

**STATE OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Proceeding by the Department of	)	
Telecommunications and Energy on Its Own	)	
Motion To Implement the Requirements Of	)	DTE. 03-60
The Federal Communications Commission's	)	
Triennial Review Order Regarding Switching	)	
For Mass Market Customers	)	

**CONVERSENT COMMUNICATIONS OF MASSACHUSETTS, LLC'S FIRST SET OF
INTERROGATORIES TO FIBER TECH**

Conversent Communications of Massachusetts, LLC ("Conversent") hereby requests that Fiber Technologies Networks, LLC ("Fibertech") respond fully to each of the following interrogatories based on all information that is in its possession, custody or control, including that information which is in the constructive possession of Fiber Tech. Conversent requests that Fiber Tech produce responses to these interrogatories in the offices of Conversent, 222 Richmond Street, Suite 301, Providence, RI 02903 within seven (7) days of the date of service of these interrogatories.

DEFINITIONS

1. "Affiliate" means "a person or entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person or entity. For purposes of this paragraph, the term 'own' means to own an equity interest (or the equivalent thereof) of more than 10 percent." 47 U.S.C. § 153(1). Conversely, "Unaffiliated" means a person or entity that does not meet the definition of Affiliate.
2. Fiber Tech, "you" and "your" mean Fiber Tech and any other person or entity acting on its behalf, including, but not limited to, its attorneys, agents, investigators, clerks, experts, representatives, consultants and other related corporate entities and affiliates.

3. "FCC's Impairment Triggers for Dark Fiber Dedicated Transport" means those triggers for dark fiber dedicated transport set forth in the Federal Communications Commission's ("FCC's") Triennial Review Order.¹

Under the Triennial Review Order, a finding of non-impairment is permitted with regard to dark fiber dedicated transport where three or more unaffiliated competing carriers each have deployed dedicated dark fiber transport facilities on the same route to provide service to their own retail customers (the self-provisioning trigger); *or* where two or more competing carriers each has deployed its own dark fiber and offers it at wholesale on the same route (wholesale trigger).

The following factors are considered when reviewing dark fiber transport facilities used to provide services to the competitor's own retail customers: (1) competitive dark fiber transport providers must be unaffiliated with the incumbent LEC and each other; (2) each self-provisioned facility along a route must be operationally ready to provide transport into or out of an incumbent LEC's central office for purposes of serving the competitor's own retail customers; (3) dark fiber transport facilities must terminate in a collocation arrangement in an incumbent LEC central office which may be arranged pursuant to contract, tariff or, where appropriate, 47 U.S.C. §251(c) (6); and (4) when dark fiber transport facilities are used to provide service to the competitor's retail customers, the competitor must have constructed the facility or acquired it from another carrier pursuant to a long-term IRU or similar arrangement (but not as an unbundled network element from the incumbent LEC) in order for it to qualify as the competitor's own dark fiber transport facility.

¹ *In re: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98; *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (rel. Aug. 21, 2003) ("Triennial Review Order").

The following factors are considered when reviewing dark fiber transport facilities used to provide services to wholesale customers: (1) competitive wholesale transport providers must be unaffiliated with each other and the incumbent LEC; (2) when a wholesale transport provider makes available at wholesale dark fiber that it has constructed or acquired from another carrier pursuant to a long-term IRU or similar arrangement (but not as an unbundled network element from the incumbent LEC), that facility qualifies as the competitor's own dark fiber transport facility; (4) competitive dark fiber transport providers must be operationally ready and willing to provide the dark fiber transport on a wholesale basis along the specific route; and, (5) competitive transport providers must make the dark fiber transport widely available.

GENERAL INSTRUCTIONS

You are instructed to respond to the set interrogatories fully and completely. The words "and" and "or" as they are used in these interrogatories shall be interpreted in the conjunctive to require responses to all sub-parts and all categories within each interrogatory. With respect to each interrogatory, all information is to be divulged which is in your possession, custody, or control, including that information which is in your constructive possession. When an interrogatory calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable. You are also under a continuing duty to amend prior discovery responses if you obtain information which renders a discovery response incorrect when made, or if said response was correct when made, but is no longer correct in light of new or additional information.

INTERROGATORIES

CONV-FTECH 1-1: For the routes specified below, please indicate if Fiber Tech has deployed its own dark fiber dedicated transport, which may include dark fiber facilities that you have obtained on a long-term indefeasible - right of use (IRU) basis. To count as self-provisioned dark fiber you must have deployed dark fiber "along a given route between incumbent LEC switches or wire centers," the dark fiber must be "operationally ready to provide transport into or out of an ILEC central office," and such dark fiber must terminate at a collocation arrangement at each end of the transport route that is located at an incumbent LEC premises and in a similar arrangement at each end of the transport route that is not located at an incumbent LEC premises.

Wire Center 1	Wire Center 1 Name	Wire Center 2	Wire Center 2 Name
HLYKMAMA	Holyoke	NATNMAMA	Northhampton
SPFDMAWO	Springfield	HLYKMAMA	Holyoke

CONV-FTECH 1-2: Has Fiber Tech deployed its own dark fiber, including dark fiber that you have obtained from an entity other than the incumbent LEC, for any of the routes specified below and is Fiber Tech operationally ready to lease or sell those facilities at wholesale? In order to answer affirmatively, you must be willing immediately to provide, on a widely available basis, dark fiber along the particular route between ILEC switches or wire centers. To answer affirmatively, the dark fiber must terminate in a collocation arrangement at each end of the transport route that is located at an incumbent LEC premises and in a similar arrangement at each end of the transport route that is not located at an incumbent LEC premises. If you do offer dark fiber dedicated transport at wholesale over your own facilities for any of these routes, please indicate the rates for such dark fiber dedicated transport.

Wire Center 1	Wire Center 1 Name	Wire Center 2	Wire Center 2 Name
HLYKMAMA	Holyoke	NATNMAMA	Northhampton
SPFDMAWO	Springfield	HLYKMAMA	Holyoke

Dated: December 5, 2003

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