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February 21, 2006

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Docket No. 3721 – Revision to RIPUC Tariff No. 18

Dear Ms. Massaro:

Verizon Rhode Island (“Verizon RI”) hereby replies to the Division Memorandum dated February 20, 2006, in which the Division alleges that proposed tariff language in Sections 2.1.1.D.1 and 5.3.1.D.1 conflicts with paragraph (a) of Commission Order No. 18310, which the Division asserts “requires Verizon RI to convert DS1 and DS3 service to retail rates and inherently eliminating the disconnection option at the transition date.”

The Division misreads the Commission’s Order. In the Division’s own letter dated March 29, 2005 in Docket No. 3662, the Division recommended that the Commission modify Verizon RI’s tariff filing as follows:

Language at PUC RI No. 18 Sections 2.1.1.D, 5.3.1.D and 10.1.1.D should be amended to reflect the New York commission’s holding that Verizon-Rhode Island “shall file tariff amendments allowing for conversion of DS1 and DS3 loop and transport services to analogous services at the applicable resale rate **in the event an order for conversion is placed before the FCC mandated transition period, even if the order for conversion cannot be completed with the transition period.**”

Emphasis added. Thus, the Division objected to discontinuance of a UNE only where the CLEC had filed an order for conversion during the transition period.

The New York Public Service Commission was clear in its Order that its conversion requirement pertained only to orders placed “prior to the end of the transition period, but not within the applicable provisioning interval.” *See* Order issued March 16, 2005 in Case 05-C-0203 page 12, attached to Division’s letter of March 29, 2005. The New York PSC went on to say that, “**If no order is placed within the transition period, disconnection, as set forth in the tariff, is reasonable.**”

In its Order No. 18310, the RI Public Utilities Commission agreed with the NY PSC and the Division’s recommendation, and ordered Verizon RI to “allow for conversion of DS1 and DS3 loops and transport services to analogous services at the applicable resale rate in the event an order for conversion is placed before the end of the FCC-mandated transition period, even if the order cannot be completed within the transition period.” Consistent with this ruling, the Commission approved Verizon RI’s proposed language in Part B, Sections 2.1.1.D, 5.3.1.D and 10.1.1.D which states that:

If the CLEC places the order for conversion of such UNE [dedicated transport] arrangements prior to the end of the transition period, the Telephone Company will continue to provide the service beyond the transition period until the order is completed at the applicable rates for analogous non-UNE services. If the TC does not place orders before the end of the transition period to discontinue or convert any such unbundled dedicated transport arrangements, the arrangements will be disconnected at the end of the transition period.

The tariff language at issue in the instant case is consistent with the Commission’s prior Order that Verizon RI may not disconnect a UNE where the CLEC has placed a conversion order during the transition period. Neither this Commission nor the NY PSC has purported to preclude Verizon from disconnecting a UNE facility where the CLEC fails to place any conversion order during the transition period. Given the FCC’s requirement that CLECs submit conversion orders during the transition period, *see e.g. TRRO* ¶227, Verizon RI’s continued ability to disconnect a UNE where the CLEC has failed to submit any order is necessary to ensure compliance with the FCC’s directive.

The Commission should preserve the rights already granted to Verizon RI in its previous Order and in the current tariff, and should decline the Division’s invitation to delete the disconnection option from the tariff.

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Please do not hesitate to contact me if you have any questions.

Sincerely,

Alexander W. Moore

cc: Docket 3662 Service List