

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

Investigation by the Department of Telecommunications and Energy on its own Motion into the Appropriate Pricing, based upon Total Element Long-Run Incremental Costs, for Unbundled Network Elements and Combinations of Unbundled Network Elements, and the Appropriate Avoided Cost Discount for Verizon New England, Inc. d/b/a Verizon Massachusetts' Resale Services in the Commonwealth of Massachusetts

D.T.E. 01-20

**RCN-BECOCOM, LLC'S LATE FILED PETITION TO INTERVENE
AS A LIMITED PARTICIPANT**

Pursuant to 220 C.M.R. §§ 1.01(4) and 1.03, counsel for RCN-BecoCom, LLC ("RCN") hereby petitions the Department of Telecommunications and Energy ("Department") for leave to intervene as a limited participant in the above-referenced proceeding, stating in support thereof the following:

1. In Massachusetts, RCN provides telecommunications services as a Competitive Local Exchange Carrier ("CLEC") and interexchange carrier, and also offers residential video programming and Internet access services. RCN currently serves communities in the metropolitan Boston area including Allston, Arlington, Boston, Brighton, Brookline, Burlington, Dedham, Framingham, Hyde Park, Lexington, Natick, Needham, Newton, Roslindale, Somerville, Wakefield, Waltham, Watertown, West Roxbury and Woburn.

2. The Department opened this docket to, among other things, establish new recurring and nonrecurring rates for unbundled network elements ("UNEs"), interconnection, and collocation that comport with the FCC's cost standard, known as Total Element Incremental Cost ("TELRIC"). This cost standard calculates the cost for an efficient carrier to provide UNEs, interconnection, and collocation in a competitive wholesale market.

3. RCN requests that it be permitted to intervene as limited participant to represent and protect its interests during the compliance phase of this proceeding. RCN is substantially and specifically affected by this proceeding because it is a customer and competitor of Verizon.

Any changes to the UNE rates, associated terms and conditions directly affect RCN's ability to compete with Verizon.

4. RCN received a copy of Verizon's proposed compliance tariff and has questions and concerns regarding this proposed tariff and the extent it properly and fully reflects the spirit of the Department decisions rendered in this proceeding. The compliance phase of this proceeding will review many regulatory issues that are related to Verizon's compliance tariff that will affect RCN's ability to compete. RCN does not seek to relitigate any issues decided in earlier stages of this case, but will address only the issue of whether Verizon's compliance tariff is consistent with the Department's earlier decisions.

5. RCN's interests in this matter cannot be adequately addressed or represented by any other party of record. RCN has business plans and concerns that are distinct from those of the other parties. In particular, RCN is the nation's first, and largest, competitive provider of bundled cable TV, phone and high-speed Internet services. RCN designed, built and operates its own advanced fiber optic Megaband® Network, over which it delivers broadband services. RCN is the only residentially focused competitive local exchange carrier in the industry and RCN's goal is to be the leading provider of residential communications services to the most densely populated markets in the country via its own network. Because RCN relies on certain Verizon services to support its unique business plan and network, RCN's concerns regarding Verizon's proposed compliance tariff and how it impacts its business plan and network cannot be adequately addressed by other parties that are intervened.

6. RCN will take the record as it stands and its intervention at this time would be in the interests of justice because it will not delay the proceeding or prejudice any party. Nor will it prevent the Department from conducting the proceeding in a complete, efficient, and orderly fashion.

7. RCN has good cause for not petitioning the Department before now and respectfully asks the Department to grant its application to intervene as a limited participant at this time. First, when the Department initiated this proceeding, RCN did not have the resources to be active

and full participants that would sponsor witnesses, etc. Instead, RCN decided to monitor this proceeding closely on its own. Until the current stage of the proceeding, RCN did not believe it was necessary to file comments, briefs, or participate in technical sessions to protect its interests.

8. Second, based upon previous Department orders in this proceeding that focused on the establishment of new rates, RCN could not reasonably have anticipated that Verizon's compliance tariff filing would be as extensive with respect to new terms and conditions as it is. RCN has questions regarding Verizon's proposed application of the tariff, in ways not specifically addressed in earlier Department orders, that it would like Verizon to clarify during the scheduled technical sessions. For instance, RCN seeks further information regarding Verizon's proposed terms and conditions associated with unbundled Dedicated Interoffice Transport as it relates to network interconnection transport rates, and application of its collocation cross connect rates. In addition, RCN seeks clarification on why the difference between Verizon's proposed Meet Point A and Meet Point B rates is so small in comparison to the difference between current rates; and why Verizon's proposed tandem transit rate differs so sharply from the Meet Point A and Meet Point B rates. RCN also seeks clarification on why Verizon's proposed Line Information Data Base ("LIBD) per query rate increased by over 1800 percent and why there is no separate Calling Name Service ("CNAM") rate. Because final rates and proposed tariffs were not available until recently, there was no opportunity to inquire about these particular issues and concerns in earlier stages of this proceeding. RCN's participation in this regard will assist the Department and Verizon in ensuring that ambiguities in Verizon's proposed tariff are minimized and concerns regarding the rates are addressed.

9. Third, although this investigation has been in progress for a considerable time, the compliance tariff has only recently been filed and no action regarding that tariff has been taken yet. RCN's participation will not delay the Department's review of the compliance tariff.

10. RCN's participation in this phase of the proceeding will help ensure that Verizon's compliance tariff fully comports with Department decisions rendered in this proceeding and applicable law to the extent Verizon made additional changes to the tariff language that were

not specifically directed by the Department, while affording RCN the opportunity to protect its interests.

11. Since the Department is beginning the compliance phase of this proceeding and is reviewing Verizon's proposed tariff, RCN's limited intervention at this time is appropriate for the foregoing reasons.

12. If granted leave to intervene as a limited participant, RCN intends to participate in the compliance phase of the proceeding.

13. All communications and correspondence for this proceeding should be directed to the undersigned.

WHEREFORE, RCN respectfully requests that the Department permit it to intervene in this proceeding as a limited participant.

Respectfully submitted,

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