

Swidler Berlin Shereff Friedman, llp

January 30, 2001

Kevin Hawley

Direct Dial: (202) 424-7538

Email: KMHawley@Swidlaw.com

3000 K Street, NW, Suite 300

Washington, DC 20007-5116

Telephone (202) 424-7500

Facsimile (202) 424-7645

New York Office

919 Third Avenue

New York, NY 1002

VIA FEDERAL EXPRESS/EMAIL

Mary L. Cottrell, Secretary

Department of Telecommunications & Energy

Commonwealth of Massachusetts

One South Station, Second Floor

Boston, MA 02110

Re: D.T.E. 01-20 Investigation of Rates and Charges of

**Verizon-Massachusetts for Unbundled Network Elements under Section 252 of the
Communications Act of 1996**

Dear Ms. Cottrell:

Please accept for filing in the above-referenced proceeding the original and one copy of

the attached "Motion to Intervene of PaeTec Communications, Inc., El Paso Networks, LLC and Network Plus, Inc." In addition, I have also included one extra copy of the enclosed document. Kindly date stamp and return that copy for our files.

Very truly yours,

Kevin Hawley

cc: Tina Chin, Esq., Hearing Officer (w/enc.)

Michael Isenberg, Esq., Telecommunications Director

Attached Service List (w/enc.)

**DEPARTMENT OF TELECOMMUNICATIONS
COMMONWEALTH OF MASSACHUSETTS**

**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) D.T.E. 01-20
the Appropriate Avoided Cost Discount for Verizon New England,)
Inc.) d/b/a Verizon Massachusetts' Resale Services in the)**

**MOTION TO INTERVENE OF PAETEC
TELECOMMUNICATIONS, INC. EL PASO
NETWORKS, LLC AND NETWORK PLUS, INC**

Pursuant to 220 CMR § 1.03, PaeTec Communications, Inc. ("PaeTec"), El Paso Networks, LLC ("EPN") and Network Plus, Inc. ("Network Plus"), by undersigned counsel, hereby petition for leave to intervene as a party in this docket. In support of its petition, EPN and Pae Tec state as follows:

1. Applicant EPN is a Delaware limited liability company, and is an affiliate of El Paso Energy Corporation ("El Paso Energy"). El Paso Energy is a publicly traded corporation organized under the laws of the State of Delaware. On January 30, 2001, EPN filed its application with the Department for authority to provide facilities-based and resold interexchange and local exchange telecommunications in Massachusetts. EPN's principal place of business is located at:

1001 Louisiana Street

Houston, Texas 77002

Tel: (713) 420-2080

Fax: (713) 420-6400

2. Petitioner PaeTec is a privately held Delaware corporation with principal offices located at 290 Woodcliff Drive, Fairport, New York 14450. PaeTec is a wholly owned subsidiary of PaeTec Corp., a privately held Delaware holding company whose principal business is telecommunications. PaeTec is authorized to provide local exchange and

interexchange telecommunications services in Massachusetts pursuant to its registration statement (filed on July 21, 1998) and its tariff accepted for filing (Aug. 20, 1998).

3. Network Plus is a CLEC authorized to provide facilities-based local exchange services in the Commonwealth. Network Plus' principal place of business is 234 Copeland Street, Quincy, Massachusetts, 02169.

4. Petitioners have a clear and cognizable interest in this proceeding sufficient to justify its intervention as of right. As noted above, PaeTec and Network Plus are authorized by the Department to provide telecommunications services in Massachusetts as a competitive local exchange carrier ("CLEC"), and EPN has such a request pending before the Department. Under Sections 251 and 252 of the Telecommunications Act of 1996, CLECs have a right to use Verizon-MA's transmission loops and other facilities to provide telecommunications service on rates, terms and conditions that are just and reasonable and nondiscriminatory. *See* 47 U.S.C. § 251(c)(2).

CONCLUSION

For the forgoing reasons, PaeTec, EPN and Network Plus respectfully request that the Department grant them the right to intervene in this proceeding.

Respectfully submitted.

Eric Branfman

Kevin Hawley

Swidler Berlin Shereff Friedman, LLP

3000 K Street, N.W.

Suite 300

Washington, D.C. 20007

(202) 424-7500

Counsel for El Paso Network, LLC, PaeTec Communications, Inc. and Network Plus, Inc.

Dated: January 30, 2001

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2001, copies of the foregoing **MOTION TO INTERVENE** were sent via first-class mail, U.S. postage prepaid, to the parties on the attached service list.

Sonja Sykes-Minor

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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the Appropriate Avoided Cost Discount for Verizon New England, Inc.)
d/b/a Verizon Massachusetts' Resale Services in the Commonwealth)
of Massachusetts)

SERVICE LIST

As of January 30, 2001

Tina Chin, Hearing Officer

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02110

phone: 617-305-3578

fax: 617-345-9103

email: Tina.Chin@state.ma.us

Michael Isenberg, Director, Telecom Division

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02110

phone: 617-305-3744

fax: 617-478-2588

email: Mike.Isenberg@state.ma.us

Analyst, Telecommunications Division

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02110

phone: 617-305-3740

fax: 617-478-2588

email:

William Agee, Assistant General Counsel

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02110

phone: 617-305-3500

fax: 617-345-9103

email: William.Agee@state.ma.us

DTE electronic filing: dte.efiling@state.ma.us

Mary L. Cottrell, Secretary

Massachusetts Department of Telecommunications and Energy

One South Station, 2nd Floor

Boston, MA 02110

phone: 617-305-3500

fax: 617-345-9101

Bruce P. Beausejour, Esq.

Verizon Massachusetts

185 Franklin Street

Boston, MA 02110

phone: 617-743-2445

fax: 617-737-0648

e-mail: bruce.p.beausejour@verizon.com;

Karlen J. Reed

Assistant Attorney General

Regulated Industries Division

Office of the Attorney General

200 Portland Street, 4th Floor

Boston, MA 02114

phone: 617-727-2200 ext. 3436

fax: 617-727-1047

email: Karlen.Reed@ago.state.ma.us

Jeffrey F. Jones, Esq.

Kenneth W. Salinger, Esq.

Jay E. Gruber, Esq.

Palmer & Dodge, LLP

One Beacon Street

Boston, MA 02108-3190

phone: 617-573-0449 (JG); 0573 (KS)

fax: 617-227-4420

e-mail: jgruber@palmerdodge.com; jjones@palmerdodge.com;
ksalinger@palmerdodge.com;

-and-

Robert Aurigema, Esq.

AT&T Communications, Inc.

32 Avenue of the Americas - Room 2700

New York, NY 10013

phone: 212-387-5627

fax: 212-387-5613

e-mail: aurigema@lga.att.com

-and-

Patricia Jacobs, Ph.D.

State Manager for Government Affairs

AT&T Communications of New England, Inc.

99 Bedford Street

Boston, MA 02111

Phone: 617-574-3256

Fax: 617-574-3274

email: pjacobs@lga.att.com

FOR: AT&T COMMUNICATIONS OF NEW ENGLAND, INC.

Jim G. White, Esq.

Regulatory Affairs

AT&T Broadband Communications

6 Campanelli Drive

Andover, MA 01810

phone: 978-258-4383

fax: 978-683-7057

email: jgwhite@broadband.att.com

Christopher D. Moore, Esq.

Sprint Communications Company, L.P.

401 9th Street, N.W., Suite 400

Washington, D.C. 20004

phone: 202-585-1938

fax: 202-585-1894

email: christopher.d.moore@mail.sprint.com

Christopher J. McDonald, Esq.

Senior Attorney, Public Policy, Northern Region

WorldCom, Inc.

200 Park Avenue

New York, NY 10166

phone: 212-519-4164

fax: 212-519-4569

e-mail: Christopher.McDonald@wcom.com

Alan D. Mandl, Esq.

Mandl & Mandl, LLP

10 Post Office Square, 6th Floor

Boston, MA 02109

phone: 617-556-1998

fax: 617-556-9046

email: amandl@earthlink.net

Eric J. Krathwohl, Esq.

Rich, May, Bilodeau & Flaherty, P.C.

176 Federal Street, 6th Floor

Boston, MA 02110-2223

phone: 617-556-3857

fax: 617-556-3889

email: ekrathwohl@richmaylaw.com

Russell M. Blau, Esq.

Kevin M. Hawley, Esq.

Eric J. Branfman, Esq.

Swidler Berlin Shereff Friedman, LLP

3000 K Street, NW, Suite 300

Washington, DC 20007-5116

phone: 202-424-7500

fax: 202-424-7643

email: rmbrau@swidlaw.com; ejbranfman@swidlaw.com; kmhawley@swidlaw.com;

Elise P. W. Kiely, Esq.

Kristin Smith, Esq.

Blumenfeld & Cohen

1625 Massachusetts Avenue, NW, Suite 300

Washington, DC 20036

phone: 202-955-6300

fax: 202-955-6460

email: Elise@technologylaw.com; Kristin@technologylaw.com;

Cameron F. Kerry, Esq.

Scott Samuels, Esq.

Mintz Levin Cohn Ferris Glovsky and Popeo, PC

One Financial Center, 39th Floor

Boston, MA 02111

phone: 617-348-1612

fax: 617-542-2241

email: cfkerry@mintz.com; ssamuels@mintz.com;

William J. Rooney, Esq.

General Counsel

Global NAPs, Inc.

10 Merrymount Road

Quincy, MA 02169

phone: 617-689-3200

fax: 617-507-5221

email: wrooney@gnaps.com