

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

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Complaint of Choice One Communications of Massachusetts Inc.,)
Conversent Communications of Massachusetts,)
LLC, CTC Communications Corp., and Lightship Telecom, LLC) D.T.C. 08-3
(collectively, “One Communications”), Concerning Alleged)
Unlawful Charges Imposed by Verizon New England Inc.,)
d/b/a Verizon Massachusetts for Access Toll Connecting)
Trunk Ports and E911/911 Dedicated End Office Trunk Ports)
)

May 15, 2008

HEARING OFFICER’S RULING ON
BAYRING COMMUNICATIONS’ PETITION TO INTERVENE

On February 15, 2008, Choice One Communications of Massachusetts Inc., Conversent Communications of Massachusetts, LLC, CTC Communications Corp., and Lightship Telecom, LLC (collectively, “One Communications”), filed a Complaint with the Massachusetts Department of Telecommunications and Cable (“Department”), pursuant to G. L. c. 159, §§ 10, 12, 13, 19, and 20; and 220 C.M.R. § 1.04, against Verizon New England Inc., d/b/a Verizon Massachusetts (“Verizon”). In its Complaint, One Communications alleges that Verizon is unlawfully imposing charges for Access Toll Connecting Trunk Ports and E911/911 Dedicated End Office Trunk Ports in violation of Massachusetts General Laws; rules and regulations promulgated by the Department; Verizon’s Tariffs; and the interconnection agreements between the Complainants and Verizon. On February 27, 2008, Verizon filed its Answer with the Department. In its Answer, Verizon denies that it has engaged in any unlawful acts and denies the allegations in the Complaint.

On April 8, 2008, Freedom Ring Communications, L.L.C. d/b/a BayRing Communications (“BayRing”) filed a Petition to Intervene and Notice of Appearance (“Petition”). Counsel for One Communications and Verizon notified the Department on May 12, 2008, that they do not oppose the Petition. In short, BayRing’s Petition asserts:

BayRing has opted into the Verizon/MCI metro interconnection agreement, which is one of the interconnection agreements that One Communications alleges Verizon has breached by imposing charges for ATC Trunk Ports (Petition, ¶ 4).

As in the case with One Communications, Verizon has recently begun unlawfully imposing charges on BayRing for ATC Trunk Ports in violation of Massachusetts law, the interconnection agreement between BayRing and Verizon, and Verizon tariffs (Petition, ¶ 5).

Verizon is attempting to impose the very same ACT Trunk Port charges on BayRing that it is imposing on One Communications, in violation of the same interconnection agreement and the same tariffs as described in the complaint of One Communications (Petition, ¶ 6).

BayRing's interests will be substantially and specifically affected by the issues in this docket. In particular, its expenses will be affected by the Department's interpretation of the MCI metro interconnection agreement and applicable tariffs (Petition, ¶ 10).

BayRing's interests cannot be adequately represented by another party (Petition, ¶ 11).

A petition for leave to intervene must satisfy the substantive requirements of 220 CMR 1.03(1). To do so, a petitioner must establish that it is substantially and specifically affected by the proceeding. 220 CMR 1.03(1)(b). The Department finds that BayRing has established that it is substantially and specifically affected by this proceeding and that its Petition otherwise satisfies the requirements of 220 CMR 1.03(1)(b). Therefore, the Department grants BayRing leave to intervene in this proceeding.

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commission by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.

/s/ Betsy S. Whittey
Betsy S. Whittey
Hearing Officer