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October 11, 2002
BY MESSENGER

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

Re: Docket No. 98-57 – Phase III

Dear Ms. Cottrell:

On behalf of AT&T, I write to respond to Verizon's August 15, 2002 filing in this proceeding of its federal tariff filing addressing the introduction of its Packet at Remote Terminal Service ("PARTS"). Verizon's decision to provide a federally tariffed service using Next Generation Digital Loop Carrier ("NGDLC") technology is irrelevant to the central issue before the Department in this proceeding – Verizon's duty under the Telecommunications Act of 1996 and FCC Rules to provide CLECs with access to and the ability to interconnect with unbundled loops on a nondiscriminatory and efficient basis.¹

The fact that Verizon has decided to provide a federally tariffed wholesale "service" over NGDLC and Asynchronous Transfer Mode ("ATM") equipment is not a substitute for ensuring that this equipment is deployed in a manner that permits efficient and nondiscriminatory access to and interconnection with loops provisioned using such equipment. Federal regulations specifically require that CLECs be provided access to the loop and "attached electronics".² As a number of state commissions have found, NGDLC and ATM technology is part of the loop as it is integral to the function of the loop – the transmission of voice and data.³ The fact that the signal over these loops is packetized makes no difference to Verizon's legal obligations, and the Department must put an end to Verizon's continued strategy of avoiding, ignoring, and denying the Department's role in establishing a pro-competitive regulatory policy for deployment of and access to the technology that Verizon will use for its PARTS service offering.

¹ See 47 U.S.C. § 251(c)(3); FCC's First Local Competition Order, ¶ 377.

² 47 C.F.R. § 51.319(a)(1).

³ See Wisconsin Public Service Commission, Texas Public Utilities Commission and Illinois Commerce Commission decisions cited in *AT&T's Initial Comments Regarding the Need for Prompt Resolution of Issues Concerning CLEC Access to and Interconnection with Fiber-Fed Loops* (June 24, 2002) ("*AT&T Initial Comments*") at 7-8.

AT&T made clear in its earlier comments in this docket that the use of this NGDLC and ATM technology to packetize voice and data signals over fiber fed loops has the potential to create a technical environment in which local competition can truly flourish.⁴ Specifically, the proper use of this technology would allow for the electronic provisioning of loops, eliminating the need for costly, inefficient and inaccurate manual hot cuts when an end user decides to transfer service to a different carrier. Verizon's tariff shows that it is currently planning to deploy the very technology that would make electronic loop provisioning possible – NGDLC and ATM components.

A series of recent public announcements by Verizon also show that the Company is moving aggressively to deploy this technology widely in Massachusetts. Verizon recently announced that the deployment of NGDLC would occur at 10 remote terminal locations in Massachusetts on or after September 27, 2002 while deployment to an additional 60 remote terminal locations would occur on or after November 14, 2002.⁵ Indeed, Verizon has confirmed that its PARTS service is already available in at least one remote terminal location.⁶ Thus, it is imperative that the Department act quickly and seek evidence on the method by which CLECs will access this equipment. As AT&T has earlier stated, the most efficient and sensible method of CLEC interconnection is for Verizon to provide access to packetized data *and* voice signals at the OCD within Verizon's central office and at any other technically feasible point. This will make the electronic provisioning of loops a possibility in Massachusetts.

⁴ *AT&T Initial Comments* at 15.

⁵ See Attached "Announcements Regarding Planned Deployment of an Integrated DSL Capability at the Remote Terminal". These attachments have been labeled "Privileged and Confidential" and thus will be filed on a proprietary basis. It is unclear, however, whether these documents are indeed proprietary. AT&T expects that Verizon will give the Department prompt notice as to whether the attached documents should be subject to a protective order or publicly available.

⁶ *See id.*

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Verizon's current proposal only allows for *data* capability along the NGDLC lines it is planning to deploy. If Verizon is allowed to configure the network in this fashion, electronic loop provisioning can not happen and Verizon will have succeeded in closing the door on a significant opportunity for the Department to bolster local, facilities-based competition in Massachusetts.⁷ AT&T sincerely hopes, however, that the Department will give AT&T the chance to demonstrate the wisdom of plotting a different course.

Very truly yours,

John T. Bennett

enclosures

pc: Service List for DTE 98-57, Phase III

⁷ Nevertheless, if Verizon is permitted to carry out its current deployment plans, CLECs are entitled to access to the NGDLC loop in whatever configuration Verizon adopts, even if it is solely capable of data transmission.