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October 15, 2010

Catrice C. Williams, Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, Massachusetts 02118-6500

***Re: DTC 10-2 – Petition of Choice One Communications of Massachusetts Inc.,
Conversent Communications of Massachusetts Inc., CTC Communications
Corp. and Lightship Telecom LLC for Exemption from Price Cap on Intrastate
Switched Access Rates as Established in D.T.C. 07-9***

Dear Ms. Williams:

Enclosed for filing in the above-referenced matter is Verizon's Motion to Compel
Discovery.

Thank you for your assistance in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Fipphen".

Richard C. Fipphen

cc: Lindsay DeRoche, Hearing Officer
Kajal Chattopadhyay, General Counsel
Michael Isenberg, Director, Competition Division

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Petition of Choice One Communications of Massachusetts)
Inc., Conversent Communications of Massachusetts Inc.,)
CTC Communications Corp. and Lightship Telecom LLC) D.T.C. 10-2
for Exemption from Price Cap on Intrastate Switched)
Access Rates as Established in D.T.C. 07-9)

MOTION TO COMPEL DISCOVERY

Verizon New England Inc. d/b/a Verizon Massachusetts (“Verizon Massachusetts”), MCImetro Access Transmission Services of Massachusetts, Inc., d/b/a Verizon Access Transmission Services, MCI Communications Services, Inc., d/b/a Verizon Business Services, Verizon Long Distance LLC, and Verizon Select Services, Inc. (collectively “Verizon” or “the Verizon companies”) hereby move, pursuant to 220 C.M.R. § 1.06(6)(c)(4), to compel Conversent Communications of Massachusetts, Inc., Lightship Telecom, LLC, Choice One Communications of Massachusetts Inc., and CTC Communications Corp. (hereafter “One Comm” or “One Communications”) to produce responses to certain discovery requests propounded by Verizon. Specifically, Verizon seeks an order compelling One Comm to provide further responses to VZ-One Comm 3-31, 3-32, 3-33, 4-5, and 4-6. These requests seek information that is directly relevant to important issues in this proceeding. The requests are discrete and reasonable in scope and the requested information will be a significant contribution to the record being developed in this proceeding.

Prior to bringing this motion, the undersigned counsel conferred with One Comm's counsel to attempt to resolve One Comm's objections to producing the requested information and/or the completeness of its responses.

Request VZ-One Comm-3-31

Please provide One Communications' non-recurring revenues for 2007, 2008 and 2009.

One Com has objected to Verizon's request on the grounds of relevance. The requested information is relevant because Verizon intends to propose an adjustment to the NUCA Model to address a deficiency in the model. Specifically, the NUCA model does not exclude One Comm's costs associated with generating one-time charges, *e.g.* service connection or activation fees, which are typically recovered directly from One Comm's end user customers. In order for Verizon to estimate the appropriate adjustment to the NUCA Model, Verizon needs discovery on the amount of One Comm's non-recurring revenues, to determine the percentage of One Comm's total revenues that are derived from non-recurring revenues. Thus, the information requested in VZ 3-31 is not only well within the broad scope of discovery but is in fact highly relevant to an important issue in this proceeding. One Comm should be directed to comply with this request.

Request VZ-One Comm-3-32

Please provide One Communications' retail (by type of retail service – *i.e.*, bundled services, DSL, business, digital voice, PRI, etc.) and wholesale (by type – *i.e.*, private line, orig/term services, etc.) Massachusetts revenues for 2007, 2008 and 2009. Also provide One Communications' total retail and wholesale Massachusetts revenues for 2007, 2008 and 2009.

Request VZ-One Comm-3-33

If not provided in response to the above data requests, please provide the information requested in 3-32 above for each of the following companies: CTC Communications Corp., Lightship Telecom, LLC, Choice One Communications of Massachusetts, Inc., and Conversant Communications of Massachusetts, Inc.

The above requests are relevant because Verizon intends to propose an adjustment to the NUCA Model to address a deficiency in the model. Specifically, the NUCA model does not exclude One Comm's costs associated with providing services to *retail* customers. Since switched access service is a *wholesale* service, the company's costs in a number of areas — *e.g.* sales, marketing and customer service — should be significantly less for wholesale customers. In order for Verizon to estimate the appropriate adjustment to the NUCA Model, Verizon needs discovery on how One Comm's revenues break down between retail and wholesale services. Further, since One Comm is the product of multiple mergers, the relative mix may vary considerably from company to company. Therefore, Verizon has requested that this information be provided on a company-specific basis.

One Comm has objected to both requests on the grounds of relevance. As explained above, the requested information in VZ 3-32 and VZ 3-33 is highly relevant to an important issue in this proceeding. One Comm should be directed to comply with these two requests.

Request VZ-One Comm-4-5

Please provide One Communications' average revenue per minute in Massachusetts for intrastate switched access for the months of July, August, and September, 2010. Please provide One Communications' monthly intrastate Massachusetts switched access revenues and minutes of use for July, August and September 2010.

Request VZ-One Comm-4-6

Please refer to the direct testimony of Dr. Ankum at page 7, line 18, where Dr. Ankum states that “the rate cap permits recovery of \$0.003752 per minute of use ...” (footnote omitted). What is One Communications’ recovery per minute of use under the tariff revisions that the One Communications companies made in compliance with the Department’s Order in D.T.C. 07-9?

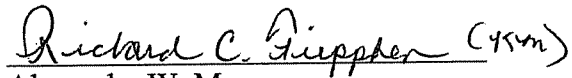
The above questions — VZ 4-5 and VZ 4-6 — seek the same information: what is One Comm’s average revenue per minute for intrastate switched access in Massachusetts since the effective date of its compliance tariffs in D.T.C. 07-9, *i.e.* June 22, 2010. This information is relevant to determining whether One Comm has misstated the rate cap against which its estimated costs should be compared. In One Comm’s filing in this docket, One Comm attempts to show that its costs exceed a cap of \$0.003752. Verizon will argue that the cap for One Comm may actually be higher, depending upon what switched access functions it actually provides and bills to other carriers. The best way to determine the applicable cap for One Comm is to examine One Comm’s intrastate switched access revenues and minutes of use in Massachusetts since June 22, 2010.

One Comm has responded to these requests as follows. It objected to VZ 4-5 on the grounds of relevance, but then provided a cross-reference to Mr. Webber’s direct testimony and One Comm’s responses to DTC 1-10 and DTC 1-25. None of these cross-references contain the requested information. One Comm’s response to VZ 4-6 simply stated that One Comm filed tariff changes in compliance with the Order in D.T.C. 07-9, which is not responsive to the request. For the reasons set forth above, the requested information is highly relevant to an important issue in this proceeding. One Comm should be directed to comply with these two requests.

Respectfully submitted,

VERIZON NEW ENGLAND INC., MCIMETRO
ACCESS TRANSMISSION SERVICES OF
MASSACHUSETTS, INC., MCI
COMMUNICATIONS SERVICES, INC., VERIZON
LONG DISTANCE LLC, and VERIZON SELECT
SERVICES, INC.

By their Attorneys,

 (ysm)

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Dated: October 15, 2010