

~~March 19, 2004~~ March 16, 2004

VIA Electronic Mail and Overnight Delivery

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
Commonwealth of Massachusetts
1 South Station, Floor 2
Boston, MA 02110

RE: DTE 04-33: Response of RNK, Inc. d/b/a RNK Telecom ("RNK") to Verizon's Petition for Consolidated Arbitration

Dear Secretary Cottrell:

The purpose of this letter is to notify the Department and the Service List of the intent of RNK, Inc. d/b/a RNK Telecom ("RNK"), to participate in this proceeding as an active party. RNK, in addition to having an interconnection agreement with Verizon in the Commonwealth of Massachusetts, has interconnection agreements with Verizon in the states of New York, Rhode Island, Maine, New Hampshire, and Vermont.

RNK agrees with and supports the motion of Sprint Communications Company, L.P. ("Sprint")¹ to dismiss Verizon's petition and the similar motion of the Competitive Carrier Coalition² to dismiss this petition for arbitration. RNK believes that the complexity of the issues involved and the apparent procedural and legal defects in Verizon's initial Petition raised by both the Coalition and Sprint in their respective motions, as well as the uncertain state of the law following the recent decision by the U.S. Court of Appeals for the District of Columbia Circuit are sufficient to warrant intervening action by the Department. Specifically, RNK believes that absent a dismissal of Verizon's Petition, a stay of this proceeding and postponement of all associated procedural deadlines is justified until the Commission has had an opportunity to rule—and so affected parties have an adequate opportunity to comment on the various motions to dismiss and the issues contained therein.

Indeed, as evidence of this uncertainty, and in observance of a need to deal with such matters in an expeditious, yet considered manner, RNK requests that the Department take administrative notice of the procedural order issued in the parallel proceeding currently before the Maine Public Utilities Commission³, and stay this proceeding for at least one week. It is telling that in the Maine Proceeding, Verizon itself acknowledges⁴ that it may need to amend its own Petition. Further, given the nearly identical Petitions that Verizon has apparently filed in all states across its footprint, it would undoubtedly follow that similar changes would be necessary in their Massachusetts petition.

¹ *Sprint's Response and Motion to Dismiss Verizon's Arbitration Petition* (March 15, 2004)

² Motion of Adelphia Business Solutions Operations, Inc., d/b/a Telcove, CTC Communications Corp., DSLnet Communications, LLC, Focal Communications Corporation of Massachusetts, ICG Telecom Group, Inc., Level 3 Communications, LLC, Lightship Telecom, LLC, LightWave Communications, Inc., PAETEC Communications, Inc., RCN-BecoCom, LLC, and RCN Telecom Services of Massachusetts, Inc. (March 15, 2004, by their attorney, Harisha Bastiampillai). Herein we will refer to these parties collectively as "the Coalition" or "the CLEC Coalition."

³ A copy of this procedural order is enclosed as Attachment 1 to this Letter. (*Procedural Order*, Docket 2004-135, issued March 11, 2004 by Trina M. Bragdon.

⁴ Please see Attachment 2 to this letter. (Letter from Verizon-Maine (Donald W. Boecke, Assistant General Counsel) to Trina Bragdon, Esq., Hearing Examiner, State of Maine Public Utilities Commission (dated 3/9/04, 2 pages, in Docket 2004-135) (see Attachment)). RNK believes that it, as well as other CLEC parties in this case, would be prejudiced by having to respond, in essence, to a moving target that may well change only days following the Commission-established response date.

In summary, in the event that the Department decides not to stay or postpone this proceeding, RNK respectfully requests a brief seven-day extension of time (until March 23, 2004) to allow RNK to fully prepare its response to Verizon's Petition.

Please date-stamp and return the designated copy of this letter in the postage-paid envelope provided.

Sincerely,

Douglas S. Denny-Brown
General Counsel

DDB: mtk
Enclosures (Attachments 1 and 2)

Cc: Tina W. Chin, hearing officer (by Overnight Mail and E-mail)
Paula Foley, Assistant General Counsel (by Overnight Mail and E-Mail)
Secretary Cottrell (Original and Eight Copies)
Electronic filing via email (dte.efiling@state.ma.us)
Service List in DTE 04-33 (via E-Mail)