

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

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In the Matter of an Investigation by)	
the Department of Telecommunications and Energy)	
on its own Motion to Develop a Long Term Plan)	D.T.E. 06-33
for Funding Enhanced 911 Services)	
)	

**RNK INC. D/B/A RNK TELECOM’S LATE-FILED PETITION FOR LEAVE TO
INTERVENE**

Pursuant to M.G.L. c. 30A, §10 and Sections 1.01(4) and 1.03 of the Procedural Rules¹ of the Department of Telecommunications and Energy (“Department”), RNK Inc. d/b/a RNK Telecom (“RNK” or “Petitioner”), hereby petitions to intervene as a full-party intervenor in the above-captioned proceeding, stating in support thereof the following:

1. Petitioner RNK is a corporation organized and existing under the laws of the Commonwealth of Massachusetts. Its principal place of business is located at 333 Elm Street, Suite 310, Dedham, Massachusetts 02026.
2. Petitioner is a registered Competitive Local Exchange Carrier (“CLEC”) and Interexchange Carrier in the Commonwealth of Massachusetts and other states, offering wholesale and retail residential and business telecommunications services via resale and its own facilities.
3. Petitioner is an Integrated Communications Provider, marketing local and interexchange telecommunications services, as well as Internet Services and IP-enabled services, both as a retail provider and a provider of wholesale telecommunications inputs to IP-enabled service providers.

¹ 220 C.M.R. §§ 1.01(4) and 1.03.

4. In accordance with 220 C.M.R. § 1.01(4), good cause exists to allow RNK's late-filed petition to intervene because:

- a. Although RNK did not earlier petition the Department to intervene in D.T.E. 06-33 (the "Proceeding"), it did file comments regarding the Proposals for post-2007 funding mechanism, in accordance with the Procedural Notice dated May 31, 2006.
- b. It was through the information contained in the initial and reply comments of others that RNK realized the results of the case might have a material and negative impact on RNK and its services and customers.
- c. RNK had anticipated that other parties might have adequately represented its interests in these Proceedings, but to the contrary, no other similarly-situated providers of IP-enabled services or LECs engaging in the business of providing wholesale services to other IP-enabled service providers have intervened, and only two such entities have commented.²

5. RNK is committed and intends to participate as a full participant in this Proceeding and take part in all issues that may "substantially and specifically affect[]"

² Only Level 3 Communications, LLC, a supplier of "wholesale voice over IP ("VoIP") services to enhanced service provider ("ESP") customers" filed reply comments in this proceeding on September 7, 2006. *Reply Comments Of Level 3 Communications, LLC*, DTE 06-33, September 7, 2006. Similarly, Comcast Phone of Massachusetts, Inc. ("Comcast"), a retail provider of IP-enabled services, submitted reply comments, agreeing in part, with RNK's initial comments. See *Letter* (in lieu of reply comments) of Stacey L. Parker, Sr. Director, Regulatory Affairs, Comcast, to Mary Cottrell, Secretary, DTE 06-33, September 8, 2006.

RNK. 220 C.M.R. § 1.03(1)(b). RNK has a stake in the outcome of this Proceeding as any determinations will impact, whether directly or indirectly, RNK's customers.

6. Other than the Department's request in its May 31, 2006 Procedural Notice for Proposals for post-2007 funding mechanism, Comments and Reply Comments on the same, RNK is not aware of any other procedural activities that have been scheduled at this time.

7. RNK does not intend to request any special consideration in the current procedural schedule, and evidentiary hearings have not taken place to date, nor have such hearings been scheduled.

8. RNK's intervention will not cause any undue administrative delay, prejudice to any party or impair the prompt, efficient and orderly disposition of this Proceeding, and RNK will accept the factual record as it stands.

9. Based on the foregoing, no other party adequately represents the interests of RNK in this proceeding.

Accordingly, RNK, by and through its attorneys, respectfully requests that this Late-Filed Petition for Leave to Intervene be granted and that RNK be accorded full participant intervenor status in this proceeding. In the event that the Department determines not to grant RNK full intervenor status, RNK requests that it be granted limited intervenor status with the right to receive service of all

pleadings, discovery requests, discovery responses, and briefs as well as to file briefs
and otherwise participate in this Proceeding subject to such conditions as the
Department may specify.

Respectfully submitted,

RNK Inc. d/b/a RNK Telecom

By its Attorneys,

/s/

Douglas S. Denny-Brown
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(781) 613-6000

Dated: September 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of September, 2006, a true and correct copy of **RNK Inc. d/b/a RNK Telecom's Late-Filed Petition for Leave to Intervene** was mailed, overnight UPS to:

Mary L. Cottrell
Tina W. Chin
Michael Isenberg
April Mulqueen
Paula Foley
Berhane Adhanom
Stella Finn
Massachusetts Department of
Telecommunications and Energy
One South Station
Boston, MA 02110

and via first class mail, postage prepaid to:

Service List for DTE 06-33

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