

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Investigation by the Department on its Own Motion to Determine whether an Agreement entered into by Verizon New England Inc., d/b/a Verizon Massachusetts is an Interconnection Agreement under 47 U.S.C. § 251 Requiring the Agreement to be filed with the Department for Approval in Accordance with 47 U.S.C. § 252

DTC 13-6

**XO COMMUNICATIONS SERVICES, INC.'S PETITION TO INTERVENE**

XO Communications Services, Inc. ("XO") petitions to intervene pursuant to 220 C.M.R.

1.03(1). In support of its petition, XO states as follows:

1. XO is a competitive telecommunications provider duly registered with the Department to provide, and which does provide, telecommunications services and has its place of business in Massachusetts at 1601 Trapelo Rd #135, Waltham, MA 02415.

2. XO is substantially affected by this proceeding in at least the following ways:

a. Verizon has stated that it has entered at least one agreement to interconnect in IP to exchange traffic in IP format. *See In re AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, Reply Comments of Verizon and Verizon Wireless at 8 (Feb. 25, 2013);<sup>1</sup> *In re Connect America Fund*, WC DocketNo. 10-90, Comments of Verizon at 14 (Feb. 24, 2012);<sup>2</sup> *Petition for a Determination that Verizon IP-to-IP Interconnection Agreements Must be Filed for Review and Approval and for Associated Relief*, DTC 13-2, Verizon's Motion to Dismiss at 4 n. 9 (Feb. 14, 2013).<sup>3</sup>

---

<sup>1</sup> <http://apps.fcc.gov/ecfs/document/view?id=7022124909>

<sup>2</sup> <http://apps.fcc.gov/ecfs/document/view?id=7022124909>

<sup>3</sup> <http://www.mass.gov/ocabr/docs/dtc/dockets/13-2/vrzmtdismiss.pdf>

b. In this proceeding, the Department will decide if such IP interconnection agreements are subject to filing pursuant to 47 U.S.C. § 252.

c. The Department will also decide if it must review any such agreement to determine if any portion of it discriminates against telecommunications carriers not a party to it, such as XO, or if its implementation is not consistent with the public interest, convenience, and necessity.

d. XO has an interest in, among other matters, ensuring that any such agreement does not discriminate against it and determining whether it potentially has the right to “opt into” such agreement pursuant to 47 U.S.C. § 252(i).

3. XO’s interests are not adequately represented by other parties to this proceeding. Competing carriers have distinctive competitive and market strategies, with the result that, while their interests may generally be parallel, each has a separate perspective on matters such as marketplace and technical changes and how such changes do and should affect the regulatory obligations of ILECs such as Verizon.

4. The participation of XO will not impair the orderly conduct of the proceeding. To the contrary, XO believes that its participation will assist the Department in developing and resolving such factual and legal issues as may arise.

5. XO expects to participate fully in the proceeding, including but not limited to some or all of: conducting discovery, providing evidence, participation in hearings, and submitting comments and briefs.

Wherefore, for the reasons above, XO respectfully requests leave to intervene.

June 28, 2013

By its attorney

A handwritten signature in black ink, appearing to read 'CWS', with a stylized flourish at the end.

Christopher W. Savage  
DAVIS WRIGHT TREMAINE, LLP  
1919 Pennsylvania Avenue N.W. Suite 800  
Washington, DC 20006  
202-973-4211 (tel)  
202-973-4499 (fax)  
[chrissavage@dwt.com](mailto:chrissavage@dwt.com)

**Certificate of Service**

I certify that on June 28, 2013 I caused the foregoing document to be served by Federal

Express overnight delivery upon:

Alexander W. Moore, Esq.  
Deputy General Counsel  
Verizon  
125 High Street  
Oliver Tower, Floor 7  
Boston, MA 02110-1585

Gregory M. Kennan (BBO #267780)  
Fagelbaum & Heller LLP  
20 N. Main St., Suite 125  
Sherborn, MA 01770



---