

Verizon New England Inc.

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**2. Physical Collocation**  
**2.3 Responsibility of the CLEC**

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2.3.5 Inspections	
C.	If at any time the Telephone Company reasonably determines that the CLEC's facilities or equipment or the installation of the CLEC's facilities or equipment do not meet the required standards, the CLEC will be responsible for the costs associated with the removal of such facilities or equipment or modification of the facilities or equipment or installation thereof to establish compliance. If the CLEC fails to correct any noncompliance with these standards within fifteen days' written notice to the CLEC, the Telephone Company may have the facilities or equipment removed or the condition corrected at the CLEC's expense.
D.	<p>If the Telephone Company reasonably determines that any CLEC activities, equipment or facilities are unsafe, do not meet the required standards or other specifications set forth in Part E of this tariff, or are in violation of any applicable fire, environmental, health, safety or other laws or regulations, the Telephone Company has the right to immediately stop such activities or the operation of such facilities or equipment.</p> <ol style="list-style-type: none"><li>1. When such conditions do not pose an immediate threat to the safety of the Telephone Company's employees, interfere with the performance of the Telephone Company's service obligations, or pose an immediate threat to the physical integrity of the conduit system or the cable facilities of the Telephone Company, the Telephone Company will provide the CLEC fifteen days written notice to correct the condition.</li><li>2. When such conditions pose an immediate threat to the safety of the Telephone Company's employees or others, interfere with the performance of the Telephone Company's service obligations, or pose an immediate threat to the physical integrity of the roof, the walls or the cable facilities of the Telephone company, the Telephone Company may perform such work and/or take such action that the Telephone Company deems necessary without prior notice to the CLEC.</li><li>3. The CLEC is responsible for time and material charges associated with the cost of this work and/or actions.</li></ol>

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E.	The CLEC is responsible for engineering the power consumption in its collocation arrangements and therefore must consider any special circumstances in determining the fused capacity of each feed. The Telephone Company will engineer the power feeds to the collocation arrangement in accordance with industry standards based upon requirements ordered by the CLEC in its collocation application. Any subsequent orders to increase the DC power load at a collocation arrangement must be submitted on a collocation application. The Telephone Company reserves the right to perform random inspections to verify the actual power load being drawn by a collocation arrangement. At any time, without written notice, the Telephone Company may measure the DC power drawn at an arrangement by monitoring the Telephone Company's power distribution point. In those instances where the Telephone Company needs access to the collocation arrangement to make these measurements, the Telephone Company will schedule a joint meeting with the CLEC.	(X)  (C)  (C)  (C)
1.	If the inspection reveals that the power being drawn does not exceed the total number of load amps ordered, no further action will apply.	(X)
2.	If the inspection reveals that the power being drawn is within the applicable buffer zone, as defined in this subsection, that arrangement is subject to the following treatment:	(C)   (C)
a.	The Telephone Company will provide the CLEC with written notification, by certified US mail to the person designated by the CLEC to receive such notice, that more power is being drawn than was ordered. Within ten (10) business days of the date of receipt of notification, the CLEC must reduce the power being drawn to match its ordered load or revise its power requirement to accommodate the additional power being drawn. The Company will accept a certification signed by a representative of the CLEC that power consumption has been reduced to match the ordered load. Failure to reduce the power being drawn or submit a revised application within ten (10) business days will result in an increase in the amount of power being billed to the audited load amount.	(T) (C)    (C)
b.	For a collocation arrangement that has 100 amps or less fused, the buffer zone for the first two violations during a consecutive twelve (12) month period will be 120% of load, as long as the second violation is not for the same collocation arrangement as the first. For any subsequent violations, or if the second violation is for the same collocation arrangement, and for any violation where the collocation arrangement has more than 100 amps fused, the buffer zone will be 110% of load.	(N)    (N)

Issued:  
Effective:

John Conroy  
Vice President-Regulatory

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2.3.5 Inspections		
E. (Continued)		
3.	If the first inspection reveals that the power being drawn is greater than the applicable buffer zone specified in E.2.b. preceding, that arrangement is subject to the following treatment.	(C) (X)
a.	The Telephone Company will notify the person designated by the CLEC to receive such notice via telephone or e-mail that the Telephone Company will take a second measurement no sooner than one (1) hour and no later than two (2) days after the initial inspection. The Telephone Company will not wait for the CLEC or require it to be present during the second inspection.	(C)
b.	The Telephone Company will assess the miscellaneous collocation power service charge for performing this inspection.	
c.	The CLEC may perform its own inspection at the CLEC's cage. The CLEC is not required to wait for the Telephone Company or require it to be present during the CLEC test. Upon request of the CLEC, the Telephone Company will send a representative to accompany the CLEC to conduct a joint inspection at the CLEC cage at no charge to the CLEC. Nothing herein shall be construed to prohibit the CLEC from testing at its own cage. The CLEC will send the results of its own audit measurements to the Telephone Company if they are taken in response to a notice of violation under this section and if the CLEC's measurements differ from the Telephone Company's.	(C)
d.	If the second test also exceeds the applicable buffer zone, the Telephone Company will provide the CLEC with written notification, within ten (10) business days, by certified U.S. mail to the person designated by the CLEC to receive such notice that it has exceeded its ordered power. The notification will include: (1) initials or identifying number of the Telephone Company technician(s) who performed the inspection; (2) dates and times of the inspections; (3) the make, model and type of test equipment used; (4) the length of monitoring and the results of the specific audit; (5) the total load amps currently being billed; (6) how the test was done; and (7) any other relevant information or documents.	(C) (X)
e.	The Telephone Company will maintain a file of results taken of any inspections for two (2) years and such file will be made available to the CLEC that was audited, upon request. The Telephone Company will treat as confidential information the identity of CLECs that it audits as well as the results of such audits, unless it receives prior written consent of the affected CLEC to disclose such information. The foregoing does not preclude the Telephone Company from making the notice described in paragraph f. following.	(N) (N)

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2.3.5 Inspections	
E. 3. (Continued)	
f.	If the CLEC disagrees with the results of the audit, it will first notify the Telephone Company. The Telephone Company and the CLEC will make a good faith effort to resolve the issue. If the parties do not resolve the issue, either party can invoke the Commission's Abbreviated Dispute Resolution Process (ADRP). ADRP can initiated by either party after thirty (30) calendar days have elapsed. This period commences: (1) ten (10) business days from receipt of the notification, in the case of violation within the buffer zone; or (2) after the CLEC has received notice of the second test, in the case of a violation over the buffer zone.
g.	With the notification required by subparagraph E.3.d., the Telephone Company will also notify the CLEC that it must submit a non-scheduled attestation of the power being drawn at each of its remaining collocation arrangements. The CLEC must submit this non-scheduled attestation within fifteen (15) business days of the date of this notification. Failure to submit this non-scheduled attestation will result in the application of the miscellaneous collocation power service charge for any subsequent DC power inspections the Telephone Company performs prior to receipt of the next scheduled attestation. Scheduled attestations are defined in Section 2.3.5F.
4.	If the inspection reveals that the power being drawn is greater than the applicable buffer zone, then the penalty will be as follows.
a.	For the first such violation within the same consecutive twelve (12) month period, the CLEC will be billed the audited load amount for four (4) months. The CLEC will pay a separate and additional penalty to a fund to be designated by the Commission, measured as the difference between the billing of the fused capacity and the billing at the audited load for four (4) months. The CLEC must send notice of its payment to the fund to the Telephone Company within ten (10) calendar days of making the payment.
b.	For the second such violation within the same consecutive twelve (12) month period, the CLEC will be billed the audited load amount for five (5) months. The CLEC will pay a separate and additional penalty to a fund to be designated by the Commission, measured as the difference between the billing of the fused capacity and the billing at the audited load for five (5) months. The CLEC must send notice of its payment to the fund to the Telephone Company within ten (10) calendar days of making the payment.

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E. 4. (Continued)	
c.	For the third such violation within the same consecutive twelve (12) month period, the CLEC will be billed the audited load amount for six (6) months. The CLEC will pay a separate and additional penalty to a fund to be designated by the Commission, measured as the difference between the billing of the fused capacity and the billing at the audited load for six (6) months. The CLEC must send notice of its payment to the fund to the Telephone Company within ten (10) calendar days of making the payment.
d.	For more than three (3) violations within the same consecutive twelve (12) month period, the Telephone Company will bill at the fused amount for a minimum of six (6) months and continue to bill at the fused amount until an updated attestation or augment specifying revised power is received, and nothing will be paid to the fund to be designated by the Commission.
e.	The Telephone Company will notify the CLEC that it is being billed under a penalty situation, designating the applicable number of months and also calculating the penalty owed to the fund to be designated by the Commission, under the provisions set forth preceding. The Telephone Company will provide a copy of the CLEC notification to the DTE, under seal.
5.	At the conclusion of any ADRP proceeding in which the Telephone Company receives a favorable ruling, the above penalties (including the revised billing) will be self-executing. The Telephone Company will notify the DTE of the violation as describe in 4e., but no DTE action or approval is needed to begin the revised billing and for the separate and additional penalty to be paid to the fund to be designated by the Commission.
6.	If the CLEC has requested a power augment under which the audited amount would be within the augmented load, plus the applicable buffer zone, and the augment is late due to the fault of the Telephone Company, the penalty will not be imposed and the parties will not count this instance for purposes of determining what type of penalty to impose under 4e. preceding.
F.	<b>Scheduled Attestations</b> —Annually, the CLEC must submit a written statement signed by a responsible officer of the company which attests that it is not exceeding the total load of power as ordered on the collocation application. This attestation, which must be received by the Telephone Company no later than the last day of June, shall individually list all of the CLEC's completed collocation arrangements provided by the Telephone Company in Massachusetts. If the CLEC fails to submit this written statement by the last day in June, the Telephone Company will notify the CLEC in writing that it has thirty (30) calendar days to submit its power attestation. Failure to submit the required statement within the thirty (30) calendar day notice period will result in the billing of DC power at each collocation arrangement to be increased to the total number of amps fused.

(N)

(N)

(X)

(C)

(C)

(C)

(X)

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### 2.6 Application of Rates and Charges

2.6.9 Taxes	
A.	The CLEC is responsible to reimburse the Telephone Company for any taxes that are levied except for income taxes on the Telephone Company resulting from transactions associated with physical collocation.

2.6.10 Site Survey/Report Fee	
A.	An NRC applies per request, per central office. If a CLEC submits an application for physical collocation within thirty days of receipt of the site survey/report, 50% of this fee will be applied to the CLEC's application fee.

2.6.11 Security Access Cards	
A.	An NRC applies per five cards.

2.6.12 Splitter Arrangements	
A.	<b>Augment NRCs</b> —When a splitter arrangement is to be installed as part of an existing physical collocation arrangement, the Augment-Rearrangement of Equipment Application Fee NRC and Augment-Rearrangement of Equipment Engineering and Implementation NRC contained in Part E, Sections 3.5.2A3 and 3.5.3C will apply.
B.	<b>Splitter Installation NRC</b> —Applies, per shelf, for Telephone Company engineering and installation of the CLEC-provided splitter.
C.	<b>Splitter Support</b> —Monthly rate applies, per shelf, for Option C splitter arrangements only.
D.	<b>Administration and Support of Splitter</b> —Monthly rate applies, per shelf for Option A splitter arrangements.
E.	<b>Maintenance, Administration and Support of Splitter</b> —Monthly rate applies, per shelf for Option C splitter arrangements.

2.6.13 Miscellaneous Collocation Power Service Charge	
A.	Whenever the Telephone Company is required to perform work on a collocation arrangement as a result of a CLEC's order for a reduction in power requirements (e.g., change in fuse size), the Telephone Company will assess an NRC. The NRC applies for the first half hour (or fraction thereof) and each additional quarter hour (or fraction thereof) per technician, per occurrence. The NRC is the same as that specified for escort under Part M, Section 5.2.6 of this tariff. If a CLEC orders a power reduction prior to January 21, 2002, where only a change in the fuse size is necessary, the Telephone Company will waive this NRC. This rate will also apply when the Telephone Company performs power inspections revealing a violation. (C)