

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Investigation by the Department on its Own Motion to Determine whether an Agreement entered into by Verizon New England Inc., d/b/a Verizon Massachusetts is an Interconnection Agreement under 47 U.S.C. § 251 Requiring the Agreement to be filed with the Department for Approval in Accordance with 47 U.S.C. § 252

DTC 13-6

COMPETITIVE CARRIERS' PETITION TO INTERVENE

CTC Communications Corp., d/b/a EarthLink Business; Lightship Telecom, LLC, d/b/a EarthLink Business; Choice One Communications of Massachusetts, Inc., d/b/a EarthLink Business; Conversent Communications of Massachusetts, Inc., d/b/a EarthLink Business; EarthLink Business, LLC (formerly New Edge Network, Inc., d/b/a EarthLink Business); Cbeyond Communications, LLC; and tw data services llc (collectively, the “Competitive Carriers”) petition to intervene pursuant to 220 C.M.R. 1.03(1).

In support of their petition, the Competitive Carriers say:

1. CTC Communications Corp., d/b/a EarthLink Business; Lightship Telecom, LLC, d/b/a EarthLink Business; Choice One Communications of Massachusetts, Inc., d/b/a EarthLink Business; Conversent Communications of Massachusetts, Inc., d/b/a EarthLink Business; and EarthLink Business, LLC (formerly New Edge Network, Inc., d/b/a EarthLink Business) (collectively, the “EarthLink Business companies”), each is a competitive telecommunications provider duly registered with the Department to provide, and which does provide, telecommunications services

within the Commonwealth of Massachusetts. The EarthLink Business companies have a place of business at 5 Wall Street, Burlington, MA 01803.

2. Cbeyond Communications, LLC (“Cbeyond”) is a competitive telecommunications provider duly registered with the Department to provide, and which does provide, telecommunications services within the Commonwealth of Massachusetts. Cbeyond has a place of business at 200 Wheeler Road, First Floor, Burlington MA 01803.

3. tw data services llc (“tw”) is a competitive telecommunications provider duly registered with the Department to provide, and which does provide, telecommunications services within the Commonwealth of Massachusetts. tw has a place of business at 10475 Park Meadows Drive, Littleton, CO 80124.

4. Each of the Competitive Carriers also offers to provide and does provide local voice services using Internet Protocol (IP) format, or which can be and are converted to IP protocol for purpose of transport, to its end-user customers, in Massachusetts and elsewhere.

5. Each of the Competitive Carriers is substantially and specifically affected by this proceeding in at least the following ways:

a. Verizon has stated in at least three filings with regulatory agencies that it has entered at least one agreement to interconnect in IP to exchange traffic in IP format. *In re AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, Reply Comments of Verizon and Verizon Wireless at 8 (Feb. 25, 2013);¹ *In re Connect America Fund*, WC Docket

¹ <http://apps.fcc.gov/ecfs/document/view?id=7022124909>

No. 10-90, Comments of Verizon at 14 (Feb. 24, 2012);² *Petition for a Determination that Verizon IP-to-IP Interconnection Agreements Must be Filed for Review and Approval and for Associated Relief*, DTC 13-2, Verizon’s Motion to Dismiss at 4 n. 9 (Feb. 14, 2013).³

b. In this proceeding, the Department will investigate whether any such agreement is an interconnection agreement that must be filed with the Department for approval pursuant to 47 U.S.C. § 252.

c. Such investigation will determine, among other things, whether the Department must review any such agreement to determine if it (or a portion thereof) discriminates against a telecommunications carrier not a party to the agreement, such as the Competitive Carriers, or if the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

d. The Competitive Carriers have an interest in, among other matters, ensuring that any such agreement does not discriminate against them and determining whether they potentially have the right to “opt into” such agreement pursuant to 47 U.S.C. § 252(i).

6. The Competitive Carriers’ interests are not adequately represented by other parties to this proceeding.

7. The participation of the Competitive Carriers will not impair the orderly conduct of the proceeding. To the contrary, the Competitive Carriers believe that their

² <http://apps.fcc.gov/ecfs/document/view?id=7021865697>

³ <http://www.mass.gov/ocabr/docs/dtc/dockets/13-2/vrzmtdismiss.pdf>

participation will assist the Department in developing and resolving such factual and legal issues as may arise.

8. The Competitive Carriers expect to participate fully in the proceeding, including but not limited to some or all of: conducting discovery, providing evidence, participation in hearings, and submitting comments and briefs.

Wherefore, for the reasons above, the Competitive Carriers respectfully request leave to intervene.

May 20, 2013

By their attorneys,



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Certificate of Service

I certify that on the date below I caused the foregoing document to be served by Federal Express overnight delivery upon:

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May 20, 2013



Gregory M. Kennan