

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647
WWW.SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TELEPHONE (212) 973-0111
FACSIMILE (212) 891-9598

September 30, 2004

VIA ELECTRONIC MAIL AND OVERNIGHT DELIVERY

Ms. Carole Washburn, Executive Secretary
Washington Utilities & Transportation Committee
1300 Evergreen Park Drive, S.W.
Olympia, Washington 98504

*Re: **Docket No. UT-043013, Verizon Northwest Inc. Petition for Arbitration***

Dear Ms. Washburn:

Focal Communications Corporation of Washington and McLeodUSA Telecommunications Services, Inc. (collectively the "Competitive Carrier Coalition" or "Coalition"), by their attorneys, respectfully respond to the Commission's request for comments regarding Verizon Northwest Inc.'s ("Verizon") Identification of Specified Interconnection Agreements and Withdrawal of Arbitration as to Those Parties ("Identification") that was filed on September 15, 2004 in the above-referenced case.

As explained below, the Coalition welcomes Verizon's withdrawal of its Petition, which was premature in any event, but does not agree with various assertions made by Verizon in its Identification regarding its interpretation of the change of law provisions of particular agreements. Because the Coalition does not oppose Verizon's withdrawal, the Commission should not interpret how those change of law provisions apply in the abstract with respect to the Coalition members. Verizon agrees with this position, and similarly suggests that the Commission construe the agreements only if an actual disagreement materializes.¹

The Coalition reiterates, however, that Verizon may not unilaterally terminate a UNE, by notice letter or otherwise, in instances where Verizon and a CLEC disagree as to whether an unbundling obligation remains. Any disputes regarding Verizon's obligations under the interconnection agreements would first need to be resolved through the dispute resolution process set forth in the agreements before Verizon discontinues any UNE offerings.

The Coalition is not opposed to Verizon's withdrawal of the identified carriers from the arbitration because it has consistently taken the position that this arbitration is premature. The Coalition believes the Commission's treatment of Verizon's Identification should be consistent with the August 25, 2004 Hearing Officer's Order in the Vermont arbitration proceeding regard-

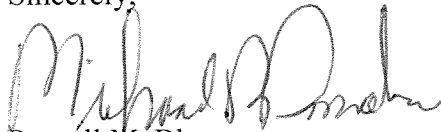
¹ Verizon Identification at 5, 14-15. The Coalition members specifically reserve the right to provide further information regarding the provisions of their agreements and any differing interpretation offered by Verizon should interpretation issues become ripe as to them.

Ms. Washburn
September 30, 2004
Page 2

ing Verizon Vermont's Notice of Withdrawal.² In that decision, the Hearing Officer (1) took "no position" on the merits of Verizon's claims regarding the interpretation of the interconnection agreements; (2) noted that "if Verizon seeks to unilaterally modify its obligations under an existing interconnection agreement based upon its view of the requirements of that agreement, the other party may ask the Board for relief, at which time the Board will address the issue;" (3) held that "as to those parties that raised additional issues for arbitration in their responses, the Board should continue to arbitrate those issues;" and (4) permitted those carriers which Verizon withdrew its arbitration petition against to participate in the proceeding to a limited extent because the case could require Board rulings on policy issues that could affect the interpretation of Verizon's obligations under the interconnection agreements that Verizon no longer seeks to modify.

An original and twelve (12) copies of this filing are enclosed. Please date-stamp the enclosed extra copy of this filing and return it in the attached self-addressed, postage prepaid envelope provided.

Sincerely,



Russell M. Blau
Michael P. Donahue
Edward W. Kirsch
Philip J. Macres

Counsel for the Competitive Carrier Coalition

cc: Attached Service List

² See *Petition of Verizon New England Inc., d/b/a Verizon Vermont, for arbitration of an amendment to interconnection agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Vermont, Pursuant to Section 252 of the Communications Act of 1934, as amended, and Triennial Review Order*, Docket No. 6932, Hearing Officer's Order Re: Verizon Motion of Withdrawal, at 3 (rel. Aug. 25, 2004). (attached hereto as Exhibit A).

CERTIFICATE OF SERVICE

Docket No. UT-043013

I hereby certify on the date given below that true and correct copies of the Competitive Carrier Coalition's Response dated September 30, 2004 which are being filed in the above-referenced docket, were sent by Federal Express, overnight delivery (*) or U.S. Mail to:

Aaron M. Panner*
Kellogg, Huber, Hansen, Todd & Evans,
PLLC
Sumner Square
1615 M Street, NW, Suite 400
Washington, DC 20036
E-mail: apanner@khhte.com

Timothy J. O'Connell*
Stoel Rives, LLP
One Union Square
600 University Street, Suite 3600
Seattle, WA 98101
E-mail: tjoconnell@stoel.com

Letty S.D. Friesen
Adam Walczak
AT&T Law Dept.
1875 Lawrence Street, Suite 1575
Denver, CO 80202
E-mail: lsfriesen@att.com
awalczak@att.com

Karen Shoresman Frame
Covad Communications Company
7901 Lowry Blvd.
Denver, CO 80230
E-mail: kframe@covad.com

William E. Hendricks, III
Sprint Corporation
902 Wasco Street
Hood River, OR 97031
E-mail: Tre.e.hendricks.iii@mail.sprint.com

Andrew M. Klein
Genevieve Morelli
Michael B. Hazzard
Heather T. Hendrickson
Kelley Drye & Warren LLP
1200 19th Street, NW, Suite 500
Washington, DC 20036
E-mail: aklein@kelleydrye.com
gmorelli@kelleydrye.com
mhazzard@kelleydrye.com
hhendrickson@kelleydrye.com

Brooks E. Harlow
Miller Nash LLP
4400 Two Union Square
601 Union Street
Seattle, WA 98101
E-mail: brooks.harlow@millernash.com

Hong Huynh
Miller Nash LLP
111 S.W. Fifth Avenue, Suite 300
Portland, OR 97204
E-mail: Hong.huynh@millernash.com

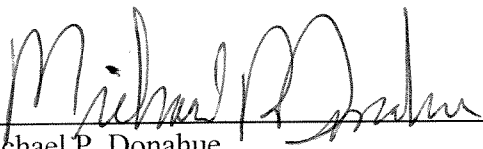
Gregory J. Kopta
Davis Wright Tremaine LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688
E-mail: gregkopta@dwt.com

Michel Singer Nelson
MCI, Inc.
707 17th Street, Suite 4200
Denver, CO 80202

William E. Hendricks, III
Sprint Corporation
902 Wasco Street
Hood River, OR 97031
E-mail: michel.singer.nelson@mci.com

Anne E. Rendahl*
1300 Evergreen Park Dr., SW
PO Box 47250
Olympia, WA 98504-7250
E-mail: arendahl@wutc.wa.gov

Dated this 30th day of September, 2004



Michael P. Donahue

Exhibit A

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6932

Petition of Verizon New England Inc., d/b/a)
Verizon Vermont, for arbitration of an)
amendment to interconnection agreements with)
Competitive Local Exchange Carriers and)
Commercial Mobile Radio service providers in)
Vermont, pursuant to Section 252 of the)
Communications Act of 1934, as amended, and)
the Triennial Review Order)

Order entered: 8/25/2004

ORDER RE: VERIZON MOTION OF WITHDRAWAL

I. INTRODUCTION

This Docket concerns a petition filed by Verizon New England Inc., d/b/a Verizon Vermont ("Verizon") in which Verizon requests that the Board arbitrate a proposed modification to its interconnection agreements with certain named telecommunications carriers. On July 22, 2004, Verizon filed a Notice of Withdrawal of Petition for Arbitration as to Certain Parties. In its Notice, Verizon stated that it was withdrawing its petition as to all but eleven carriers that are identified in the Notice.¹

In this Order, I grant Verizon's withdrawal, subject to certain conditions. To the extent that Verizon originally sought to modify the interconnection agreements of the unlisted carriers, Verizon may withdraw its request to modify the agreements. However, any of the unlisted carriers that have, in this Docket, requested amendments to their interconnection agreements with

1. The interconnections that Verizon still seeks to amend are for the following carriers: ACC National Telecom Corp., AT&T Communications of New England, Inc., AT&T Wireless Services, Inc., CTC Communications Corp., Devon Mobile Communications L.P., International Telcom Ltd., MCImetro Access Transmission Services LLC, Paetec Communications Inc., RCN Operating Services, Inc., Sprint Communications Company L.P., and US WEST Interprise America Inc., d/b/a INTERPRISE America. The remaining carriers — i.e., those for whom Verizon wishes to withdraw its arbitration request — are referred to in this Order as the "unlisted" carriers.

Verizon may continue to pursue those claims. In addition, because this Docket could require Board rulings on policy issues that will affect the interpretation of Verizon's obligations under the interconnection agreements that Verizon no longer seeks to modify, I will permit the unlisted carriers to continue to participate in this Docket.

II. POSITIONS OF THE PARTIES

Under its Notice, Verizon still seeks to amend the interconnection agreements for eleven named telecommunications service providers. However, Verizon states that it has concluded that the interconnection agreements for the unlisted carriers "contain specific terms permitting Verizon VT, upon specified notice, to cease providing unbundled network elements ("UNEs") that are no longer subject to an unbundling obligation under 47 U.S.C. § 251(c)(3) and 47 C.F.R. Part 51." Thus, states Verizon, amendment to those interconnection agreements is unnecessary.

The Competitive Carrier Group² ("CCG") opposes Verizon's notice arguing that the Board should reject Verizon's effort to "unilaterally and unlawfully remove parties from this Arbitration." CCG argues that Verizon may not unilaterally determine the parties' rights under each interconnection agreement and the Federal Communication Commission's *Triennial Review Order*.³ According to CCG, the Public Service Board ("Board"), rather than Verizon, should be making this interpretation. CCG also asserts that Verizon has failed to show that any of the interconnection agreements would permit Verizon to unilaterally discontinue the offering of UNEs. Furthermore, CCG maintains that, to the extent that Verizon could have excluded certain carriers from the arbitration, Verizon had waived such a claim. In addition, CCG argues that Verizon's petition for arbitration eliminated the need for carriers to bring their own petitions, so that it would be inequitable to dismiss these parties. Finally, CCG states that the arbitration includes not only Verizon's issues, but also the claims by other parties to interconnection

2. A.R.C. Networks Inc. d/b/a InfoHighway Communications Corporation, Equal Access Networks LLC, IDT America Corporation, KMC Telecom V Inc., XO Communications, Inc., and XO Long Distance Services, Inc.

3. Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978 (2003) (generally referred to as the "*Triennial Review Order*"), vacated in part and remanded, *United States Telecom Association v. FCC* 359 F.3d 554 (D.C.Cir. 2004) ("*USTA II*").

agreements that those agreements need to be modified to impose additional obligations on Verizon.

In response, Verizon asserts that CCG's arguments are without merit. First, Verizon argues that its reasoning for withdrawing the proposed amendments with respect to most parties — Verizon's determination that such an amendment is not needed — is not before the Hearing Officer at the present time. Verizon maintains that it is not necessary to determine that its interpretation is correct in order to permit it to withdraw its arbitration request. Verizon also maintains that the Board can and should grant the requested relief even though some parties have proposed new contract language. According to Verizon, the filing of this new language in the form of a response to the arbitration petition is not sufficient; instead, each party should have filed its own arbitration petition.

III. DISCUSSION

I conclude that Verizon may withdraw its Petition for Arbitration as it relates to the unlisted carriers, subject to two limitations explained below. Verizon initiated this proceeding seeking to modify those interconnection agreements (as well as the remaining eleven agreements) to incorporate changes that Verizon maintains are required by the *Triennial Review Order*. If Verizon no longer desires such a change to some of the agreements, for whatever reason, this Board no longer has any party advocating revisions to those agreements on the issues raised by Verizon. Parties may (and apparently do) differ as to the meaning of the language in the existing agreements, but the purpose of this proceeding is not to interpret existing agreements. Rather, the Board opened this Docket to arbitrate, under Section 252(b) of the federal Telecommunications Act of 1996 (the "Act"), proposed amendments to the interconnection agreements. With Verizon's decision to no longer seek changes to certain agreements, it is appropriate to allow Verizon to withdraw its petition to modify the interconnection agreements with the unlisted carriers.

I am not persuaded by CCG's argument that I must reject Verizon's notice of withdrawal and consider whether Verizon can change unbundling and interconnection requirements under the existing terms and conditions of the "unlisted" agreements. By allowing Verizon to

withdraw, I take no position on the merits of Verizon's claims that the interconnection agreements are self-executing and that Verizon may make modifications to interconnection terms and conditions (including the terms and conditions for UNEs) without actually changing the agreements. The purpose of this proceeding is to arbitrate proposed changes to interconnection agreements, not to interpret language in existing agreements to which no party seeks changes. Accordingly, CCG's comments provide no basis for denying Verizon's withdrawal request. I note that if Verizon seeks to unilaterally modify its obligations under an existing interconnection agreement based upon its view of the requirements of that agreement, the other party may ask the Board for relief, at which time the Board will address the issue.

I also do not accept CCG's claim that Verizon, by bringing this petition, has waived its right to argue that the agreement is self-executing and was intended to prospectively incorporate federal law. CCG has cited no case law to support its argument, nor has it shown why Verizon should be obligated to arbitrate a change to an interconnection agreement that it no longer seeks. CCG also has not shown that Verizon's withdrawal is somehow unfair to the companies that comprise CCG.

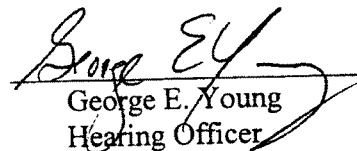
As stated above, I place two limitations upon my decision to permit Verizon to withdraw its petition as to certain parties. First, this Docket now includes not only the specific issues presented in Verizon's petition. In their responses to Verizon's arbitration petition (under Section 252(b)(3)), several parties have raised to additional issues that have been unresolved after negotiations. These parties requested that the Board arbitrate these issues — which they assert include clarifications to Verizon's existing obligations — and direct the parties to modify the interconnection agreements to reflect these duties. Verizon maintains that by withdrawing its petition as to the "unlisted" parties, these issues are no longer present. I do not agree. Section 252(b) contemplates that the party that does not request arbitration may raise additional issues in its response. Moreover, subsection (b)(4)(C) of that section specifically states that the Board "shall resolve each issue set forth in the petition *and the response . . .*" (Emphasis added.) This makes clear that, as to those parties that raised additional issues for arbitration in their responses,

the Board should continue to arbitrate those issues. Verizon's withdrawal may remove the issues for which Verizon sought arbitration; it does not eliminate the issues raised in response.⁴

Second, I recognize that in the Board's arbitration of the remaining eleven interconnection agreements, the Board may need to interpret the *Triennial Review Order* and further define Verizon's interconnection and unbundling obligations based upon that Order. These interpretations of Verizon's responsibilities under Sections 251 and 252 of the Act and the Board's determination of any additional Verizon obligations under state law, other provisions of federal law, or through commitments made in other contexts, may affect Verizon's ability to change the price and availability of UNEs even under the "unlisted" agreements. In a multi-party arbitration such as that before the Board in this Docket, it is reasonable to allow these parties to continue to offer comments concerning Verizon's legal obligations. Accordingly, while I grant Verizon's motion, I will permit the unlisted carriers to remain parties.⁵

SO ORDERED.

Dated at Montpelier, Vermont, this 25th day of August, 2004.


George E. Young
Hearing Officer

OFFICE OF THE CLERK

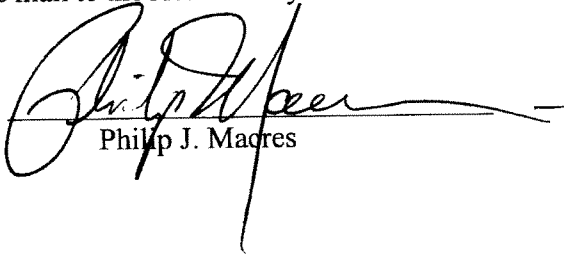
FILED: August 25, 2004
ATTEST: Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

-
4. Obviously, this ruling only affects the unlisted carriers that did raise additional issues in their responses.
5. At this time, I do not limit the scope of their participation. I do expect that their participation, if any, will be limited to the general policy and legal questions rather than the language of a specific interconnection agreement that relates only to the two parties to that agreement and does not touch on the broader obligations.

CERTIFICATE OF SERVICE

I certify that on this 31st day of August, 2004, copies of the forgoing letter were sent via postage prepaid first class mail and electronic mail to the Active Party Service List associated with Case No. 04-C-0314.



Philip J. Macres

CASE 04-C-0314
PETITION OF VERIZON OF NEW YORK, INC. FOR CONSOLIDATED ARBITRATION
TO IMPLEMENT CHANGES IN UNBUNDLED NETWORK ELEMENT PROVISIONS IN
LIGHT OF THE TRIENNIAL REVIEW ORDER

ACTIVE PARTY LIST
(AS OF June 23, 2004)
[*E-mail only]

Elizabeth H. Liebschutz
Administrative Law Judge
NYS Dept. of Public Service
Three Empire State Plaza
Albany, NY 12223-1350
Tele: 518-486-1895
Fax: 518-473-3263
E-mail: Elizabeth_Liebschutz@dps.state.ny.us

Maureen McCauley
Office of Counsel
NYS Dept. of Public Service
Three Empire State Plaza
Albany, NY 12223-1350
Tele: 518-474-5474
Fax: 518-473-7081
E-mail: Maureen_McCauley@dps.state.ny.us

Michael Corso
Office of Telecommunications
NYS Dept. of Public Service
Three Empire State Plaza
Albany, NY 12223-1350
Tele: 518-474-4686
Fax: 518-474-5616
E-mail: Michael_Corso@dps.state.ny.us

Dan Gonos
ACN Communication Services, Inc.
32991 Hamilton Court
Farmington Hills, MI 48334
Tele: 248-699-3517
Fax: 248-489-4000
E-mail: dgonos@acninc.com

John B. Glicksman, Esq.
Aldephia d/b/a/ TelCove
712 N. Main Street
Coudersport, PA 16915
Tele: 814-272-6361
Fax: 814-274-8243
E-mail: john.glicksman@telcove.com

John C. Gockley
Allegiance Telecom Inc.
700 E. Butterfield Road, Suite 400
Lombard, IL 60148
Tele: 630-522-5493
Fax: 630-522-5453
E-mail:
john.gockley@allegiancetelecom.com

Peter Karoczkai
ARC Networks, Inc. d/b/a InfoHighway
Communications Corp.
1333 Broadway, Suite 1001
New York, NY 10018
Tele: 646-536-6999
Fax: 212-566-2136
E-mail: pkaroczkai@infohighway.com

Paola Bulloch
ARC Networks, Inc. d/b/a InfoHighway
Communications Corp.
1333 Broadway, Suite 1001
New York, NY 10018
Tele: 646-536-6954
Fax: 212-566-2136
E-mail: pbulloch@inforhighway.com

CASE 04-C-0314

June 23, 2004

Kevin J. Donohue
ARC Networks, Inc. d/b/a InfoHighway
Communications Corp.
175 Pinelawn Road, Suite 408
Melville, NY 11747
Tele: 631-815-1039
Fax: 631-815-1040
E-mail: kdonohue@infohighway.com

Christopher A. Holt, Esq.
ATX Communications, Inc.
75 Broad Street, 11th Floor
New York, NY 10004
Tele: 212-509-4141
Fax: 202-509-4110
E-mail: chris.holt@atx.com

Harry M. Davidow
AT&T
685 West End Avenue
New York, NY 10025
Tele: 212-665-8005
Fax: 212-665-8963
E-mail: hdavidow@att.com

Bruce Bennett
ATX Communications, Inc.
70 West Hubbard Street
Suite 410
Chicago, IL 60610
Tele: 312-445-1161
Fax: 312-445-1232
E-mail: bruce.bennett@atx.com

Jay E. Gruber*
AT&T
99 Bedford Street - 4th Floor
Boston, MA 02111
Tele: 617-574-3149
Fax: 617-227-4420
E-mail: jegrubert@lga.att.com

Charles C. Hunter, Esq.
BridgeCom International, Inc.
115 Stevens Avenue, 3rd Floor
Valhalla, NY 10595
Tele: 914-742-5589
Fax: 914-742-5818
E-mail: chunter@bridgecom.com

Rita Lang
AT&T
111 Washington Avenue
Albany, NY 12210
Tele: 518-463-3221
Fax: 518-463-5943
E-mail: rmlang@att.com

Catherine M. Hannan, Esq.
BridgeCom International, Inc.
115 Stevens Avenue, 3rd Floor
Valhalla, NY 10595
Tele: 914-742-5607
Fax: 914-742-5818
E-mail: channan@bridgecom.com

Brian M. Kelleher*
AT&T
14 Mark Lane
New City, NY 10956
Tele: 845-639-4687
Fax: 845-708-6023
E-mail: bkelleher.@att.com

Rebecca Sommi
Broadview Networks, Inc.
400 Horsham Road
Horsham, PA 19044-2190
Tele: 215-293-8715
Fax: 215-293-8750
E-mail: rsommi@BroadViewNet.com

Clifford K. Williams*
AT&T
32 Avenue of the Americas 6th Floor
New York, NY 10013
Tele: 212-387-5158
Fax: 212-387-6441
E-mail: ckwilliams@att.com

Bob Oberlin
Bullseye Telecom, Inc.
25900 Greenfield Road, Suite 330
Oak Park, MI 48237-1267
Tele: 248-784-2500
Fax: 248-784-2501
E-mail: boberlin@bullseyetelecom.com

CASE 04-C-0314

June 23, 2004

Nanette Edwards
Business Telecom Inc.
4092 S. Memorial Parkway
Huntsville, AL 35802
Tele: 256-382-3856
Fax: 256-382-3969
E-mail: nedwards@itcdeltacom.com

Michael E. Olsen
Cablevision Lightpath, Inc.
1111 Stewart Avenue
Bethpage, NY 10022
Tele: 516-803-2300
Fax: 516-803-2391
E-mail: meolsen@cablevision.com

Lara J. Liebman
Cablevision Lightpath, Inc.
1111 Stewart Avenue
Bethpage, NY 10022
Tele: 516-803-2300
Fax: 516-803-2391
E-mail: lleibman@cablevision.com

Elizabeth J. McDonald
Choice One Communications Inc.
100 Chestnut Street, Suite 600
Rochester, NY 14604
Tele: 585-697-7972
Fax: 585-697-7805
E-mail: emcdonald@choiceonecom.com

D. Anthony Mastando
Choice One Communications Inc.
100 Chestnut Street, Suite 600
Rochester, NY 14604
Tele: 585-530-2665
Fax: 585-697-7805
E-mail: amastando@choiceonecom.com

Alan Shoer
Conversent Communications of NY LLC
24 Albion Road, Suite 230
Lincoln, RI 02865
Tele: 401-834-3370
Fax: 401-834-3350
E-mail: ashoer@conversent.com

Scott Sawyer
Conversent Communications of NY LLC
222 Richmond Street
Providence, RI 02903
Tele: 401-490-6370
E-mail: ashoer@conversent.com

Maria A. Abbagnaro, Esq.
Cordia Communications Corp.
445 Hamilton Avenue, Suite 408
White Plains, NY 10601
Tele: 914-948-5550X1054
Fax: 413-521-4592
E-mail: mabbagnaro@cordiacorp.com

Anthony Hansel
Covad Communications Company
600 14th Street, NW, Suite 750
Washington, D.C. 20005
Tele: 202-220-0410
Fax: 202-220-0401
E-mail: thanse@covad.com

Pamela Hintz*
CTC Communications Corp.
220 Bear Hill Road
Waltham, MA 02451
Tele: 781-622-2116
Fax: 781-622-2185
E-mail: pamela.hintz@ctcnet.com

James Prenetta
CTC Communications Corp.
220 Bear Hill Road
Waltham, MA 02451
Tele: 781-622-2116
Fax: 781-622-2185
E-mail: james.prenetta@ctcnet.com

William R. Westin
DFT Local Service Corporation
40 Temple Street
Fredonia, NY 14063
Tele: 716-673-3031
Fax: 716-679-4005
E-mail: billw@dftel.com

CASE 04-C-0314

June 23, 2004

Schula Hobbs
DSLnet Communications, LLC
545 Long Wharf Drive, 5th Floor
New Haven, CT 06511
Tele: 203-782-7493
Fax: 203-624-3612
E-mail: schula.hobbs@dsl.net

Scott Beer*
ICG Telecom Group, Inc.
161 Iverness Drive West
Englewood, CO 80112
Tele: 303-414-5906
Fax: 303-414-5817
E-mail: scott_beer@icgcomm.com

Richard Metzger
Focal Communications Corp.
7799 Leesburg Pike, 850 North
Falls Church, VA 22043
Tele: 703-637-8778
Fax: 703-893-7888
E-mail: dmetzger@focal.com

Andrea Guzman
ICG Telecom Group, Inc.
161 Iverness Drive West
Englewood, CO 80112
Tele: 303-414-5906
Fax: 303-414-5817
E-mail: andrea_guzman@icgcomm.com

Jane VanDuzer
Focal Communications Corp.
200 N. LaSalle Street, Suite 1100
Chicago, IL 60601
Tele: 312-895-8949
Fax: 312-895-8403
E-mail: jvanduzer@focal.com

Carl Wolf Billek
IDT American Corp.
520 Broad Street
Newark, NJ 07102-3111
Tele: 973-438-4854
Fax: 973-438-1455
E-mail: carl.billek@corp.idt.net

Paul Rebey
Focal Communications Corp.
200 N. LaSalle Street, Suite 1100
Chicago, IL 60601
Tele: 312-895-8949
Fax: 312-895-8403
E-mail: prebey@focal.com

Andrew M. Klein
Genevieve Morelli
Michael B. Hazzard
Heather Hendrickson
Kelley Drye & Warren LLP
1200 19th Street, NW
Washington, D.C. 20036
Tele: 202-955-9600
Fax: 202-955-9792
E-mail: GMorelli@KelleyDrye.com
AKlein@KelleyDrye.com
MHazzard@KelleyDrye.com
HHendrickson@KelleyDrye.com

Adam Lewis
Gillette Global Network, Inc.
d/b/a Eureka Networks
39 Broadway, 19th Floor
New York, NY 10006
Tele: 212-404-5179
Fax: 212-208-2962
E-mail: adam.lewis@eurekanetworks.net

Marva Brown Johnson
KMC Telecom
1755 North Brown Road
Lawrenceville, GA 30043
Tele: 678-985-6220
Fax: 678-985-6213
E-mail: mabrow@kmctelecom.com

Michael J. Shortley, III
Global Crossing North America, Inc.
1080 Pittsford-Victor Road
Pittsford, NY 14534
Tele: 585-255-1429
Fax: 585-218-8579
E-mail:
michael_shortley@globalcrossing.com

CASE 04-C-0314

June 23, 2004

Chad Pifer
KMC Telecom
1755 North Brown Road
Lawrenceville, GA 30043
Tele: 678-985-6441
Fax: 678-985-6213
E-mail: rpifer@kmctelecom.com

Erik Cecil
Level 3 Communications, LLC
1025 Eldorado Blvd.
Broomfield, CO 80021
Tele: 720-888-2620
Fax: 720-888-5134
E-mail: erik.cecil@level3.com

Tonya Rutherford
Latham & Watkins LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Tele: 202-637-1023
Fax: 202-637-2201
E-mail: tonya.rutherford@lw.com

Nego Pile
Lightship Telecom, LLC
1301 Virginia Drive, Suite 440
Fort Washington, PA 19034
Tele: 215-641-0894
Fax: 215-641-0531
E-mail: npile@lightship.net

James H. Barker
Latham & Watkins LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Tele: 202-637-2200
Fax: 202-637-2201
E-mail: jim.barker@lw.com

Mark Ricigliano
LightWave Communications, LLC
14504 Greenview Drive, Suite 302
Laurel, MD 20708
Tele: 301-953-9031
Fax: 301-953-2454
E-mail: mricigliano@lightwavecomm.net

Brian T. FitzGerald
LeBoeuf, Lamb, Greene & MacRae LLP
99 Washington Ave., Suite 2020
Albany, NY 12210
Tele: 518-626-9000
Fax: 518-626-9010
E-mail: brian.fitzgerald@llgm.com

Michael Miller
Line Systems Inc.
17 Campus Boulevard, Suite 100
Newtown, PA 19073
Tele: 610-355-9790
Fax: 610-353-3664
E-mail:

Noelle M. Kinsch
LeBoeuf, Lamb, Greene & MacRae LLP
99 Washington Ave., Suite 2020
Albany, NY 12210
Tele: 518-626-9000
Fax: 518-626-9010
E-mail: nmkinsch@llgm.com

Laura Gallo
MCI
100 Park Avenue, 13th Floor
New York, NY 10017
Tele: 212-547-2607
Fax: 212-478-6202
E-mail: laura.gallo@mci.com

Richard E. Thayer*
Level 3 Communications, LLC
1025 Eldorado Blvd.
Broomfield, CO 80021
Tele: 720-888-2620
Fax: 720-888-5134
E-mail: rick.thayer@level3.com

Curtis L. Groves
MCI
Law and Public Policy
1133 19th Street NW
Washington, DC 20036
Tele: 202-736-6160
Fax: 202-736-6242
E-mail: curtis.groves@mci.com

CASE 04-C-0314

June 23, 2004

Cherie R. Kiser
Mintz, Levin, Cohn, Ferris, Glovsky and
Popeo, P.C.
701 Pennsylvania Ave., NW, Suite 900
Washington, D.C. 20004
Tele: 202-434-7330
Fax: 202-434-7400
E-mail: crkiser@mintz.com

Angela F. Collins
Mintz, Levin, Cohn, Ferris, Glovsky and
Popeo, P.C.
701 Pennsylvania Ave., NW, Suite 900
Washington, D.C. 20004
Tele: 202-434-7330
Fax: 202-434-7400
E-mail: afcollins@mintz.com

J.T. Ambrosi
PAETEC Communications, Inc.
600 Willowbrook Office Park
Fairport, NY 14450
Tele: 716-340-2528
Fax: 716-340-2563
E-mail: jt.ambrosi@paetec.com
Kenneth Salinger*
Palmer & Dodge
111 Huntington Avenue
Boston, MA 02199
Tele: 617-239-0561
Fax: 617-227-4420
E-mail: ksalinger@palmerdodge.com

Ruth Dowling
Palmer & Dodge
111 Huntington Avenue
Boston, MA 02199
Tele: 617-239-0657
Fax: 617-227-4420
E-mail: rdowling@palmerdodge.com

Mr. Charles Khabbaza
QTel, LLC
225 West 83rd Street
New York, NY 10024
E-mail: charles@qtelsolutions.com

Joseph O. Kahl*
RCN Telecom Services, Inc.
105 Carnegie Center
Princeton, NJ 08540
Tele: 609-734-3827
Fax: 609-734-6167
E-mail: joseph.kahl@rcn.net

Patrick McGuire
RCN Telecom Services, Inc.
105 Carnegie Center
Princeton, NJ 08540
Tele: 609-734-3827
Fax: 609-734-6167
E-mail: patrick.mcguire@rcn.net

Keith J. Roland
Roland, Fogel, Koblenz & Petroccione, LLP
One Columbia Place
Albany, NY 12207
Tele: 518-434-8112
Fax: 518-434-3232
E-mail: kroland@rfkplaw.com

Lisa Evans
SpectroTel, Inc.
655 Shrewsbury Avenue
Shrewsbury, NJ 07702
Tele: 732-345-7848
Fax: 732-530-1532
E-mail: lisa.evans@spectrotel.com

Karen R. Sistrunk
Sprint Communications Company LP
401 Ninth Street, NW, Suite 400
Washington, D.C. 20004
Tele: 202-585-1940
Fax: 202-585-1893
E-mail: karen.r.sistrunk@mail.sprint.com

Mary Ellen E. Hassell
Sprint Communications Company LP
6450 Spring Parkway, KSOPHN0204-
2B452
Overland Park, KS 66251
Tele: 913-315-9565
Fax: 913-315-0733
E-mail: mary-ellen.hassell@mail.sprint.com

CASE 04-C-0314

June 23, 2004

Russell M. Blau*
Swidler Berlin Shereff Friedman LLP
3000 K Street, Suite 300
Washington, D.C. 20007
Tele: 202-424-7500
Fax: 202-424-7645
E-mail: rmlblau@swidlaw.com

Kevin Photiades
United Systems Access
Five Bragdon Lane, Suite 200
Kennebunk, ME 04043-7262
Tele: 207-774-6859
Fax: 207-467-8008
E-mail: kevinp@usacsp.com

Michael W. Fleming*
Swidler Berlin Shereff Friedman LLP
3000 K Street, Suite 300
Washington, D.C. 20007
Tele: 202-424-7500
Fax: 202-424-7645
E-mail: mwflaming@swidlaw.com

Joseph A. Post*
Verizon
1095 Avenue of the Americas, 37th Fl.
New York, NY 10036
Tele: 212-395-6509
Fax: 212-768-7569
E-mail: joseph.a.post@verizon.com

Philip J. Macres
Swidler Berlin Shereff Friedman LLP
3000 K Street, Suite 300
Washington, D.C. 20007
Tele: 202-424-7500
Fax: 202-424-7645
E-mail: pjmacres@swidlaw.com

Sandra Dilorio Thorn*
Verizon
1095 Avenue of the Americas, 37th Fl.
New York, NY 10036
Tele: 212-395-6515
Fax: 212-768-7569
E-mail: sandra.d.thorn@verizon.com

Francie McComb
Talk America, Inc.
6805 Route 202
New Hope, PA 18938
Tele: 215-862-1517
Fax: 215-862-1085
E-mail: fmccomb@talk.com

William R. Allan*
Verizon
158 State Street, 10th Floor
Albany, NY 12207
Tele: 518-396-1001
Fax:
E-mail: william.r.allan@verizon.com

Scott Kellogg
Telecon Commications Corp/Vera Net
180 North Wacker Drive, Suite 3
Chicago, IL 60606
Tele: 312-658-1056
Fax: 312-658-5487
E-mail: skellogg@veranet.net

Thomas W. McCarroll*
Verizon
158 State Street, 10th Floor
Albany, NY 12207
Tele: 518-396-1027
Fax:
E-mail: thomas.w.mccarroll@verizon.com

Rochelle D. Jones
Time Warner Telecom
14 Wall Street - 9th Floor
New York, NY 10005
Tele: 212-364-7319
Fax: 212-364-2383
E-mail: rochelle.jones@twtelecom.com

Dinesh Parikh*
Verizon
1095 Avenue of the Americas, 34th Fl.
New York, NY 10036
Tele: 212-395-2216
Fax: 212-768-7569
E-mail: dinesh.parikh@verizon.com

CASE 04-C-0314
John Lacy Clark
Verizon
1095 Avenue of the Americas, 34th Fl.
New York, NY 10036
Tele: 212-395-5022
Fax: 212-768-7569
E-mail: john.l.clark@verizon.com

June 23, 2004

Peggy Rubino
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd., Suite 220
Tampa, FL 33602
Tele: 813-233-4628
Fax: 823-233-4534
E-mail: prubino@z-tel.com

Mark Sullivan
Verizon
158 State Street, 10th Floor
Albany, NY 12207
Tele: 518-396-1010
Fax:
E-mail: mark.d.sullivan@verizon.com

Richard S. Dodd II
Winstar Communications LLC
1850 M Street, NW, Suite 300
Washington, D.C. 20036
Tele: 202-367-7601
Fax: 202-659-1931
E-mail: rdodd@winstar.com

Doug Kinkoph
XO Communications, Inc.
Two Easton Oval, Suite 300
Columbus, OH 43219
Tele: 614-416-1468
Fax: 614-629-3201
E-mail: doug.kinkoph@xo.com

Rex Knowles
XO Communications, Inc.
111 E. Broadway, Suite 1000
Salt Lake City, UT 84111
Tele: 801-983-1504
Fax: 801-983-1667
E-mail: rex.knowles@xo.com

Thomas Koutsky
Z-Tel Communications, Inc.
1200 19th Street, NW, Suite 500
Washington, D.C. 20036
Tele: 202-955-9652
Fax: 206-202-2957
E-mail: tkoutsky@z-tel.com