

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
D.T.E. 03-60**

**Proposed Information Requests Submitted by the Loop/Transport
Carrier Coalition**

In accordance with the Procedural Schedule released on September 25, 2003, the Loop/Transport Carrier Coalition proposes the following approach to discovery in the Department's proceeding.

The FCC has determined that ILECs are required to provide access to DS1, DS3 and dark fiber loops and transport absent a state commission determination that specific FCC-identified "wholesale facilities" or "self-provisioned deployment" triggers are met. The self-provisioning trigger does not apply to DS-1s, however, since "competing carriers generally cannot self-provide DS1 [loops or transport]." *See, e.g., Triennial Order* ¶¶ 327, 409. In addition, the wholesale facilities trigger does not apply to dark fiber loops. The FCC triggers are designed to ensure that loops and transport will be unbundled unless there is clear, factual evidence that the myriad operational and economic barriers facing competitors have been overcome and that real competition therefore is possible. As a result, the proceeding must remain focused on the limited objective – identifying any exceptions to the FCC's finding of impairment. *See, e.g.,* ¶¶ 359, 417.

In accordance with the Department's Procedural Schedule, the Coalition believes that this proceeding would most efficiently be structured with the following principal steps:

Step 1: The Department initiates discovery designed to elicit information relevant to focusing the scope of the proceeding. Information Requests should not be propounded on non-facilities based carriers since they will not have information relevant to the analysis required under the Triennial Order. In addition, to the extent that Information Requests can be drafted to protect against the unnecessary disclosure of proprietary information (such as by the use of threshold "yes/no" questions), the Department should strive to do so. In light of the DTE requirement that Verizon file, on November 13, 2003, a pleading contesting the FCC's impairment determinations for specific routes and locations, the Coalition has not submitted questions for Verizon for the initial round of Department-initiated information collection.

Step 2: Verizon shall file the list of the routes and locations where it contests the FCC's finding of impairment. The filing should, at a minimum, identify the routes and locations in issue and, as to each specific route and location, the trigger or triggers that are purportedly satisfied, the facilities-based carriers on the route or at the location, and all other relevant information upon which Verizon intends to rely in asserting that the FCC triggers are satisfied. Verizon's filing shall, at a minimum, include answers to the questions identified in the Step 2 Information Requests below.

Step 3: Upon identification of the routes and locations in issue and identification of the relevant facilities-based carriers, all parties are permitted to conduct additional discovery on the facts and issues surrounding the routes, locations and triggers. Discovery may be issued to Verizon regarding its contention that the triggers are satisfied and to each carrier identified as

utilizing its own facilities on the route or at the location. Discovery should not be propounded on non-facilities based carriers, or involve routes or locations not identified as allegedly satisfying the triggers. Discovery must be relevant and not unduly burdensome, and should not duplicate requests already propounded by the Department.

DEDICATED INTEROFFICE TRANSPORT

Transport Information Requests

Step 1 – Information Requests Issued by the Department

Self-Provisioning Trigger

1. Have you deployed dedicated transport facilities, that you own, at a DS3 or higher level along the entire route between any two central offices in the same LATA, in which you maintain an active collocation facility, and are you operationally ready to use those transport facilities to provide dedicated transport along the particular route?

If so, identify the type of facility (fiber, cable, etc.) and the transmission levels (*e.g.* DS1, DS3, OCn) of the active transport circuits terminating at each collocation arrangement (providing common name, address and CLLI code for each central office).

[A carrier “owns” a facility (i) if it has legal title to the facility, or (ii) if it has obtained dark fiber under a long term (10 or more years) IRU and has attached its own optronics to light the fiber. Facilities obtained through any other means, including, but not limited to, special access, unbundled network elements or other services or facilities obtained from third parties, do not count as “owned” facilities for this test. *See, e.g., 51.319(e)(2)(i)(A)(1)*]

2. For purposes of the self-provisioning trigger for dark fiber transport, have you deployed dark fiber facilities, that you own, along the entire route between any two central offices in the same LATA, in which you maintain an active collocation facility, and are you operationally ready to use those transport facilities to provide dedicated transport along the particular route?

If so, identify for each such route the central office between which you have self-provisioned such dark fiber transport (providing common name, address and CLLI code for each central office).

[This may include dark fiber facilities obtained on a long-term (10 or more years) IRU basis along the entire transport route. *See, e.g., 51.319(e)(3)(i)(A)(1)*. Facilities obtained through any other means, including, but not limited to, special access, unbundled network elements or other services or facilities obtained from third parties, do not count as “owned” facilities for this test.]

3. Each carrier responding in the affirmative should state whether it is affiliated in any way with Verizon or with any other carrier (including intermodal providers) that serve the same transport route, and describe any such affiliation.

Competitive Wholesale Facilities Trigger

1. Do you own and provide to other carriers dedicated transport at a DS1 or higher level along the entire route between two central offices in the same LATA, in which you maintain active collocation facilities?
[For purposes of the competitive wholesale facilities trigger for DS1 and DS3, a carrier “owns” the facility if it (i) has legal title to the facility, or (ii) has obtained on an unbundled or leased basis dark fiber and has attached its own optronics to light the facility and is serving customers using the facility. Facilities obtained through any other means, including, but not limited to, special access, other unbundled network elements or other services obtained from third parties, do not count as “owned” facilities for this test; *See, e.g., 51.319(e)(2)(i)(B)(1)*]
2. Do you own and provide to other carriers dedicated dark fiber transport along the entire route between two central offices in the same LATA, in which you maintain active collocation facilities?
[For purposes of the competitive wholesale facilities trigger for dark fiber transport, whether the carrier owns dark fiber that has been deployed along the entire transport route. A carrier “owns” a dark fiber facility (i) if it has legal title to the facility, or (ii) has obtained dark fiber from an entity other than Verizon. *See, e.g., 51.319(e)(3)(i)(B)(1)*]
3. Each carrier responding in the affirmative should state whether it is affiliated in any way with Verizon or with any other carrier (including intermodal providers) that serve the same transport route, and describe any such affiliation.

Step 2 – Verizon Filing Due November 13, 2003:

At a minimum, the initial Verizon filing should include the following information:

As to each route for which it intends to challenge the FCC’s finding of impairment, Verizon must identify the central office pairs (by name, address and CLLI code) in a LATA in which two or more unaffiliated carriers (not affiliated with Verizon or with one another, Triennial Order ¶ 333) maintain active collocation arrangements at each of the two central offices and have deployed DS1, DS3 or dark fiber interoffice facilities, that they own, on the route.

Verizon must specifically identify, as to each and every route:

- ☒☒The common name, address and CLLI code for each central office,
- ☒☒The identities of the unaffiliated carriers,
- ☒☒The trigger or triggers that are purportedly satisfied,
- ☒☒The specific type of facilities deployed (*e.g., fiber, cable, wireless*),
- ☒☒The transmission levels (*e.g., DS1, DS3, OCn*) of the facilities deployed,
- ☒☒The term of each IRU provided to each carrier along the route, and
- ☒☒The number of UNE Transport circuits, by transmission level, being provided to carriers along the route, providing, separately, the number (by transmission level) provided to the carriers identified as deploying their own facilities and the number provided to all other carriers.

Step 3 – Discovery on identified facilities-based carriers only:

Each carrier subject to Commission jurisdiction that Verizon has identified in its initial filing (including intermodal providers) as possibly owning inter-office transport facilities on those transport routes identified by Verizon as a route on which it will challenge the finding of impairment shall provide information, in response to discovery requests, to determine whether it satisfies each of the criteria established in the Triennial Order as refined during the course of the proceeding.

LOOPS

Loop Information Requests

Step 1 – Information Requests Issued by the Department

Self-Provisioning Trigger

1. Have you deployed DS3 loop facilities that you own and use to provide service to a customer location? If so, identify each such customer location.

[For purposes of this question, a carrier “owns” a facility if it (i) has legal title to the facility, (ii) has a long-term (10 or more years) indefeasible right of use (“IRU”) an entire DS3 loop facility or (iii) has attached optronics to activate dark fiber transmission facilities obtained under a long-term IRU. Facilities obtained through any other means, including, but not limited to, UNEs, special access circuits or transmission facilities obtained from third parties do not count as owned facilities. Rule 51.319(a)(5)(i)(A); Triennial Order ¶ 332-333.]

2. Have you deployed dark fiber loop facilities that you own to a specific customer location? If so, identify each such customer location.

[For purposes of this question, a carrier “owns” a facility if it (i) has legal title to or (ii) has a long-term (10 or more years) indefeasible right of use (“IRU”) of the entire dark fiber loop facility. Loops obtained through any other means, including, but not limited to as UNEs, special access circuits or as transmission facilities from other carriers, are not considered “owned” and should not be included. Rule 51.319(a)(6)(i); Triennial Order ¶¶ 332-334.]

3. Each carrier responding in the affirmative should state whether it is affiliated in any way with Verizon or with any other carrier (including intermodal providers) that serve the same location, and describe any such affiliation.

Competitive Wholesale Facilities Triggers for DS1 and DS3 Loops

1. Where a carrier has deployed its own DS1 or DS3 loops to specific locations, does it provide to other unaffiliated carriers desiring to serve customers at that location access to DS1 and/or DS3 loops on a wholesale basis? If so, at what transmission level(s) has such wholesale service has been provisioned to wholesale customers?

[For the purposes of this question, a carrier’s DS1 or DS3 facilities may use dark fiber facilities that the carrier provider has obtained on an unbundled, leased, or purchased basis and has attached its own optronics to activate the fiber. [51.319(a)(4)(ii)(A)-(B); 51.319(a)(5)(i)(B); Triennial Order ¶ 337]

2. Each carrier responding in the affirmative should state whether it is affiliated in any way with Verizon or with any other carrier (including intermodal providers) that serve the same location, and describe any such affiliation.

Step 2 - Verizon Filing Due November 13, 2003:

At a minimum, the Verizon filing must include the following information for each customer-specific location (identifying the street address and suite or unit within a multi-tenant building, if applicable) as to which Verizon asserts there is non-impairment.

Verizon must specifically identify, as to each and every location:

- ~~☒~~☒ The identities of the unaffiliated carriers,
- ~~☒~~☒ The trigger or triggers that are purportedly satisfied,
- ~~☒~~☒ Common name, address and CLLI code for central office serving that location (or that would serve the location if Verizon served that customer with its own facilities),
- ~~☒~~☒ The specific type of facilities deployed (*e.g.*, fiber, cable, wireless),
- ~~☒~~☒ The level of the transmission being provided by the unaffiliated carrier,
- ~~☒~~☒ What facilities Verizon owns or controls at the customer address (*e.g.*, NID, house and riser),
- ~~☒~~☒ Whether the unaffiliated carrier utilizes any facilities owned or controlled by Verizon in its provision of service to the customer location
- ~~☒~~☒ The term of any IRUs provided to the unaffiliated carriers,
- ~~☒~~☒ Whether Verizon provides service to any end users at the customer address and if so, what specific facilities are used (*e.g.*, loop transmission levels, NID, house and riser),
- ~~☒~~☒ Whether the unaffiliated carrier maintains collocation at the serving end office and, if so, what type,
- ~~☒~~☒ Whether Verizon owns an easement or enjoys exclusive access to any right-of-way used for provision of loops to that customer location, and
- ~~☒~~☒ For any multi-tenant buildings, whether that building has a Minimum Point of Entry (“MPOE”), and if so, the identities of all of the suites that can be reached from the MPOE (if not an MPOE building, the number of terminals in the building, terminal locations, suites served by each terminal and the services offered at each terminal).

Step 3 - Discovery on identified facilities-based carriers only:

For each of the specific customer location identified by Verizon as a location where it will challenge the finding of impairment, each carrier identified (including intermodal providers of service) shall provide information, in response to discovery requests, to determine whether it indeed satisfies each of the criteria established in the Triennial Order as refined during the course of the proceeding.