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June 21, 2010

BY HAND AND E-FILING

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

Re: D.T.C. 10-__, Petition of Choice One Communications of Massachusetts Inc.,
Conversent Communications of Massachusetts Inc., CTC Communications Corp.
and Lightship Telecom LLC For Exemption from Price Cap on Intrastate
Switched Access Rates as Established in D.T.C. 07-9

Dear Ms. Williams:

Enclosed for filing please find the Petition of Choice One Communications of
Massachusetts Inc., Conversent Communications of Massachusetts Inc.,
CTC Communications Corp. and Lightship Telecom LLC For Exemption from Price Cap
on Intrastate Switched Access Rates as Established in D.T.C. 07-9, along with the
requisite filing fee.. This Petition is being served electronically on the persons on the
service list in D.T.C. 07-9.

Should there be any questions regarding this filing, kindly contact the
undersigned.

Sincerely,



Eric J. Krathwohl

cc: D.T.C. 07-9 Service List



COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

)
Petition of Choice One Communications of Massachusetts)
Inc., Conversent Communications of Massachusetts Inc.,)
CTC Communications Corp. and Lightship Telecom LLC) D.T.C. 10-____
For Exemption from Price Cap on Intrastate)
Switched Access Rates as Established in D.T.C. 07-9)
)

**PETITION OF CHOICE ONE COMMUNICATIONS OF MASSACHUSETTS
INC., CONVERSENT COMMUNICATIONS OF MASSACHUSETTS INC.,
CTC COMMUNICATIONS CORP. AND LIGHTSHIP TELECOM LLC FOR
EXEMPTION FROM PRICE CAP ON INTRASTATE
SWITCHED ACCESS RATES AS ESTABLISHED IN D.T.C. 07-9**

One Communications¹ hereby petitions the Department of Telecommunications and Cable (“DTC” or “Department”) for exemption from the price cap on intrastate switched access rates as established in the Department’s June 22, 2009 Order in D.T.C. 07-9. One Communications will support this Petition by a cost study to be filed in conjunction with One Communications’ pre-filed testimony. In connection with this request for an “exemptive order” as discussed in the Department’s Order on Motion for Reconsideration and Clarification in D.T.C. 07-9 dated December 7, 2009, One Communications respectfully requests that the Department conduct an expedited review of One Communications’ cost justification. Further, One Communications requests that the Department designate the intrastate switched access rate tariffs that One Communications filed for effect June 22, 2010, in compliance with the orders in D.T.C. 07-9, as interim rates pending this cost review and reconciliation. Also, One

¹ Choice One Communications of Massachusetts Inc., Conversent Communications of Massachusetts Inc., CTC Communications Corp. and Lightship Telecom LLC all do business as and are referred to herein as “One Communications.”

Communications requests that when the Department completes its review of One Communications' cost justification, it allow One Communications to impose a charge on its intrastate switched access customers to collect the under-recovery of costs that are demonstrated by the cost study from June 22, 2010 until such time as the Department grants the approvals requested herein.

I. PETITIONERS

1. CTC Communications Corp. ("CTC") is a Massachusetts corporation. Headquartered at 5 Wall Street, Burlington, Massachusetts, CTC is a certificated competitive local exchange ("CLEC") and interexchange carrier ("IXC") in the Commonwealth of Massachusetts. CTC provides telecommunications services to small and mid-size businesses in the Commonwealth of Massachusetts, predominately through unbundled network elements obtained from Verizon in accordance with its applicable interconnection agreement ("ICA") and Verizon tariffs.

2. Choice One Communications of Massachusetts, Inc. ("Choice One") is a Delaware corporation. Headquartered at 5 Wall Street, Burlington, Massachusetts, Choice One is a certificated CLEC and IXC in the Commonwealth of Massachusetts. Choice One provides telecommunications services to small and mid-size businesses in the Commonwealth of Massachusetts, predominately through unbundled network elements and interconnection services obtained from Verizon in accordance with Verizon's tariffs and its applicable ICA.

3. Conversent Communications of Massachusetts, Inc. ("Conversent") is a Massachusetts corporation. Headquartered at 5 Wall Street, Burlington, Massachusetts, Conversent is a certificated CLEC and IXC in the Commonwealth of Massachusetts.

Conversent provides telecommunications services to small and mid-size businesses in the Commonwealth of Massachusetts, predominately through unbundled network elements and interconnection services obtained from Verizon under the Conversent ICA and Verizon's tariffs.

4. Lightship Telecom, LLC ("Lightship") is a Delaware corporation authorized to transact business in the Commonwealth of Massachusetts. Headquartered at 5 Wall Street, Burlington, Massachusetts, Lightship is a certificated CLEC and IXC in the Commonwealth of Massachusetts. Lightship provides telecommunications services to small and mid-size businesses in the Commonwealth of Massachusetts, predominately through unbundled network elements and interconnection services obtained from Verizon under the Conversent ICA and Verizon's tariffs.

II. INTRODUCTION

5. The Department determined in D.T.C. 07-9 that competitive local exchange carriers, including One Communications, should reduce their intrastate switched access charges to the level of Verizon's Massachusetts intrastate switched access rate by June 22, 2010. However, the Department recognized the potential adverse effects to CLECs of such rate reductions and recognized the possibility that a CLEC's costs could be higher than the Verizon rate level. Therefore, the Department stated: "to the extent a CLEC is able to demonstrate justifiable costs in excess of the proposed rate cap with cost-specific data, the CLEC shall be granted an exemption." June 22, 2009 Order, p. 27. In its Order on Motion for Reconsideration and Clarification, dated December 7, 2009, the Department stated: "A CLEC seeking an exemption may submit

its cost justification to the Department at any time before or after the cap's effective date."

III. ONE COMMUNICATIONS' COST JUSTIFICATION

6. One Communications will present a cost justification of intrastate switched access rates at a level higher than the prescribed price cap. Such cost justification will comprise a cost study based upon company specific cost data and an analysis thereof performed in a manner consistent with accepted practices (the "Cost Study"). Specifically, the Cost Study will show that One Communications' costs of providing switched access service are higher than the D.T.C. 07-9 price cap. Through presentation of its Cost Study, One Communications will satisfy the requirements established in D.T.C. 07-9 for an exemption from the price cap. Such showing will necessarily demonstrate that limiting One Communications to the price cap on intrastate switched access charges would effect a confiscation and otherwise be contrary to accepted regulatory and ratemaking standards.

7. One Communications engaged QSI Consulting, Inc. ("QSI") to begin the Cost Study shortly after the Department issued its Order on Reconsideration and Clarification. One Communications expects that it will file the Cost Study with its pre-filed testimony but is prepared to file the Cost Study earlier if the Department should require.² QSI has done considerable telecommunications costing work before many state public utility commissions. The qualifications of QSI and a fully reviewable and

² The Cost Study contains highly sensitive financial and competitive information regarding One Communications' operations in Massachusetts. Therefore, One Communications will request that the Cost Study be restricted from public disclosure pursuant to M.G.L. c. 25C, § 5 and the Department's Procedural Rules.

documented Cost Study along with appropriate supporting information will be presented to the Department for its review.

IV. PROCEDURAL SCHEDULE

8. Because of the negative financial impact to One Communications of reducing its intrastate switched access rates and because the Cost Study shows that One Communications' costs of providing intrastate switched access service exceed the rate level established for Verizon, and because the Department has stated that it will issue an exemptive order only after a review of the cost justification, One Communications requests permission to recover any undercollection of the costs that may be shown as necessary by the Cost Study. Recovery of such undercollection would commence with the June 22, 2010 effective date of the tariffs reducing switched access charges to the level of the price cap. Such a "subject to reconciliation" approach is necessary to avoid significant financial harm to One Communications and potential resultant harm to the competitiveness of the market. This approach will also have the salutary effect of putting all parties on an equal footing relative to conduct of the proceeding to review the Cost Study (i.e., the harm that might otherwise accrue to One Communications from a protracted review will be minimized).

9. This "true-up" approach is consistent with long-standing Department precedent. UNE Rates, D.T.E. 01-20, 2002 WL 31928521, at **8, 10 (Mass. D.T.E. July 30, 2002) (Department directs Verizon to file interim switching rates on August 5, 2002 and upon final approval of Verizon's compliance filing, to retroactively true-up rates to that effective date); TRO/TRRO Arbitration, D.T.E. 04-33, 2005 WL 1712200, at *34 (Mass. D.T.E. July 14, 2005) (Department requires that all rates for UNEs delisted by

TRRO shall be trued-up to the applicable transition rate on and after March 11, 2005); Consolidated Arbitrations, D.T.E. 98-57 Phase IV, 2002 WL 31470391, at *1 (Mass. D.T.E. May 14, 2002) (Department permitted Verizon's April 6, 2001 tariff revisions to go into effect pending further investigation and subject to true-up) (citing Hearing Officer Memorandum, D.T.E. 98-57 Phase IV (May 2, 2001)); UNE Rates, D.T.E 01-20, 2002 WL 31928522, at *268 (Mass. D.T.E. August 23, 2002) (Department directs VZ to file compliance filing including proposed tariff pages with rates effective the date the day the pages are filed, a comparison of the proposed rates with existing rates, and a request for approval to put the rates in effect in less than 30 days subject to true-up after the Department reviews the compliance filing); TRO/TRRO Arbitration, D.T.E. 04-33-B, 2006 WL 1223144, at *16 (Mass. D.T.E. May 5, 2006) (Department requires language in TRO/TRRO amendment regarding the detail of Verizon bills rendered to implement true-up charges); CLEC Access Rates, D.T.C. 07-9, at 2, Order on Compliance Tariffs (July 16, 2010) (Department requires that all carriers whose compliance tariffs contain rates exceeding price cap shall refund or credit all monies received in excess during the period between June 22, 2010 and the date when they have an approved compliance tariff on file).

10. In order to minimize such potential undercollection, One Communications urges that the Department quickly set a schedule that will proceed expeditiously to review One Communications' costs of providing switched access service.

11. To achieve this review in an expeditious manner, One Communications respectfully suggests the following procedural schedule.

Petition filed	June 21, 2010
Notice of Public Hearing Issued	June 30, 2010
Intervention deadline	July 14, 2010
Public Hearing and Procedural Conference	July 14, 2010
One Comm Pre-filed testimony	July 16, 2010
Discovery on One Comm Pre-filed testimony	July 23, 2010
Discovery responses due	August 11, 2010
Technical session	August 13, 2010
Intervenor testimony	August 20, 2010
Discovery on Intervenor testimony	August 27, 2010
Discovery responses due	September 10, 2010
Hearing	September 20-21, 2010
Briefs	October 4, 2010

WHEREFORE, for the reasons set forth in this petition One Communications respectfully requests that the Department undertake a review of One Communications' cost justification provided as a basis for an exemption from the Department's price cap on intrastate switched access service, and

ORDER: That the procedural schedule for the review of the Cost Study be expedited, in the manner suggested herein;

ORDER: That the Cost Study be approved as a reasonable justification of the costs that One Communications incurs to provide switched access service;

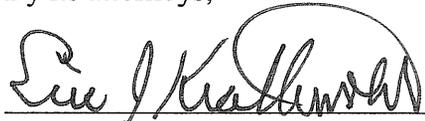
ORDER: That One Communications be exempt from the price cap established in D.T.C. 07-9 effective June 22, 2010, to the extent that the Cost Study justifies a price higher than the level of the price cap;

ORDER: That One Communications be authorized to collect a surcharge to recover the differential between the switched access tariff charges effective June 22, 2010 and the level of switched access charges that are justifiable based upon the Cost Study;

ORDER: Such other and further relief and approvals as may be necessary or appropriate.

ONE COMMUNICATIONS

By its attorneys,



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Dated: June 21, 2010