

a BOC's control, a finding that would make us less likely to hold the BOC wholly accountable for the disparity.").

Finally, competitors will argue that the volume of orders that Verizon processes and provisions in Connecticut is too small to support a finding of checklist compliance. The Commission "ha[s] never required, however, an applicant to demonstrate that it processes and provisions a substantial commercial volume of orders . . . as a prerequisite for satisfying the competitive checklist." Kansas/Oklahoma Order ¶ 35 n.78. Nonetheless, the Commission has stated that, where volumes in the applicant state are low, it will look at the "anchor state" to assist in its "analysis of the commercial readiness" of the BOC's OSS, "as well as . . . with respect to other checklist items." Id. ¶ 36. And here, the enormous volumes provided in New York to date make it altogether clear that Verizon's OSS and other checklist items are commercially ready.

Applying the Commission's standards here, it is abundantly clear that the checklist requirements are satisfied.

A. Interconnection (Checklist Item 1).

Verizon provides competing carriers in Greenwich and Byram with the same forms of interconnection and collocation that it does in New York, using the New York processes and procedures. See Lacouture/Ruesterholz Decl. ¶¶ 21, 41. The Commission found that these processes and procedures satisfy the checklist. See New York Order ¶ 67; see also Massachusetts Order ¶ 182. To the extent that CLECs have requested interconnection or collocation in Connecticut, Verizon's performance has been excellent. And Verizon already has provided enormous volumes of each of those items in New York.

1. Interconnection Trunks.

Verizon provides competing carriers in Greenwich and Byram with the same kinds of interconnection trunks that it uses in New York, using the New York processes and procedures. See Lacouture/Ruesterholz Decl. ¶ 27.²⁷ In New York, the Commission found that Verizon’s provision of interconnection to competing carriers was “equal-in-quality to the interconnection [Verizon] provides to its own retail operations, and on terms and conditions that are just, reasonable, and nondiscriminatory.” New York Order ¶ 68. It also found that Verizon “provides interconnection at all technically feasible points, as required by our rules, and therefore demonstrates checklist compliance.” Id. ¶ 76.²⁸ The same is true in Greenwich and Byram.

Only one CLEC serving customers in Greenwich and Byram has interconnected with Verizon in Connecticut for the exchange of local traffic. See Lacouture/Ruesterholz Decl. ¶ 22. Verizon has provided more than 1,000 interconnection trunks to this CLEC. See id. Verizon provides interconnection trunks on time in Connecticut, even in the face of increasing demand. For example, from December 2000 through February 2001, Verizon completed 100 percent of CLEC trunk orders in Connecticut on time. See id. ¶ 25. Verizon also provides trunks that are equal in quality to those it provides to itself. For example, during this same period, there were

²⁷ As in New York, there are different performance intervals and associated measurements for providing interconnection trunks based on whether a competing carrier’s request is associated with a timely forecast (*i.e.*, submitted at least six months in advance) and on the number and complexity of the trunks requested. See Lacouture/Ruesterholz Decl. ¶ 32.

²⁸ As in New York, the interconnection trunks provided by Verizon under its legally binding tariffs, interconnection agreements, and SGAT include interconnection to the trunk sides of end office and tandem switches, and to Verizon’s signaling network. See Lacouture/Ruesterholz Decl. ¶ 21. In addition, Verizon provides both one-way and two-way trunks, 64 Kbps Clear Channel trunks, and traditional 56 Kbps trunks. See id. ¶¶ 27, 29. Verizon also will accept requests from CLECs for interconnection at other technically feasible points. See id. ¶ 21.

no installation troubles reported within 30 days on any of the trunks that Verizon provided to CLECs. See id.

Verizon will, of course, easily be able to meet any level of future demand for trunks in Connecticut, given that its entire trunking network there represents less than 1 percent of the trunks Verizon has provided to CLECs in New York. See id. ¶ 24. At the time of the New York Application, Verizon already had provided nearly 400,000 interconnection trunks to CLECs in that state. See id. ¶ 23. In the time since, the number has grown to more than 730,000. See Brief Att. A, Ex. 4. Moreover, Verizon’s performance in providing interconnection trunks in New York continues to be strong. For example, from December 2000 through February 2001, Verizon met more than 97 percent of the due dates for CLEC interconnection trunks in New York, compared to approximately 95.5 percent of interexchange carriers’ trunk orders. See Lacouture/Ruesterholz Decl. ¶ 26; see also Massachusetts Order ¶ 186 (relying on comparable performance under this measurement). During this same period, the rate of installation troubles reported within 30 days was a mere .01 percent for both CLECs and Verizon, see Lacouture/Ruesterholz Decl. ¶ 26; less than 3 percent of the dedicated final trunk groups provided to CLECs exceeded their engineering design level, see id. ¶ 39; and no dedicated final trunk groups provided to CLECs exceeded their engineering design level for more than one month, see id.

2. Collocation.

Verizon provides collocation in Connecticut in exactly the same manner as it does in New York, using the New York processes and procedures. See id. ¶¶ 41, 70. In New York, the Commission found that Verizon “satisfies the requirements of sections 271 and 251 of the Act,”

that Verizon's collocation offerings are consistent with the Commission's Collocation Order,²⁹ and that Verizon offers collocation at "just, reasonable, and nondiscriminatory prices" as determined by the state commission. New York Order ¶¶ 73-75, 77-78; see also Massachusetts Order ¶ 194 (reaching same conclusion for Verizon's Massachusetts collocation tariffs, which are "virtually identical" to the New York tariffs). Verizon's collocation tariff in Connecticut is identical to the one approved in New York, and offers the same forms of collocation at the exact same rates as are available in New York. See Lacouture/Ruesterholz Decl. ¶¶ 47, 52, 54-55, 58, 63, 66-69, 74-77.

Through February of this year, Verizon has provided 14 collocation arrangements in the Greenwich central office and 12 additional arrangements in the Port Chester central office in New York that also serves Byram. See id. ¶ 44. These collocation arrangements include 16 traditional physical arrangements, eight cageless arrangements, and two virtual arrangements. See id. These collocation arrangements give CLECs access to all of Verizon's access lines in Greenwich and Byram. See id. Moreover, while Verizon provided a total of more than 900 collocation arrangements in New York at the time of its Application for that state, in the time since the total has nearly tripled to approximately 2,600, including more than 1,300 traditional physical arrangements, more than 1,000 cageless arrangements, and 260 virtual arrangements. See id. ¶ 45.

²⁹ Deployment of Wireline Services Offering Advanced Telecommunications Capability, First Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 4761 (1999) ("Collocation Order").

As in New York and Massachusetts, Verizon provides every form of collocation that is required by the Commission's rules. See New York Order ¶ 73; Massachusetts Order ¶ 196.³⁰ First, in addition to standard physical arrangements, Verizon provides mini, shared, and “cageless” forms of collocation. See Lacouture/Ruesterholz Decl. ¶ 63; Collocation Order ¶¶ 41-42. Second, Verizon permits CLECs the option of establishing controlled-environment vaults or similar structures adjacent to Verizon central offices in which physical collocation space is unavailable. See Lacouture/Ruesterholz Decl. ¶ 65; Collocation Order ¶ 44; Collocation Reconsideration Order ¶¶ 45-47.³¹ Third, as noted above, Verizon also offers virtual collocation. See Lacouture/Ruesterholz Decl. ¶ 58.³²

Moreover, Verizon “responds to applications for collocation space in a timely manner.” New York Order ¶ 75. Between December 2000 and February 2001, Verizon completed all the

³⁰ Verizon also provides collocation at remote terminals in accordance with the UNE Remand Order, through both amendments to interconnection agreements and the terms of a tariff. See Lacouture/Ruesterholz Decl. ¶ 41; Massachusetts Order ¶ 196 (finding Verizon in compliance with this requirement). Under Verizon's offering, where space is available, a CLEC can collocate within Verizon's remote terminals and gain access to a subloop element through a cross-connect within the remote terminal. See Lacouture/Ruesterholz Decl. ¶ 241. Where space is not available within a remote terminal, the CLEC can deploy its own adjacent cabinet, and Verizon will provision an interconnecting cable from the remote terminal to the CLEC's cabinet. See id. ¶ 242. Verizon has not received any applications for collocation in remote terminals in Connecticut. See id.

³¹ Deployment of Wireline Services Offering Advanced Telecommunications Capability, Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, FCC 00-297, 15 FCC Rcd 17806 (2000).

³² In addition, Verizon recently amended its collocation rates to charge CLECs for power based on the quantity of load amps requested by a CLEC rather than the quantity of fused amps. See Lacouture/Ruesterholz Decl. ¶ 77. This is the same amendment that Verizon made in Massachusetts, where the Commission found that Verizon's rates were “just, reasonable, and nondiscriminatory.” Massachusetts Order ¶ 199. Moreover, Verizon has clarified in an industry letter its policy that CLECs can change the quantity of load amps they desire for each feed. See Lacouture/Ruesterholz Decl. ¶ 79 & Att. H. These two changes that previously were approved should eliminate any concern about the method by which Verizon charges CLECs for collocation power.

new physical collocation arrangements and augments in the Greenwich and Port Chester central offices on time. See Lacouture/Ruesterholz Decl. ¶ 48. By comparison, in New York, Verizon completed 127 new physical collocation arrangements and 377 augments between December and February, and completed 94 percent of the new arrangements and 97 percent of the augments on time. See id. ¶ 49; see also Massachusetts Order ¶ 195 & n.613 (relying on comparable collocation performance). Given that average monthly collocation volumes in New York are many times what they are in Connecticut, this strong performance proves beyond dispute that Verizon is capable of handling far more requests than could ever arise in Connecticut.

Finally, as in New York and Massachusetts, Verizon has taken extraordinary steps to make collocation space available in its central offices serving Connecticut. For example, Verizon will allow CLECs to tour its central offices serving Connecticut within 10 days if it ever becomes unable to accommodate a request for physical collocation, and Verizon will promptly file a space exhaustion notification upon determining that space is not available. See Lacouture/Ruesterholz Decl. ¶¶ 50, 52.

B. Unbundled Network Elements (Checklist Items 2, 4, 5, and 6).

Verizon provides CLECs access to unbundled network elements in Connecticut using the New York processes and procedures that the Commission found satisfy the requirements of the Act. See id. ¶ 84; New York Order ¶¶ 82, 231, 273, 338, 346. Verizon's performance in providing access to unbundled elements has been and continues to be excellent, and while Connecticut volumes necessarily are small, New York volumes are enormous, demonstrating that Verizon can readily handle whatever additional demand may develop in Connecticut. And to the extent the Commission has adopted new requirements since the time of the New York Application, Verizon complies with those requirements as well. See, e.g., Massachusetts Order ¶¶ 154, 165, 176.

1. Unbundled Local Loops.

Verizon makes available to competing carriers in Connecticut the same types of unbundled loops it makes available in New York using the New York processes and procedures, which the Commission found satisfied the checklist. See Lacouture/Ruesterholz Decl. ¶ 86; New York Order ¶¶ 273, 275.³³ Verizon tracks its unbundled loop performance in Connecticut using the same measurements as in New York, see Canny/Abesamis Decl. ¶ 12, and its performance has been strong.

Through February 2001, Verizon has provided competing carriers in Connecticut with approximately 635 unbundled loops. See Lacouture/Ruesterholz Decl. ¶ 89. In proportion to Verizon's access lines in Connecticut, this is equivalent to more than 150,000 unbundled loops in New York. In addition, on a proportionate basis, this is more than the number of unbundled loops in Kansas, and comparable to the number in Oklahoma, at the time applications were filed in those states. See Brief Att. A, Ex. 3.

Moreover, Verizon can easily meet whatever level of demand develops in Connecticut. In a typical month, Verizon provides nearly twice as many loops to CLECs in New York as Verizon has lines in Connecticut, and in a high-volume month Verizon provides nearly three times as many. See Lacouture/Ruesterholz Decl. ¶ 13. Furthermore, Verizon provides far greater volumes of unbundled loops in New York than it did at the time of its Application there. At the time of the New York Application, Verizon had provided more than 230,000 unbundled

³³ Verizon provides unbundled loops pursuant to tariff, interconnection agreements, and its SGAT, and therefore “has a concrete and specific legal obligation to provide unbundled local loops.” New York Order ¶ 273; see Lacouture/Ruesterholz Decl. ¶ 87. Verizon provides analog and digital, two-wire and four-wire loops, which permit CLECs to offer a full range of services including Integrated Services Digital Network (“ISDN”), Asymmetrical Digital Subscriber Line (“ADSL”), High-bit-rate Digital Subscriber Line (“HDSL”), 1.544 Mbps digital (“DS1”) transmission, and 45 Mbps digital (“DS3”) transmission. See Lacouture/Ruesterholz Decl. ¶ 87.

loops in New York, including more than 175,000 as part of unbundled network element platforms and nearly 55,000 stand-alone loops. See id. ¶ 90. In the time since, the number has grown to a total of nearly 1.7 million platforms and more than 250,000 stand-alone loops. See id.

a. New Voice Grade Loops.

Verizon has provided a small number of new voice grade loops in Connecticut in recent months. See id. ¶ 104.³⁴ In New York, however, Verizon has continued to provide new loops in large quantities and its overall performance has been strong. For example, from December 2000 through February 2001, Verizon completed an average of more than 99 percent of new voice grade loop orders in New York on time. See Lacouture/Ruesterholz Decl. ¶ 104.³⁵ Verizon also provides new loops to competitors at an acceptable level of quality. From December through February, less than 2 percent of the new loops provided to CLECs in New York had troubles

³⁴ Even where volumes in Connecticut are too low to be a “reliable indicator of checklist compliance,” Kansas/Oklahoma Order ¶ 36, Verizon is subject to financial penalties under the Performance Assurance Plan. See Canny/Abesamis ¶ 128.

³⁵ As the Commission recognized in its New York Order and in subsequent orders, interval measures are among those that are most susceptible to being influenced by CLECs’ chosen business practices. See, e.g., New York Order ¶¶ 285-288 (finding average interval completed data for stand-alone unbundled loops “flawed” because they are subject to “factors, which are outside of [Verizon’s] control and which can cause distortion to the average installation intervals”); Massachusetts Order ¶ 92 (making similar finding with respect to average completed intervals for CLEC resale orders). For example, in this case, Verizon’s reported performance in provisioning the subset of voice grade loops that require a dispatch show some disparity in the average installation interval. This apparent disparity is caused by factors outside of Verizon’s control. See Lacouture/Ruesterholz Decl. ¶ 106. These measurements include orders where the CLECs request an interval that is longer than the standard interval and where Verizon could not complete the order because facilities were not available. See id. Rather than reject orders where facilities are not available, Verizon takes additional steps to make a POTS loop available to serve the customer. See id. Verizon’s performance is at parity when it is recalculated to take these two factors into account. See id. ¶ 107; see also New York Order ¶ 285 (finding that average interval completed measurement for unbundled loop was affected by the fact “that competitive carriers frequently request later due dates than those offered by [Verizon’s] automatic appointment clock”).

reported within 30 days, compared to more than 4 percent for Verizon's retail service. See Lacouture/Ruesterholz Decl. ¶ 105. And for the small number of new grade loops that have experienced troubles, Verizon's performance in providing maintenance and repair services also has been nondiscriminatory. With respect to most maintenance and repair performance measurements for new voice grade loops — including the missed repair appointment rate and the mean time to repair — Verizon's reported performance for CLECs in New York is comparable to or better than Verizon's reported performance for its own retail operations. See id. ¶¶ 108-109. And when CLECs' own practices are taken into account, Verizon's performance for CLECs is in parity or better, across the board. See id. ¶¶ 110-115.

b. Hot Cuts.

Just as Verizon's performance in providing new voice grade loops has been strong, there can be no legitimate issue with respect to Verizon's provision of voice grade loops through hot cuts. Verizon uses the New York systems and procedures to perform hot-cuts in Connecticut, see id. ¶ 92, and its performance in both states is substantially *better* than what the Commission has previously found satisfies the checklist. Verizon's hot-cut processes and systems have performed so well that they earned the prestigious ISO 9000 certification from the International Organization for Standardization, an independent worldwide federation of national standards bodies that awards this certification to companies that demonstrate they meet the expectations of their customers. See id.

In Connecticut, between December 2000 and February 2001, Verizon completed seven hot cuts. See id. ¶ 98. While this absolute number is small, it is proportionately the equivalent of 1,800 hot cuts in New York. And all of these hot cuts were completed on time. See id.

Moreover, there is no question that Verizon can handle whatever additional demand might develop in Connecticut because it has provisioned much larger absolute volumes of hot

cuts in New York. From December through February, Verizon performed an average of nearly 12,000 hot cuts per month in New York and completed more than 98 percent of them on time. See id. ¶ 99. This is even better than what the Commission has previously found adequate to satisfy the checklist. See, e.g., Massachusetts Order ¶ 160 (finding 96-percent performance acceptable); New York Order ¶¶ 291-296 (finding 91- to 94-percent performance acceptable), aff'd, AT&T Corp. v. FCC, 220 F.3d at 625-28 (upholding Commission's decision).

Verizon also continues to provide hot cuts at a very high level of quality. For example, from December through February, none of the hot cuts that Verizon performed in Connecticut resulted in installation troubles. See Lacouture/Ruesterholz Decl. ¶ 100. And in New York, less than 1 percent of the hot cuts that Verizon performed experienced such troubles. See id.; see also New York Order ¶¶ 300-303 (describing slightly higher levels of installation troubles as "extremely low"); Massachusetts Order ¶ 160 (finding similar levels of installation troubles acceptable). Moreover, Verizon has implemented additional measures since the New York proceeding that further ensure that directory listings are not inadvertently dropped on hot-cut orders. See Lacouture/Ruesterholz Decl. ¶¶ 102-103; New York Order ¶ 355 (finding that Verizon already had "taken adequate measures to detect any dropped listings and restore them to the directory assistance database promptly"); Massachusetts Order ¶¶ 157-158 (finding that Verizon's hot-cut process satisfies the checklist).

c. High-Capacity Loops.

No CLEC has requested a high-capacity loop in Greenwich or Byram. See Lacouture/Ruesterholz Decl. ¶ 117. Nonetheless, Verizon is prepared to provide such loops on request and is capable of meeting whatever limited demand may ultimately develop in Connecticut. In fact, in New York, Verizon has provisioned about 900 such loops, which is a very small percentage of all unbundled loops, and Verizon's performance has been strong. See

id. For example, from December 2000 through February 2001, Verizon completed approximately 91 percent of high capacity loop orders on time for both CLECs and Verizon's own retail customers in New York when factors outside of Verizon's control are properly taken into account. See id. ¶ 118.³⁶ During that same period, less than 3 percent of the high-capacity loops provided to CLECs in New York experienced troubles in any given month, see id. ¶ 121; the mean time to repair CLEC high capacity loops in New York was, on average, within one hour of Verizon's retail performance, see id.; and Verizon had fewer repeat trouble reports on CLEC high-capacity loops than for its own comparable retail service, see id.

d. DSL-Capable Loops.

As is the case with unbundled loops overall, Verizon's performance in providing access to the subset of loops used to provide DSL services is strong. The systems and process that Verizon uses to provide competing carriers access to DSL loops in Connecticut and New York are the same in virtually every respect as those used in Massachusetts, which the Commission found satisfy the checklist. See id. ¶ 123; Massachusetts Order ¶¶ 60, 130, 133, 136, 142, 149.

At the time Verizon filed its New York Application, competitors had just begun ordering loops to provide DSL services, and Verizon's performance in providing access to these loops was "not reported in accordance with a common set of definitions." See New York Order ¶¶ 326-327. Now, in contrast, DSL-capable loop volumes in New York are large, and Verizon measures the timeliness of its performance using measurements that were developed in collaborative proceedings with CLECs and adopted by the New York PSC. See Canny/Abesamis Decl. ¶ 110. Verizon uses the very same measurements to report its

³⁶ Verizon's reported performance under the missed appointment measurement for high-capacity loops is skewed by the fact that it includes orders that Verizon could not complete because facilities were not available. See Lacouture/Ruesterholz Decl. ¶ 118. Rather than reject these orders, Verizon takes additional steps to make high-capacity loops available. See id.

performance in Connecticut, see id. ¶ 12, where it also is providing relatively large volumes of DSL-capable loops to CLECs.

Through January 2001, Verizon has provided more than 350 DSL-capable loops to competing carriers in Connecticut. See Lacouture/Ruesterholz Decl. ¶ 126. Proportionately, this is the equivalent of 90,000 loops in New York. Moreover, in New York itself, Verizon has provided more than 45,000 DSL-capable loops to CLECs. See id. These large volumes demonstrate that Verizon will be able to handle any conceivable level of demand that may develop for DSL-capable loops in Greenwich and Byram.

Pre-ordering. Verizon provides “nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL technologies.” New York Order ¶ 140; see also Massachusetts Order ¶ 60. As in New York and Massachusetts, and as described in greater detail in the Lacouture/Ruesterholz Declaration, a CLEC may obtain access to loop qualification information in one of four ways. See New York Order ¶ 142; Massachusetts Order ¶ 55; Lacouture/Ruesterholz Decl. ¶ 127.

First, a CLEC may obtain access to the same loop-qualification database that Verizon’s retail personnel in New York use to qualify an end user customer’s line for DSL service, which contains information for both of the central offices that serve Greenwich and Byram. See Lacouture/Ruesterholz Decl. ¶¶ 128, 130; New York Order ¶ 142; Massachusetts Order ¶ 56.³⁷

³⁷ Since the New York proceeding, Verizon has further enhanced this database to provide CLECs with additional information as to why loops they have requested do not qualify for DSL service. See Lacouture/Ruesterholz Decl. ¶ 132; see also Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696, ¶ 426 (1999) (“UNE Remand Order”); Massachusetts Order ¶¶ 60, 67-69 (finding that Verizon’s loop qualification database in Massachusetts with identical enhancements meets the requirements of the Act and the UNE Remand Order).

CLECs are now using Verizon's database to pre-qualify the vast majority of their DSL-loop orders. See Lacouture/Ruesterholz Decl. ¶ 133. Second, Verizon will perform a manual loop qualification for a CLEC upon request, which gives the CLEC the same type of information about a loop that it would get from the loop-qualification database. See id. ¶ 135; New York Order ¶ 142; Massachusetts Order ¶ 58. Third, if a CLEC wants even more information about a loop, Verizon will perform an engineering query on request. See Lacouture/Ruesterholz Decl. ¶ 140; New York Order ¶ 142; Massachusetts Order ¶ 59. Finally, Verizon provides CLECs with electronic access to the loop make-up information in Verizon's Loop Facility Assignment Control System ("LFACS"). See Lacouture/Ruesterholz Decl. ¶¶ 141-144; Massachusetts Order ¶¶ 55, 61 ("Verizon's offering for LFACS loop make-up information complies with the checklist.").³⁸

Verizon not only provides access to the required loop information, but also does so on a timely basis. From December 2000 through February 2001, Verizon consistently met or bettered the relevant standards for responding to mechanized and manual loop qualification requests in Connecticut. See Lacouture/Ruesterholz Decl. ¶¶ 145-146; see also Massachusetts Order ¶¶ 133-134 (relying on comparable performance under these same measurements). Likewise,

³⁸ Verizon enables CLECs to request information in LFACS electronically using any of Verizon's existing pre-ordering interfaces, and Verizon is in the process of developing a longer-term arrangement to replace the current mechanism for obtaining access to the limited loop information in LFACS. See Lacouture/Ruesterholz Decl. ¶¶ 141-144; see also Massachusetts Order ¶ 62 (finding that Verizon's current process for accessing LFACS "provid[es] competing carriers with an adequate process for obtaining LFACS loop information quickly and electronically"); id. (finding that Verizon's proposal to develop a long-term capability for accessing LFACS is "detailed, well-developed, and subject to a prioritized time frame," and that "Verizon has initiated concrete and irreversible steps to implement these changes through its formal change management process").

Verizon's performance in New York where volumes are significantly larger was equally strong. See Lacouture/Ruesterholz Decl. ¶¶ 145-146.

Ordering. Verizon is providing CLECs in Connecticut with access to the New York ordering systems, and is doing so in a timely manner. CLECs in New York and Connecticut can use either the Web-based Graphical User Interface ("Web-GUI") or EDI interfaces to submit orders for unbundled DSL-capable loops, and orders in both states are processed by the same DSL/Line Sharing Center in Boston. See id. ¶ 148. This is the same center used to process DSL orders in Massachusetts, which the Commission found "consistently provides timely confirmation notices to competing LECs . . . for unbundled xDSL loop orders." Massachusetts Order ¶ 135. Moreover, in Connecticut, Verizon's performance in returning order confirmation notices and order rejection notices for DSL-loop orders has been excellent. For example, from December through February, Verizon returned on time 96 percent of the order confirmation notices and nearly 94 percent of the order rejection notices for all categories of DSL-loop orders in Connecticut. See Lacouture/Ruesterholz Decl. ¶ 151; see also Massachusetts Order ¶ 135 & n.424 (relying on comparable performance under these same measurements). In New York, Verizon's performance was equally strong even though volumes are substantially larger. See Lacouture/Ruesterholz Decl. ¶ 151.

Provisioning Timeliness. Verizon's performance provisioning DSL loops to competitors is excellent.

For example, in Connecticut, Verizon met more than 95 percent of its installation appointments for DSL loops in January and February 2001. See id. ¶ 155. In December 2000, Verizon missed only one of its installation appointments in Connecticut. See id. ¶ 156. Likewise, while Verizon completed a much larger number of orders in New York, it nonetheless

met between 94 and 96 percent of its installation appointments for CLECs in January and February in that state as well. See id. ¶ 157; see also Massachusetts Order ¶ 137 & n.429 (finding slightly higher missed appointment rate for CLECs acceptable).³⁹

Verizon's performance under the average completion interval measurement also shows that Verizon is installing loops on time. In Connecticut, there were only six orders included in this measurement during January and February, and Verizon completed them in an average of six days. See Lacouture/Ruesterholz Decl. ¶ 160.⁴⁰ In New York, where volumes are substantially larger, Verizon installed CLEC DSL loop orders in December, January, and February in an average of 6.62 days, 7.93 days, and 7.39 days, respectively. See id. ¶ 161; Gertner/Bamberger Decl. ¶ 18.⁴¹ This is comparable to the performance for CLECs that the Commission found acceptable in Massachusetts. See Massachusetts Order ¶ 139 & n.434 (finding acceptable average completion interval for CLECs that was "one and one-half days longer than the standard six-day interval").

In addition, Verizon's performance also is strong and improving, as reported in a series of new measurements that have been adopted in New York and Connecticut. See id. ¶ 141 (finding that such measurements provide "additional diagnostic data to evaluate" Verizon's performance).

³⁹ The Carrier-to-Carrier working group agreed to change the definition for this measure beginning with January results. See Lacouture/Ruesterholz Decl. ¶ 154. Verizon has calculated its December performance for this measurement using the new business rules, and under that calculation Verizon's on-time performance was 92 percent. See id. ¶ 157.

⁴⁰ The Carrier-to-Carrier working group agreed to change the definition for this measure beginning with January results. See Lacouture/Ruesterholz Decl. ¶ 158. When the December results in Connecticut are calculated pursuant to the new business rules for this measurement, and to exclude orders that were not completed because no facilities were available, Verizon's average completion interval was 6.33 days. See id. ¶ 160; Gertner/Bamberger Decl. ¶ 18 n.8.

⁴¹ The December results relied on here were calculated using the new business rules, and the results for all three months were adjusted to exclude facilities misses. See Lacouture/Ruesterholz Decl. ¶ 161; Gertner/Bamberger Decl. ¶¶ 17-18.

The first of these measurements is PR-3-10, which is intended to measure the percentage of DSL-loop orders that Verizon completes within six days. Effective January 2001, this measurement was substantially revamped by the Carrier-to-Carrier working group in order to eliminate a series of flaws that previously caused the measure inaccurately to reflect Verizon's performance. See Lacouture/Ruesterholz Decl. ¶ 162. In the first two months of reporting under the new version of this measurement, Verizon completed 100 percent of CLEC DSL-loop orders in Connecticut within the six-day interval. See id. ¶ 163. In New York, Verizon completed more than 91 percent of the larger number of orders in that state in February within six days, and its performance under this measurement has continued to improve. See id. ¶ 164.

A second new measurement, reported for the first time in January 2001, measures the percentage of CLEC DSL-loop orders that Verizon completes within nine days. This measurement includes orders where a CLEC requested a manual loop qualification and that therefore are subject to an interval of up to nine days. See id. ¶ 165. In Connecticut, Verizon's performance under this measurement for CLECs in January was 100 percent, and in February Verizon missed completing just one order for CLECs within nine days. See id. In New York, Verizon completed more than 93 percent of its DSL loop orders within nine days in January and more than 96 percent in February. See id.

Provisioning Quality. Verizon provides unbundled DSL-capable loops to competing carriers that are equal in quality to the loops used for Verizon's retail DSL services.

Verizon's reported results for one subset of total trouble reports — those reported within 30 days of installation (so-called "I-codes") — demonstrates parity. In Connecticut, there were only eight trouble reports submitted by CLECs from December 2000 through February 2001. See id. ¶ 171. And in New York, Verizon's performance is at parity during this same period

when calculated under the new business rules agreed to by the CLECs in the Carrier-to-Carrier proceeding. See id.; see also Massachusetts Order ¶ 146 (relying on adjusted performance data for this measurement demonstrating parity).⁴² In addition, as part of Verizon’s ongoing efforts to improve DSL loop performance, it is taking a number of steps to improve the acceptance testing processes and reduce the incidence of I-codes they report. See Lacouture/Ruesterholz Decl. ¶¶ 172-180; see also Massachusetts Order ¶ 148 (noting that “Verizon’s remedial efforts to improve the . . . acceptance testing process . . . are likely to reduce competitive LEC installation quality impairments in the future”).

Of course, as the Commission has recognized, the reported results for I-codes can be affected by CLEC behavior and do not accurately measure Verizon’s performance. See Massachusetts Order ¶ 146 (relying on adjustments to Verizon’s performance data that account for CLEC behavior); Lacouture/Ruesterholz Decl. ¶ 168. In particular, this measurement has become a measure of the accuracy of the acceptance testing performed by CLECs, rather than a measure of Verizon’s performance. See Lacouture/Ruesterholz Decl. ¶ 168; see also Massachusetts Order ¶ 145 (noting that “adjustments to [Verizon’s performance] data are justified” where “(1) the type of trouble reported could not occur post-acceptance, but rather must have existed at acceptance; and (2) would consistently be detected by the joint testing methods employed”). Although Verizon’s I-code rates demonstrate parity under the new

⁴² In March 2001, the Carrier-to-Carrier group agreed to change this measurement in two ways. First, it agreed that I-codes from all carriers would be included in the measure. See Lacouture/Ruesterholz Decl. ¶ 170; Canny/Abesamis Decl. ¶ 77; see also Massachusetts Order ¶ 144 n.450 (finding this modification provides more accurate results). Second, the group changed the retail analogue to retail POTS orders requiring a dispatch (rather than all POTS orders as before). See Lacouture/Ruesterholz Decl. ¶ 170. The group agreed to this change since nearly all DSL loop orders require a dispatch and, therefore, should be compared to POTS orders that also require a dispatch.

business rules, when the fact that some CLECs do not properly perform acceptance testing is taken into account, Verizon's performance is even better for CLECs than for itself.

Maintenance and Repair. Verizon performs maintenance and repair functions for competitors' DSL loops in substantially the same time and manner as it does for retail lines. See New York Order ¶ 335.

First, Verizon meets the scheduled repair appointments for CLECs more often than it does for itself, which from a customer's perspective is often the best measure of Verizon's performance. See Lacouture/Ruesterholz Decl. ¶ 181; see also Massachusetts Order ¶ 150 n.471 (noting as relevant Verizon's performance under this measurement). In December 2000 and February 2001, Verizon met all of its repair appointments for competing carriers' customers in Connecticut, and missed only one appointment in January. See Lacouture/Ruesterholz Decl. ¶ 182. In New York, where volumes are larger, in each month Verizon met a higher percentage of appointments for CLECs than for Verizon's own retail customers. See id. ¶ 183.

Second, Verizon's performance is strong under the mean time to repair measurement. In Connecticut, where there were only a few troubles reported for DSL loops from December through February, Verizon's mean time to repair improved from 40 hours in December to fewer than 15 hours in February. See id. ¶ 188. In New York, where volumes are larger, Verizon's mean time to repair CLEC DSL loops in January and February was, on average, within two hours of the time to repair the loops of Verizon's own advanced services affiliate, which in January became the retail analogue under the Carrier-to-Carrier standards. See id. ¶¶ 189-190. This difference is not competitively significant. See, e.g., Massachusetts Order ¶ 150 (finding eight-hour disparity in mean time to repair performance acceptable).

Third, Verizon’s repeat trouble report rate is in parity. In Connecticut, there have been very few troubles reported by CLECs, see Lacouture/Ruesterholz Decl. ¶ 171, and only one repeat trouble report in January and February, see Canny/Abesamis Decl. Att. B. In New York, the repeat trouble report rate was lower for CLECs in January and February than for Verizon’s separate data affiliate (which, as with the mean time to repair measurement, became the retail analogue in January 2001). See Lacouture/Ruesterholz Decl. ¶ 190.

Finally, the total trouble report rate for unbundled DSL loops confirms that Verizon provides reliable loops to CLECs. In Connecticut, from December through February, no troubles were found on nearly 99 percent of the CLEC DSL loops in service in any given month. See id. ¶ 185. In New York, where the number of DSL loops in service is much larger, during this same period no troubles were found on nearly 98 percent of the CLEC DSL loops in service in any given month. See id. ¶ 186.

Separate Data Affiliate. Verizon today provides DSL service in Greenwich and Byram through the same separate affiliate — Verizon Advanced Data Inc. (“VADI”) — through which Verizon provides retail DSL services in New York. See id. ¶ 122; Dowell Decl. ¶ 4. Further, while the requirement to maintain a structurally separate affiliate will automatically terminate in light of the D.C. Circuit’s decision in Association of Communications Enters. (ASCENT) v. FCC, 235 F.3d 662 (D.C. Cir. 2001), Verizon will nevertheless be required under the Bell Atlantic/GTE merger conditions to provide advanced services through a separate division that uses the same interfaces, processes, and procedures that CLECs use.⁴³ Regardless, as the Commission has recognized, the requirement to submit orders using the same interfaces and

⁴³ See Application of GTE Corp., Transferor, and Bell Atlantic Corp., Transferee, For Consent to Transfer Control, Memorandum Opinion and Order, 15 FCC Rcd 14032, App. D ¶¶ 11(c), 12(c).

processes provides “further assurance that competing carriers . . . will [continue to] have nondiscriminatory access to xDSL-capable loops.” New York Order ¶ 331; see id. ¶ 332.

e. Line Sharing.

Since the time of the New York proceeding, the Commission adopted a new requirement — typically referred to as line sharing — to provide unbundled access to the “high frequency portion of the loop.” See Line Sharing Order ¶ 13;⁴⁴ 47 C.F.R. § 51.319(h). Through line sharing, a competing carrier may provide high-speed data service over the same loop on which a customer receives basic local voice service from Verizon. As is the case with DSL-capable loops overall, Verizon uses common interfaces and the New York internal systems and processes to provide access to line-shared loops in Connecticut. See Lacouture/Ruesterholz Decl. ¶ 207; McLean/Wierzbicki Decl. ¶ 5. The Commission has found that these systems and processes are the same as those used in Massachusetts. See Massachusetts Order ¶ 165 (“we conclude that Verizon’s line sharing OSS in New York and Massachusetts uses the same systems and offers the same functionality”); see also id. ¶ 49.⁴⁵ And it has found that these systems and processes “provide[] nondiscriminatory access to the high-frequency portion of the loop.” Massachusetts Order ¶ 165. Indeed, at the FCC’s recent Line Sharing Summit, Covad gave Verizon high marks

⁴⁴ Deployment of Wireline Services Offering Advanced Telecommunications Capability, Third Report and Order in CC Docket No. 98-147, Fourth Report and Order in CC Docket No. 96-98, 14 FCC Rcd 20912 (1999) (“Line Sharing Order”).

⁴⁵ Verizon has eight interconnection agreements in Connecticut with line sharing provisions, and Verizon also makes line sharing generally available through its tariff. See Lacouture/Ruesterholz Decl. ¶ 191. As in New York and Massachusetts, Verizon provides two kinds of line-sharing arrangements in Greenwich and Byram — one where the CLEC may install, own, and maintain a splitter in its own collocation arrangement, and a second arrangement where the CLEC may own the splitter, install the splitter itself or using an approved vendor, and where the splitter is located in Verizon’s central office space and maintained by Verizon. See id. ¶ 192; Massachusetts Order ¶ 164 n.512. CLECs may submit line sharing orders electronically using the Web-GUI or the application-to-application EDI interface. See Lacouture/Ruesterholz Decl. ¶ 207; Massachusetts Order ¶ 165 n.519.

for its implementation of line sharing, rating it at the top of the pack among incumbent LECs on a number of issues. See Covad Linesharing Implementation Team, Covad Presentation – FCC Linesharing Summit 4 (Jan. 31, 2001).

Verizon also has “worked with competing carriers to identify and resolve various technical and operational issues associated with line sharing.” Massachusetts Order ¶ 164. For example, to assist with the complex technical and operational issues of line sharing, Verizon met with CLECs on a weekly basis as part of the DSL collaborative proceedings, and conducted a line sharing trial with several interested CLECs. See Lacouture/Ruesterholz Decl. ¶ 197; Massachusetts Order ¶ 164. Verizon also has conducted extensive workshops and seminars to educate CLECs about the processes and procedures to obtain line sharing, and has posted additional training material on its Web site. See Lacouture/Ruesterholz Decl. ¶¶ 198-199.

Moreover, Verizon adopted special procedures outside of the normal collocation process in order to accelerate the collocation augment work that CLECs needed to engage in line sharing. See id. ¶ 203. To ensure that all line-sharing-related collocation work was completed accurately, Verizon has conducted Quality Inspections of every collocation arrangement in the central offices serving Greenwich and Byram that has been augmented for line sharing, and it has completed any additional work that these inspections revealed was needed. See id. ¶¶ 204-205; Massachusetts Order ¶ 167. And Verizon has committed to resolve any collocation-related problems in the future within five business days, and has developed a special team of employees to ensure this takes place. See Lacouture/Ruesterholz Decl. ¶ 205; see also Massachusetts Order ¶ 173 (“Recent efforts by Verizon have substantially, if not completely, addressed the initial central office wiring implementation issues experienced by competitive LECs Furthermore,

. . . Verizon has designed a process to address line sharing implementation difficulties going forward.”).

Verizon also has made numerous enhancements to its OSS to accommodate line sharing. See Lacouture/Ruesterholz Decl. ¶¶ 211, 214. These are the same enhancements that, in Massachusetts, the Commission found satisfy the Act. See Massachusetts Order ¶ 165. These enhancements enable CLECs to submit line sharing orders electronically, and Verizon has already put in place an initial OSS release that allows the most common type of line sharing orders — new connects for up to five lines — to flow through Verizon’s internal systems to provisioning automatically. See McLean/Wierzbicki Decl. ¶ 42; see also Massachusetts Order ¶ 170 n.542. And for those order types that do not yet flow through, Verizon has established a wholesale service center in Boston that is dedicated to DSL loop and line sharing, and that currently is staffed to handle more than 60,000 requests per month. See Lacouture/Ruesterholz Decl. ¶ 206.

Verizon is now processing commercial line sharing orders in Connecticut. Specifically, Verizon has completed two line-shared loops for CLECs, and approximately *** for its own data affiliate using the same interfaces and internal systems and processes as those used to process the orders of all other CLECs. See id. ¶ 207; Massachusetts Order ¶ 165 n.518; see also id. ¶ 165 n.519 (“PwC confirmed that VADI offers DSL service using line sharing purchased from Verizon using the same interfaces that are available to other unaffiliated competitive LECs.”); App. B, Tab 13B, ¶¶ 71-73.

Moreover, while demand in Connecticut has been limited, experience in New York demonstrates that Verizon can readily handle whatever additional demand may develop in Connecticut. See Lacouture/Ruesterholz Decl. ¶¶ 206, 208. In January and February 2001,

Verizon completed an average of 14,000 line sharing orders a month for CLECs and VADI in New York. See id. ¶ 206.

Finally, in January 2001, Verizon for the first time began reporting its line sharing performance separately from its performance for two-wire DSL-capable loops. See id. ¶ 209; Massachusetts Order ¶ 168. Verizon reports its line sharing performance in Connecticut using the same line sharing measurements as in New York, which were developed by the Carrier-to-Carrier working group under the auspices of the New York PSC. See Lacouture/Ruesterholz Decl. ¶ 209. These are the same measurements that Verizon uses in Massachusetts, which the Commission found “adequately show that Verizon has met its line sharing obligation.” Massachusetts Order ¶ 168. As described below, Verizon’s results under the new line sharing measurements confirm that Verizon is providing nondiscriminatory service to its CLEC customers.

Provisioning Timeliness. Verizon installs line sharing orders in a timely and nondiscriminatory manner, as demonstrated by its performance under several different measurements adopted in the Carrier-to-Carrier proceedings.⁴⁶ As noted above, CLECs have placed only two line sharing orders in Greenwich and Byram. See Lacouture/Ruesterholz Decl. ¶ 208. Verizon has been provisioning substantial volumes of line sharing orders in New York, however, and its performance has been strong. This proves that Verizon can easily handle future volumes of line sharing orders in Connecticut. In fact, if CLECs in Greenwich and Byram began

⁴⁶ Verizon’s pre-ordering and ordering systems for line sharing are the same as those used for unbundled DSL-capable loops, see Lacouture/Ruesterholz Decl. ¶¶ 210-211, 214-216, and Verizon’s performance has been excellent, see id. ¶¶ 210, 212. Moreover, the Commission found that Verizon’s pre-ordering and ordering systems and interfaces provide CLECs with nondiscriminatory access. See Massachusetts Order ¶¶ 60, 135.

ordering line sharing in proportion to CLECs in New York, it would require Verizon to provision only 30 additional line sharing orders per month in Connecticut. See id. ¶ 206.

Verizon's performance under the missed appointment measurement demonstrates that its performance in providing line sharing to CLECs is strong.⁴⁷ This measurement separately tracks Verizon's performance on non-dispatch orders and on dispatch orders. See Lacouture/Ruesterholz Decl. ¶ 218. In New York, where volumes are substantially larger than they are in Connecticut, in January and February 2001, Verizon met 97 percent of its installation appointments for CLECs' non-dispatch line sharing orders, which make up the overwhelming majority of such orders. See id. This was within two percentage points of Verizon's performance for its separate data affiliate. See id. There were very few dispatch orders in either state. See id.

Verizon's performance under the second line sharing provisioning measurement — Average Interval Completed — shows that Verizon is not only installing line sharing orders on time, but also is installing them in a nondiscriminatory manner. See id. ¶ 219. Again, these measurements track Verizon's performance separately for non-dispatch orders — which make up virtually all line sharing orders — and for dispatch orders. See id. In New York, in January and February, Verizon's average interval for completing non-dispatch orders for both CLECs and Verizon's separate data affiliate was four days. See id.; Massachusetts Order ¶ 170 & n.541 (finding longer average completed intervals for CLECs and VADI acceptable).

Finally, Verizon reports the percentage of line sharing orders that it completes within four business days. In December 2000, this became the standard provisioning interval for line sharing

⁴⁷ In December 2000, Verizon implemented a splitter signature test in order to ensure that the splitter is working properly on the line before marking a line sharing order as complete. See Lacouture/Ruesterholz Decl. ¶ 218; Massachusetts Order ¶ 168 n.531.

orders in New York and Connecticut. See Lacouture/Ruesterholz Decl. ¶ 202. In New York, where volumes are substantially larger than they are in Connecticut, Verizon’s performance has consistently improved since this interval went into effect. In February 2001, Verizon met the four-day interval where it was requested on 96 percent of CLECs’ line sharing orders in New York, which was within one percentage point of Verizon’s performance for its separate data affiliate. See id. ¶ 220.

Provisioning Quality. Verizon provides line sharing to its CLEC customers that is equal in quality to what it provides its own affiliate. Again, CLECs have placed only two line sharing orders in Greenwich and Byram. In New York, however, the I-code rate for the much larger volume of CLEC orders was less than 1 percent in January and February 2001. See id. ¶ 222; Massachusetts Order ¶ 171 (relying on comparable performance under this measurement).

Maintenance and Repair. Just as Verizon provides line shared loops that are equal in quality to the loops its provides to its own affiliate, when these loops do experience troubles Verizon repairs them just as quickly for CLECs as it does for its own affiliate.

The first measurement of Verizon’s maintenance and repair performance tracks the mean time to repair line sharing orders. See Lacouture/Ruesterholz Decl. ¶ 226. In New York, CLECs submitted only a small number of trouble tickets for central office troubles — the most common kind of line sharing troubles — which means that the mean time to repair can be affected disproportionately by a few trouble tickets. See Kansas/Oklahoma Order ¶ 34 (“where performance data is based on a low number of observations, small variations in performance may produce wide swings in the reported performance data”). For example, a single trouble ticket in New York that involved build issues single handedly increased the mean time to repair in January 2001 by 49 hours. See Lacouture/Ruesterholz Decl. ¶ 227. If this ticket is removed,