

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**PUBLIC UTILITIES COMMISSION**

In re: BELL ATLANTIC – RHODE ISLAND  
TELRIC STUDIES:  
UNBUNDLED NETWORK ELEMENTS

DOCKET NO. 2681

ORDER

**WHEREAS**, The Public Utilities Commission (“Commission”) opened this proceeding to address the forward-looking, long run, incremental costs of unbundled network elements (“UNEs”) which Bell Atlantic-Rhode Island (“BA-RI”) must provide competing local exchange carriers (“CLECs”) under the Telecommunications Act of 1996; and

**WHEREAS**, On August 3, 1999, the Commission determined at Open Meeting that:

1. Bell Atlantic-Rhode Island shall make available to any CLEC all network elements in any combination requested by a CLEC, including but not limited to (a) the so-called UNE Platform, (b) any other combination of elements that BA-RI combines for itself or its own retail customers, in the same manner that BA-RI would combine the elements for its own use or for use by its own retail customers, or in any technically feasible manner requested by a CLEC, or (c) any other combination of network elements in any technically feasible manner requested by a CLEC.
2. Bell Atlantic may not require any CLEC to collocate, in any manner, as a precondition for obtaining access to any UNE or UNE combination, but instead must permit CLECs to use any technically feasible manner of the CLEC’s choosing for accessing combinations of network elements.
3. Bell Atlantic may not impose any recurring or non-recurring charge for a UNE or UNE combination that is not based on forward-looking, long-run incremental cost for provisioning the UNE or UNE combination (including the UNE Platform), calculated under the TELRIC methodology; and

**WHEREAS,** The Commission issued Order No. 16012 on December 6, 1999, incorporating the language above; and

**WHEREAS,** On December 30, 1999, BA-RI filed a Motion for Reconsideration; and

**WHEREAS,** Responses opposing the Motion for Reconsideration were filed by AT&T Communications of New England, Inc. on January 18, 2000, and by the Division of Public Utilities and Carriers on January 20, 2000; and

**WHEREAS,** The Commission reviewed the Motion and Responses at an Open Meeting on January 31, 2000, and noted that (a) BA-RI's supposition that the Commission's decision in Order No. 16012 failed to consider and effectuate the FCC's *Third Report and Order*, CC Docket No. 96-98, released November 5, 1999, was without basis in fact; (b) Order No. 16012 specifically relied upon state law, including R.I. Gen. Laws §§ 39-1-1, 39-1-38, and 39-2-1, as an independent basis on which to order BA-RI to provide CLECs with UNE combinations; (c) Bell Atlantic conceded in Massachusetts that it should provide UNE-P in the Commonwealth, as previously cited in Order No. 16012 at fn 3, rendering its contrary position in Rhode Island untenable; and (d) other state authorities, including Kansas, Washington, Pennsylvania, Vermont, Kentucky, and Connecticut, have ordered incumbent local exchange carriers to provide UNE-P and other UNE combinations to CLECs; and

**WHEREAS,** The Commission finds no basis to reconsider Order No. 16012;

Accordingly, it is

(16183) ORDERED:

Bell Atlantic-Rhode Island's Motion for Reconsideration is hereby denied.

EFFECTIVE AT PROVIDENCE, RHODE ISLAND PURSUANT TO AN OPEN  
MEETING DECISION ON JANUARY 31, 2000. WRITTEN ORDER ISSUED  
FEBRUARY 7, 2000.

PUBLIC UTILITIES COMMISSION

---

Kate F. Racine, Commissioner

---

Brenda K. Gaynor, Commissioner