Barbara Anne Sousa
Regulatory Counsel

Room 1403
185 Franklin Street
Boston, MA 02110-1585

Phone 617 743-7331
Fax 617 737-0648
barbara.a.sousa@verizon.com

November 19, 2001

Mary L. Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, Second Floor
Boston, MA 02110

Re: <u>Tariff Transmittal 01-68 (Line Splitting Tariff)</u>

Dear Ms. Cottrell:

Verizon Massachusetts ("Verizon MA") hereby responds to WorldCom's November 2nd letter regarding Verizon MA's line splitting tariff filing (TT 01-68). Although the Department allowed Verizon MA's tariff to become effective on November 4, 2001, the Department indicated in its November 2nd letter ruling that it would consider WorldCom's concerns as part of a "further informal review" of this tariff.[1] For the following reasons, the Department should reject WorldCom's claims and make no changes to Verizon MA's approved line splitting tariff.

WorldCom's objections to Verizon MA's line splitting tariff are twofold. First, WorldCom contends that Verizon MA has unreasonably limited line splitting to copper facilities by including language in Part B, Section 22.2.2.A that restricts "access to the high frequency portion ("HFS") of an existing copper loop." *WorldCom Letter*, at 1. WorldCom specifically argues that the Federal Communication Commission's ("FCC") *Line Sharing Reconsideration Order*[2] clarified the definition of the HFS of the loop to indicate that the line sharing requirement applies when the incumbent local exchange

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[1] It should be noted that WorldCom was the only carrier to submit comments on Verizon MA's line splitting tariff. As stated in the Department's November 2nd letter ruling, new rates proposed by Verizon MA's line splitting tariff will be investigated in D.T.E. 01-20 and will be subject to true-up based on the outcome of that case.

[2] *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98 (January 19, 2001).

carrier ("ILEC") has deployed fiber in the loop. *Id*. at 2. WorldCom claims that because line splitting and line sharing are "identical from an engineering network perspective," the FCC's clarification would also apply to line splitting arrangements and, therefore, argues that Verizon MA should delete the term "copper" from this tariff provision. That argument is unfounded.

Part B, Section 22.2.2.A of Verizon MA's tariff contains terms and conditions based on what is technically available today, *i.e.*, line splitting on copper. As stated in D.T.E. 98-57 Phase III, Verizon MA currently does not have the facilities to offer line sharing over fiber-fed loops. WorldCom acknowledges the fact that there are operational issues that must be resolved before either line sharing or line splitting can be offered over fiber-fed loops. *WorldCom Letter*, at 2. However, WorldCom proposes that the tariff be modified to delete the "copper" reference, despite the fact that line splitting is only technically feasible over a copper loop in Massachusetts. Contrary to WorldCom's suggestion, Verizon MA's tariff should reflect current conditions and should not be modified to address services that might be offered in the future. Accordingly, the Department must reject WorldCom's proposal.

Second, WorldCom objects to Part B, Section 22.1.1.D, which describes the way in which Verizon MA "will facilitate the ability of a DLEC to add DSL to an existing UNE-P arrangement." Specifically, WorldCom argues that Verizon MA should revise its tariff language to remove any reference to the conversion of UNE-P to a loop and a port, when line splitting is made available. *WorldCom Letter* at 3. WorldCom erroneously claims that the tariff language conflicts with the Department's *D.T.E. 98-57 Phase III-A Order* directing Verizon MA to "keep the UNE-P arrangement intact when CLECs use line splitting to provide voice and data services to customers over the same, Verizon–leased line." *Id*. WorldCom's argument is, however, inconsistent with the *D.T.E. 98-57 Phase III-B Clarification Order*, which stated that "[t]he Department does not impose line splitting obligations on Verizon beyond those set forth in the FCC's SWBT Texas Order and its Line Sharing Reconsideration Order." *Id*. at 4.

Contrary to WorldCom's claims, the FCC's *Line Sharing Reconsideration Order* clarified that while an ILEC must allow competing carriers to offer both voice and data service over a single unbundled loop, a UNE-P arrangement does not remain "intact," as the Department previously indicated in *D.T.E. 98-57 Phase III-A*. Once line splitting is added into the mix, a UNE-P configuration is replaced with a *new* configuration of loop, splitter and switching elements that allows a CLEC alone or with another CLEC to provide both voice and data services over a single loop. Accordingly, the FCC ruled that a CLEC can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport to replace its existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services. *Line Sharing Reconsideration Order* at ¶ 19.

In its *Line Sharing Reconsideration Order*, the FCC further recognized that an "incumbent LEC must perform central office work necessary to deliver unbundled loops and switching to a competing carrier's physically or virtually collocated splitter that is part of a line splitting arrangement." *Id.*, at ¶20. Thus, the FCC urged ILECs and CLECs to work together to develop processes and systems to support competing carrier ordering and provisioning of unbundled loops and switching necessary for line splitting. *Id.*

The fact that line splitting is a different physical configuration from UNE-P was also expressly recognized during the DSL Collaborative sessions in New York. It has always been clear in the New York Collaborative that for line splitting to occur, the UNE-P, which consists of a **combined** loop and port, would have to be converted to an uncombined loop and a port because a splitter and DSLAM were being added to the mix. Language specifying this conversion was part of each iteration of the service descriptions presented throughout development of the business rules. In fact, the minutes from the November 15, 2000 DSL Collaborative state: "VZ to convert service to voice port and ADSL loop. Inventories to ensure loop remaining copper." This understanding among the participants in the New York Collaborative is reflected in Verizon New York's ("Verizon NY") effective line splitting tariff.[3]

The significant technical dispute between Verizon NY and the CLECs involved the issue of whether the CLECs would be able to use their current UNE-P *ordering* mechanisms and forms or whether a different mechanism would be required to order the loop and port necessary for line splitting. The parties resolved this dispute when Verizon NY agreed to use the existing single UNE-P ordering mechanism and to undertake the necessary physical reconfigurations for the loop and port and make the appropriate inventory and billing changes to support line splitting. Accordingly, WorldCom's proposed changes related to the UNE-P terminology should be rejected because they are not consistent with the FCC's *Line Sharing Reconsideration Order* and the approved New York line splitting tariff reflecting the outcome of the DSL Collaborative sessions.

Very truly yours,

Barbara Anne Sousa

cc: Michael Isenberg, Esquire, Director - Telecommunications Division
Attached D.T.E. 01-20 & D.T.E. 98-57 Service Lists

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[3] The New York Public Service Commission ("NYPSC") adopted Verizon NY's line splitting tariff in its order issued August 29, 2001, in Case No. 00-C-0127. Verizon NY's line splitting tariff became effective on September 4, 2001.