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October 16, 2006

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station, 2nd Floor
Boston, Massachusetts 02110

Re: Investigation of Rates to be Charged by the Massachusetts Turnpike Authority for
Wireless Providers, D.T.E. 06-70

Dear Ms. Cottrell:

Enclosed is the Second Set of Information Requests to the Massachusetts Turnpike Authority from the Joint Carriers in the above-referenced proceeding. For the purposes of this filing, please note that the "Joint Carriers" are Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, New Cingular Wireless PCS, LLC and Sprint Spectrum L.P. and Nextel Communications of the Mid-Atlantic, Inc.

Please do not hesitate to contact me if you have any questions or if I can provide you with any additional information.

Thank you very much for your attention to this matter.

Robert J. e

Enclosure

cc: Service List

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

Investigation by the Department of Telecommunications)	
and Energy on its own motion pursuant to Chapter 123 of)	
the Acts of 2006, § 115, to establish the maximum rates)	D.T.E. 06-70
and fees to be charged by the Massachusetts Turnpike)	
Authority to wireless providers for the placement and)	
use of wireless attachments in the central artery tunnels)	

**SECOND SET OF INFORMATION REQUESTS TO THE
MASSACHUSETTS TURNPIKE AUTHORITY
FROM THE JOINT CARRIERS**

Pursuant to the scheduling order issued on August 30, 2006, and as specifically requested by the Hearing Officer for joint submissions where possible, the undersigned Intervenor (the "Joint Carriers" or "JC") jointly request that the Massachusetts Turnpike Authority ("MTA") provide the following information within five (5) business days:

DEFINITIONS

As used herein, the term "MTA" or "Authority" shall mean the Massachusetts Turnpike Authority established by section 1 of chapter 81A of the General Laws.

As used herein, the term "MTA's Proposal" shall mean the Proposal submitted by MTA to the Department on September 13, 2006, in DTE proceeding 06-70 "for establishing rates and fees to be charged for wireless attachments in the tunnels of the central artery" (MTA Proposal at page 1).

As used herein, the term "MTA's Amended and Restated Proposal" shall mean the Amended and Restated Proposal submitted by MTA to the Department on October 11, 2006, in DTE proceeding 06-70 "for establishing rates and fees to be charged for wireless

attachments in the tunnels of the central artery" (MTA Amended and Restated Proposal at page 1).

As used herein, the term "Central Artery" shall be as defined in section 3 of chapter 81A of the General Laws.

As used herein, the term "usable space" shall mean the total space that would be available for wireless attachments, without regard to attachments previously made, within the tunnels of the central artery project.

As used herein, the term "wireless attachment" shall mean any device, apparatus, appliance or equipment used or useful in providing wireless communications services, including any associated wire or cable, used in the provision of a commercial wireless communications system.

As used herein, the term "wireless provider" shall mean any person, firm or corporation which provides commercial wireless communication services.

As used herein, the term "Central Artery Tunnels" shall mean and include the Central Artery Tunnels at issue in DTE proceeding 06-70, and the tunnels' respective on ramps and off ramps.

As used herein, the term "System" shall mean any system proposed by the MTA for an "effective and seamless state-of-the-art wireless communications system in the Central Artery tunnels owned or controlled by the authority" as referenced in Section 115 of Chapter 123 of the Acts of 2006, including without limitation any "Neutral Host System" or other wireless provider-neutral shared antenna wireless telephone communications system for providing wireless telephone service within the Central Artery Tunnels.

As used herein, the term "RFP" shall mean any Requests for Proposals, Invitation to Bid, or other Request or Invitation for competitive proposals or bids issued by or on behalf of the MTA with respect to the subject matter identified in the particular request in which the term is used.

As used herein, the term, "identify" means:

- (a) when applied to documents, to give, to the extent known, the (1) type of document; (2) general subject matter; (3) date of the document and (4) author(s), Addressee(s), and recipient(s);
- (b) when applied to an entity or individual, to give (1) the full name, (2) present or last known address and, (3) when referring to a natural person, the present or last known place of employment.

As used herein, the term "person" is defined as any natural person or any business, legal or governmental or quasi-governmental entity, authority or association.

For purposes of these information requests, the term "document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Mass. R. Civ. P. 34. A draft or non-identical copy is a separate document within the meaning of this term. Documents may be in tangible, electronic or any other form falling within said Rule 34.

As used herein, the terms "communication," "concerning," and "state the basis" shall have the same meanings as provided in U.S. District Court (Mass.) Local Rule 26.5, which meanings are hereby incorporated by reference.

INFORMATION REQUESTS

MTA's Amended and Restated Proposal

- JC-2-1 Please provide a redlined copy of MTA's Amended and Restated Proposal showing all differences between MTA's Proposal (9113106) and MTA's Amended and Restated Proposal (10111106).
- JC-2-2 Please state the basis for why the MTA changed from 4" AISI Type 316 Conduit in Exhibit B-1 of the MTA's Proposal (9113106) to 3" Type 316 Conduit in MTA's Amended and Restated Proposal (10111/06). [See

Tunnel Raceway Replacement Cost Estimate.]

- JC-2-3 Please state the basis for each change made in materials price from Exhibit B-1 of the MTA's Proposal (9113106) to Exhibit B-1 of MTA's Amended and Restated Proposal (10111/06). Include specific documentation (or a specific citation to information on the web) for each material price used in Exhibit B-1 of MTA's Amended and Restated Proposal (10111/06).
- JC-2-4 Please state the basis for each change with respect to "production hours" as stated on Exhibit B-1 of the MTA's Proposal (9113106) compared to MTA's Amended and Restated Proposal (10111106).
- JC-2-5 Please state the basis for the change in quantity associated with "Equipment, Pickup/wk" and "Equipment, Lift/wk" as stated on Exhibit B-1 of the MTA's Proposal (9113106) compared to MTA's Amended and Restated Proposal (10111106).
- JC-2-6 Please state the basis for the change in the quantity of police details from the MTA's Proposal (9113106) to MTA's Amended and Restated Proposal (10111106).
- JC-2-7 Please state the basis for MTA's assertion at page 2 of MTA's Amended and Restated Proposal that the DTE proceeding is preempted by federal law.
- JC-2-8 During this proceeding, the MTA has variously stated its "assumed future replacement costs" of conduit (MTA's Opposition to Joint Carriers' Motion to Compel Responses and Response to Motion for Clarification of Procedural Ground Rules, 10111106, page 3) as follows:

In Exhibit B-1 to MTA's Proposal (9/13/06), the MTA included a conduit replacement cost estimate of \$12,750,333 (\$338.25 * 37,695 ft).

In MTA's answers to DTE 1-15, 1-17, 1-28, 1-29, 1-31(b) (10/5/06), the MTA included a conduit replacement cost estimate of \$13,894,377).

In MTA's answer to DTE-1-41 (10111/06), the MTA included a conduit replacement cost estimate of \$13,894,377.

- In Exhibit B-1 to MTA's Amended and Restated Proposal (10111/06 – the same day it served its answer to DTE-1-41), the MTA included a conduit replacement cost estimate of \$11,715,982 (\$310.81/ft * 37,695 ft).

Please identify each individual who contributed to these calculations of MTA's "assumed future replacement costs" of conduit, please state the education, training and experience of each individual, and please indicate which if any of these numbers represents the MTA's final calculation for purposes of this proceeding.

- JC-2-9 In Exhibit B-2 to the MTAY's Proposal (9113106) and in Exhibit B-2 to the MTA's Amended and Restated Proposal (10111/06), the outside consultant fees are stated to include two items: (a) outside consultant fees to date (\$47416.11) and (b) projected outside consultant fees (\$197,819.84). Does MTA acknowledge that (a) these two dollar figures total \$245,235.95, (b) the line item for outside consultant fees in MTA's information responses (e.g. DTE-1-41, 10111/06) incorrectly states this total as \$254,235.95, and (c) as a result of MTA's transposition error, MTA's claimed total costs are overstated by \$9.000 (\$254,235.95 minus \$245,235.95)?

Vendor and Carrier RFP

- JC-2-10 Please identify any public bidding statute the MTA followed when it issued the Vendor RFP and evaluated the Vendor RFP Responses.
- JC-2-11 Please provide copies of any changes or amendments to the Carrier RFP issued on January 30, 2003, including any documents issued by the Authority or submitted by a respondent carrier subsequent to the issuance of the RFP.
- JC-2-12 Referring to the MTA's response to Information Request DTE-1-7, PDF Attachment at pages 56-64, please resubmit the nine page listing beginning with the document entitled "CA/T Wireless Telephone Vendor RFP Mailing List, as of September 26, 2006." Please number the pages of this exhibit and specifically identify the names and addresses of Vendors to which the Vendor RFP dated July 10, 2002 was mailed or otherwise delivered.

Conduit/Existing Cables

- JC-2-13 The MTA's Vendor RFP (Exhibit JC PBV 2, at p. 9) states that, "Pursuant to Authority guidelines, only galvanized steel or fiberglass reinforced epoxy conduits are allowed in tunnel areas and confined space areas. Conduit and cable must be installed per all applicable codes. . . ." Please provide copies of any and all guidelines, directives, policies, and regulations issued by the MTA or any other governmental authority at any time concerning the construction, installation, maintenance, repair and/or use of conduit and/or cables within conduit in the tunnels of the CNT Project.

- JC-2-14 Please provide a copy of all code provisions to which the MTA's Vendor RFP (Exhibit JC-PBV-2, at p. 9) refers that require: (1) the use of only galvanized steel or fiberglass reinforced epoxy conduits in tunnel areas and confined space areas, and (2) that apply to the installation of cable within those conduits.
- JC-2-15 Currently are there cables and/or fiber optic cables installed or existing within the tunnels of the CNT Project which are not installed or existing within galvanized steel or fiberglass reinforced epoxy conduits? If so, please answer the following:
- Identify each type of cables and/or fiber optic cables not installed or existing within galvanized steel or fiberglass reinforced epoxy conduits within the tunnels of the CA/T Project;
 - Identify the use of those cables and/or fiber optic cables;
 - Identify the person who installed those cables and/or fiber optic cables;
 - Identify the person who owns those cables and/or fiber optic cables;
 - Identify the purpose of those cables and/or fiber optic cables;
 - Identify any law, ordinance, rule, regulation, code, guideline, directive, or policy being violated by the installation or presence of those cables and/or fiber optic cables within the tunnels of the CA/T Project not within galvanized steel or fiberglass reinforced epoxy conduits.

Fiber and Fiber Installation

- JC-2-16 Please clarify the costs included in the item called "Pulling/splicing/testing fiber optic cable" in Table jj of Section 1 of Schedule A of the Maverick/Mikom Proposal.
- JC-2-17 Please identify all fiber-optic cable material costs in the Maverick/Mikom Proposal.

- JC-2-18 Please describe in detail Maverick/Mikom's methodology for sparing and maintenance costs listed on Schedule A of the Maverick/Mikom Proposal. Please include all documents, invoices, calculations and supporting paper work used to develop this methodology.
- JC-2-19 Please provide a break-out of the costs included in the \$216,000 annual utility costs listed on Schedule A. Provide all documents, invoices, calculations and supporting work papers used in developing the \$216,000 annual utility costs, including any assumptions made regarding the cost of electricity for each remote unit, and the equipment for the Central Office.
- JC-2-20 The Maverick/Mikom Proposal requires upgrades of a third remote unit to be added at each location in year 3 and a fourth unit to be added in year 6. Please provide all documents, and supporting paper work used to determine the necessity of these upgrades of the remote units in year 3 and 6.
- JC-2-21 Please provide a break-out of the costs for each of the 9 line items in the Utility Room Tunnel Access table set forth in Schedule A. See Schedule A, Sec. I, Table jj. Provide all documents, invoices, calculations and supporting work papers used in developing the cost for each line item.

By their attorneys,

<p><u>For Cingular Wireless</u></p> <p> Stephen D. Anderson (BBO #018700) Douglas H. Wilkins (BBO #528000) ANDERSON & KREIGER LLP 43 Thorndike Street Cambridge MA 02141 (617) 252-6575 Fax (617) 252-0840 sanderson@andersonkreiger.com dwilkins@andersonkreiger.com</p>	<p><u>For Sprint-Nextel</u></p> <p> Robert D. Shapiro (BBO #454520) Rebecca L. Tepper (BBO #567934) Rubin and Rudman LLP 50 Rowes Wharf Boston, MA 02110 Telephone: (617) 330-7137 Facsimile: (617) 330-7550 rshapiro@rubinrudman.com rtepper@rubinrudman.com</p>
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CERTIFICATE OF SERVICE

I hereby certify that I have served of a copy of the foregoing Second Set of Information Requests, on all parties of record both electronically and by mailing a copy, first class mail, postage prepaid this 16th day of October, 2006.



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