

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: IMPLEMENTATION OF THE REQUIREMENTS OF DOCKET NO. 3550
THE FEDERAL COMMUNICATIONS COMMISSION'S
TRIENNIAL REVIEW ORDER

NOTICE OF IMPLEMENTATION

Pursuant to provisions of the Rhode Island General Laws Section 39-1-1 et seq., as amended, the Rhode Island Public Utilities Commission ("PUC") initiated a proceeding to implement the requirements of the Federal Communications Commission's ("FCC") Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket no. 01-338; Implementation of the Telecommunications Act of 1996, CC Docket No. 96-98; Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, FCC 03-36 (rel. August 21, 2003) ("Triennial Review Order"). In this docket, the PUC will conduct a proceeding to address the FCC's conclusion as follows:

- 1) The Commission will have 90 days from the effective date of the FCC's order, October 2, 2003, to conduct a proceeding that will allow Competing Local Exchange Carriers ("CLECs") to rebut the FCC conclusion that switching for large business customers serviced by high-capacity loops, such as DS-1, will not longer be unbundled based on a national finding of "no-impairment". The PUC will inquire into the ability's of CLECs to offer local service to business customers without access to Verizon New England, Inc. d/b/a Verizon Rhode Island's switching facilities. If no Rhode Island CLEC seeks to have the PUC rebut the FCC's finding, the PUC concludes that to attempt to do so without any CLEC involvement might be an unnecessary use of PUC's resources. Therefore, at least one CLEC operating in Rhode Island must file with the PUC a request for finding of impairment for switching to enterprise customers in the instant docket by 4:00 p.m. on October 2, 2003. If no CLEC files a written request by that time, the PUC will not request a waiver of the FCC's finding concerning CLEC's access to switching for customers service by high-capacity loops.
- 2) The PUC will have nine months from the effective date of the FCC's order, October 2, 2003, to conduct a proceeding in which to determine whether switching for mass market customers (i.e., residential and small business customers) will continue to be offered as an unbundled element to CLECs. The PUC will inquire into the ability of CLECs to offer local service to mass market customers without access to Verizon's switching facilities. Therefore, a local exchange carrier operating in Rhode Island must file with the PUC a request for finding of no impairment regarding switching for mass market customers or for a specific loop or specific transport route by 4:00 p.m. on December 1, 2003.

The deadline to file a Motion to Intervene as a party in this docket is October 2, 2003. Filings submitted with the PUC must be filed in conformance with the PUC's Rules of

Practice and Procedure. The docket is on file for examination at the Commission's office, 89 Jefferson Boulevard, Warwick, RI. The docket may also be accessed at www.ripuc.org/docket/3550page.html.

Reference is made to Chapters 39-1, 39-3 and 42-35 of the Rhode Island General Laws; specifically Sections 39-1-7, 39-1-8, 39-1-11, 39-1-12, 39-1-18, 39-1-20, 42-35-8, 42-35-9 and 42-35-10.

Luly E. Massaro
Commission Clerk
September 18, 2003