzan.D.Paiva@Verizon.com

January 28, 2004

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. 1-00030099

Dear Secretary McNulty:

I enclose for filing the original and three copies of Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Objections to the Loop and Transport Coalition's First Set of Interrogatories, in the above captioned matter.

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

Very truly yours,


Suzan D. Paiva

SDP/meb

Enclosure

cc: Via E-Mail and UPS Overnight Delivery
Honorable Michael Schnierle
Honorable Susan Colwell
Attached Certificate of Service

120

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

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

**VERIZON PENNSYLVANIA INC.'S AND VERIZON NORTH INC.'S
OBJECTIONS TO CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA
INC. FOCAL COMMUNICATIONS CORPORATION OF
PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA,
INC. FIRST SET OF DATA REQUESTS**

Pursuant to 52 Pa. Code §§ 5.342 and 5.349, Verizon Pennsylvania Inc. and Verizon North Inc. ("Verizon") hereby object to Choice One Communications of Pennsylvania Inc., Focal Communications Corporation of Pennsylvania, SNiP LiNK LLC and XO Pennsylvania, Inc. (collectively, the "Loop and Transport Coalition" or "LTCC") First Set of Interrogatories and Request for Production of Documents, as follows. For ease of reference, Verizon has set forth a list of Specific Objections, and then has referred to each Specific Objection by number where applicable in response to the particular questions. Verizon has then indicated for each interrogatory whether or not it will be providing a response at the appropriate time under the procedural schedule of this proceeding.

GENERAL OBJECTIONS

DOCKETED
FEB 27 2004

1. Verizon objects to the LTCC's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, call for the production of information that Verizon does not maintain in its possession or in the requested format.

DOCUMENT

2. Verizon objects to the LTCC' Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek information relating to operations in any territory outside of Verizon Pennsylvania Inc.'s or Verizon North Inc.'s territory, except for out of franchise operations.

3. Verizon objects to the LTCC's Data Requests to the extent that all or any of them, when read in conjunction with the instructions and definitions contained therein, seek confidential and proprietary materials relating to Verizon's customers or business practices whose probative value in this proceeding is substantially outweighed by the risk of prejudice or other potential harm to Verizon.

4. Verizon objects to the definitions in so far as they depart from the meanings ascribed in the Report and Order and Order on Remand and Further Notice of Proposed Rulemaking ("Triennial Review Order") issued by the Federal Communications Commission in CC Docket No. 01-338. Verizon will respond using the definitions the FCC adopted in the Triennial Review Order.

SPECIFIC OBJECTIONS

1. Verizon objects to the discovery request to the extent that it requires disclosure of information protected from discovery by the attorney-client privilege and/or the attorney work product doctrine.

2. Verizon objects to the discovery request to the extent that it purports to impose upon Verizon a duty to disclose information or documents that is or are outside Verizon's possession, custody or control.

3. Verizon objects to the discovery request to the extent that it seeks confidential and/or proprietary information. Any confidential or proprietary information

provided by Verizon in response to the discovery request is done so subject to the terms of the Protective Order that was entered in this proceeding.

4. Verizon objects to the discovery request to the extent that it is vague and ambiguous.

5. Verizon objects to the discovery request to the extent that it is cumulative or duplicative.

6. Verizon objects to the discovery request to the extent that it is overbroad, unduly burdensome, and/or seeks information that is neither relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

7. Verizon objects because the discovery request seeks information that is beyond the scope of the impairment analysis at issue in the Commission's review of Verizon's case. Information regarding operational and economic factors that are relevant to a potential deployment case is irrelevant to the question of whether Verizon has satisfied the applicable "trigger" – which is the only impairment determination that is at issue in this proceeding. *See Triennial Review Order* ¶ 425, n. 1300 (economic and operational factors that are used in a potential deployment case "come into play only if . . . [the FCC's] deployment triggers are not met.").

8. Verizon objects because the discovery request seeks information regarding Verizon's retail operations. This information is outside the scope of the FCC's mandatory "policy framework" that must be applied in this proceeding, which is based on "carefully targeted impairment determinations." *Triennial Review Order* ¶ 187. These determinations are premised on "granular evidence that new entrants are providing retail

services in the relevant market *using non-incumbent LEC facilities,*” not Verizon’s retail operations. *Id.* ¶ 93 (emphasis added).

9. Verizon objects to the discovery request to the extent that it seeks operational and/or proprietary information regarding other telecommunications carriers. Such third party confidential or proprietary information provided by Verizon in response to the discovery request is done so subject to the terms of the Protective Order that was entered in this proceeding and pursuant to the presiding officer’s order requiring such production.

10. Verizon objects to the discovery request to the extent that it calls for legal conclusions.

11. Verizon objects to the discovery request to the extent that it is argumentative.

12. Verizon objects to the discovery request to the extent that it calls for a special study.

13. Verizon objects to the discovery request on the basis that it is calls for speculation and/or conjecture.

14. Verizon objects to the discovery request to the extent that it seeks information in the public domain.

15. Verizon objects to the discovery request to the extent that it seeks information that is as readily available to the requesting party as it is to Verizon.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I, (TRANSPORT)
INTERROGATORY NO. 1 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each transport route identified in LATAs 226, 228, 232 and 234 as
satisfying the self-provisioning trigger, provide all documents,
studies, or records showing that the self-provisioning trigger is
satisfied. Provide separate responses for DS3 and dark fiber.

OBJECTION:

See specific objection 1, 2, 9, 14 and 15. Subject to and without
waiving these objections, Verizon will provide a response to this
interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 2 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each transport route identified in LATAs 226, 228, 232 and 234 as
satisfying the wholesale provisioning trigger, provide all documents,
studies, or records showing that the wholesale trigger is satisfied.
Provide separate responses for DS1, DS3, and dark fiber.

OBJECTION:

See specific objection 1, 2, 9, 14 and 15. Subject to and without
waiving these objections, Verizon will provide a response to this
interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 3 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each transport route identified as satisfying the self-provisioning trigger, identify all instances in which Verizon has provisioned to any of the carriers identified as self-provisioners (i) UNE transport, (ii) UNE dark fiber or (iii) special access between the "A" and "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which Verizon is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 4 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each transport route identified in LATAs 226, 228, 232 and 234 as satisfying the wholesale provisioning trigger, identify all instances in which Verizon has provisioned to any of the carriers identified as wholesale providers (i) UNE transport, (ii) UNE dark fiber or (iii) special access between the "A" and "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which Verizon is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 5 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each transport route identified in LATAs 226, 228, 232 and 234 as satisfying the self-provisioning trigger, identify all instances in which Verizon has provisioned to any of the carriers identified as self-provisioners (i) UNE transport, (ii) UNE dark fiber or (iii) special access where one end point of the circuit or element is either the "A" or "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which Verizon is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 6 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each transport route identified in LATAs 226, 228, 232 and 234 as satisfying the wholesale provisioning trigger, identify all instances in which Verizon has provisioned to any of the carriers identified as wholesale providers (i) UNE transport, (ii) UNE dark fiber or (iii) special access where one end point of the circuit or element is either the "A" or "Z" locations on the route. Provide for each carrier, the number of circuits or elements for which Verizon is currently billing the carrier, the type of service provided (i.e., UNE transport, UNE dark fiber, special access) and the capacity level of each circuit or element provisioned. Please provide any such list in manipulable electronic format.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 7 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

State whether collocation space is exhausted in any of the "A" or "Z"
locations identified in the Transport Attachments.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon
will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 8 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For the past year (or such other time frame dating to approximately
January 1, 2003 as is readily available), state the following
information separately for DS1 and DS3 transport orders:

- The number of LSRs requesting UNE transport between the "A" and "Z"
end points of the routes identified in the Transport Attachments;
- The number of "no facilities" responses Verizon has returned in
response to these LSRs; and
- The number of UNE transport circuits provisioned.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon
will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 9 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For the past year (or such other time frame dating to approximately
January 1, 2003 as is readily available), state the following
information separately for UNE dark fiber orders:

- The number of LSRs requesting UNE dark fiber between the "A" and "Z"
end points of the routes identified in the Transport Attachments;
- The number of "no facilities" responses Verizon has returned in
response to these LSRs; and
- The number of UNE dark fiber circuits provisioned.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon
will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 10 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each "no facilities" response identified in data request 8 or 9,
state the reason given for the "no facilities" response and the
estimated time period in which the facility was anticipated to be
available.

OBJECTION:

See specific objections 4, 6, 7. Based on these objections, Verizon
will not be responding to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
 INTERROGATORY NO. 11 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
 ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
 CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
 DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
 (UNE)

ANSWERED BY:
 POSITION:

REQUEST:

For each of the wholesale carriers identified in the Transport Attachments, identify which of the bases stated at 53-54 of the Berry/Peduto Testimony (adopted by the West/Peduto Testimony) Verizon contends the wholesale carrier satisfies. Please provide your response in the following format:

Wholesale Carrier	Holds itself out as a wholesale provider	Supplies transport facilities to Universal Access, Inc.	Has a CATT arrangement in any of Verizon's wire centers	Is listed in the New Paradigm CLEC Report 2003 as offering dedicated access transport
Carrier A (check all that apply)				
Carrier B (repeat as necessary)				

OBJECTION:

See specific objection 5. Subject to and without waiving this objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 12 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
{UNE}

ANSWERED BY:
POSITION:

REQUEST:

Identify and describe the criteria used to determine whether a
purported wholesale carrier "holds itself out as a wholesale provider
on its website" as discussed in Berry/Peduto testimony at 53 (adopted
by the West/Peduto Testimony).

OBJECTION:

See specific objection 5. Subject to and without waiving this
objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 13 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

Identify and describe the criteria used to determine whether a
purported wholesale carrier "does not limit its representation to
particular routes" as discussed in Berry/Peduto testimony at 53
(adopted by the West/Peduto Testimony).

OBJECTION:

See specific objection 5. Subject to and without waiving this
objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 14 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each carrier that Verizon alleges is a wholesale provider because
it "holds itself out as a wholesale provider on its website"
(Berry/Peduto testimony at 53, adopted by the West/Peduto Testimony),
identify each and every statement on which Verizon will rely as
evidence of this contention.

OBJECTION:

See specific objection 5. Subject to and without waiving this
objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 15 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

Identify and describe the criteria used to determine whether a
purported wholesale carrier "suppl[ies] transport facilities to
Universal Access, Inc." as discussed in Berry/Peduto testimony at 53
(adopted by the West/Peduto Testimony).

OBJECTION:

See specific objection 5. Subject to and without waiving this
objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 16 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each carrier that Verizon alleges is a wholesale provider because
it "suppl[ies] transport facilities to Universal Access, Inc."
(Berry/Peduto testimony at 53, adopted by the West/Peduto Testimony),
identify all documents, statements, studies, records or other
information on which Verizon will rely as evidence of this contention.

OBJECTION:

See specific objection 5. Subject to and without waiving this
objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 17 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

Identify and describe the criteria used to determine whether a
purported wholesale carrier "is listed in the New Paradigm CLEC Report
2003 as offering dedicated access transport" as discussed in
Berry/Peduto testimony at 53-54 (adopted by the West/Peduto Testimony).
Identify the specific services Verizon counts as "dedicated access
transport."

OBJECTION:

See specific objection 5. Subject to and without waiving this
objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 18 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

Identify the exact title, volume number and copyright date of the New
Paradigm CLEC Report 2003 relied upon by Verizon.

OBJECTION:

See specific objection 5. Subject to and without waiving this
objection, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 19 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each carrier that Verizon alleges is a wholesale provider because it "has a CATT arrangement in any of Verizon's wire centers" (Berry/Peduto testimony at 53, adopted by the West/Peduto Testimony), identify all of the "A" or "Z" wire centers identified in the Transport Attachments in which the carrier has a CATT arrangement. State when the wholesale carrier pulled fiber to the CATT, the number of Relay Rack Splice Trays (see Verizon Tariff FCC No. 14, section 17.15.1(G)(3)) for which the wholesale carrier is being billed, the number of EIS customers (as defined in Verizon Tariff FCC No. 14) not affiliated with the purported wholesale carrier that are being billed for connections to the CATT (see section 17.15.1(G)(4)) and whether the arrangement has been cancelled (or notice of cancellation has been given) pursuant to section 17.15.1(D).

OBJECTION:

See specific objections 5 and 6. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 20 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

Has Verizon ever purchased dedicated transport services or obtained
dedicated transport capacity on any of the routes identified in the
Transport Attachments from any of the purported wholesale carriers
identified in the Transport Attachments? If yes, identify the carrier
from whom the services or capacity were obtained, the type of service
or facility obtained, and the terms and conditions upon which Verizon
obtained this service or facility.

OBJECTION:

See specific objections 6 and 7. Based on these objections, Verizon
will not be providing a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (TRANSPORT),
INTERROGATORY NO. 21 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE
ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS
CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.)
DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC
(UNE)

ANSWERED BY:
POSITION:

REQUEST:

Has Verizon ever purchased dedicated transport services or obtained dedicated transport capacity on any of the routes identified in the Transport Attachments from any other provider not affiliated with Verizon or any of the purported wholesale carriers identified in Transport Attachments? If yes, identify the carrier from whom the services or capacity were obtained, the type of service or facility obtained, and the terms and conditions upon which Verizon obtained this service or facility.

OBJECTION:

See specific objections 6 and 7. Based on these objections, Verizon will not be providing a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 1 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each customer location in Pennsylvania identified in Attachment 7 to the West/Peduto Testimony filed on December 19, 2003, as satisfying the wholesale trigger for DS1 loops, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

OBJECTION:

See specific objections 1, 2, 9, 14 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 2 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each customer location in Pennsylvania identified Attachment 7 to the West/Peduto Testimony filed on December 19, 2003, as satisfying the wholesale trigger for DS3 loops, provide all documents, studies, or records showing that the wholesale trigger is satisfied.

OBJECTION:

See specific objections 1, 2, 9, 14 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 3 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each customer location in Pennsylvania identified in Attachment 7 to the West/Peduto Testimony filed on December 19, 2003, as satisfying the wholesale trigger, state the basis on which Verizon contends that a carrier is willing "immediately to provide" a DS1, DS3 or dark fiber loop "on a widely available wholesale basis." Provide your answer separately for DS1, DS3 and dark fiber loops.

OBJECTION:

See specific objections 1, 2, 4, 5, 6, 9, 11, 13, 14 and 15. The wholesale trigger does not apply to dark fiber loops. Consequently, a carrier's willingness to "immediately provide" a dark fiber loop "on a widely available wholesale basis" is irrelevant to the commission's dark fiber analysis. Moreover, the wholesale trigger does not require a showing that a carrier is willing "immediately to provide" a DS1 or DS3 loop on a wholesale basis. Subject to and without waiving these objections, Verizon will provide a response regarding whether a carrier is willing to provide a DS1 or DS3 on a widely available wholesale basis.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 4 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each carrier that Verizon contends is a wholesale provider to any of the customer locations in Pennsylvania identified Attachment 7 to the West/Peduto Testimony filed on December 19, 2003, identify which of the following bases (if any) Verizon relies on to support its contention that the carrier is a wholesale provider. Please provide your response in the following format:

Wholesale Carrier	Carrier's willingness to offer loops at some customer locations	Verizon's evidence from public sources that carrier holds themselves out as a wholesale provider	Verizon's assumption of carrier's willingness to offer at one level will offer at all levels	Carrier's Discovery responses	Carrier Website information
Carrier A (check all that apply)					
Carrier B (repeat as necessary)					

OBJECTION:

See specific objections 1, 2, 4, 5, 9, 14 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 5 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

If Verizon will rely on a "carrier's willingness to offer loops at some customer locations" to demonstrate that a carrier is a wholesale provider (as indicated in West/Peduto Testimony, December 19, 2003, at 26), identify and describe each instance or experience for each carrier on which Verizon will rely.

OBJECTION:

See specific objections 1, 2, 4, 5, 6, 9, 14 and 15. Based on these objections, Verizon will not be providing a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 6 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

If Verizon will rely on evidence from public sources that carriers holds themselves out as a wholesale provider to demonstrate that a carrier(s) is a wholesale provider (as indicated in West/Peduto Testimony, December 19, 2003, at 26-27), identify the carrier and the public source(s) upon which Verizon will rely.

OBJECTION:

See specific objections 1, 2, 5, 9, 14 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 7 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

If Verizon will rely on a assumption of a carrier's willingness to offer at one level will offer at all levels to demonstrate that a carrier is a wholesale provider (as indicated in West/Peduto Testimony, December 19, 2003, at 27), identify each and every statement and filing upon which Verizon will rely.

OBJECTION:

See specific objections 1, 2, 4, 5, 9, 14 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 8 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

If Verizon will rely on a carrier's discovery responses to demonstrate that a carrier is a wholesale provider (as indicated in West/Peduto Testimony, December 19, 2003, at 27), identify each carrier's discovery response(s) upon which Verizon on which Verizon will rely.

OBJECTION:

See specific objections 1, 2, 4, 5, 9 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 9 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

If Verizon will rely on a carrier's "website information" to demonstrate that a carrier is a wholesale provider (as indicated in West/Peduto Testimony, December 19, 2003, at 27), identify each and every website and statement upon which Verizon will rely.

OBJECTION:

See specific objections 1, 2, 4, 5, 9, 14 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.

RESPONSE OF VERIZON PENNSYLVANIA INC. TO SET I (LOOPS), INTERROGATORY NO. 10 OF THE LOOP/TRANSPORT CARRIER COALITION (CHOICE ONE COMMUNICATIONS OF PENNSYLVANIA INC., FOCAL COMMUNICATIONS CORPORATION OF PENNSYLVANIA, SNIP LINK LLC AND XO PENNSYLVANIA, INC.) DATED JANUARY 16, 2004 SUBMITTED IN DOCKET I-00030099 BEFORE THE PA PUC (UNE)

ANSWERED BY:
POSITION:

REQUEST:

For each customer location in Pennsylvania identified in Attachment 7 to the West/Peduto Testimony filed on December 19, 2003, as satisfying the self-provisioning trigger for DS3 or dark fiber loops, provide all documents, studies, or records showing that the self-provisioning trigger is satisfied. Please provide separate responses for DS3 and dark fiber loops.

OBJECTION:

See specific objections 1, 2, 9, 14 and 15. Subject to and without waiving these objections, Verizon will provide a response to this interrogatory.



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Counsel for Verizon Pennsylvania Inc. and
Verizon North Inc.

January 28, 2004

CERTIFICATE OF SERVICE

ORIGINAL

I, Suzan D. Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s and Verizon North Inc.'s Objections to the LTCC's Interrogatories, Set I, 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 28th day of January, 2004.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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RECEIVED

JAN 28 2004

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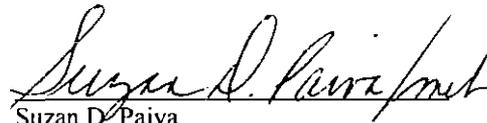
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January 28, 2004

BY OVERNIGHT MAIL AND ELECTRONIC MAIL

Ross Buntrock, Esq.
Kelley Drye & Warren LLP
1200 19th Street, NW
Washington, DC 20036

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

DOCUMENT

JAN 28 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Mr. Buntrock:

Enclosed please find the PROPRIETARY supplemental responses of CTSI, LLC to the Joint Parties' First Set of Interrogatories in the above-captioned proceeding.

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

Sincerely,



Robin F. Cohn

cc: James J. McNulty, Secretary (cover letter and service list)
Service List

I hereby certify that on this 28th day of January, 2004, I served a copy of the foregoing Supplemental Responses of CTSI, LLC to the Joint Parties' First Set of Interrogatories to CLEC Parties in Docket Number I-00030099, by electronic mail and U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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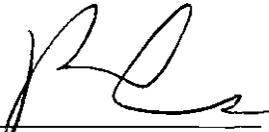
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JAMES McNULTY
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January 29, 2004

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JAN 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA UPS AND ELECTRONIC MAIL

The Honorable Michael C. Schnierle
The Honorable Susan D. Colwell
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Docket No. I-00030099: SNIp LiNK LLC Hearing Exhibit 1

Dear ALJ Schnierle and ALJ Colwell:

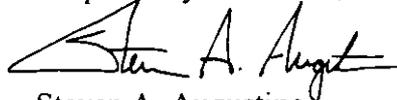
At the hearing on January 28, 2004, I offered as SNIp LiNK LLC Hearing Exhibit 1, the response of AboveNet Communications, Inc. to the LTCC's third party subpoena in this proceeding. At Verizon's request, I agreed to include in the Exhibit a copy of LTCC's motion requesting the issuance of a subpoena, the Commission's subpoena, and AboveNet's response. Your Honors accepted this exhibit into the record and asked counsel to provide conformed copies as expeditiously as possible.

In accordance with that instruction, enclosed please find SNIp LiNK LLC Hearing Exhibit 1 for inclusion in the record in this case. Please note that the Exhibit contains proprietary information, and I have therefore included a public version of the Exhibit as well. One copy of each is being provided to your Honors and to counsel on the service list; two copies of each are being provided to the court reporter from Commonwealth Reporting Company.

The Honorable Michael C. Schnierle
The Honorable Susan D. Colwell
Pennsylvania Public Utility Commission
January 29, 2004
Page Two

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

Respectfully submitted,



Steven A. Augustino

cc: Service List (via UPS and electronic mail)
James J. McNulty (cover letter and service list only)
John Kelly, Commonwealth Reporting Company (2 copies, via UPS)

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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Erin W. Emmott

Date: January 29, 2004

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DEBRA M. KRIETE

FILE NO.

January 30, 2004

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

Mr. James McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Commonwealth and North Streets
Third Floor
Harrisburg, PA 17120

DOCUMENT

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2004 JAN 30 PM 3:13
SECRETARY'S BUREAU

Dear Mr. McNulty:

Enclosed for filing in the above-captioned proceeding is an original and three (3) copies of the **Notice of Withdrawal of Entry of Appearance.**, on behalf of **Allegiance Telecom of Pennsylvania, Inc.**

A copy of this Notice has been served on the parties to this proceeding indicated on the attached Certificate of Service, and on the presiding Administrative Law Judges. Please contact me if you have any questions.

Very truly yours,

RHOADS & SINON LLP

By: *Debra M. Kriete*
Debra M. Kriete

cc: Certificate of Service
ALJ Michael Schnierle
ALJ Susan Colwell
Charles V. Gerkin, Jr., Esq.

31

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

NOTICE OF WITHDRAWAL OF APPEARANCE

DOCKETED
MAR 01 2004

Pursuant to 52 Pa. Code §1.24(d), the law firm of RHOADS & SINON LLP and Debra M. Kriete hereby provide notice of withdrawal from this proceeding on behalf of Allegiance Telecom of Pennsylvania, Inc. ("Allegiance"). Allegiance is represented by Mr. Charles V. Gerkin, Jr. Allegiance has consented to my withdrawl of appearance in this matter.

Respectfully submitted,

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Debra M. Kriete
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Tel: (717) 237-6738
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Dated: January 30, 2004

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2004 JAN 30 PM 3:14
SECRETARY'S BUREAU

I-00030099 Investigation into the Obligation of Incumbent Local Exchange Carriers to Unbundle Network Elements.

I hereby certify that on this 30th day of January, 2004, a true and correct copy of the foregoing document, Notice of Withdrawal of Appearance, was served upon the following persons in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant):

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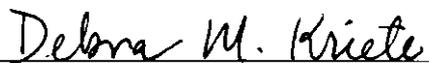
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January 30, 2004

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DOCUMENT

JAN 30 2004

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

Dear Ms. Paiva:

Enclosed please find the PROPRIETARY responses of RCN Telecom Services, Inc., and RCN Telecom of Philadelphia, Inc., to Verizon-Pennsylvania, Inc.'s Fifth Set of Interrogatories in the above-captioned proceeding.

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

Sincerely,



Robin F. Cohn

cc: James J. McNulty, Secretary (cover letter and service list)
Patrick McGuire
Service List

I hereby certify that on this 30th day of January, 2004, I served a copy of the foregoing PROPRIETARY Response of RCN Telecom Services, Inc., and RCN Telecom of Philadelphia, Inc., to Verizon-Pennsylvania, Inc.'s Fifth Set of Interrogatories in Docket Number I-00030099, by electronic mail and U.S. first class mail, postage prepaid, except where otherwise indicated, on the following individuals:

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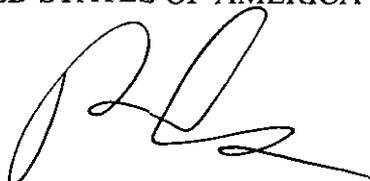
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A handwritten signature in black ink, appearing to read 'R. Cohn', written over a horizontal line.

Robin F. Cohn

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January 30, 2004

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JAN 30 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**Re: Investigation into the Obligations of Incumbent Local Exchange Carriers
to Unbundle Network Elements; Docket No. I-00030099**
Response of XO Pennsylvania to Verizon's Fifth Set of Interrogatories.

Dear Secretary McNulty:

Enclosed please find an original and three copies of this cover letter and certificate of service for the response of XO Pennsylvania, Inc. to Verizon's Fifth Set of Interrogatories directed to certain CLECs in the above-captioned proceeding. Please note that the responses to these interrogatories are labeled "proprietary" and should be afforded the necessary protections under the protective order. Please date stamp the enclosed duplicate copy and return it in the provided envelope. Please contact undersigned counsel at (202) 955-9600 if you have any questions.

Respectfully submitted,

Erin W. Emmott

Steven A. Augustino (*admitted pro hac vice*)

Erin W. Emmott (*admitted pro hac vice*)

Enclosures (cover letter and certificate of service only)

cc: Service List (proprietary version via first class and electronic mail)

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JAN 30 2004

PA PUBLIC UTILITY COMMISSION
SECRETARIAT BUREAU

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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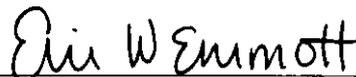
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January 30, 2004

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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DOCUMENT

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

Dear Mr. Soriano:

Enclosed please find Verizon Pennsylvania Inc.'s Responses to Loop Transport Carrier Coalition's First Set of Interrogatories, in the above captioned matter.

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

Very truly yours,


Suzan D. Paiva

SDP/meb

Enclosure

cc: Via UPS Overnight Delivery
Secretary James McNulty (cover and certificate only)
Honorable Michael Schnierle (cover and certificate only)
Honorable Susan Colwell (cover and certificate only)

cc: Via E-Mail and UPS Overnight Delivery
Attached Certificate of Service

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JAN 30 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I, Suzan D. Paiva, hereby certify that I have this day served a copy of Verizon Pennsylvania Inc.'s Responses to Loop/Transport Carrier Coalition, Set I, 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 30th day of January, 2004.

VIA E-MAIL AND UPS OVERNIGHT DELIVERY

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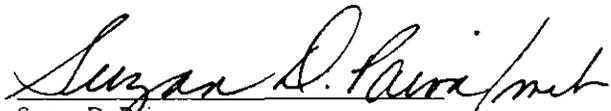
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OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	I-00030095		YES	NO
		Prehearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Case Name:	Hempfield Township, Westmoreland County	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Investigation upon the Commission's own motion	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Pittsburgh	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	January 30, 2004	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	James D. Porterfield	DATE:		
Reporting Firm:	Commonwealth Reporting	Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	<i>Hi 517-month stamp order will issue following receipt from counsel of promissory notes</i>	

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 04 FEB 2004
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PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

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Check this box if additional parties or attendees appear on back of form.


 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

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