

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

_____)
**Investigation by the Department of)
Telecommunications and Energy on its)
own Motion into the Appropriate Pricing,)
based upon Total Element Long-Run) D.T.E. 01-20
Incremental Costs, for Unbundled)
Network Elements and Combinations)
of Unbundled Network Elements, and)
the Appropriate Avoided Cost)
Discount for Verizon New England,)
Inc. d/b/a Verizon Massachusetts')
Resale Services in the Commonwealth)
of Massachusetts)
_____)**

**NEW ENGLAND PUBLIC COMMUNICATIONS COUNCIL INC.'S LATE FILED
PETITION TO INTERVENE AS A LIMITED PARTICIPANT**

Pursuant to 220 C.M.R. §§ 1.01(4) and 1.03, the undersigned counsel for the New England Public Communications Council, Inc. ("NEPCC") hereby petitions the Department of Telecommunications and Energy ("Department") for leave to intervene as a limited participant in the above-referenced proceeding. In support of its Petition, the NPECC states as follows:

1. The NEPCC is a trade association many of whose members compete directly with Verizon Massachusetts ("Verizon") in the provision of pay telephone services in the Commonwealth. At the same time, they are customers of Verizon for access to the public switched telephone network. For some time now the Department, in Docket 97-18/97-88 (Phase II), has been considering the appropriateness under Section 276 of the Communications Act of 1934, as amended, of Verizon's rates for Public Access Line ("PAL") service used by the NEPCC's members to provide their competitive offering.

2. In another pending Docket, DTE 01-31, the Department subsequently determined

that Verizon's PAL offering was in effect a wholesale service, whose pricing should be based on rates for Unbundled Network Elements ("UNEs"). See DTE 01-31, Order dated May 8, 2002, at p. 36. In a June 5, 2002 compliance filing in that Docket, Verizon proposed revised PAL rates based on its then-tariffed UNE rates. The NEPCC submitted comments in that docket, wherein it had been an intervenor since the outset.

3. As a result of the Department's decision in DTE 01-31 and Verizon's filing new UNE rates in this Docket on February 13, 2003, on February 21, 2003, the Hearing Officer in Docket 97-18/97-88 (Phase II) directed Verizon to file (and Verizon did so on March 3, 2003) another set of proposed PAL rates now based on the new UNE rates. Therefore, the NEPCC and its members are now directly affected by the ultimate outcome of this proceeding.

4. Therefore the NEPCC requests that it be permitted to intervene as limited participant to represent and protect its members' interests during the compliance phase of this proceeding. As noted above the members of the NEPCC are substantially and specifically affected by this proceeding because they are both customers and competitor of Verizon. And the Department has determined that the rates for PAL services are to be set based on the UNE rates proposed by Verizon herein. Thus, any changes to the UNE rates, associated terms and conditions directly affect the NEPCC members' ability to compete with Verizon.

5. The NEPCC has reviewed a copy of Verizon's proposed compliance tariff and in view of the direct impact on its members should be in a position to ensure that this filing complies with the requirements of the Department decisions rendered in this proceeding. The compliance phase of this proceeding will review issues that are related to Verizon's compliance tariff that will affect the NEPCC members' ability to compete. The NEPCC does not seek to relitigate any issues decided in earlier stages of this case, but will address only the issue of whether Verizon's compliance tariff is consistent with the Department's earlier decisions in this Docket.

6. The NEPCC's interests in this matter cannot be adequately addressed or represented by any other party of record; to its knowledge there are no other payphone service providers or groups represented in this proceeding . Therefore, the NEPCC respectfully submits that there are no other parties who can presently represent the interests of the NEPCC or its members.

7. The NEPCC will take the record as it stands and its intervention at this time will not delay the proceeding or prejudice any other party. Nor will it prevent the Department from continuing to conduct the proceeding in a complete, efficient, and orderly fashion.

8. The NEPCC has good cause for not petitioning the Department before now and respectfully asks the Department to grant its application to intervene as a limited participant at this time. When the Department initiated this proceeding, the NEPCC did not have the resources to be active and full participants in this proceeding; it was already involved in Docket 97-18/97-88 (Phase II) and there was no indication that the results of this Docket would so directly affect the outcome of that Docket. Now the Department has inextricably tied the two together and the outcome of the Department's conclusions on Verizon's compliance filing will have a direct impact on the rates paid by the NEPCC's members to its competitor, Verizon. Therefore, until the current stage of the proceeding, the NEPCC did not believe it was necessary to file comments, briefs, or participate to protect the interests of its members.

9. Further, although this investigation has been in progress for a considerable time, the compliance tariff has only recently been filed and no action regarding that tariff has been taken yet. The NEPCC's participation will not delay the Department's review of the compliance tariff.

10. The NEPCC's participation in this phase of the proceeding could offer a unique perspective on whether that Verizon's compliance tariff fully comports with Department decisions rendered in this proceeding while affording the NEPCC the opportunity to protect its members interests.

11. Since the Department is beginning the compliance phase of this proceeding and is reviewing Verizon's proposed tariff, the NEPCC's limited intervention at this time is appropriate for the foregoing reasons.

12. If granted leave to intervene as a limited participant, the NEPCC expects to participate in the compliance phase of the proceeding to the extent permitted as a limited participant.

13. All communications and correspondence for this proceeding should be directed to the undersigned.

WHEREFORE, the NEPCC respectfully requests that the Department permit it to intervene in this proceeding as a limited participant.

Respectfully submitted,

**NEW ENGLAND PUBLIC
COMMUNICATIONS COUNCIL, INC.**

/S/

Paul C. Besozzi
Patton Boggs LLP
2550 M Street, N.W.
Washington, D.C. 20037
202-457-5292

Dated: March 4, 2003

CERTIFICATE OF SERVICE

I, Paul C. Besozzi, a partner in the law firm of Patton Boggs LLP, do hereby certify that on this 4th day of March, I did serve, by electronic mail or regular first class mail the foregoing “New England Public Communications Council, Inc.’s Late-Liled Petition To Intervene As A Limited Participant” on the following individuals:

Mary Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3500
fax: (617) 345-9101
e-mail: Mary.Cottrell@state.ma.us

Tina W. Chin, Hearing Officer
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3578
fax: (617) 345-9103
e-mail: Tina.Chin@state.ma.us

Marcella Hickey, Hearing Officer
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3617
fax: (617) 345-9103
e-mail: Marcella.Hickey@state.ma.us

Michael Isenberg, Director, Telecommunications Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3744
fax: (617) 478-2588
e-mail: Mike.Isenberg@state.ma.us

William Agee, Assistant General Counsel
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3611
fax: (617) 345-9103
e-mail: William.Agee@state.ma.us

Berhane Adhanom, Analyst, Telecommunications Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3740
fax: (617) 478-2588
e-mail: Berhane.Adhanom@state.ma.us

JeeSoo Hong, Analyst, Telecommunications Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3747
fax: (617) 478-2588
e-mail: Jee.Soo.Hong@state.ma.us

Candice Allgaier, Analyst, Telecommunications Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3751
fax: (617) 478-2588
e-mail: Candice.Allgaier@state.ma.us

Peter Allen, Analyst Telecommunications Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3741
fax: (617) 478-2588
e-mail: Peter.Allen@state.ma.us

Jinhee Choung, Analyst, Telecommunications Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3726
fax: (617) 478-2588
e-mail: Jinhee.Choung@state.ma.us

Debra.Conklin, Analyst, Telecommunications Division
Department of Telecommunications and Energy
One South Station
Boston, MA 02110
phone: (617) 305-3749
fax: (617) 478-2588
e-mail: Debra.Conklin@state.ma.us

Susan Baldwin, Consultant, Department of Telecommunications and Energy
48 Franklin St.

Watertown, MA 02472
phone: (617) 388-4068
e-mail: sbaldwin@attbi.com

Bruce P. Beausejour, Esq.
Barbara Anne Sousa, Esq.
Verizon Massachusetts
185 Franklin Street - Room 1403
Boston, MA 02110
phone: (617) 743-2445/(617) 743-7331
fax: (617) 737-0648
e-mail: Bruce.P.Beausejour@verizon.com; Barbara.A.Sousa@verizon.com
-and-

Barbara Landry, Specialist
Verizon
125 High Street, 11th Floor
Boston, MA 02110
e-mail: barbara.landry@verizon.com
-and-

Robert N. Werlin, Esq.
Keegan, Werlin & Pabian
21 Custom House Street
Boston, MA 02110-3525
phone: 617-951-1400
fax: 617-951-1354
e-mail: rwerlin@kwplaw.com
FOR: VERIZON NEW ENGLAND, INC. D/B/A VERIZON MASSACHUSETTS
Intervenor

Thomas Reilly
Attorney General
By: Karlen J. Reed, Assistant Attorney General
200 Portland Street, 4th Floor
Boston, MA 02114
phone: 617-727-2200 ext. 3436
fax: 617-727-1047
e-mail: karlen.reed@ago.state.ma.us
Intervenor

Terry Romine
Director of Legal and Regulatory Affairs
Adelphia Business Solutions
One North Main Street
Coudersport, PA 16915
phone: (814) 260-3143
fax: (814) 274-8243
e-mail: terry.romine@adelpiacom.com
Limited Participant

Eric Branfman, Esq.
Philip J. Macres, Esq.
Swidler Berlin Shereff Friedman, LLP

3000 K Street, N.W.
Suite 300
Washington, DC 20007
phone: (202) 424-7500
fax: (202) 424-7645
e-mail: pjmacres@swidlaw.com; ejbranfman@swidlaw.com
FOR: Allegiance Telecom of Massachusetts, Inc.
FOR: El Paso Network, LLC
FOR: PaeTec Communications, Inc.
FOR: Network Plus, Inc.
FOR: CTC Communications Corp.
FOR: Global Broadband, Inc.
Intervenors

Eric Krathwohl, Esq.
Emmett E. Lyne, Esq.
Rich, May Bilodeau & Flaherty, P.C.
176 Federal Street, 6th Floor
Boston, MA 02110-2223
phone: (617) 556-3857
fax: (617) 556-3889
e-mail: ekrathwohl@richmaylaw.com
FOR: BrahmaCom, Inc.
FOR: Essential.com, Inc.
FOR: Norfolk County Internet, Inc.
FOR: Servisense, Inc.
FOR: Freedom Ring Communications d/b/a Bayring Communications
FOR: The Association of Communications Enterprises
FOR: XO Massachusetts, Inc.
Intervenors

Karen Nations, Regulatory Director
XO Massachusetts, Inc.
45 Eisenhower Drive, 5th Floor
Paramus, NJ 07652
phone: (201) 226-3675
fax: (201) 226-0254
e-mail: karen.nations@xo.com
Intervenor

Jeffrey F. Jones, Esq.
Kenneth W. Salinger, Esq.
Palmer & Dodge, LLP
111 Huntington Ave.
Boston, MA 02199-7613
phone: (617) 239-0100
fax: (617) 227-4420
e-mail: jjones@palmerdodge.com; ksalinger@palmerdodge.com
FOR: AT&T Communications Of New England, Inc.
Intervenor

Antony R. Petrilla, Esq.

Regional Counsel
Covad Communications Company
Hamilton Square
600 14th Street, N.W., Suite 750
Washington, DC 20005
phone: (202) 220-0418
fax: (202) 434-8932
e-mail: apetrilla@covad.com
-and-

Alan D. Mandl, Esq.
Mandl & Mandl, LLP
10 Post Office Square - 6th Floor
Boston, MA 02109
phone: (617) 556-1998
fax: (617) 422-0946
e-mail: amandl@conversent.net
FOR: Covad Communications Company
Intervenor

Scott Sawyer, Esq.
Vice President-Regulatory Affairs
Conversent Communications of Massachusetts, LLC
222 Richmond Street, Suite 301
Providence, RI 02903
phone: (401) 490-6377
fax: (401) 272-9751
e-mail: ssawyer@conversent.com
Intervenor

William D. Durand, Esq.
Executive Vice President and Chief Counsel
New England Cable Television Association, Inc.
100 Grandview Road, Suite 310
Braintree, MA 02184
phone: (781) 843-3418
fax: (781) 849-6267
e-mail: wdurand@necta.ipmail.att.net
Limited Participant

Donald S. Sussman
Vice President of Regulatory Affairs/Vendor Relations
Network Access Solutions Corporation
13650 Dulles Technology Drive
Herndon, VA 20171
phone: (703) 793-5102
fax: (703) 793-5040
e-mail: dsussman@nas-corp.com
-and-

Rodney L. Joyce
Shook, Hardy & Bacon, LLP
Hamilton Square
600 14th Street, N.W., Suite 800
Washington, DC 20005-2004

phone: (202) 639-5602
fax: (202) 783-4211
e-mail: rjoyce@shb.com
FOR: Network Access Solutions Corp.
Limited Participant

Douglas Denny-Brown, Esq., General Counsel
Yvette Bigelow, Esq., Counsel
RNK Telecom Inc.
333 Elm Street
Dedham, MA 02026
phone: (781) 613-6000
fax: (781) 297-9836
e-mail: dougdb@rnktel.com
Intervenor

Craig Dingwall
Director, State Regulatory/Northeast
Sprint Communications Company L.P.
401 9th Street, N.W., Suite 400
Washington, D.C. 20004
phone: (202) 585-1936
fax: (202) 585-1894
e-mail: craig.d.dingwall@mail.sprint.com
Intervenor

Robert A. Ganton, Esq.
Trail Attorney
Regulatory Law Office
Department of the Army
Litigation Center, Suite 700
901 N. Stuart Street
Arlington, VA 22203-1837
phone: (703) 696-1645
fax: (703) 696-2960
e-mail: robert.ganton@hqda.army.mil
FOR: U.S. Dept. of Defense and all other Federal Executive Agencies
Intervenor

Christopher J. McDonald, Esq.
Richard C. Fipphen, Esq.
Cynthia Carney Johnson, Esq.
WorldCom, Inc.
200 Park Avenue, 6th Floor
New York, NY 10166

phone: (212) 519-4164
(212) 519-4867
(212) 519-4069
fax: (212) 519-4569
e-mail: Christopher.McDonald@wcom.com; Richard.Fipphen@wcom.com;
CCarney.Johnson@wcom.com
Intervenor

Peggy Rubino, Regional Vice President
George S. Ford, Senior Economist
Z-Tel Communications, Inc.
601 South Harbour Island Boulevard
Tampa, FL 33602
phone: (813) 233-4628
fax: (813) 233-4620
e-mail: prubino@z-tel.com; gford@z-tel.com
-and-

Jonathan E. Canis, Esq.
Michael B. Hazzard, Esq.
Kelley Drye & Warren LLP
1200 19th Street, N.W., Fifth Floor
Washington, D.C. 20036
phone: (202) 955-9600
fax: (202) 955-9792
e-mail: jcanis@kelleydrye.com; mhazzard@kelleydrye.com
FOR: Z-Tel Communications, Inc.
Intervenor

William J. Rooney, Jr. General Counsel
John O. Postl, Assistant General Counsel
Global NAPs, Inc.
89 Access Road, Suite B
Norwood, MA 02062

Cameron F. Kerry, Esq.
Mintz Levin Cohn Ferris Glovsky and Popeo, PC
One Financial Center
Boston, MA 02111
phone: (617) 348-1671
fax: (617) 542-2241
e-mail: cfkerry@mintz.com
FOR: Global NAPs, Inc.
FOR: Eastern Telephone, Inc.
Intervenors

James Cornblatt, Esq.
ServiSense.com, Inc.
180 Wells Avenue,
Newton, MA 02459
e-mail: Jcornblatt@servisense.com
FOR: ServiSense.com, Inc.
Intervenor

Andrew O. Isar
Miller & Isar
7901 Skansie Avenue
Suite 240
Gig Harbor, WA 98335
Telephone: (253) 851-6700
Facsimile: (253) 851-6474
e-mail: aisar@millerisar.com
FOR: The Association of Communications Enterprises
Intervenor

Barlow Keener, President and CEO
BrahmaCom, Inc.
32 Wexford Street
Needham, MA 02494
Telephone: (781) 433-0333 Ext. 206
Fax: (707) 281-1810
e-mail: bkeener@brahmacom.com
FOR: Brahmacom, Inc., Intervenor

/S/
Paul C. Besozzi