

**RCN BECOM, LLC.**

**COMMONWEALTH OF MASSACHUSETTS**

**D.T.E. 99-271**

**Respondent:** Patrick Musseau

**Title:** Aerial & Underground  
Licensing Supervisor

**REQUEST:** Department of Telecommunications and Energy

**DATED:** January 4, 2000

**ITEM:** DTE 136: Please provide a list of the provisions of the aerial or underground master license agreements that RCN considers to be discriminatory and therefore in violation of the Telecommunications Act of 1996. Please state whether any of these provisions have been enforced against RCN since the passage of the 1996 Act.

**RESPONSE:** RCN considers the following provisions of Bell Atlantic's aerial master license agreement to be discriminatory and in violation of the Telecommunications Act of 1996:

- ! Section 4.2 permits parties seeking pole attachments to apply for only 2000 attachments at one time in each Planning Manager's Area. This provision effectively gates the entry strategies of Bell Atlantic's competitors.
- ! Section 3.3.2 states "Licensee shall make an advance payment of the applicable Charge to licensor prior to any performance by the Licensor of any Pre-construction Survey, Make-ready Work, Post-construction Inspection or Subsequent Inspection." This requirement forces requesting carriers to tie up funds for pole attachments, even though Bell Atlantic takes many months and sometimes more than a year to complete the work.
- ! No provision in the licensing agreement permits the use of temporary pole attachments. Bell Atlantic routinely uses such attachments in order to offer service rapidly while waiting for the completion of the make-ready work necessary for permanent attachments. Competitors should

be able to use such temporary attachments to the same degree and in the same manner as Bell Atlantic does.

- ! No provision in the licensing agreement permits attaching cabling on the field side of poles. Bell Atlantic itself engages in this practice, which saves money by expanding pole space and reducing the number of occasions on which poles must be replaced.

Bell Atlantic has enforced all of these provisions against RCN.

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**REQUEST:** Department of Telecommunications and Energy

**DATED:** January 4, 2000

**ITEM:** DTE 141: Please state how many aerial and conduit make-ready applications RCN has had, how many of them were completed in 90 days, how were not completed in 90 days and, for the latter group, the length of the delay.

**RESPONSE:** Please see the attached chart for the requested information.

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**Respondent:** Patrick Musseau

**Title:** Aerial & Underground  
Licensing Supervisor

**REQUEST:** Bell Atlantic - Massachusetts

**DATED:** January 4, 2000

**ITEM:** DTE 143: Please state whether RCN has disputed any charges in 1999 and please provide any associated documentation.

**RESPONSE:** Although RCN believes that Bell Atlantic's pole attachment charges are excessive, RCN did not dispute any of them in 1999.

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**REQUEST:** Department of Telecommunications and Energy

**DATED:** January 4, 2000

**ITEM:** DTE 144: Please provide information on the number of poles that RCN has in other states.

**RESPONSE:** RCN has the following number of poles in the following states:

New York -- 60,000+ poles

Pennsylvania -- 25,000+ poles

Maryland -- 10,000+ poles

Virginia -- 10,000+ poles

District Columbia -- 10,000+ poles

New Jersey -- None at this time but RCN forecasts at least 20,000+ poles in 2000.

Please note that the numbers for Maryland, Virginia, District of Columbia and Pennsylvania may be revised in the future because RCN's research for this request is not yet complete.

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**Title:** Aerial & Underground  
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**REQUEST:** Department of Telecommunications and Energy

**DATED:** January 4, 2000

**ITEM:** DTE 149: Please recommend performance standards for the provisioning of poles and conduit by Bell Atlantic - Massachusetts. In doing so, please take into account problems in provisioning of poles and conduit that are caused by parties other than Bell Atlantic - Massachusetts.

**RESPONSE:** RCN proposes the following performance standards:

- ! Bell Atlantic should complete pole surveys within 30 days from the date of application. The performance standards associated therewith would be (1) the average amount of time in which Bell Atlantic completes surveys; (2) the percentage of applications for which Bell Atlantic completes the survey work within 30 days; and (3) the average delay, beyond 30 days, that Bell Atlantic requires to complete surveys.
- ! Bell Atlantic should complete make-ready work for every application (of 2000 poles) within 6 months from the date of payment for the survey. The performance standards associated therewith would be (1) the average amount of time in which Bell Atlantic completes make-ready work; (2) the percentage of applications for which Bell Atlantic completes the make-ready work within 6 months; and (3) the average delay, beyond 6 months, that Bell Atlantic requires to complete make-ready work.
- ! Bell Atlantic should provide poles that do not need make-ready work to requesting carriers within 10 business days. The performance standards associated therewith would be (1) the average amount of time in which Bell

Atlantic provides such poles; and (2) the percentage of applications for such poles that are not provided within 10 business days.