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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions of the Telecommunications Act of 1996	)	CC Docket No. 96-98
	)	
Joint Petition of BellSouth, SBC, and Verizon for Elimination of Mandatory Unbundling of High-Capacity Loops and Dedicated Transport	)	

REPLY COMMENTS OF AES COMMUNICATIONS, LLC, BROADSLATE NETWORKS, INC., CTC COMMUNICATIONS CORP., AND TELERGY, INC.

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June 25, 2001

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AES Communications, LLC ("AES"), Broadslate Networks, Inc. ("Broadslate"), CTC Communications Corp. ("CTC"), and Telergy, Inc. ("Telergy") (together, "Joint Reply Commenters"), pursuant to the Public Notice issued April 23, 2001,[1] file these reply comments in opposition to the Petition of BellSouth, SBC, and Verizon (together, "RBOC Petitioners") for Elimination of Mandatory Unbundling of High-Capacity Loops and Dedicated Transport ("Petition").

I. The Comments Overwhelmingly Demonstrate That the Petition Should Be Summarily Rejected

Of the parties filing comments in response to the Petition, only the United States Telecom Association ("USTA") recommends that the FCC grant the Petition, and even it admits that the RBOC Petitioners should not receive complete relief from their unbundling obligations. Nota-

[1] *Common Carrier Bureau Grants Motion for Extension of Time for Filing Comments and Reply Comments on BOC Joint Motion Regarding Unbundled Network Elements*, CC Docket No. 96-98, DA 01-1041 (rel. April 23, 2001).

bly, Sprint and Qwest, who are both incumbent local exchange carriers ("ILECs") and thus should be supportive of RBOC Petitioners, oppose the Petition. Ironically, USTA's own competitive local exchange carrier ("CLEC") Council also opposes the Petition that USTA supports.[2]

The overwhelming majority of commenters oppose the Petition for three distinct reasons. First, the Petition is procedurally improper and premature. RBOC Petitioners failed to comply with FCC procedural rules and violated the three-year quiet period established in the *UNE Remand Order*.[3] Second, both the facts on which the Petition relies and its factual and legal analyses are flawed. One of the major flaws in the Petition and so-called "Fact Report" is that they muddle the "facts" and analyses for two markets, local exchange and exchange access, that both the Petition and USTA claim are separate and distinct.[4] Numerous commenters demonstrated that the so-called "Fact Report" is riddled with errors and misstates important facts.[5] Numerous commenters also submitted evidence that contradicts the "facts" relied upon by RBOC Petitioners to support their analyses.[6] Third, contrary to the anecdotes included in the Petition, the evidence shows that CLECs would be impaired in their ability to provide *local services* without access to unbundled high capacity loops and dedicated transport nationwide

[2] USTA CLEC Council Comments at 2.

[3] *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, FCC 99-238, 15 FCC Rcd 3696 (rel. Nov. 5, 1999) ("*UNE Remand Order*"), *review pending sub nom. United States Telecom Ass'n et al. v. FCC*, Nos. 00-1015 & 00-1025 (D.C. Cir.).

[4] Petition Fact Report at 1; USTA Comments at 2. In initial comments, several parties, including USTA, addressed two separate Public Notices -- the RBOC Petition notice and the notice concerning exchange access limits on enhanced extended loops.

[5] *See, e.g.,* Mpower Comments, Ankum Declaration; WorldCom Comments, Attachment A; XO Communications Burns Declaration at ¶ 8.

[6] *See e.g.* Covad Declaration at ¶¶ 13-18; McLeod Comments at 2-3; Network Plus Korner Declaration at ¶ 8; TDS Comments at 7; New York State Department of Public Service Comments at 2-4; WorldCom Comments at 7-8. *See also* Oliver Declaration (attached as Exhibit B).

because alternatives are not ubiquitously available.[7] Although some parties address both the local exchange and exchange access markets in their initial comments, the FCC must not lose sight of the impact granting the Petition would have on competition in the local exchange market. CLECs rely extensively on both high capacity loops and dedicated transport to provide local exchange and advanced services to *all* of their customers, not just large business customers that typically purchase special access services.[8] Accordingly, initial comments demonstrate that the Petition is without merit. The Commission should promptly reject the Petition.

II. USTA Presents No New Evidence in Support of the Petition and Ignores Established Precedent

USTA presents no new evidence showing that alternatives to unbundled transport and high capacity loops are actually available throughout the United States.[9] Instead, USTA summarizes the anecdotes recited in the Petition and the so-called "Fact Report" attached to the Petition.[10] Accordingly, the USTA comments present no reason to grant the Petition, which should be promptly denied for the reasons discussed above.

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[7] *See e.g.* AES Comments, Exhibit A (using special access could increase AES' costs by 150% to 750%); WorldCom Fleming Declaration at ¶ 8 (cost of bringing a new building on net averages $250,000 per building); TDS Comments at 5 (laying fiber in TDS' markets can cost up to $150,000 per mile).

[8] AES Comments at 9-10 (AES intends to target small and medium businesses using high capacity loops and enhanced extended loops); Broadslate Whitaker Declaration at ¶ 4 (must rely on ILEC dedicated transport to connect its collocation sites to its local data center because alternatives are not available); Covad Declaration at ¶¶ 3-11 (must rely on ILEC dedicated transport to obtain wide geographic coverage for its xDSL services because alternatives are not available); Network Plus Korner Declaration at ¶ 6 (relies on DS1 loops to provide service to customers with as few as four local access lines).

[9] USTA's lack of new evidence stands in sharp contrast to the evidence submitted by parties opposing the Petition.

[10] The only new evidence USTA cites in its comments are statistics from the FCC's May 21, 2001 release of local competition data. USTA ignores the fact that in its report the FCC questioned the very data on which USTA relies to support the proposition that CLECs are self-provisioning 35% of their own loops. *See* USTA Comments at 6, n.5. Although the FCC reported that CLECs provide service to 35% of their end users over the CLECs' own local loop facilities, it questioned whether this data was accurate. *See* Local Telephone Competition: Status as of December 31, 2000, 1, n.2 (May 2001) ("Local Telephone Competition").

USTA also recommends, however, that the FCC adopt a "safety valve:"

> USTA supports a process that would ensure that *any* CLEC has the opportunity to demonstrate in a *specific* local exchange market that high-capacity loops and/or dedicated transport are not available and that the CLEC would be impaired in its ability to serve that local exchange market if these facilities are not provided by the ILEC as UNEs. When a CLEC believes that mandatory unbundling of high-capacity loops and/or dedicated transport facilities is *necessary* in order to compete, the requesting *CLEC must bear the burden* of demonstrating to the Commission that in a *specific* local exchange market served by the CLEC the absence of mandatory unbundling of the ILEC's high-capacity loops and dedicated transport facilities would impair the CLEC's ability to provide competitive local exchange service.[11]

USTA further recommends that this safety valve be available only as a transitional measure for some undefined period of time.[12] As shown below, USTA's proposal is inconsistent with FCC precedent and unworkable. The FCC should reject it.

USTA turns the impair test on its head, in part by assigning the burden of proof to CLECs. RBOC Petitioners have asked to be relieved of their obligation to comply with existing law. Although FCC rules requiring ILECs to unbundle high capacity loops and dedicated transport are pending on appeal before the United States Court of Appeals for the District of Columbia Circuit, they are nevertheless effective and binding law. Yet USTA repeatedly ignores the FCC's rules when it claims that the Petition shows high capacity loops and dedicated transport fail to meet the impair test "*as interpreted by the United States Supreme Court.*"[13] As Senator Hollings recently noted, rather than comply with the Telecommunications Act of 1996 ("1996 Act") that they helped to write, the RBOCs have repeatedly questioned its constitutionality, appealed the FCC's orders to the Supreme Court, and litigated their obligations under the Act

[11] USTA Comments at 7 (emphasis added).

[12] Implicitly recognizing that the Petition violates the FCC's three-year quiet period, USTA recommends that parties be permitted to file, at any time, petitions to abolish the safety valve so that ILECs would not have to make high capacity loops or dedicated transport available "under any circumstances." USTA Comments at 16, n.36.

before every state public service commission.[14] Through its comments on the Petition, USTA improperly attempts to shift the burden of proof to CLECs. However, the burden of producing evidence sufficient to overturn *existing unbundling obligations* is on RBOC Petitioners and UTSA, not CLECs. And, as noted above, because they have failed to meet that burden, the Petition should be dismissed.

The appeal of the *UNE Remand Order*, as opposed to this proceeding, is the proper forum for USTA and RBOC Petitioners to dispute whether the FCC's impair test, and its application that resulted in the obligation to unbundle high capacity loops and dedicated transport, are consistent with Section 251(d)(2). In their brief in the *UNE Remand Order* appeal, USTA and RBOC Petitioners devote multiple pages to support the same arguments they make in the Petition. In support of their argument that the FCC's interpretation of the statutory impair standard was arbitrary and capricious, they argue that "The FCC Failed to Give Any Meaningful Weight to the Availability of Alternatives to Using Unbundled Network Elements."[15] In support of their argument that the FCC's application of the impair standard was arbitrary and capricious, they argue that "The FCC Arbitrarily Ignored Evidence of Alternatives Both Within and Outside the Incumbents' Networks to Interoffice Transport Facilities, Dark Fiber, and High-Capacity Loops."[16] It is noteworthy that Qwest, one of the two appellants before the D.C. Circuit, opposes the Petition precisely because challenges to the FCC's rules are pending before the courts.[17]

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[13] USTA Comments at 1 (emphasis added). *See also* USTA Comments at 6, 9.

[14] *Hearing on Local Telephone Competition and U.S. Manufacturing* before the Senate Commerce, Science, and Transportation Committee, 107th Cong., Opening Statement of Chairman Hollings (June 19, 2001).

[15] *United States Telecom Ass'n v. FCC*, Nos. 00-1015 & 00-1025, Brief of Petitioners and Supporting Intervenors, 29-38 (D.C. Cir., filed June 1, 2001).

[16] *Id.* at 50-55.

[17] Qwest Comments at 1.

Unless and until they succeed on appeal, the burden of reversing the status quo remains squarely on RBOC Petitioners.

As with the Petition, USTA's "safety valve" proposal is totally without merit and merely another attempt to harm competitors. Joint Reply Commenters cannot stress strongly enough how unwise it would be for the FCC to adopt this proposal. The FCC has already twice determined that a case-by-case evaluation of unbundled network elements ("UNEs") would be inconsistent with the requirements of the Communications Act of 1934, as amended ("Act"), and unworkable. In the 1996 *Local Competition Order*, the FCC found that:

> A national list [of UNEs] would: (1) allow requesting carriers, including small entities, to take advantage of economies of scale; (2) provide financial markets with greater certainty in assessing requesting carrier's business plans; (3) facilitate the states' ability to conduct arbitrations; and (4) reduce the likelihood of litigation regarding the requirements of Section 251(c)(3).[18]

In the *UNE Remand Order*, the FCC affirmed its finding that a national UNE list best meets the requirements of the Act.[19] Although it endorsed "discrete geographic and product market exceptions" to an ILEC's national duty to provide UNEs in the limited instance of unbundled local switching,[20] it explicitly rejected calls for a national impair test to be applied by state commissions on a state-by-state basis to determine ILEC unbundling obligations:

> the resources and time that requesting carriers would be required to devote to individual regulatory proceedings designed to determine if the bright-line criteria had been met in every market would delay the introduction of competition. The outcomes of each proceeding would likely vary across the country, thereby making it more difficult for competing carriers to execute reasonably uniform national or regional business plans.[21]

[18] *UNE Remand Order* at ¶ 117 (citing conclusions of 1996 Local Competition First Report and Order) (citations omitted).

[19] *UNE Remand Order* at ¶ 120.

[20] *See UNE Remand Order* at ¶¶ 276-99.

[21] *UNE Remand Order* at ¶ 129.

The FCC found that a state-by-state, market-by-market application of the impair test would impose an undue and unworkable administrative burden on the FCC, the states and the industry.[22] Accordingly, the FCC may summarily reject the USTA proposal on the very good grounds that it has considered and rejected it twice before.

Moreover, the USTA proposal is totally unworkable. CLECs are using UNEs to provide service to the majority of their customers and, as the comments show, they use high capacity loops and dedicated transport to provide service to all types of business and residential customers[23] throughout the United States, in downtown business districts, suburbs and underserved areas[24] and in markets that span tier one to tier four cities.[25] Even if, as USTA claims, CLECs provide service to 35% of their customers over their own loop facilities, granting the Petition could suddenly take away the facilities used to serve the remaining 65% of CLEC customers.[26] Thus under USTA's proposal, the FCC and/or state commissions would be faced with a flood of petitions for an impairment determination in "specific local exchange markets" throughout the country. Broadslate alone would be faced with the prospect of filing 188 petitions in order to

[22] *UNE Remand Order* at ¶ 142.

[23] *See, e.g.*, Network Plus Korner Declaration (the majority of Network Plus' business customers have fewer than 15 lines); RCN Kahl Declaration (RCN provides bundled advanced services to residential customers in multiple tenant environments). *See also* Whitaker Reply Declaration at ¶ 3 (Broadslate provides service using DS1 loops to businesses that are not located in large office buildings or in major metropolitan areas and where alternative sources are not available). Telergy also uses DS1 loops to provide service to educational, health care, and government institutions (such as courts) that are not typically located in large office buildings.

[24] *See, e.g.*, Broadslate Whitaker Declaration at ¶ 2; Network Plus Korner Declaration at ¶ 3; TDS Comments at 3-4; Z-Tel Comments at 4. Telergy also provides service to customers using DS1 loops in small cities in upstate New York, such as Batavia, Binghamton, Cortland, Glenns Falls, Ithaca, Oswego, Plattsburgh, Poughkeepsie, Rome, Troy, Utica, and Watertown.

[25] *See, e.g.*, Broadslate Whitaker Declaration (Broadslate serves small and medium sized businesses in tier two to four markets).

[26] Joint Commenters recognize that the FCC statistic cited by USTA does not refer solely to high capacity loops but are using the comparison to make the point that a significant number of customers could be denied service if the Petition were granted and ILECs suddenly withdrew CLEC access to the loops they use to serve their customers.

continue providing service to existing customers and begin providing service to customers in planned expansion markets.[27] Pursuing such litigation could be financially devastating to Broadslate's business plan.[28] Similarly, the need to litigate access to UNEs in each market would significantly discourage new competitors like utilities and their affiliated telecommunications companies, *e.g.*, AES, from expanding their telecommunications operations or potentially from entering the local exchange business altogether.[29]

In addition, because CLECs are relying extensively on high capacity loops and dedicated transport to provide service to customers, the stakes are even higher now than they were in 1996 or 1999. Moving to a market-by-market test would effectively terminate the small competitive foothold CLECs have gained in certain markets since passage of the 1996 Act. USTA's offer to work with the FCC to create an expeditious process for its market-by-market safety valve[30] is merely window dressing to try to give a reasonable appearance to its efforts to make it as difficult as possible for CLECs to obtain UNEs. The FCC should therefore reject USTA's proposal.

III. The "Fact Report" Mischaracterizes CTC's Network

CTC is an integrated service provider operating on the East Coast in markets stretching from Maine to Virginia. CTC has been in the telecommunications business for over 20 years, providing long distance service since 1994, local resold service since 1998, and more recently entering the competitive local exchange market as a facilities-based carrier. CTC provides voice and data services to business customers over a single channelized DS1 or DS3 facility throughout its service area. Although CTC has purchased dark fiber from alternative sources, it still

[27] Whitaker Reply Declaration at ¶ 4.

[28] *Id.*

[29] AES Comments at 4-5.

relies on ILECs for the vast majority of its dedicated interoffice transport and 100% of the high capacity loops necessary to connect CTC's customers to its network.[31] The attached Declaration of Russell B. Oliver corrects the factual misstatements in the Fact Report about CTC's network. Thus, along with all the reasons presented in initial comments, the Petition should be denied because it mischaracterized CTC's network.

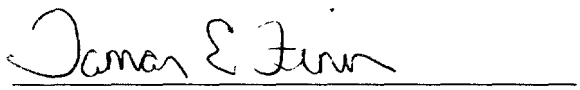
IV. Conclusion

The FCC determined in the *UNE Remand Order* that high capacity loops and dedicated transport meet the impair test throughout the country and must be unbundled. As the initial comments show, RBOC Petitioners and USTA have failed to present evidence that high capacity loops and dedicated transport are actually available as a practical, economic, and operational matter in the top 50 MSAs, let alone throughout the country. To the contrary, CLECs have submitted evidence that confirms the conclusion the FCC reached in the *UNE Remand Order.* There is no reason for the FCC to reverse itself and require CLECs to prove that their ability to provide service in each local exchange market in the country would be impaired without access to unbundled high capacity loops or dedicated transport. The FCC should reject USTA's suggestion to grant the Petition subject to a market-by-market safety valve that assigns the burden of proof to CLECs. The FCC should dismiss or deny the Petition and affirm its intentions to begin its triennial UNE review in February 2002.

[30] USTA Comments at 17.

[31] Oliver Declaration at ¶¶ 7-9.

Respectfully submitted,



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June 25, 2001

EXHIBIT A

DECLARATION OF TOM WHITAKER
ON BEHALF OF BROADSLATE NETWORKS, INC.

I, Tom Whitaker, do hereby declare and state:

1. I am Vice President of Operations for Broadslate Networks, Inc. ("Broadslate"). I have been employed by Broadslate since October of 1999 and am responsible for the ordering and provisioning of Broadslate's high capacity loops and dedicated transport for all Broadslate markets across the territories of six different ILECs. I have personal knowledge of the types of businesses that Broadslate serves using high capacity facilities and the geographic locations of such businesses.

2. Broadslate provides advanced data services to small and medium sized businesses in underserved tier II, III, and IV sized cities across a 10 state region. Broadslate currently serves, or plans to serve, 188 distinct local exchange markets. Broadslate utilizes two-wire xDSL capable loops and four-wire DS1 (high capacity) loops to deliver advanced high-speed data services. Broadslate orders such facilities to connect the customer's premises to Broadslate's collocated equipment. The four-wire DS1 loop allows Broadslate to expand it's serviceable customer base by reaching those customers that exceed xDSL loop length limitations or are served by xDSL prohibitive Digital Loop Carrier (DLC) systems. This DS1 high capacity loop provides the only cost effective option for Broadslate to reach these otherwise unreachable customers and is an integral part of our business plan. Our experience is that there is rarely, if ever, an alternative high capacity facility available to serve small to medium sized businesses in smaller tier II, III, and IV cities and it is not practical for Broadslate to build such "last mile" facilities to each customer it serves.

3. To illustrate the types of small and medium sized businesses that desire high-speed broadband services, the following is a sample of the businesses that Broadslate serves by utilizing ILEC high capacity DS1 unbundled loops:

Residential Home Builder	Monroe, NC
Real Estate	Chesapeake, VA
Auto Dealership	Portsmouth, VA
Insurance Agency	Harrisburg, PA
Engineering Firm	Richmond, VA
Architect	Virginia Beach, VA
Fireplace and Patio Supplies	Lancaster, PA
Lumber Yard	Downingtown, PA
YMCA	Chapel Hill, NC
Health Care	Hendersonville, NC

These businesses do not reside in large office buildings in major metropolitan areas and there is no alternative provider of high capacity facilities other that the ILEC.

4. Broadslate serves, or plans to serve, 188 distinct local exchange markets, covering the territory of six different ILECs. Broadslate will utilize high capacity DS1 loops in all 188 markets. Under the USTA market-by-market unbundling test proposal, Broadslate would be required to file 188 petitions to continue the ILEC's unbundling obligations in those markets in order to continue serving our customers. A market-by-market unbundling test would impose an administrative burden and delay that would significantly impair Broadslate's ability to execute our business plan. As a start-up company, our success is dependent upon our continued ability to order and provision

these high capacity loops, serving customers, and thus receiving a return on our capital investment. Any delay in the execution of our business plan would be financially devastating.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my information, knowledge, and belief.

DATED: 6/22/01

BY: _____
Tom Whitaker
Vice President of Operations

EXHIBIT B

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Implementation of the Local Competition	)	CC Docket No. 96-98
Provisions of the Telecommunications Act	)	
Of 1996	)	
	)	
Joint Petition of BellSouth, SBC, and Verizon	)	
For Elimination of Mandatory Unbundling of	)	
High-Capacity Loops and Dedicated Transport	)	

DECLARATION OF RUSSELL B. OLIVER

I, Russell B. Oliver, declare and state:

1. I am Vice President, Network Operations, CTC Communications Corp. ("CTC"), 220 Bear Hill Road, Waltham, MA 02451.

2. I have reviewed the Joint Petition of BellSouth, SBC, and Verizon for Elimination of Mandatory Unbundling of High-Capacity Loops and Dedicated Transport filed on April 5, 2001. I am submitting this declaration in support of CTC's comments concerning this petition.

3. CTC has been in the telecommunications business for over 20 years. Providing long distance service since 1994 and local resold services since 1998, CTC is now also a facilities-based competitive local exchange carrier providing voice and data services to business clients throughout the Northeast and Mid-Atlantic States.

4. CTC utilizes SBC leased high-capacity interoffice facilities and leased high-capacity local loops to provide service to its customers in Connecticut and Verizon leased high-capacity interoffice facilities and leased high-capacity local loops to provide service to its customers in all the other Northeast and Mid-Atlantic states where CTC operates.

5. While CTC's network spans the East Coast from Maine to Virginia, CTC only recently deployed its initial switch which is capable of providing both Class 4 and Class 5 switching functionality throughout its entire network. However, until CTC has completed the necessary interconnection arrangements with the ILECs throughout its network serving area, CTC has been and will continue to be forced to rely on reselling

ILEC services and facilities. As CTC completes its interconnection arrangements with ILECs, it will be transitioning its resold services and facilities to UNEs over which it will provide a full suite of voice and data services, including local dial tone.

6. At the present time, CTC serves over 98% of its facilities-based customers utilizing Verizon and SBC high-capacity interoffice transport and local loop facilities.

7. CTC has purchased dark fiber from alternative suppliers to replace, over time, some of the Verizon and SBC leased high-capacity interoffice facilities. When CTC's alternative dark fiber is all in service, likely by the first quarter of 2002, CTC will have the capability to replace these Verizon and SBC interoffice facilities in 55 Verizon and SBC local switching offices. These 55 local switching offices represent an extremely small percent of the total number of Verizon and SBC local switching offices in the Northeast and Mid-Atlantic States where CTC serves and/or plans to serve customers.

8. Currently, however, CTC has activated alternative dark fiber in only 4 of these 55 offices in Massachusetts and Southern New Hampshire. CTC plans to activate the remaining 51 offices progressively through the remainder of 2001 and into 2002, however this progression is not guaranteed. CTC's experience in this area has shown that there are frequently long delays before the fiber is completed and available for service. For example, It is my understanding that under its CATT tariff, Verizon frequently takes up to 4 months to provide local switching office connections to CLECs, a job that generally involves less than a week's work. Additionally, fiber providers terminating their fiber in ILEC local switching offices experience similar intervals and delays.

9. Even when CTC's fiber network is fully constructed and in operation, CTC will remain fully dependent on Verizon and SBC for the overwhelming majority of the high-capacity interoffice facilities and 100% of the high-capacity local loops necessary to connect customers to its network.

10. In addition to leasing standard high-capacity interoffice and local loop facilities, CTC is dependent on leasing high-capacity UNE based fiber transport facilities from Verizon and SBC to serve customers in secondary, tertiary and rural markets where there are no alternative suppliers to the ILEC. Currently CTC has orders in process for OC3 UNE connections to 3 Verizon local switching offices and plans to order OC3 UNE connections to 3 more Verizon local switching offices this summer. These UNE facilities are essential to serve CTC customers in geographic areas such as the Berkshire and southeastern areas of Massachusetts, Vermont and portions of Pennsylvania, Maryland, and New York where there is limited or no alternative fiber supplier to Verizon.

11. For these reasons, it is my opinion that CTC's fiber network does not currently, and will not even when it is completed, obviate CTC's need for unbundled high-capacity ILEC interoffice facilities, local loops and UNE OC3 transport. CTC would be critically impaired without access to these Verizon and SBC facilities.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my information, knowledge, and belief.

DATED: 6/25/01 BY: Russell B. Oliver

Russell B. Oliver
Vice President, Operations
CTC Communications Corp.
220 Bear Hill Road
Waltham, Massachusetts 02451

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Joint Reply Comments of AES Communications, LLC, Broadslate Networks, Inc., CTC Communications Corp., and Telergy, Inc. have been served via Hand Delivery* or First Class Mail to the persons on the attached list.

Tamar E. Finn

Date: June 25, 2001

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