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March 26, 2004

Steven A. Mowers  
Vice President – Business Planning  
Choice One Communications  
100 Chestnut Street, Suite 700  
Rochester, NY 14604

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A- 31078/F8002

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MAR 26 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

Bureau of Consumer Services  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North St.  
Harrisburg, PA 17120

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RE: Reply to Choice One Letter of February 6, 2004 Concerning Pennsylvania Unbundled Network Elements Payments and Claims

Dear Mr. Mowers,

Verizon is in receipt of your letter dated February 6, 2004, which contained some information about Choice One's checks, remittance details, and claims filings. Choice One sent this letter as a response to Verizon's January 27, 2004 notice to Choice One of payment default on Pennsylvania unbundled network elements ("UNE") past due charges and potential Verizon service embargo on future UNE orders. Choice One objected to the Verizon notice and payment demand, asserting that Verizon had incorrectly alleged past due amounts for which Choice One was not in default and that Choice One had already paid or disputed all charges for which Verizon demanded payment.

Contrary to that general assertion, however, review of the statements in Choice One's February 6 letter indicates that the payments and renewed claims on which Choice One now relies were all sent to Verizon *after* its issuance of the January 27 default notice. Indeed, since Verizon has reviewed the specific payment and claims information Choice One provided, it is apparent that, contrary to Choice One assertions, not all Verizon's UNE charges included in its payment demand have been paid or disputed by Choice One. The results of Verizon's review are set forth in detail as follows:

➤ Pertaining to **BAN 7171011093999**:

At the time of Verizon's January 27, 2004 demand notice ("demand notice"), the total undisputed amount past due was \$681,949.34. Choice One had submitted disputes of 736,346.27 previous to the issuance of the demand notice; however Verizon had denied such claims. As noted in your response, Choice One re-submitted the same dispute on January 30, 2004, *after* the receipt of the demand notice.

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➤ Pertaining to **BAN 7171031018999:**

At the time of the demand notice, the total undisputed amount past due was \$670,750.47. Several alleged Choice One claims had been rejected *prior* to the issuance of the demand notice for insufficient data or due to submittal to incorrect claims department. On February 2, 2004, after notice issuance and before the expiration of the stated default cure period, Choice One wired payment in the amount of \$878,588.22, the partial application of which cured any arrearages on this BAN.

➤ Pertaining to **BAN 717X031061999:**

At the time of the demand notice, the total undisputed amount past due was \$185,345.21. After issuance of the default notice, Choice One cured this default through a netting arrangement requested by Choice One on January 30, 2004 in the amount of \$136,798.89 and application of \$105,901.84 from the February 2<sup>nd</sup> wire payment noted above.

➤ Pertaining to **BAN 412U011004561:**

At the time of the demand notice, the total undisputed amount past due was \$92,733.31. Verizon has not received payment for those undisputed charges on this BAN. Choice One's February 2<sup>nd</sup> wire payment did not include a remittance for this BAN. Subsequent to your letter, Choice One has filed approximately \$100,000 in claims.

➤ Pertaining to **BAN 717U041026026:**

At the time of the demand notice, the total undisputed amount past due was \$60,301.15. Verizon has not received payment for those undisputed charges on this BAN. Choice One's February 2<sup>nd</sup> wire payment did not include a remittance for this BAN. Subsequent to your letter, Choice One has filed \$65,238 in claims.

➤ Pertaining to **BAN 814Y041618618:**

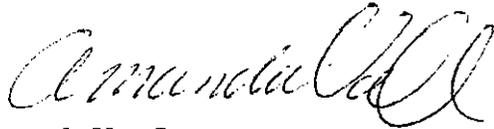
At the time of the demand notice, the total undisputed amount past due was \$18,135.39. The dispute referred to in your response was denied by Verizon on November 5, 2003. Subsequent to your letter, Choice One remitted a February 9, 2004 wire payment of \$19,225.75 in payment of the past due amount as well as current charges.

➤ Pertaining to **BAN 7171191092999:**

At the time of the demand notice, the total undisputed amount past due was \$246.38. Choice One paid this amount in full by partial application from its February 5, 2004 wire payment.

As you are well aware, Choice One has had significant payment arrearages over a substantial period of time. Verizon has been and continues to be committed to working with Choice One to address any of its issues concerning payment applications, remittance instructions, and claims filings.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Amanda Von Oesen".

Amanda Von Oesen  
Collections Manager – National Wholesale Collections  
(617) 743 - 2114

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DALEY, ZUCKER & GINGRICH, LLC

ATTORNEYS AT LAW

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Kathleen Carey Daley, Esquire  
Patricia Carey Zucker, Esquire  
Cara A. Boyanowski, Esquire  
Patricia A. Patton, Office Mgr./Paralegal

March 31, 2004

The Honorable James J. McNulty  
Secretary's Bureau  
Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

**DOCKETED**  
MAY 17 2004

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

Dear Mr. McNulty:

Please change your records in the above-captioned matter to note that my law firm affiliation has changed effective February 1, 2004 and that my new address and law firm information are as follows:

Kathleen Misturak-Gingrich, Esquire  
Daley, Zucker & Gingrich, LLC  
1029 Scenery Drive  
Harrisburg, PA 17109

Telephone No.: 717-657-4795, Ext. 14  
Direct Dial: 717-657-4800  
E-mail: [kgingrich@dzglaw.com](mailto:kgingrich@dzglaw.com)

If you have any questions regarding this address change, please feel free to contact me at any time.

Very truly yours,

DALEY, ZUCKER, & GINGRICH, LLC

Kathleen Misturak-Gingrich

KMG/smh

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