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

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| **Verizon Massachusetts' Performance Assurance Plan.** | ) ) ) ) | **Docket No. D.T.E. 03-50** |

## REPLY COMMENTS OF VERIZON MASSACHUSETTS

### I. Introduction

Verizon Massachusetts ("Verizon MA") files these Reply Comments in response to the comments filed by One Communications Corp. ("One Comm") in the above-referenced docket.[1] One Comm's comments should be rejected.

On November 6, 2006 Verizon MA filed a revised Performance Assurance Plan ("Revised MA PAP") for the Department's review.[2] In that filing Verizon MA stated that the revisions were consistent with the New York Public Service Commission's ("PSC") December 15, 2006 Order in Case 99-C-0949.[3] In addition, Verizon MA outlined the numerous changes flowing from the PSC's Order that were made to the Revised MA PAP, including, *inter alia*, the substantial reduction in overall dollars at risk and the greater proportion of dollars at risk allocated to the UNE-Specials metrics provision in the Critical Measures section of the PAP.

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[1] One Comm was the only CLEC that filed comments on the proposed Revised MA PAP.

[2] The filing was made in accordance with the Department's November 21, 2000 Order in D.T.E. 99-271. *See* Letter to Mary L. Cottrell, Secretary, from Alexander W. Moore, dated November 6, 2006 (the "VZ November 6 Letter"). *See also* Letter to Mary L. Cottrell, Secretary, from Alexander W. Moore, dated January 5, 2006 that provided minor amendments to Revised MA PAP.

[3] *See Petition filed by Bell Atlantic—New York for Approval of a Performance Assurance Plan and Change Control Assurance Plan, filed in C 97-C-0271*, *Order Amending Performance Assurance Plan*, Case No. 99-C-0949 (9/25/06) ("*NY PAP Order*").

One Comm urges the Department to "reject the Verizon proposal to amend the Verizon [PAP] by drastically reducing the amount at risk."[4] One Comm contends that there should be no reduction in the total dollars at risk, but instead argues that these dollars should be reallocated to metrics that measure Verizon MA's performance in providing and servicing broadband-capable loops, such as xDSL, DS-1 and DS-3 loops. In addition, it wants the Department to add a number of additional metrics associated with broadband loops to the PAP.

The Department should reject these requests. One Comm made these same arguments in the New York PAP proceeding,[5] and the NY PSC appropriately rejected them. For the reasons described below, the Department should similarly reject One Comm's requests and approve the Revised MA PAP.[6]

## II. The Amounts at Risk Under the Revised MA PAP Are More than Sufficient to Ensure that Verizon MA Does not Backslide on its Performance to the CLECs

One Comm claims that the "fundamental question posed by Verizon's revised plan is whether to reduce the dollars at risk by two-thirds."[7] It urges the Department to reject that proposal, alleging that "[s]uch a severe reduction would be harmful to competition and to consumers in Massachusetts."[8] One Comm argues that Verizon MA has provided insufficient justification to reduce the overall dollars at risk by approximately two-thirds and that "[n]either the Department nor the FCC suggested that a penalty level drastically reduced from the current

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[4] One Comm at 1.

[5] A copy of One Comm's Comments in the New York proceeding is attached for the Department's convenience.

[6] Verizon filed Revised PAPs in the 12 other jurisdictions that follow the NY PAP. To date, one state, Rhode Island, has approved the Revised PAP without any changes. Connecticut automatically adopts the NY PAP. The remaining state commissions have not yet ruled on the matter.

[7] One Comm at 2.

[8] *Id*.

level would be sufficient."[9] One Comm is wrong, and the Department should reject these arguments, as did the NY PSC.

Like the New York PAP, the total dollars-at risk in the Revised MA PAP have been reduced substantially, by approximately 65% from $155 million to $53.5 million.[10] While a number of CLECs, including One Comm, argued that no reductions in at-risk dollars should be made, the New York PSC disagreed, stating that:

> The overall at risk dollars represents the amount necessary to reasonably ensure that Verizon continues to offer nondiscriminatory wholesale service to competitors. The current amount was established over six years ago and does not reflect the telecommunications market in New York today. With the incorporation of the TRO/TRRO changes and the emergence of intermodal competition, the number of lines covered by the PAP has been substantially reduced and the amount of overall bill credits should likewise be adjusted downward.
>
> . . . .
>
> [W]e do not agree with the CLECs who argue that a reduction in overall at risk dollars will lead to backsliding. The Proposal attempts to allocate at risk dollars consistent with the penalties under the current Plan for the remaining products. The net effect of those penalties should be roughly the same.
>
> . . . .
>
> Accordingly, we find that the Proposal to decrease the overall at risk amount is justified by the decrease in the number of lines covered by the PAP and Verizon's decrease in UNE revenue as well as the emergence of intermodal competition.[11]

As in New York, the reduction in the total dollars at risk in the Revised MA PAP is consistent with the reduction in the services covered by the PAP, and reflects the significant drop in lines covered by the Revised MA PAP and the elimination of certain sections of the Plan, *e.g.*,

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[9] *Id*. at 4.

[10] *See* VZ November 6 Letter at 4 ("The reductions in the Revised MA PAP are in direct proportion to the reductions determined in the NY PAP. That is, the Revised NY PAP reduced the overall dollars at risk by approximately 65%. Likewise, the Revised MA PAP reduces the amounts at risk by approximately 65%. Under the Revised MA PAP, an aggregate amount of $53.5 million dollars remains at risk.")

[11] *See* NY PAP Order at 13-16 (footnotes omitted). In analyzing the New York market, the New York Commission was well aware that almost all of the former UNE-P, line splitting and line sharing lines are now provided pursuant to commercial agreements. The same is true for Massachusetts.

the Special Provisions and the Change Control Assurance Plan. The dollar allocations and the lines covered by the current MA PAP and the Revised MA PAP are presented in the chart below.

| Chart No. 1 - -Total Dollars-at risk | | |
|---|---|---|
| | **Current MA PAP ($ Millions)** | **Revised MA PAP ($ Millions)** |
| Mode of Entry | $39.680 | $13.225 |
| MOE Doubling | $39.680 | $13.225 |
| Critical Measures | $52.370 | $27.088 |
| Special Provisions | $17.990 | $0.000 |
| CCAP | $5.280 | $0.000 |
| Total | $155.000 | $53.537 |
| Lines covered by PAP * | 519,523 | 207,461 |

*Current MA PAP: the "Lines covered by PAP" is based on peak lines as of August 2004. For the Revised MA PAP the "Lines covered by the PAP" is based on the lines in service as of November 2006.

As the chart demonstrates, there has been a significant drop in lines covered by the PAP from August 2004, the peak month for UNE-Ps provided in Massachusetts, to November 2006. As in New York, the Massachusetts telecommunications market has changed significantly in the last few years, as competition has increased dramatically.

- Verizon MA's retail market is shrinking:
    - Retail POTS lines peaked at nearly 4 million lines and dropped 33% to just over 2.6 million lines in November 2006.
    - Retail Specials dropped 42% from a peak of just over 479,000 circuits to over 277,000 circuits in November 2006.[12]
- UNE Platform peaked at over 299,000 lines, is no longer a UNE and is no longer covered by the Revised MA PAP. UNE Line Sharing peaked at over 7,000 lines in 2004, is no longer a UNE and is no longer covered by the Revised MA PAP.

[12] Source: Lines in service reported in the Carrier-to-Carrier Guidelines Reports (the "C2C" Reports").

- Resale POTS Services dropped 77% from a peak of over 232,000 lines to 52,749 in November 2006.

- Resale 2-Wire Digital Services dropped 57% from a high of 2,482 to just 1,071 lines in November 2006.

- Resale Specials has dropped 32% from a peak of 11,844 to 8,008 lines.

- There are modest decreases of 3% each in UNE Loops and UNE Specials from their peak levels. (Loops from a peak of 120,555 to 116,958) (UNE Specials from 9,985 to 9,711).

- Over 500,000 lines have been ported from Verizon's network in Massachusetts since October 1999.[13] These numbers have not gone to UNE Loops or to Verizon Wireless, but to other providers, such as VoIP, Cable telephony or other wireless providers.

Thus, both Verizon MA retail and wholesale lines have dropped substantially as intermodal competition has accelerated at a rapid rate.

Despite the decline in many wholesale services, the proposed plan does not reduce the dollars at risk for the services that remain.[14] The revisions to the plan were designed to be "penalty neutral" by the New York PSC.[15] Thus, like the Revised NY PAP, under the Revised MA PAP, the dollars associated with the former UNE-P, line sharing and line splitting metrics have been eliminated. The Resale and Trunks MOEs have the same amounts at risk as is currently at risk, and the new Loop-Based MOE is allocated additional bill credits to cover the addition of 2-Wire Digital and xDSL metrics. This is illustrated in the chart below.

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[13] Source: C2C Reports - - Metric PR-4-07.

[14] *See* VZ November 6 Letter at 5. ("[t]he amounts at risk under the Revised MA PAP are roughly equivalent to the amounts at risk under the current MA PAP for the products that are still covered by the MA PAP MOEs, *i.e.*, resale, UNE loop-based and interconnection trunks.")

[15] NY PAP Order at 15.

| Chart No. 2 Mode of Entry—Dollars-at risk | | |
|---|---|---|
| **Mode of Entry** | **Current MA Plan ($ Millions)** | **Revised MA Plan ($ Millions)** |
| UNE Platform | $23.808 | $0.000 |
| DSL | $5.291 | $0.000 |
| Resale | $2.645 | $2.645 |
| UNE Loop | $5.291 | $7.935 |
| Trunks | $2.645 | $2.645 |
| Total MOE | $39.680 | $13.225 |

Thus, the same amounts are at risk under the revised plan as are at risk under the current plan for the services that remain in the MOE section of the plan, and One Comm has provided no basis to increase these amounts.

Indeed, One Comm has not claimed that it is receiving poor performance from Verizon MA on any of the services that will continue to be measured under the Revised MA PAP, and it has presented no evidence that larger amounts at risk are warranted to provide greater incentives to prevent backsliding on the performance measured by these metrics. As Verizon MA noted, competition from intermodal competitors is now the biggest driver of its interaction with retail and wholesale customers.[16] There should be no doubt that Verizon faces substantial competition from intermodal competitors in Massachusetts, especially in the Boston MSA.[17] Competition, not regulation, motivates Verizon MA to keep its current customers on the network. And Verizon MA continues to provide its CLEC customers with an excellent level of service.

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[16] *See* VZ Nov. 6 Letter at 6.

[17] *See Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston Metropolitan Statistical Area*, WC Docket No. 06-172 (filed Sept. 6, 2006) (the "Verizon Boston Forbearance Petition").

One Comm's reliance on the Department's original PAP Order and the FCC's order granting Verizon's 271 application is misplaced.[18] Nothing in the Department's orders precludes it from reducing the overall amounts at risk under the Plan to reflect current market conditions. It is hornbook law that the Department can modify prior determinations to reflect changed circumstances.[19] The various factors that the Department relied upon in 2000 and 2001 to determine the amount to place at risk under the PAP no longer apply, and One Comm is flatly wrong in contending that "[n]either the Department nor the FCC suggested that a penalty level drastically reduced from [the current] level would be sufficient."[20]

In fact, a review of the FCC orders approving Verizon's 271 applications demonstrates that if the litmus test the FCC used to determine whether sufficient amounts were at risk were applied to the Revised MA PAP today, the amount at risk in that Plan would be significantly less than Verizon MA has proposed. In the New York 271 Order, the FCC found that an appropriate benchmark for the amount at risk was the potential retail profits that Verizon could seek to protect from competition.[21] The FCC compared the $269 million at risk under the NY PAP to Verizon New York's net return. The FCC determined that the amount at risk represented 36% of Verizon New York's ARMIS net return and that this was sufficient to motivate Verizon to

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[18] One Comm at 3.

[19] In the Pennsylvania 271 proceeding, the FCC recognized that performance plans would need to evolve over time:

> We also recognize that the development of performance measures and appropriate remedies is an evolutionary process that requires changes to both measures and remedies over time . . . in order for such measures and remedies to most accurately reflect actual commercial performance in the local marketplace.

*See Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Service in Pennsylvania,* CC Docket No. 01-138, Memorandum Opinion and Order (rel. September 19, 2001), ¶ 128.

[20] One Comm at 4.

[21] *See Application by Bell Atlantic - New York for Authorization Under Section 271 of the Communications Act to Provide In-Region, InterLATA Service in the State of New York*, CC Docket No. 99-295, Memorandum Opinion and Order, 15 FCC Rcd 3953 (1999) ("New York 271 Order"), ¶ 436.

provide good service to the CLECs. The dollars at risk under the NY PAP were subsequently increased by the NY PSC to $293 million or approximately 39% of the ARMIS net return. In subsequent 271 proceedings, including the Massachusetts proceeding, Verizon used this percentage of ARMIS to calculate the amounts that should be at risk under the respective PAPs. The FCC found this acceptable in all these states,[22] and the Department found this methodology appropriate for the original MA PAP.[23]

If this test were applied today, substantially fewer dollars would be at risk under the Revised MA PAP. In 1999, the benchmark year for calculating the original MA PAP dollars at risk, the ARMIS net return for VZ Massachusetts was approximately $393.9 million, and the MA PAP put approximately 39 % of this amount, or $155 million at risk. By 2005, the ARMIS net return for Verizon Massachusetts had fallen drastically to $14.587 million. If Verizon applied the 39% factor to this amount, only $5.689 million would be at risk under the Revised MA PAP.

Given all these factors, the significant decrease in lines covered by the Revised MA PAP, the significant increase in intermodal competition, and the drastic decline in Verizon MA's net return, it should be clear that the $53.5 million at risk under the Revised MA PAP is more than sufficient to motivate Verizon MA to continue to provide CLECs with excellent service. There is no need to increase that amount.

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[22] *See, e.g., In the Matter of Application of Verizon Virginia Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Services in Virginia,* WC Docket No. 02-214, Memorandum Opinion and Order (rel. October 30, 2002), ¶ 198.

[23] *See, e.g.,* D.T.E. 99-271, Performance Assurance Plan Compliance Order, dated February 23, 2001 at 2 ("Verizon's proposal appropriately increases the amount of available bill credits so that the percentage of its net return at risk under the PAP remains identical between Massachusetts and New York. . . ., and therefore we approve Verizon's January 30, 2001 revised PAP."). *Id.* at 2, n.2 ("the total amount at risk in both states equals just under 39.4 percent of Verizon's total net return, using Automated Reporting Management Information System data.")

## III. The Revised MA PAP Provides Sufficient Incentives and Metrics to Prevent Backsliding on Broadband-Capable UNE Loops

One Comm opines at length about the importance and growth of broadband nationally and in Massachusetts, and the alleged potential for a monopoly or duopoly of these services by the cable companies and the ILECs.[24] It contends that the "Department should protect and promote telecommunications competition into the future by reallocating credits towards network elements and services that wireline CLECs use to provide broadband services."[25] Furthermore, it claims that additional metrics related to broadband-capable loops should be added to the Revised MA PAP. These requests should be denied.

First, contrary to One Comm's contentions, the intent of the dollars at risk under the PAP is not to motivate competition. The amounts at risk under the Plan are intended to provide an incentive for Verizon not to backslide on its performance. The contention that competition will be stimulated by reallocating the current level of PAP penalties to broadband-capable loops is wrong and conveys a profound misunderstanding of the current marketplace and the Plan. Technological innovation, not the level of PAP penalties (which have remained constant since April 2001), is driving the marketplace. As the NY PSC observed in its Intermodal Order:

> Technology is changing the nature of telecommunications services and accelerating the rate and level of competition in a historically monopolistic industry. . . . Our experience and the record in this proceeding reveal that competition in New York's telecommunications markets has evolved dramatically over just the past few years. . . . Every month tens of thousands of customers in New York switch from their incumbent local exchange service providers to intermodal competitors to obtain savings and innovative, value-added services. A White Paper prepared by our

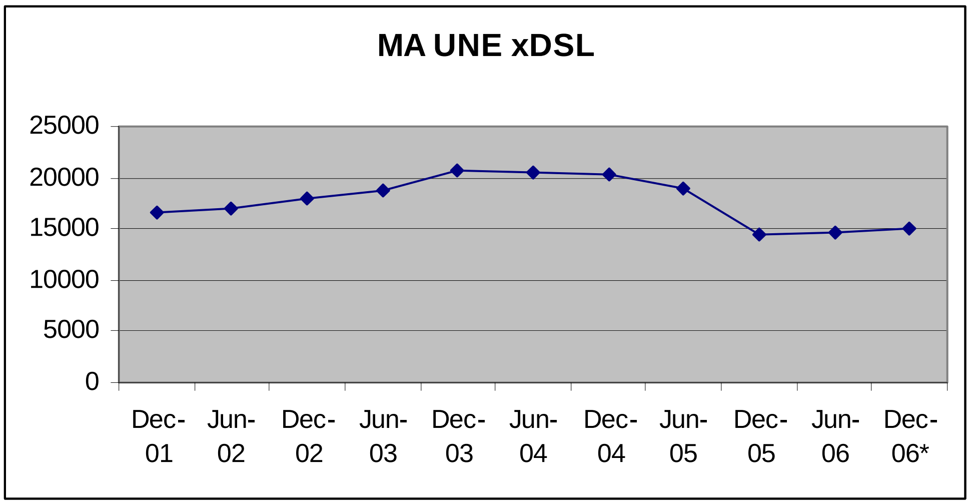
[24] One Comm at 7-10. One Comm also suggests that the DSL metrics may be inadequate. *Id* at 11(quoting then-DTE Chairman James Connolly). But One Comm is a member of the Carrier Working Group and knows that no party has recently raised any concerns about the DSL metrics in the Guidelines. The DSL metrics have been in place for many years. Of course, as noted above, metrics related to line sharing and line splitting have been removed from the Guidelines and the Revised MA PAP.

[25] *Id*. at 11.

> Staff in this proceeding correctly observes that "Plain Old Telephone Service won't mean a wireline telephone much longer.[26]

The same is true in Massachusetts where there has been a corresponding increase in intermodal competition.[27]

Second, while broadband has been growing substantially, nationally and in Massachusetts, the number of CLEC broadband lines *covered by the MA PAP* has remained flat for many years. (*See* graph below.)




**Graph includes UNE xDSL for MA CLECs. Note: Line Sharing and Line Splitting were removed as of December 2005 since they are no longer "UNEs".**

Thus there is no evidence that the volume of these services as covered by the MA PAP is growing or will grow in the future as might justify an additional increase in the related amounts at risk, or that the current level of bill credits at risk are insufficient to prevent backsliding.

In fact, the amounts at risk under the current MA PAP for these metrics have proven more than sufficient. For example, over the past 12 months (Dec 05 – Nov 06), Verizon MA has met the standard for metrics in the PAP 98.4% of the time for metrics related to 2-Wire Digital

26 *See* NY PSC Case 05-C-0616, Statement of Policy on Further Steps toward Competition in the Intermodal Telecommunications Market and Order Allowing Rate Filings (issued and effective April 11, 2006) ("Intermodal Order"), at 3-4.

27 *See* Verizon Boston Forbearance Petition.

and xDSL loops, and 98.7% of the time for Specials metrics. The current amounts have shown to be more than enough incentive for Verizon MA to provide excellent service for these products, just as the Department determined and the FCC agreed when the Plan was established.

Third, One Comm fails to acknowledge that the Revised MA PAP already incorporates significant changes made by the NY PSC to address the importance of certain broadband-capable loops, which are also referred to as "Specials." As Verizon MA noted in its initial filing "[a] greater proportion of dollars at risk were allocated to UNE-Special metrics provisions in the Critical Measures section of the Plan."[28] The chart below demonstrates that while most of the dollars at risk under the Critical Measures section have been reduced, the dollars at risk for the Specials and Other sections have been increased significantly.[29]

| Chart No. 3 - - Critical Measures—Annual Dollars-at risk | | |
|---|---|---|
| **Critical Measures** | **Current MA PAP ($ Millions)** | **Revised MA PAP ($ Millions)** |
| UNE Platform | $23.805 | $0 |
| DSL | $5.290 | $0 |
| Resale | $5.290 | $5.604 |
| UNE Loop | $8.464 | $9.341 |
| Trunks | $6.348 | $5.060 |
| Specials | $1.587 | $3.425 |
| Other | $1.587 | $3.658 |
| Total | $52.370 | $27.088 |
| # of Measures | 110 | 50 |
| $ Per Measure | $0.476 | $0.542 |

28 *See* VZ Nov. 6 Letter at 3.

29 The Other section of the Critical Measures provision covers, among other things, a new metric: BI-9 "% Billing Completeness in Twelve Billing Cycles". This metric measures Verizon's back billing activity. Based on CLEC comments in other proceedings, the NY PSC determined that back billing was an area that warranted special attention.

As the chart shows, more dollars are at risk per metric than are at risk in the existing Critical Measures section of the Plan. One Comm claims that metrics regarding broadband-capable loops have insufficient dollars at risk, but it fails to acknowledge the substantial changes the Revised MA PAP makes to the Critical Measures section for these products.

Under the Critical Measures section, bill credits allocated to Specials have more than doubled from $1.587 million in the current Plan to $3.425 million in the Revised MA PAP. Moreover, One Comm fails to acknowledge that the NY PSC added Special metrics and specifically increased the amounts at risk in the Critical Measures section of the NY PAP in response to comments by One Comm and other CLECs.[30]

The NY PSC also added more metrics to this section of the Plan in response to the CLEC comments. One Comm had argued in New York that the following metrics should be added to the NY Staff's Revised PAP:

| | |
|---|---|
| PR-4-02-3342 | Average Delay Days - Total - 2W xDSL Loop |
| PR-4-02-3510 | Average Delay Days - Total – EEL |
| PR-6-01-3342 | % Install Trbls w/in 30 Days -2W xDSL Loops |
| PR-8-01-3510 | Open Orders in a Hold Status >30 Days –EEL |
| MR-3-01-3342 | % Missed Repr Appt -Loop -2W xDSL Loops |
| MR-4-04-3342 | % Cleared (all trbls) w/in 24hrs-2W xDSL Loop |
| MR-5-01-3342 | % Repeat Reports w/in 30 Days -2W xDSL Loops |

The NY PSC agreed that metrics PR-6-01-3342 and MR-3-01-3342 should be added to the Revised NY PAP, and those are included in the Revised MA PAP. The NY PSC, however, did not find justification for adding the other five metrics. It stated that "[w]e decline . . . to reopen the current phase of this annual review . . . to reevaluate the selection of CM metrics."[31]

[30] NY PAP Order at 22-23. ( "The modifications appropriately include a greater emphasis on special circuits, . . . However, based on the comments we will include certain metrics deemed relevant by the CLECs going forward, and the overall bill credit shall be adjusted accordingly (an increase of $2.21 million").

[31] NY PAP Order at 23.

Nonetheless, One Comm argues that the Department should add PR-4-02-3342, Average Delay Days - Total - 2W xDSL Loop[32], PR-4-02-3510, Average Delay Days - Total – EEL, and PR-8-01-3510 Open Orders in a Hold Status >30 Days –EEL.[33] One Comm provides no reason why the decision of the NY PSC was incorrect or any other justification for adding these metrics to the Revised MA PAP. In fact, none exists. For example, not a single EEL order has been on "hold status for > 30 days" in the last two years, at least. Thus, the Department should reject this proposal.

Furthermore, the NY PSC rejected the contention that the entire amount at risk under the current Plan should be entirely reallocated to metrics that measure services for broadband-capable loops under the Revised NY PAP. The Department should not take a different course of action. A close examination of the Revised MA PAP demonstrates that there has been a significant increase in annual dollars at risk for the UNE Specials and DS-1 and DS-3 loop metrics that are included in the Plan. This is demonstrated in the chart below.

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[32] One Comm incorrectly refers to this metric as PR-4-02-**3510** in its comments**.**

[33] One Comm at 11-12.

| Chart No. 4 - - Comparison of Critical Measures for UNE Specials: Current vs. Proposed Plan | | | | |
|---|---|---|---|---|
| Metric | Metric Description | Product | Annual Dollars At Risk | |
| | | | Current Plan | Proposed Plan |
| OR-1-06-3211 | % On Time LSRC/ASRC - Facility Check (Electronic - No Flow-through) | UNE Specials DS1 | $0 | $155,676 |
| OR-2-04-1200 | %OT LSR Rej-No Fac Ck(E-No FT)-UNE/Resale | UNE/Resale Specials | $43,124 | $155,676 |
| OR-2-06-1200 | %OT LSR/ASR Rej-Fac Ck (Elec) –UNE/Resale | UNE/Resale Specials | $43,124 | $155,676 |
| PR-4-01-1210 | % Missed Appointment -VZ -DSO –UNE/Resale | UNE/Resale DS0 | $43,124 | $155,676 |
| PR-4-01-1211 | % Missed Appointment -VZ -DS1 -UNE/Resale | UNE/Resale DS1 | $43,124 | $155,676 |
| PR-4-01-1213 | % Missed Appointment -VZ -DS3 -UNE/Resale | UNE/Resale DS3 | $43,124 | $155,676 |
| PR-4-01-3530 | % Missed Appointment - VZ - Total - IOF | IOF | $86,248 | $155,676 |
| PR-4-02-1200 | Average Delay Days - Total -UNE/Resale | UNE/Resale Specials | $43,124 | $155,676 |
| PR-4-02-3530 | Average Delay Days - IOF | IOF | $43,124 | $389,196 |
| PR-5-01-1200 | % Missed Appointment - Facilities –UNE/Resale | UNE/Resale Specials | $172,497 | $389,196 |
| PR-5-02-1200 | % Orders Held for Facilities > 15 days -UNE/Resale | UNE/Resale Specials | $172,497 | $389,196 |
| PR-6-01-1200 | % Installation Troubles within 30 days -UNE/Resale | UNE/Resale Specials | $86,248 | $389,196 |
| MR-4-01-1216 | Mean Time to Repair - nonDS0 & DS0 -UNE/Resale | UNE/Resale DS0 | $43,124 | $155,676 |
| MR-4-01-1217 | Mean Time to Repair - DS1 & DS3 -UNE/Resale | UNE/Resale DS1/DS3 | $43,124 | $155,676 |
| MR-4-08-1216 | %Out of Service>24 Hrs - nonDS0 & DS0 -UNE/Resale | UNE/Resale DS0 | $43,124 | $155,676 |
| MR-4-08-1217 | % Out of Service > 24 Hours - DS1 & DS3 - UNE/Resale | UNE/Resale DS1/DS3 | $43,124 | $155,676 |

Finally, One Comm claims that five broadband metrics have less than $25,000 annually at risk for each, and that each should bear significantly greater dollars at risk.[34] One Comm is mistaken, and this request should be rejected. Under the Revised MA PAP, each of these metrics has over $12,000 at risk *monthly*, which totals over $155,000 annually.[35] Additionally, in comparison to the current MA PAP, metrics PR-4-01-1211, PR-4-01-1213, and MR-4-01-1217 each have more than 3 times the amount at risk in the revised plan. One Comm does not provide a persuasive justification for any further increases, and none should be made.

## IV. Conclusion

[34] *Id*. at 12.

[35] S*ee* Revised MA PAP, Appendix B, Table B-2.

For all the reasons set forth above, the Department should reject One Comm's proposed changes to the Revised MA PAP and should adopt the Revised MA PAP as proposed by Verizon MA.

Respectfully submitted,

VERIZON MASSACHUSETTS

By its attorneys,

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