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May 19, 2014

Catrice Williams, Secretary  
Department of Telecommunications & Cable  
1000 Washington Street, Suite 820  
Boston, Massachusetts 02118-6500

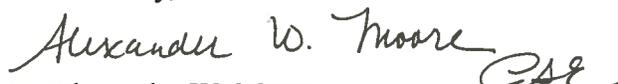
**Re: D.T.C. 13-6 – Agreement of Verizon New England Inc.**

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding is the public version of Verizon MA's Motion to Abate This Proceeding and to Suspend the Post-Hearing Briefing Schedule. The Motion contains Highly Sensitive Confidential information and is being submitted directly to the Hearing Officer. A redacted version of the Motion is attached.

Thank you for your attention to this matter.

Sincerely,

  
Alexander W. Moore

Enclosures

cc: Michael Scott, Hearing Officer (2)  
Service List (electronic mail)

**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

D.T.C. 13-6

**VERIZON MA'S MOTION TO ABATE THIS PROCEEDING AND  
TO SUSPEND THE POST-HEARING BRIEFING SCHEDULE**

Last year, the Department concluded that “moving forward” with this proceeding would be an “[e]fficient use of the Department’s and the parties’ resources.”<sup>1</sup> Today, the record evidence that parties have submitted to the Department in the year since that decision compels the opposite conclusion. The Department should suspend the post-hearing briefing schedule and abate this proceeding.

The record demonstrates that the Intervenors and Sprint either (1) have no serious interest in IP VoIP interconnection or (2) have no issue negotiating such agreements with Verizon, and instead are engaging in regulatory gamesmanship. After the evidentiary hearing, it is clear that those parties are attempting to take advantage of the process to further their regulatory agenda instead of trying to reach IP VoIP interconnection agreements that will benefit Massachusetts consumers. The Department should stop this proceeding now, because it would be an inefficient use of the Department’s and parties’ resources to proceed through the conclusion of this docket and federal court appeals of any decision.

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<sup>1</sup> Order Opening an Investigation, Declining To Issue an Advisory Ruling, and Denying Verizon MA’s Motion To Dismiss or Stay the Proceeding at 8-9, D.T.C. 13-2 & 13-6 (May 13, 2013).

All parties to this proceeding agree that IP interconnection offers considerable efficiencies to providers<sup>2</sup> and benefits to consumers in the form of new features — such as HD voice and “presence”<sup>3</sup> — that all-IP transmission makes possible. Massachusetts consumers deserve to enjoy those undisputed benefits. But until more providers become serious about negotiating IP VoIP interconnection arrangements and stop misusing the regulatory process, Massachusetts consumers will be shortchanged. Indeed, the very existence and pendency of this proceeding is an impediment to the more widespread realization of those benefits. It provides Sprint, the Competitive Carrier Intervenors, and others with an incentive *not* to negotiate and reach agreements in order to manufacture “evidence” of a need for regulatory action.

Those parties — despite clamoring for Department action and alleging that Verizon has somehow delayed or impeded IP interconnection — offered no facts to support their claims. Those companies put forward three witnesses who collectively testified that they knew *nothing* about the status of negotiations for IP interconnection between Verizon and other providers, including the very companies they represent.<sup>4</sup> [BEGIN HIGHLY SENSITIVE

**CONFIDENTIAL]** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[END HIGHLY SENSITIVE

**CONFIDENTIAL]** Where parties seeking regulatory action fail to support their allegations with relevant facts, attempt to create the appearance of a problem by refusing even to try to

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<sup>2</sup> See, e.g., Burt Pre-Filed Direct Testimony at 26-27; Malfara Pre-Filed Rebuttal Testimony at 5-7; Verizon MA Panel Pre-Filed Direct Testimony at 11-13.

<sup>3</sup> See Burt Pre-Filed Direct Testimony at 27; May 1 Hg. Tr. at 44:20-45:13 (Burt).

<sup>4</sup> See May 1 Hg. Tr. at 18:10-21:5 (Malfara); *id.* at 74:2-14, 154:6-158:3 (Burt).

<sup>5</sup> See, e.g., Apr. 30 Hg. Tr. at 65:10-12, 65:22-66:1, 87:1-9, 87:12-13 (Aron); *id.* at 178:13-179:13 (Schlabs).

negotiate just and reasonable resolutions, and demonstrate that they have no interest in the relief they seek — there is no reason for the Department to expend its limited resources on their claims.

Furthermore, the facts in evidence following the conclusion of the hearing show conclusively that:

- There is no IP interconnection problem in Massachusetts. Verizon is at the forefront of IP VoIP interconnection. Verizon has entered contracts for IP VoIP interconnection with eight other providers and is negotiating in good faith with many others — who are doing the same thing.<sup>6</sup>
- The *only thing* standing in the way of providers obtaining IP VoIP interconnection with Verizon is those providers' unwillingness to pursue those arrangements.<sup>7</sup>
- At least one intervenor — Sprint — has demonstrated that it has no interest in including IP VoIP interconnection terms in § 252 interconnection agreements submitted to state commissions, which is the very relief it seeks from the Department.<sup>8</sup>

Verizon is serious about IP VoIP interconnection. So are the eight companies with which Verizon has reached agreements: Comcast, Vonage, Bandwidth.com, Millicorp, InterMetro, Broadvox, Brightlink, and 365 Wireless. The Intervenors here are not. Two of them — PAETEC and Cbeyond — flatly refused to negotiate with Verizon unless Verizon accepted their

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<sup>6</sup> See Apr. 30 Hg. Tr. at 21:9-14, 72:8-17 (Schlabs).

<sup>7</sup> See *id.*; Verizon MA Hearing Ex. 6.

<sup>8</sup> See May 1 Hg. Tr. at 81:10-23, 86:20-87:16, 88:22-89:11 (Burt); see also Joint Submission at 1-2, *Request for Commission Approval of an Interconnection Agreement Between Sprint Spectrum L.P. and AT&T Michigan*, Case No. U-17569 (Mich. Pub. Serv. Comm'n filed Feb. 25, 2014) (Moore Decl. Ex. K); Stipulation of Dismissal of Count V of Plaintiffs' Complaint, *SprintCom, Inc. v. Scott*, No. 1:13-cv-06565 (N.D. Ill. filed Feb. 28, 2014) (Moore Decl. Ex. L); Joint Motion for New Hearing Dates and Suspension of Prehearing Activity, *Sprint Spectrum, L.P.'s Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996, and the Applicable Laws for Rates, Terms and Conditions of Interconnection with Indiana Bell Telephone Company d/b/a AT&T Indiana*, Cause No. 44409-INT 01 (Ind. Util. Reg. Comm'n filed Feb. 28, 2014) (Moore Decl. Ex. M).

regulatory position.<sup>9</sup> Sprint falsely told the Massachusetts Legislature that Verizon was refusing to enter IP interconnection arrangements,<sup>10</sup> even as Sprint has entered an agreement for such an arrangement with Verizon Wireless and [BEGIN HIGHLY SENSITIVE CONFIDENTIAL]

[END HIGHLY SENSITIVE CONFIDENTIAL] Verizon has sought to negotiate with the Intervenor.<sup>12</sup> Verizon in June 2013 invited Earthlink, Level 3, and TW Data Services to negotiate commercial IP VoIP agreements. These companies had not submitted requests to Verizon's interconnection group to negotiate IP VoIP interconnection agreements, belying their claims that Verizon somehow has delayed or refuses to negotiate. Nevertheless, Level 3 and Verizon have discussed IP interconnection for VoIP traffic periodically since at least 2012, and active negotiations are ongoing. [BEGIN HIGHLY SENSITIVE CONFIDENTIAL]

[END HIGHLY SENSITIVE CONFIDENTIAL] But despite the FCC's expectation that the Intervenor will negotiate IP VoIP interconnection in good faith in response to Verizon's request<sup>13</sup> — they have chosen to misuse the regulatory process rather than reach an agreement with Verizon.

The Department already has expended considerable, limited resources on this proceeding. It should not be forced by Sprint and the Intervenor to waste any more. In light of the facts now before the Department, the Department should revisit the decision to move forward with this

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<sup>9</sup> See Verizon MA Hearing Ex. 6.

<sup>10</sup> See Verizon MA Hearing Ex. 7.

<sup>11</sup> See Apr. 30 Hg. Tr. at 181:19-182:7 (Schlabs).

<sup>12</sup> See Verizon MA Hearing Ex. 5.

<sup>13</sup> See Report and Order and Further Notice of Proposed Rulemaking, *Connect America Fund*, 26 FCC Rcd 17663, ¶ 1011 (2011) (“[E]ven while our FNPRM is pending, we expect *all carriers* to negotiate in good faith in response to requests for IP-to-IP interconnection for the exchange of voice traffic.”) (emphasis added).

investigation and should abate this proceeding. Furthermore, the Department should suspend the post-hearing briefing schedule while it considers this motion. That action would send a strong, needed signal to Sprint, the “Competitive Carriers,” and others that they should stop their efforts to obtain regulatory advantages and should instead negotiate commercial agreements for IP VoIP interconnection with Verizon in good faith based on just and reasonable terms, which Verizon has offered.

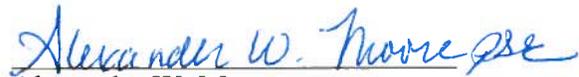
**CONCLUSION**

For these reasons, the Department should immediately stay the post-hearing briefing schedule and should abate this proceeding.

Respectfully submitted,

VERIZON NEW ENGLAND INC.

By its attorneys,



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