

*York Inc., et al., for Authorization to Provide In-Region, InterLATA Services in Pennsylvania*, Memorandum Opinion and Order, 16 FCC Rcd 17419, ¶ 76 (2001) (“*Pennsylvania Order*”). Verizon meets its unbundling obligations by providing high capacity loops where facilities are already available. XO does not provide any evidence that Verizon refused to provision an unbundled high capacity loop where facilities were, in fact, available.

23. Moreover, Verizon goes beyond its unbundling obligations to provide high capacity loops in certain situations where not all of the necessary facilities are available. Verizon will fill a CLEC order for an unbundled high capacity loop where the central office common equipment and the equipment at the end user’s location necessary to create a high capacity loop can be accessed. This means that Verizon will install the appropriate high capacity card in the spare slots or ports of the equipment and perform cross connection work between the common equipment and the wire or fiber facility between the central office and the customer premises. Verizon will also correct conditions on an existing copper facility that could affect transmission characteristics. In addition, Verizon will terminate the high capacity loop in the appropriate network interface device at the customer premises, such as a Smart Jack or a Digital Cross Connect (DSX).

d. DSL Loops.

24. As we demonstrated in our declaration, Verizon satisfied all checklist requirements for DSL loops, including pre-ordering, ordering, provisioning, and maintenance and repair. During November and December 2001, Verizon’s DSL loop performance continues to be excellent.

25. Verizon is continuing to provision DSL loops when CLECs want them. As we explained in our declaration, during August, September and October 2001, Verizon's missed installation appointment rate on DSL loop dispatch orders for CLECs in New Jersey where facilities were available was 1.08 percent. During November and December 2001, Verizon did not miss any installation appointments on dispatch orders for CLECs in New Jersey where facilities were available. *See Attachment 10.*

26. As we explained in our declaration, since the New York PSC has decided to eliminate average interval completed measures from the Carrier-to-Carrier Performance Reports, there is no reason for the Commission to consider this measure. Nonetheless, Verizon's average interval completed performance is excellent. During August, September and October 2001, Verizon completed CLEC DSL loop orders that required a dispatch within an average of 5.67 days, which is slightly less than the standard interval of 6 days for orders of 1 – 10 DSL loops. During November 2001, Verizon completed CLEC DSL loop orders that required a dispatch within an average of 5.72 days. During December 2001, Verizon completed CLEC DSL loop orders that required a dispatch within an average of 5.57 days. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

27. One provisioning measure that the Commission has not relied on in prior applications is PR-3-10, which shows the percentage of DSL loop orders (1-5 lines) completed within 6 days where facilities were available. Although there is no reason for the Commission to consider this measure, Verizon's performance under this measure is excellent. During August, September and October 2001, Verizon's rate for completing orders for DSL loops within 6 days in New Jersey where facilities were available was

98.40 percent. During November 2001, Verizon completed 97.44 percent of CLEC DSL loop orders in New Jersey within 6 days where facilities were available. During December 2001, Verizon completed 100 percent of CLEC DSL loop orders in New Jersey within 6 days where facilities were available. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

28. In addition, Verizon reports the results for PR-3-11 (percent completed within 9 days), which includes orders where a CLEC requested a manual loop qualification. Although there is no reason for the Commission to consider this measure, Verizon's performance under this measure is excellent. During August, September and October 2001, the results for CLECs in New Jersey were, on average, 99.53 percent where facilities were available. During November and December 2001, Verizon completed 100 percent of CLEC DSL loop orders in New Jersey within 9 days where facilities were available. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

29. Another measure that the Commission does not rely on is PR-4-14 (Percent Completed On Time (with Serial Number – xDSL)). This measure is skewed by the fact that an order not only has to be completed on time, but if the CLEC participates in cooperative testing, Verizon must also receive a serial number from that CLEC. (If the CLEC in question does not participate in cooperative testing, the order is scored on time if Verizon installs it on or before the due date.) In some cases, Verizon installs the DSL loop on the due date, but Verizon's technician does not receive a serial number from the CLEC. Nonetheless, during August, September and October 2001, Verizon completed 98.84 percent of DSL loop orders on time under this performance measure where

facilities were available. During November 2001, Verizon completed 100 percent of DSL loop orders on time under this performance measure where facilities were available. During December 2001, Verizon completed 99.70 percent of DSL loop orders on time under this performance measure where facilities were available. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

30. Verizon is also providing unbundled DSL loops to CLECs with a high level of quality. As we explained in our declaration, the New York PSC recently revised the installation quality measure in two ways. First, installation quality for DSL loops will be compared to retail dispatched POTS orders. Second, installation troubles within 30 days for *all* CLECs will be counted – not just those who test cooperatively with Verizon. Verizon’s installation quality for DSL loops in New Jersey is reported on Verizon’s filed performance reports in the manner recently adopted by the New York PSC. During August, September and October 2001, the I-Code rate on DSL loops provided to all CLECs in New Jersey was 6.26 percent, compared to 10.53 percent for the retail comparison group of dispatched POTS service. During November 2001, the I-Code rate on DSL loops provided to all CLECs in New Jersey was 8.36 percent, compared to 10.42 percent for the retail comparison group of dispatched POTS service. During December 2001, the I-Code rate on DSL loops provided to all CLECs in New Jersey was 4.06 percent, compared to 10.19 percent for the retail comparison group of dispatched POTS service. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

31. Verizon’s performance in maintaining and repairing CLEC DSL loops is also excellent. One measure of Verizon’s maintenance performance is the network

trouble report rate. During August, September and October 2001, 0.89 percent of CLEC DSL loops in New Jersey had reported troubles found in either the outside plant or the central office, compared to 1.71 percent for the retail comparison group (retail POTS service) recently established by the New York PSC. During November 2001, 0.85 percent of CLEC DSL loops in New Jersey had reported troubles found in either the outside plant or the central office, compared to 1.29 percent for the new retail comparison group, which is reflected on Verizon's Carrier-to-Carrier Performance Report for this month. During December 2001, 0.78 percent of CLEC DSL loops in New Jersey had reported troubles found in either the outside plant or the central office, compared to 1.38 percent for the new retail comparison group, which is reflected on Verizon's Carrier-to-Carrier Performance Report for this month. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

32. Another measure of Verizon's performance is the percentage of repair appointments for DSL loops that Verizon fails to meet. As we demonstrated in our declaration, during August, September and October 2001, Verizon met 85.92 percent of CLEC repair appointments, compared to 75.37 percent for the retail comparison group. During November 2001, Verizon met 88.67 percent of CLEC repair appointments in New Jersey compared to 78.45 percent for the retail comparison group. During December 2001, Verizon met 91.73 percent of CLEC repair appointments, compared to 74.82 percent for the retail comparison group. *See Attachment 11.*

33. A third measure of Verizon's maintenance performance is the comparative time to complete repairs. During August, September and October 2001, Verizon's mean time to repair a trouble outside the central office in New Jersey was 24.77 hours for

CLECs, compared to 38.64 hours for the retail comparison group. During this same period, Verizon's mean time to repair a trouble in the central office in New Jersey was 17.67 hours for CLECs, compared to 19.02 hours for the retail comparison group. During November 2001, Verizon's mean time to repair a trouble outside the central office in New Jersey was 22.82 hours for CLECs, compared to 25.73 hours for the retail comparison group. Also during November 2001, Verizon's mean time to repair a trouble in the central office in New Jersey was 14.57 hours for CLECs, compared to 21.37 hours for the retail comparison group. During December 2001, Verizon's mean time to repair a trouble outside the central office in New Jersey was 21.20 hours for CLECs, compared to 29.61 hours for the retail comparison group. Also during December 2001, Verizon's mean time to repair a trouble in the central office in New Jersey was 21.30 hours for CLECs, compared to 19.91 hours for the retail comparison group. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

34. Finally, Verizon's repeat trouble report rates in New Jersey are in parity during the period August through December 2001. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

35. Verizon's average interval completed performance is excellent. As we explained above, Verizon's average interval completed performance for CLEC DSL loop orders that required a dispatch has consistently been less than the standard interval of 6 days for orders of 1-10 DSL loops.

36. One CLEC – AT&T – raises an issue with Verizon's performance on DSL loops. AT&T claims that Verizon's average interval completed performance on DSL loops has been longer than for the retail comparison group. AT&T at 23. This disparity

is due to the fact that the retail comparison group for this performance measure is completely inappropriate. Although the standard interval for 1-10 DSL loops is six days, the retail comparison group that the New Jersey BPU has adopted for those measurements include retail orders with far shorter standard intervals. It is for this reason that the New York PSC has eliminated the average interval completed measurement from the Carrier-to-Carrier Performance Reports.

d. 2-Wire Digital Loops.

37. One CLEC – NAS – raises issues with respect to Verizon’s provisioning of 2-Wire Digital loops. CLECs typically order 2-Wire digital loops in those situations where a DSL loop is not available. The volume of 2-Wire digital loops provided by Verizon has steadily declined. In December 2001, for example, Verizon provisioned only about 60 2-Wire Digital loops in New Jersey.

38. Verizon’s performance in providing 2-Wire Digital loops is very good. During August, September, October, November and December 2001, Verizon’s missed installation appointment rate on 2-Wire digital loops where a dispatch was required was 4.67 percent, as compared to 8.88 percent for the retail comparison group. *See* Attachment 12.

39. NAS claims that in November, “Verizon missed \*\*\*\* % more appointments for NAS customers than Verizon missed for its own customers.” NAS at 2. The performance measure cited by NAS (PR-4-03) captures the 2-Wire digital loop installation appointments that were missed because of reasons caused by either NAS or NAS’s customer. This measure is not relevant to Verizon’s performance.

40. NAS also claims that in November, “the standard interval for Verizon dispatch is \*\*\*\* % worse for NAS customers than for Verizon’s own customers.” NAS at 2. The performance measure cited by NAS (PR-4-10) captures the missed installation appointments on NAS orders requesting the standard interval. Verizon’s performance for NAS in November was skewed by the fact that NAS had only \*\*\*\* orders in this category. *See* NAS Carrier-to-Carrier Performance Report (Guerard/Canny/DeVito Reply Decl. Att. 2). In the three preceding months (August, September and October 2001), NAS had more orders in this category and in each of those months, Verizon’s performance on NAS’s orders was better than the retail comparison group. *See* NAS Carrier-to-Carrier Performance Reports (App. K, Tab 2).

41. Verizon is providing unbundled 2-Wire digital loops to CLECs with a high level of quality. One subset of total trouble reports – those reported within 30 days of installation (so-called “I-Codes”) – are included in the Carrier-to-Carrier Performance Reports as Percent Installation Troubles Reported within 30 days (PR-6-01). The I-Code rate was originally intended to measure how often Verizon delivers 2-Wire digital loops that work, but it does not serve that purpose. It is the CLEC – not Verizon – that tests the 2-Wire digital loop and determines whether it is working at the time of installation. When Verizon installs a 2-Wire digital loop, Verizon contacts the CLEC so that the CLEC can test the 2-Wire digital loop. As a result, the I-Code rate effectively serves as a measure of the accuracy of the acceptance testing performed by the CLEC.

42. Because the reported installation quality measure for 2-Wire digital loops (PR-6-01) is skewed by factors that are beyond Verizon’s control, it is not a meaningful measure. For example, NAS is less accurate in testing 2-Wire digital loops at the time of

installation than most other CLECs. This is evident from the fact that NAS's installation quality rate during August through November 2001 was significantly higher than Covad's installation quality rate during this same period (\*\*\*\* percent versus \*\*\*\* percent). Covad and NAS are the two principal purchasers of 2-Wire digital loops. Verizon recalculated its CLEC aggregate installation quality performance by removing NAS's installation trouble reports and NAS's 2-Wire digital loops. During August, September, October, November and December 2001, Verizon's recalculated CLEC aggregate installation quality rate was, on average, \*\*\*\* percent. *See Attachment 13.* This is comparable to or better than Verizon's installation quality performance for DSL loops.

43. NAS also cites to PR-6-03, which measures the installation troubles submitted by NAS where there was no trouble found in Verizon's network or the trouble was found in NAS's equipment or its customer's equipment. Because this measure is skewed by factors that are beyond Verizon's control, it is not a meaningful measure.

44. Verizon's performance in maintaining and repairing CLEC 2-Wire digital loops is also very good. One measure of Verizon's maintenance performance is the network trouble report rate. During August, September, October, November and December 2001, on average, less than one percent of CLEC 2-Wire digital loops in New Jersey had reported troubles found in either the outside plant or the central office. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

45. NAS claims that the network trouble report rate on its 2-Wire digital loops is too high in November. NAS at 2-3. Verizon's performance under this measure is skewed by the fact that NAS submits disproportionately more installation trouble reports

than most other CLECs. As we explained above, this is largely due to the fact that NAS is less accurate in testing 2-Wire digital loops at the time of installation.

46. Another measure of Verizon's maintenance performance is the percentage of repair appointments for 2-Wire digital loops that Verizon fails to meet. During August, September, October, November and December 2001, Verizon met 90.10 percent of CLEC repair appointments compared to 59.29 percent for the retail comparison group. *See Attachment 14.*

47. A third measure of Verizon's maintenance performance is the comparative time to complete repairs. During August, September, October, November and December 2001, Verizon's mean time to repair a trouble outside the central office in New Jersey was 21.31 hours for CLECs, compared to 26.65 hours for the retail comparison group. During this same period, Verizon's mean time to repair a trouble in the central office in New Jersey was 18.60 hours for CLECs, compared to 16.07 hours for the retail comparison group. *See Attachment 15.*

48. NAS claims that in November, "Verizon's 'Total Mean Time to Repair' was \*\*\*\* % worse for NAS customers than for Verizon customers." NAS at 3. This is simply a function of the fact that NAS has a relatively small number of trouble reports each month, which can cause performance results to vary significantly. In August, September and December 2001, Verizon's mean time to repair NAS's 2-Wire digital loops was better than the retail comparison group.

49. Verizon's repeat trouble report rates in New Jersey have been improving in recent months and were in parity during October, November and December 2001. *See Attachment 16.*

50. NAS claims that Verizon's repeat report rate in November for NAS 2-Wire digital loops was 20 percent higher than for Verizon's own customers. NAS at 3. Verizon's performance for NAS in November was actually within statistical parity, which takes into account the low volumes for that month – \*\*\*\* \* repeat troubles out of a total of \*\*\*\* trouble reports. *See* NAS Carrier-to-Carrier Performance Report (Guerard/Canny/DeVito Reply Decl. Att. 2).

e. Line Sharing.

51. As we demonstrated in our initial declaration, Verizon's overall line sharing performance has been excellent. Verizon's line sharing performance continues to be strong in November and December 2001. Through October 2001, Verizon has completed approximately 1,700 line sharing arrangements in New Jersey. Through December 2001, Verizon has not provided any CLEC line splitting arrangements.

52. The first principal measure of Verizon's provisioning performance on which the FCC has relied is the Percent Missed Appointment measure. Most line sharing orders do not require a dispatch outside the central office for installation. Therefore, the no-dispatch measure (PR-4-05) is the most significant indicator of Verizon's performance. During August, September and October 2001, the weighted average of Verizon's performance during that time period, in New Jersey, shows Verizon missed about one percent of both CLEC and Verizon's own DSL service for no-dispatch orders. During November and December 2001, Verizon did not miss any installation appointments on no-dispatch line sharing orders. *See* Carrier-to-Carrier Performance Report (Guerard/Canny/DeVito Reply Decl. Att. 1).

53. As previously explained, the New York PSC has decided to eliminate average interval completed measures from the Carrier-to-Carrier Performance Reports. Nonetheless, in New Jersey, during August, September and October 2001, the average completed interval was three days for CLECs and five days for Verizon's own DSL service. During November 2001, the average completed interval was 3.12 days for CLECs and 4.62 days for Verizon's own DSL service. During December 2001, the average completed interval was 3.04 days for CLECs and 4.20 days for Verizon's own DSL service. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

54. Verizon also reports a third provisioning measure – the percentage of line sharing orders completed within three business days (PR-3-03). Although the FCC has found it unnecessary to rely on a similar measure in the past, the performance results for this measure are nevertheless good. In New Jersey, during August, September and October 2001, Verizon completed 95 percent of CLEC orders it provisioned within three business days when such an interval was requested. During November 2001, Verizon completed 96.15 percent of CLEC orders it provisioned within three business days when such an interval was requested. During December 2001, Verizon completed 97.83 percent of CLEC orders it provisioned within three business days when such an interval was requested. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

55. Verizon is providing line shared loops to CLECs in New Jersey with a high degree of quality. One subset of total trouble reports – those reported within 30 days of installation (so-called “I-Codes”) – are included in the Carrier-to-Carrier

Performance Reports as Percent Installation Troubles Reported within 30 days (PR-6-01). During August, September and October 2001, the I-Code rate for CLECs in New Jersey was, on average, less than one percent. During November 2001, the I-Code rate for CLECs in New Jersey was 1.23 percent. During December 2001, the I-Code rate for CLECs in New Jersey was 0.00 percent. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

56. There continues to be very little CLEC maintenance and repair activity for line sharing in New Jersey. As we explained in our initial declaration, during August, September and October 2001, there were less than 10 CLEC line sharing trouble tickets submitted in New Jersey. During November and December 2001, there were a total of only 4 CLEC line sharing trouble submitted in New Jersey. With such low volumes of CLEC trouble tickets, the performance data can fluctuate significantly based on the results for a handful of trouble tickets. Nevertheless, the limited performance data that is available demonstrates that Verizon is providing CLECs with excellent maintenance and repair service for line sharing.

57. As with unbundled DSL loops, there are several measures that track Verizon's line sharing maintenance and repair performance. The first measure on which the FCC has relied in the past tracks the percentage of repair appointments that Verizon misses. Most line sharing troubles are found in the central office and therefore do not require an outside dispatch. Consequently, the Percent Missed Repair Appointment – Central Office measure (MR-3-02) is the most significant indicator of Verizon's performance. In New Jersey, where CLECs have submitted only 6 central office troubles during August, September and October 2001, there are not enough observations to make

this a meaningful measure. Nevertheless, Verizon met the 6 CLEC repair appointments during that time period on time. During November 2001, when CLECs submitted only 4 line sharing trouble reports, Verizon met all but one repair appointment. During December 2001, Verizon did not receive any line sharing trouble reports. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

58. The second maintenance and repair measure is the Repeat Trouble Report measure. This measure tracks the number of repeat trouble reports within 30 days of an initial repair (MR 5-01). In New Jersey, during August, September and October 2001, Verizon did not receive any repeat trouble reports for CLEC line sharing arrangements. During November and December 2001, Verizon received no repeat trouble reports for CLEC line sharing arrangements. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

59. Mean time to repair is the third maintenance and repair measure. As with the other maintenance measures, the mean time to repair measure for central office troubles is the most significant (Mean Time to Repair – Central Office (MR 4-03)). In New Jersey, during August, September and October 2001, Verizon had only 6 reported troubles – too few to provide meaningful performance results. Nonetheless, Verizon's mean time to repair the 6 reported troubles was in parity with 7 hours for CLECs and 19 hours for Verizon's own DSL service. During November 2001, Verizon had only 4 reported troubles for CLECs. Nonetheless, Verizon's mean time to repair the 4 reported CLEC troubles was 19.98 hours, as compared to 21.37 hours for Verizon's own DSL service. During December 2001, Verizon had no reported troubles for CLECs. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

60. Although the FCC has found it unnecessary to rely on the total trouble report rate in the past, the performance for this measure is excellent. The total trouble report rate measures the overall reliability of line shared loops. The sum of troubles found in the outside plant portion of the loop (MR-2-02) and troubles found in the central office (MR-2-03) provides a total picture of troubles with line shared loops. In New Jersey, during August, September and October 2001, the weighted average of the total trouble report rate was less than one percent for CLECs and less than two percent for Verizon's own DSL service. During November 2001, the total trouble report rate was 0.13 percent for CLECs and 1.29 percent for Verizon's own DSL service. During December 2001, the total trouble report rate was 0.00 percent for CLECs and 1.38 percent for Verizon's own DSL service. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

III. Verizon Provides Other Checklist Items.

61. We demonstrated that Verizon provides all other checklist items in New Jersey and that Verizon's performance in New Jersey is excellent. In this section of our reply declaration, we address the issues raised by CLECs and provide updated data showing that Verizon's performance continues to be strong.

a. Interconnection.

62. We demonstrated in our declaration that Verizon's performance in providing interconnection trunking is strong. During August, September and October 2001, Verizon completed 99.5 percent of CLEC trunk orders for CLECs in New Jersey on time and had virtually no installation troubles reported within 30 days on interconnection trunks. During November 2001, Verizon completed 99.9 percent of

CLEC trunk orders in New Jersey on time and had only one installation trouble report on interconnection trunks. During December 2001, Verizon completed 100 percent of CLEC trunk orders in New Jersey on time and had virtually no installation trouble reports on interconnection trunks. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

63. Several CLECs claim that Verizon does not allow them to establish a single point of interconnection in a LATA. *See, e.g., Cablevision at 5-11; AT&T at 30-31.* Verizon permits interconnection at a single point in the LATA in New Jersey in the same manner it permits such interconnection in Pennsylvania. CLECs are free to designate their points of interconnection with Verizon's network, including interconnection at a single physical point in the LATA to exchange local traffic. The Commission has already found that Verizon's interconnection policy in Pennsylvania fully complies with the Commission's current rules and the checklist. *See Pennsylvania Order ¶ 100.* Cablevision does not dispute the fact that it has been using a single physical point of interconnection with Verizon's network at the Newark tandem since the time Cablevision began providing service in New Jersey. And under the New Jersey BPU's arbitration decision, Cablevision can continue using that single point of interconnection. *Petition of Cablevision CLI – NJ, Inc. for Arbitration Pursuant to Section 252(b) of the Telecommunications Act of 1996 to Establish an Interconnection Agreement with Verizon New Jersey Inc., Docket No. TO01080498, Transcript of Board Meeting (NJ BPU Jan. 9, 2002).*

64. While the Commission has found that Verizon satisfies the clear requirements of its rules by providing for a single physical point of interconnection per

LATA, the Commission noted that the allocation of financial responsibility for interconnection facilities is an open issue in the Commission's Intercarrier Compensation NPRM. This is precisely the issue that was in dispute between Cablevision and Verizon. The allocation of financial responsibility for interconnection facilities is not a trivial matter. Between February and September of last year, Verizon installed at its own expense \*\*\*\* trunks to deliver local traffic to Cablevision in New Jersey based, in part, on Cablevision's traffic forecasts. During October, November and December 2001, the traffic utilization on those trunks was less than \*\*\*\* percent (the percentage of trunks required to trunks in service). In other words, Verizon is incurring the cost of approximately \*\*\*\* more interconnection trunks than it actually needs to deliver local traffic to Cablevision.

65. Another CLEC – Cavalier – raises a billing dispute with Verizon regarding Cavalier's charges for transmission facilities used to carry interconnection traffic. Cavalier at 5-7. Cavalier is operating under an agreement that Verizon negotiated with Conectiv and which Conectiv later assigned to Cavalier. That agreement provides for Conectiv (now Cavalier) to establish interconnection points at each Verizon tandem in each New Jersey LATA. See Interconnection agreement between Verizon and Cavalier, Section 4.2.2 (App. H, Tab 7). Conectiv established those interconnection points at collocation sites in each LATA and Verizon hands off interconnection traffic to Conectiv (now Cavalier) at those interconnection points. Cavalier is now attempting to charge Verizon for the interLATA transmission facilities to carry interconnection trunking from each LATA in New Jersey to Cavalier's switch, which is located in Delaware. Those services are already covered by the reciprocal compensation charges Cavalier bills to

Verizon. By billing Verizon for both reciprocal compensation and the interLATA transmission facilities in its network, Cavalier is attempting to charge Verizon twice for the same thing. There is nothing in the parties' interconnection agreement or the Commission's rules that permits Cavalier to bill Verizon for these interLATA transmission facilities. There is no reason for the Commission to consider this dispute in this proceeding. It is a carrier to carrier dispute subject to the dispute resolution process of the parties' interconnection agreement and proceedings before the New Jersey BPU.

66. In an ex parte letter filed on January 22, 2002, Cablevision suggests that Verizon requires competitive carriers to utilize solely collocation for interconnection. *See Ex Parte Letter from James L. Casserly to Magalie Roman Salas, Application by Verizon New Jersey Inc., et al for Authorization To Provide In-Region, InterLATA Services in New Jersey*, CC Docket No. 01-347 (FCC filed Jan. 22, 2002). Cablevision has mischaracterized Verizon's position. Verizon's Model Agreement provides that the parties may agree to establish alternative forms of interconnection, including "an End Point Fiber Meet arrangement, which may include a SONET backbone with an optical interface at the OC-n level in accordance with the terms of this Section." Model Agreement, Interconnection Attachment, Section 3.1 (App. H, Tab 1). Verizon proposed similar contract language to Cablevision during negotiations. *See Cablevision Comments, Attachment E at 6 (Section 4.1.8).*

b. Collocation.

67. Verizon's collocation performance has continued to be strong in New Jersey. As we explained in our declaration, during August, September and October 2001, Verizon completed a total of 13 new physical and virtual collocation arrangements and a

total of 55 augments on time in New Jersey. During November and December 2001, Verizon completed 6 new collocation arrangements and 15 collocation augments in New Jersey. All of those new arrangements and augments were completed on time. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

c. Unbundled Local and Tandem Switching.

68. Verizon is providing unbundled local switching elements to CLECs when they request them. As we explained in our declaration, during August, September and October 2001, Verizon missed less than one half of one percent of local switching/platform installation appointments in New Jersey. During November and December 2001, Verizon missed less than one half of one percent of local switching/platform installation appointments in New Jersey. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

69. Verizon is installing local switching/platform elements with excellent quality in New Jersey. During August, September and October 2001, only 1.05 percent of CLEC local switching/platforms experienced troubles within 30 days of installation, as compared to 5.78 percent for the retail comparison group. During November 2001, only 1.10 percent of CLEC local switching/platforms in New Jersey experienced troubles within 30 days of installation, as compared to 5.40 percent for the retail comparison group. During December 2001, only 0.68 percent of CLEC local switching/platforms in New Jersey experienced troubles within 30 days of installation, as compared to 5.57 percent for the retail comparison group. *See Attachment 17.*

70. We also demonstrated that Verizon is making its repair services for unbundled local switching/platforms available to CLECs on a nondiscriminatory basis.

One measure of Verizon's maintenance performance is the network trouble report rate. During August, September and October 2001, only 1.34 percent of local switching/platforms in New Jersey had reported troubles found in the central office or outside plant. During November 2001, only 1.08 percent of local switching/platforms in New Jersey had reported troubles found in the central office or outside plant. During December 2001, only 1.01 percent of local switching/platforms in New Jersey had reported troubles found in the central office or outside plant. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

71. Another measure of Verizon's maintenance performance is the missed repair appointment rate. During August, September and October 2001, Verizon's average missed repair appointment rate in New Jersey was 18.68 percent for unbundled local switching/platforms and 21.34 percent for the retail comparison group. During November 2001, missed repair appointment rate in New Jersey was 19.00 percent for unbundled local switching/platforms troubles and 16.30 percent for the retail comparison group. During December 2001, missed repair appointment rate in New Jersey was 30.29 percent for unbundled local switching/platforms troubles and 20.36 percent for the retail comparison group. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).* Verizon's performance in December 2001 was affected by the conversion to 10-digit dialing, which generated a significant increase in the number of trouble reports for the retail comparison group.

72. A third measure of Verizon's maintenance performance is the comparative intervals to complete repairs. During August, September and October 2001, Verizon's overall mean time to repair in New Jersey for unbundled local switching/platforms

provided to CLECs was 26.83 hours, compared to 30.42 hours for the retail comparison group. During November 2001, Verizon's overall mean time to repair in New Jersey for unbundled local switching/platforms provided to CLECs was 21.69 hours, compared to 20.58 hours for the retail comparison group. During December 2001, Verizon's overall mean time to repair in New Jersey for unbundled local switching/platforms provided to CLECs was 25.01 hours, compared to 23.43 hours for the retail comparison group. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

73. Finally, Verizon's repeat trouble report rate is in parity in New Jersey during August through December 2001. *See Attachment 18.*

74. Only one CLEC – ATX – addressed Verizon's offering of network element combinations. ATX claimed that Verizon failed to make certain features available via network element platforms during the conversion of its customer base from resold services to network element platforms. ATX at 15-16. As we explained in our declaration, Verizon worked expeditiously to design, develop and implement these features after receiving requests from ATX and certain other CLECs at the beginning of last year. The "assume Dial-9" feature ATX requested became available in October 2001 and the other two features ATX requested – remote call forwarding and analog PBX trunk ports – became available on December 17, 2001. *See <http://128.11.40.241/east/wholesale/resources/master.htm>.*

d. Unbundled Local Transport.

75. As we explained in our declaration, Verizon provisions too few unbundled transport orders (less than 10 each month) to provide meaningful performance results in New Jersey. Nonetheless, during August, September and October 2001, Verizon missed

no installation appointments. Verizon missed no installation appointments in November and December. *See Carrier-to-Carrier Performance Reports (Guerard/Canny/DeVito Reply Decl., Att. 1).*

e. Dark Fiber.

76. Verizon provides non-discriminatory access to unbundled dark fiber in accordance with the FCC's requirements. As we indicated in our initial declaration from January through October 2001, Verizon had received 13 unbundled dark fiber orders in New Jersey, and it completed all of these orders on time. There were no unbundled dark fiber orders scheduled for completion in New Jersey during November and December 2001, and as of January 6, 2002, none were pending.

77. During August, September and October 2001, the months addressed in our initial declaration, Verizon's dark fiber offering in New Jersey was substantially the same as Verizon's dark fiber offering in Pennsylvania and Connecticut, which the Commission has already found to be checklist compliant. In Massachusetts, the Massachusetts Department of Telecommunications and Energy ("Massachusetts DTE") required Verizon to comply with certain dark fiber requirements that go beyond and indeed, in some instances, are inconsistent with those required by the FCC's *UNE Remand Order*. The Massachusetts DTE's dark fiber decision was the result of an arbitration order that was issued prior to the FCC's *UNE Remand Order*. Among other things, the Massachusetts DTE required Verizon to provide access to unbundled dark fiber at existing splice points.

78. CTC and ConEd have argued that the New Jersey BPU should require Verizon to comply with the same dark fiber requirements adopted by the Massachusetts

DTE, requirements that go beyond what is necessary for checklist compliance. Although CTC and ConEd have argued for an expansion of Verizon's already checklist-compliant dark fiber offering, CTC and ConEd themselves acknowledge that the New Jersey BPU's recently-adopted dark fiber requirements address their concerns. CTC and ConEd at 7.

79. Like the requirements adopted by the Massachusetts DTE, the New Jersey BPU's new dark fiber requirements go above and beyond those adopted by the FCC in its *UNE Remand Order*. Consequently, Verizon need not demonstrate its compliance with these new requirements to establish that its dark fiber offering is checklist-compliant. Nevertheless, implementation of those requirements is underway, consistent with the New Jersey BPU's summary order of approval dated December 17, 2001, and pending the final order to be issued by the New Jersey BPU implementing the relevant terms and conditions.

f. White Page Listings.

80. As we explained in our declaration, Verizon offers CLECs in New Jersey essentially the same directory listings, using essentially the same procedures and processes, in New Jersey as in the other Verizon states that the FCC has found to be checklist-compliant. In addition, Verizon has procedures in place to ensure that the directory listings of CLEC customers are included in Verizon's database on an accurate, reliable and non-discriminatory basis.

81. Only one CLEC – XO Communications – raises an issue under this checklist item. XO suggests that the manual processing of certain directory listing orders may result in more errors for CLEC White Page listings. XO at 11-12. XO did not provide any examples of any directory errors that might have been caused by manual

processing. In any event, Verizon has taken the steps necessary to minimize errors in CLECs' end users' White Page listings. As we explained in our declaration, the listing service order system has built-in automated features to detect and edit certain types of listing errors for both Verizon's and CLECs' customers' listings, such as a physical address error or a directory distribution area error. In addition, Verizon gives CLECs several ways to identify errors in their customers' listings and to correct them before publication.

g. Reciprocal Compensation.

82. As we explained in our declaration, Verizon offers reciprocal compensation to CLECs for the termination of calls from Verizon customers that are subject to the Act's reciprocal compensation provisions. These compensation arrangements enable CLECs to receive compensation for their costs of transporting and terminating such calls from Verizon customers.

83. Several CLECs claim that Verizon does not satisfy this checklist item because Verizon withheld payment of those reciprocal compensation charges that they billed Verizon for Internet-bound traffic. *See, e.g.,* AT&T at 41-42; XO at 4-6. Consistent with rulings by the FCC and the New Jersey BPU, Verizon has no obligation to pay reciprocal compensation for Internet-bound traffic. Moreover, these are carrier to carrier disputes that are subject to the dispute resolution provisions of the parties' interconnection agreements and proceedings before the New Jersey BPU. *See, e.g., AT&T Communications of New Jersey v. Verizon New Jersey*, OAL Docket No. PUCOT 08336-01N, BPU Docket No. TC99110838. In addition, because Internet-bound traffic is