

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

Proceeding by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers

**D.T.E. 03-60**

**DSLnet Communications, LLC's Petition to Intervene**

Pursuant to 220 C.M.R. § 1.03, counsel for DSLnet Communications, LLC ("DSLnet") hereby petitions the Department of Telecommunications and Energy ("Department") to intervene in the above-referenced proceeding, stating in support thereof the following:

1. DSLnet is a facilities-based CLEC in Massachusetts that obtains unbundled network elements ("UNEs") from Verizon, pursuant to 47 U.S.C. § 251(c)(3), including, but not limited to, copper loops and interoffice transport.

2. On August 26, 2003, the Massachusetts Department of Telecommunications and Energy ("Department") initiated this proceeding to implement the FCC's *Triennial Review Order* regarding switching for mass market customers. On September 9, 2003, the Department expanded the scope of the proceeding to address loops, transport and hot cut issues. Consistent with the *Triennial Review Order*, it is expected that the Department may consider proposals that could affect whether certain DS1, DS3, and dark fiber loops and transport routes are available to CLECs as UNEs. The Department may also consider in this proceeding whether additional safeguards are needed to promote and preserve the availability of unbundled copper loops to competitors.

3. DSLnet is entitled to intervene as participant in this proceeding to represent and protect its interests. DSLnet will be substantially and specifically affected by the Department's review and decision in this docket because it is a customer and competitor of Verizon. Any changes to the availability of UNEs or the rates, terms and conditions in using them, would directly affect DSLnet's ability to compete with Verizon. In this proceeding, DSLnet seeks the opportunity to present and rebut evidence on issues that are critical to its business plan.

Therefore, DSLnet's interests cannot be adequately represented without the Department granting this petition.

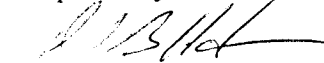
4. DSLnet asks that all communications and correspondence for this proceeding be directed to:

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**WHEREFORE**, DSLnet respectfully requests that the Department grant this petition to intervene in this proceeding.

Respectfully submitted,



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Dated: September 15, 2003