STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: VERIZON-RHODE ISLAND'S	:	
FILING OF JANUARY 13, 2006 TO	:	DOCKET NO. 3721
AMEND TARIFF NO. 18	:	

REPORT AND ORDER

On February 4, 2005, the FCC issued the Triennial Review Remand Order ("TRRO") which adopted new unbundling rules ("UNE Rules"). Regarding loops, the FCC determined that competitive local exchange carriers ("CLECs") are not impaired without unbundled access to DS1 loops served from a wire center that has at least 60,000 business lines and four fiber-based collocators, and that CLECs are not impaired without unbundled access to DS3 loops served from a wire center that has at least 38,000 business lines and four fiber based collocators. As for transport, the FCC ruled that CLECs are not impaired without unbundled access to dedicated DS1 transport between wire centers ("Tier 1") that each serve at least 38,000 business lines or four fiber-based collocators, and that CLECs are not impaired without unbundled access to dedicated DS3 transport or dark fiber transport between wire centers ("Tier 2") that each serve at least 24,000 business lines or three fiber-based collocators. Furthermore, the FCC created a transition period of twelve to eighteen months commencing March 11, 2005, during which, CLECs will pay higher rates for utilizing these unbundled network element ("UNEs") to serve their embedded customer base.[1] In Order No. 18310, the Rhode Island Public Utilities Commission ("Commission") required Verizon-Rhode Island "(VZ-RI") to revise RIPUC

[1] Order No. 18310 (describing the FCC's TRRO).

Tariff No. 18 to list the wire centers which no longer qualify for UNEs and to provide the Commission and the Division with the supporting data and documentation.[2]

On January 13, 2006, VZ-RI proposed amendments to RIPUC Tariff No. 18 to alter the list of wire centers which no longer qualify for certain UNEs. These alterations in the wire center list were based on data as of November 10, 2005, and CLECs were notified of the wire center changes in a letter from VZ dated November 17, 2005. In addition, in connection with the FCC-approved Verizon-MCI merger, Verizon voluntarily committed to update its initial wire center list within thirty days of the closing date, January 6, 2006, to exclude fiber-based collocation arrangements established by MCI or its affiliates in applying the criteria established by the FCC in the TRRO. As a result, the Cranston wire center was reclassified as a Tier 1 wire center. Also, three wire centers were added to the list: Pawtucket as Tier 1, and East Greenwich and West Warwick as Tier 2. In addition, two wire centers located at North Providence and Ashton were removed from the exempt wire center list. The proposed amendments would become effective on February 15, 2006, ninety days after Verizon's industry notification letter, at which time, CLECs will not be permitted to order various types of UNE loops or transport from these wire centers. Also, the transition period for the embedded UNE loops or dedicated transport would end on March 11, 2006 and on September 11, 2006 for dark fiber transport.[3]

No CLEC filed an objection to VZ-RI's filing.[4] On February 20, 2006, the Division filed a memorandum approving of the exempt wire center list but

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[2] Id.

[3] VZ-RI's 1/13/06 filing.

[4] On November 28, 2005, Conversent Communications filed a letter with the Commission objecting to VZ's industry notification letter regarding the wire center on the basis that VZ-RI must file a tariff revision

recommending deletion of the provision in the tariff which states that VZ-RI "reserve its right to disconnect any such remaining DS1 or DS3 loops at the end of the transition period."[5] On February 21, 2006, VZ-RI responded to the Division's memorandum. VZ-RI explained that its tariff allows VZ-RI to disconnect a UNE where the CLEC has failed to place a conversion order during the transition period.[6] At an open meeting on February 21, 2006, the Commission approved VZ-RI's amendments to RIPUC Tariff No. 18 filed on January 13, 2006.[7] On March 17, 2006, in response to a Division data request, VZ-I further clarified that after March 10, 2006, VZ-RI intends to migrate the embedded base of UNE facilities to analog special access services and VZ-RI would disconnect these services only if the CLEC subsequently failed to pay any such special access bills.[8]

COMMISSION FINDINGS

At the outset, it must be determined if VZ-RI can, at a later date, amend its list of exempt wire centers. It is clear from the TRRO that the FCC recognized that more wire centers may meet the thresholds for non-impairment and thus be ineligible for certain UNEs.[9] Accordingly, VZ-RI's expansion of the exempt wire center is appropriate because the new wire centers meet the FCC's threshold requirements. However, the FCC left it to the carriers "to negotiate appropriate transition mechanisms through the section 252 process" for additions to the exempt wire center list.[10] It is debatable whether the transition period of approximately four months is appropriate. However, no CLEC filed

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and provide a longer transition period for the UNEs affected by the newly identified wire centers. However, Conversent made no filings after VZ-RI submitted its tariff amendments in this docket.

[5] Division's memorandum 2/20/06.

[6] VZ-RI' s response 2/21/06.

[7] On February 3, 2006, VZ-RI changed the effective date of the filing to February 21, 2006.

[8] VZ-RI's Data Resp. of 3/17/06.

[9] TRRO fns. 399 and 519.

[10] Id.

an objection to this transition period in this docket. In any case, this tariff serves as a default mechanism to implement the FCC's orders on UNE Rules absent other agreements.[11]

Also, VZ-RI's filing correctly excludes facilities-based collocators who are owned by MCI in determining if a wire center is eligible for certain UNEs. Thus, the issue which the Commission originally determined was not ripe for review has been clearly resolved by the FCC.[12] As a result, two wire centers have been removed from the exempt wire center list. Lastly, as for the confusion surrounding the language in VZ-RI's tariff, it is clear that VZ-RI will not disconnect a CLEC after the transition unless it fails to pay its special access charges. VZ-RI's tariff amendments are in compliance with federal law and this Commission's orders.

Accordingly, it is

(18652) ORDERED:

1. Verizon-Rhode Island's revision to Tariff No. 18 filed on January 13, 2006 is approved.

EFFECTIVE AT WARWICK, RHODE ISLAND PURSUANT TO AN OPEN MEETING DECISION ON FEBRUARY 21, 2006. WRITTEN ORDER ISSUED JUNE 21, 2006.

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Elia Germani, Chairman

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Robert H. Holbrook, Commissioner

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Mary E. Bray, Commissioner

[11] See Order No. 18310.
[12] Id.