



The GateHouse at Ventfort Hall
Village of Lenox, MA 01240-2709

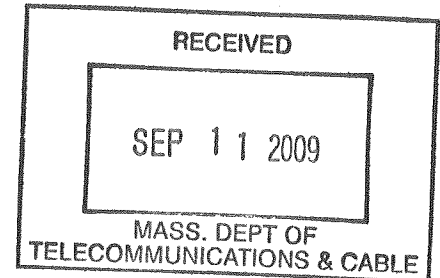
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August 31, 2009

Sec. Catrice C. Williams
Secretary to the Department of Telecommunications and Cable
Two South Station-4th Floor
Boston, Massachusetts 02110.



Dear Sec. Williams:

This is an amendment to the petition filed July 27, 2009 for leave to intervene that must satisfy the timing and substantive requirements of 220 C.M.R. § 1.03.

This is a response to Alexander W. Moore, associate counsel dated Aug. 27, 2009 to allow me only limited intervenor status when he writes: “none of these issues fall within the scope of this proceedings, however, which is an investigation into Verizon MA’s service quality of its (landline) telephone services in Western Massachusetts.”

He has opened up Pandora’s box noting that in the narrow sense I do not have an issue with the “sound quality” on the line yet like others experience outages and have filed complaints with echoes and unreliable service (quality of voice) at various times when I believe the underground cable in Lenox is wet or there is an infringement on the lines clarity between my home at 138 Walker St., and 528 Walker St.

More importantly during the initial session I agreed in part that I had no desire to use my right for discovery but wanted to be able to offer a brief or briefs going forward and more to the point to have an equal voice thereof. (Without objection.)

For the record and upon review, I wish to withhold my right of discovery in light of what I see as an opportunity to forge a new FIBER NETWORK plan. Given Verizon’s stated view, I believe, I have found an issue that will take WMASS forward beyond elected officials’ perceived values of putting \$40 million to \$100 Million to expand broadband without going through the medium of FIBER.

My call for the limited broadband access in a word: A *band-aid* approach. The money would only allow once again only limited service those close to the CO or in a “cluster-like” area and not delivered to the curb, interchange box or the residency. Poor public policy.

Further I raised the issue of the **rumor** that Verizon Communication was planning to lop off 413 as part of its down size plan to rid itself of Maine, New Hampshire and Vermont to Fairpoint.

If this is true, then I can only think that Verizon was worried about the congressional leaders including Ted Kennedy, who among others would be opposed.

This said, the quality of its landline is in dispute. Not perhaps in the narrow sense for its clear, uninterrupted sound, but for its failure to replace and devise a plan going forward to bring **Fiber to the home** much like Verizon has done in the eastern part of the Commonwealth.

NOTE: The Three towns-Hancock, Egremont and Leverett-apparently were looking for better telephone service combined with expansion of broadband. I am sure Verizon officials thought this to be a piece of cake. Upgrade the service and seek some resolution.

Now comes George C. Jordan III with an issue of not only expanding the service but defining the root cause-lack of FIBER-and the whole investigation expands into what one might call limited service to an area with now expansion, upgrades on the horizon.

From the beginning with broadband, I could never figure out why there was not a marriage of ideas, plans and commitment between the leaders in the Commonwealth and Verizon. If I can get Verizon's attention on limited issues, don't you think waving a few million dollars will bring them to the table with a commitment to excellence? I do.

If the issue is about landline, then this investigation should go beyond the original scope of sound (broadband) for Western Massachusetts – **it goes to the upgrade and expansion of Fiber to each of the communities within and throughout Western Mass.**

(I am sure counsel for Verizon will balk at such an idea or allow its consideration given its view to limit the scope of this inquiry. The governor should have its counsel involved as part of the panel since he is a key proponent of broadband expansion.)

Today NECN: New report illustrates New England's digital divide

See link <http://www.necn.com/Boston/SciTech/2009/08/31/New-report-illustrates-New/1251719230.html>

In a state-by-state report http://files.cwa-union.org/speedmatters/state_reports_2009/CWA_Report_on_Internet_Speeds_2009_Appendix.pdf it lists Massachusetts #4.

The report, in my mind, does NOT represent the whole Commonwealth but only eastern Massachusetts.

With COPPER the link in WMASS, I don't believe this is true and, therefore, the quality of the copper line while standard does not address the future nor allow expansion of service and thus becomes in question when the eastern part of the Commonwealth is connected today by Fiber.

I agree there is limited Fiber use in Western Massachusetts between the central offices to empower the utility to better connect areas (COs) to other areas (COs) without echoes and ring backs and it has reduced the time factor from dial to answer. But it has not done anything nor is there any announced plan to integrate Fiber to the home in Western Massachusetts.

The only published reports are to get broadband service to several small communities of which The Boston Globe alludes to in the attachment.

The Boston Globe's editorial calls: *Broaden access for Broadband* for the rural area.

How do you do it without Fiber noting Verizon's build out in the eastern part of the Commonwealth to Fios?

<http://www22.verizon.com/Residential/FiOSInternet/?CMP=KNC-Consumer>

See Boston Globe link

http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2009/08/30/broaden_access_for_broadband/

As a Globe editorialist, I would have called for an immediate plan to fully integrate Western Mass with Fiber for the enhancement of telephone service with updated switches along with incentives to Verizon to devise and implement the build out.

Further, I would have acknowledged the plans to layoff more than 8000 Verizon employees, many of whom could be retained to help install the new Fiber network.

I would integrate the plan with the existing Fiber lines that were installed along the Massachusetts Turnpike more than 10 years ago as part of the package of communication between Boston to Albany.

This investigation of landline should not be limited to small communities by the DPU/DTC to copper, but to the overall assessment to availability of both information and conductivity with Fiber or in the case, the lack thereof.

And it is not just about connecting rural Massachusetts to the Internet, but to connect rural Massachusetts by voice and Internet via Fiber for not only the apartment dweller, the homeowner but to expand the economic development and the enrichment of each community that offers its citizens a particular way of life and not to be denied the opportunity of learning or communicating to friends, relatives or elected officials.

And thus for the company, Verizon, to deny by counsel my failure to outline "peculiar damage" defined: **peculiar**

-Adjective

1. strange; queer; odd: peculiar happenings.
2. uncommon; unusual: the peculiar hobby of stuffing and mounting bats.
3. distinctive in nature or character from others.
4. belonging characteristically (usually fol. by to): an expression peculiar to Canadians.
5. belonging exclusively to some person, group, or thing: the peculiar properties of a drug.
6. Astronomy. designating a star or galaxy with special properties that deviates from others of its spectral type or galaxy class.

-Noun

7. a property or privilege belonging exclusively or characteristically to a person.
8. British. a particular parish or church that is exempted from the jurisdiction of the ordinary or bishop in whose diocese it lies and is governed by another.
9. peculiars. Also called arbitraries. British Printing. special characters not generally included in standard type fonts, as phonetic symbols, mathematical symbols, etc.

I am sure that Atty. Moore did not have the following link in mind when he wrote of a *peculiar damage* suit:

<http://query.nytimes.com/gst/abstract.html?res=9401E7DA1730E633A25753C3A9639C94669FD7CF> which reads:

A Peculiar Damage Suit from the New York Times dated May 30, 1887:
ATLANTA, GA, May 29. –A peculiar suit for damages has been instituted under the Civil Rights bill against the Central Railroad. The complainant is a white man, Col. j. N. Hale, of Henry County, who is aggrieved because he was not allowed to ride in the “Jim Crow car.” as the coaches set aside for negroes is called. He claimed that his ticket entitled him to ride anywhere on the train. The conductor, Mr. Reneau, did not take his view of the case and had Col. Hale ejected from the train. For this indignity Col. Hale claims \$2,500 damages.

A company is given utility status by the Commonwealth and its citizens who want good reliable service with new Fiber and switches to ensure effective communication for the public-at-large and not in the narrow view of a landline(s) serving a community or area as the status quo.

(In telephone communications today, we are well past the point where we could tell by the ring where the call was being connected to or the delay in connections. With Fiber, I am sure that a lot of these COs could be reduced in size to handle points of connection and a couple of switches. Today, there is no more local operator and service is almost for a regional facility.)

When I moved to Berkshire County in 1977 there was a pulse dial in Lee. Shortly thereafter when I moved to Lenox in 1979, there was slow dial (tone). Pittsfield was later upgraded with advance technology in the early 80s to serve General Electric, but it did not serve the whole county. Today, it could be a central office with Fiber to the remote COs.

Holyoke could become the Fiber center for the Pioneer Valley with connection to the Mass Turnpike Fiber and served the needs throughout WMASS.

Springfield Republican notes: ***Computer Center a Coup for Holyoke***
http://www.masslive.com/opinion/index.ssf/2009/06/computer_center_a_coup_for_hol.html

Verizon offers its own view of its commitment to technology:
http://www22.verizon.com/about/community/ma/technology/tech_index.html

Further a case can be made as to why an observer from Lenox may be equal to the attorney general in the purest sense: I live here.

NOTE: Nearly seven years ago, I purchased a house in LenoxDale to serve as an office for The Berkshire Beacon, which was about 18,000 feet from the CO. At that time the DSL service radius was about 15,000 feet. Working my way through various levels of managers, I finally got Verizon to set up and install a DSL line. Man-hours spent: Close to \$5,000.00.

At the time, I was thinking about how improvements to the signal (landline) could improve the character of Lenox-the summer home of many of the arts-and serve as a model for Western Massachusetts for an upgrade for DSL (broadband) and connectivity through the use of Fiber.

Once you lay Fiber, there is virtually no maintenance of the line.

This idea fell on deaf ears probably because I didn't have the connections to pull it off and certainly the International Brotherhood of Electrical Workers (IBEW) were probably not in favor noting that it would be a loss of jobs down the road.

With pockets of educational facilities, industrial based communities and average citizens awaiting the promise of a new day through Fiber, which will be our salvation and connection to the world.

Why not Lenox as a model to the new frontier and why not seek the link, the upgraded Fiber line, that would allow us connection for improved voice, television and Internet service?

With the absolution of change from the days of water that powered our electricity and mills and established our communities nearby, it is the copper wire today that limits our horizon to communicate.

Cable and Fiber are the future that will allow us to connect at greater speed and to seek information around the world.

Years ago, transportation was limited to trolleys, trains and buses and in a limited sense to vehicles. Information was derived from schools and libraries and interaction with neighbors and friends.

Technology today has reduced the need for postal sorting machines in county cities and once again it is becoming a regional service. This is the same concept that the

telephone company wants to employ yet Verizon's plan does not include rural America-only cosmopolitan America.

Isn't this the type of America that Ted Kennedy opposed-one of disenfranchise not because of wealth but because of location?

Today, the telephone's landline and the Internet through copper via dial-up or with a modem and an Ethernet connection are the main avenues for connectivity.

Cable's Fiber offers an alternative at a higher price and improved speed. To a lesser degree is wireless connection for some in remote areas.

To date there has been no intent, no plan, desire or incentive for Verizon to re-wire WMASS. Today the call has to begin at the evidentiary INVESTIGATION that the Department of Telecommunication and Cable has allowed to force this public utility to implement an expedite plan for today-not tomorrow.

Fiber and upgraded and improved switches are our future. With Fiber comes FIOS, which means voice, television, and Internet.

Why should the general populace of Western Massachusetts be denied access to an upgraded telephone company, which supplies these services to the eastern part of the Commonwealth?

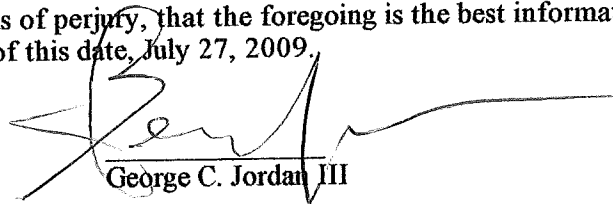
To do less, is to create a sub culture for individuals living in the remote hills and valleys of Western Massachusetts.

I have asked and I have sought to create a model town of communication for Lenox as not only the place I live and work, but as a summer tourist community that brings people from all walks of life to enjoy and celebrate the arts from Tanglewood, to Shakespeare to The Berkshire Theater festival in Stockbridge to the our own historical places of the Mount and The Museum of the Gilded Age.

In closing, perhaps by echoing Ted Kennedy's own admission that health care for all was first on his list followed by an education plan that would ensure America's dominance in growth and independence and help create a better tomorrow.

Written comments intended to be part of the evidentiary record in any subsequent adjudicatory hearing must be signed and accompanied by an affidavit attesting to the veracity of the facts contained therein.

Thus, I sign under pains of perjury, that the foregoing is the best information available to my knowledge as of this date, July 27, 2009.



George C. Jordan III

Attachment:

**Broaden access for broadband
August 30, 2009**

http://www.boston.com/bostonglobe/editorial_opinion/editorials/articles/2009/08/30/broaden_access_for_broadband/

MUCH AS the federal government assisted in rural electrification decades ago, lighting the way to progress, now the government must help bring broadband Internet service to Western Massachusetts. The region has lagged behind the rest of the state in this crucial component of economic development. A part of the Commonwealth that saw its infrastructure shortchanged while the state poured money into the Big Dig deserves better.

The Patrick administration is trying to rectify the lack of high-speed computer access with a bid for \$100 million from the federal government's economic stimulus package. That package includes \$7.2 billion for the promotion of high-speed access nationwide. The grants require matches from the states, but Massachusetts is ready on that score: The Massachusetts Broadband Institute has bonding authority for \$40 million. All that's needed is for the Obama administration to approve the state grant in the first round of awards in November.

Providing broadband to the 43 Western Massachusetts towns that lack it entirely or in part could kickstart the economy of a region that has suffered from the decline of basic industries like paper and electrical equipment. According to federal figures, communities with broadband add a percentage point to their employment growth rate. The state estimates that extending broadband in the western counties will create 1,360 jobs in construction alone and at least 1,680 additional jobs through use of the network.

That figure could prove low. Once broadband is added to the region's other advantages – a relaxed lifestyle and relatively low living costs – Western Massachusetts hill towns could become a magnet for self-employed consultants, Web designers, and other professionals. High tech startups that might have shunned the region because their employees in outlying towns lacked broadband service for telecommuting might give it a second look.

Rural areas in this state and elsewhere lack broadband service for the same reason they were slow to get electricity: The return on investment for private providers is slow when houses and businesses are few and far between. A private company would need 30 years just to break even on broadband investment in a rural area. The state should do whatever it can to move its western counties out of the breakdown lane of the information superhighway.

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