



**KOPELMAN AND PAIGE, P.C.**  
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September 6, 2007

**Docket No.:**

**D.T.C.** 07-5

**Janet Pumphrey**

[Jhpumphrey@k-plaw.com](mailto:Jhpumphrey@k-plaw.com)

Catrice C. Williams, Secretary  
Department of Telecommunications & Cable  
One South Station, 4<sup>th</sup> Floor  
Boston, MA 02110

Re: Town of Rowe Petition

Dear Ms. Williams:

Per my e-mail, enclosed please find a substituted Petition for the Town of Rowe. The Petition I originally filed had a typographical error.

Please telephone me should you have any questions.

Very truly yours,

Janet H. Pumphrey

enclosures

cc: Verizon New England Telephone and Telegraph, Inc. (w/ enclosure)  
Hon. Myra Carlrow, Chairman, Board of Selectmen (w/o enclosure)

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COMMONWEALTH OF MASSACHUSETTS  
Department of Telecommunications and Cable

Town of Rowe, by and through its	)	
Selectmen	)	
Petitioner,	)	
	)	Petition Relative to Telephone Service
v.	)	Pursuant to G.L. c. 159, § 24
	)	
Verizon New England Telephone	)	
and Telegraph, Inc.,	)	
Respondent	)	

Parties

1. The Petitioner, Town of Rowe (hereinafter, "Rowe" or the "Town"), is a municipal corporation established under the laws of the Commonwealth of Massachusetts and located in Franklin County. Its Town offices are located at 321 Zoar Road, Rowe, MA 01367.
2. The Respondent, Verizon New England Telephone and Telegraph, Inc., d/b/a Verizon Massachusetts (hereinafter "Verizon") is a corporation doing business in Rowe with a principal place of business at 185 Franklin Street, Boston, MA 02110-1585.

Jurisdiction

3. Jurisdiction for this Petition is provided by G.L. c. 159, § 24 and 220 C.M.R. 1.00, *et seq.*

Facts

4. Rowe has a population of 402, with a large proportion of elderly residents, a number of people who live alone, and quite a few self-employed people. Lack of reliable telephone service is especially a hardship for these groups of people.
5. The Town borders Vermont on the north and Monroe Bridge on the west.
6. There is no cellular telephone service or Broadband Internet service (including DSL, Cable, Fiber, WWAN, or any other form) available at all in Rowe.
7. Verizon is the only land-line telephone service provider in Rowe.

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8. Subscribers to Verizon telephone service have serious complaints about frequent and wide-spread noise on the line, which consists of chatter, static, hums, and other voices. The noise on the line is so severe that it is often difficult to hear the voice of the person on the telephone.
9. Subscribers to Verizon telephone service have serious complaints about intermittent loss of service, dropped and interrupted calls.
10. Subscribers to Verizon telephone service have serious complaints about frequent total outage of telephone service.
11. Subscribers to Verizon telephone service have serious complaints about the long wait for both installation of new service and for repairs. The wait for repair of telephone service can be as long as five to seven days, and the wait for installation of new telephone service can be as long as several months.
12. Because there is no alternative telephone service available in Rowe and because the population is elderly, the unreliable land-line telephone service currently provided by Verizon presents a serious hazard to the health and safety of the residents of the town. In the event of an emergency it is highly likely that a Rowe resident would be unable to make an out-going telephone call to seek assistance.
13. There are two remote terminals ("RT's") in Rowe which are old, outdated, and overcrowded. In addition, the cables bringing service to the Town are far from the nearest Central Office (in Charlemont), and Verizon linemen have often said that these cables are difficult to repair and susceptible to weather.
14. In addition to this Petition filed by the Town of Rowe through its Board of Selectmen, the Department of Telecommunications and Cable (hereinafter the "Department") has also received twenty-six (26) complaints (representing more than 10% of the approximately 200 households in the Town) from individual residents in Rowe.
15. Notwithstanding repeated demands from citizens and public officials, Verizon has failed to remedy the inadequate service to Rowe's residents.

#### Count I: Failure to Provide Adequate Telephone Service

16. Pursuant to G.L.c. 159, § 24, in failing to provide adequate services, Verizon is subject to the order and jurisdiction of the Department to remedy its failure to provide adequate services.

WHEREFORE, the Town requests that the Department: (1) grant a public hearing in Rowe to take testimony from the residents about the wholly inadequate telephone service provided by Verizon; (2) examine the condition and operation of Verizon with respect to the provision of

telephone service; (3) order Verizon to improve the quality of telephone service to Rowe; (4) order Verizon to install fiber optic line to the two Remote Terminals, upgrade the equipment in those terminals to provide reliable, quality phone service with sufficient capacity to handle growth of the community, including provision of DSL service in the future; and (5) grant any other relief that the Department may deem reasonable and just.

Count II: Failure to Provide Services to Certain Customers

17. Pursuant to G.L.c. 159, § 24, in failing to provide services to certain customers, Verizon is subject to the order and jurisdiction of the Department to remedy its failure to provide services.

WHEREFORE, the Town requests that the Department: (1) grant a public hearing in Rowe to take testimony from the residents about the wholly inadequate telephone service provided by Verizon; (2) examine the condition and operation of Verizon with respect to the provision of telephone service; (3) order Verizon to provide service to all Verizon customers in the Town of Rowe; (4) order Verizon to install fiber optic line to the two Remote Terminals and upgrade the equipment in those terminals to provide reliable, quality phone service with sufficient capacity to handle growth of the community, including DSL in the future; and (5) grant any other relief that the Department may deem reasonable and just.

**Pursuant to the above claims, the Town requests a hearing before the Department of Telecommunications and Cable.**

Respectfully submitted,  
TOWN OF ROWE  
By its attorney



Janet Hetherwick Pumphrey  
Kopelman and Paige, P.C.  
45 Walker Street  
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(413) 637-4300  
BBO # 556424

Certificate of Service

I, Janet Hetherwick Pumphrey, hereby certify that I have served the foregoing Petition upon Verizon New England Telephone and Telegraph, Inc., d/b/a Verizon Massachusetts, 185 Franklin Street, Boston, MA 02110-1585, by first class mail, pursuant to 220 C.M.R. 1.05(1)(a).

A handwritten signature in black ink, appearing to be 'JP' with a stylized flourish, positioned above a horizontal line.

Janet Hetherwick Pumphrey

August 31, 2007