

Verizon provides mini, shared, adjacent, and “cageless” forms of collocation in accordance with the Commission’s rules. See Lacouture/Ruesterholz Decl. ¶¶ 55, 57; Collocation Order ¶¶ 41-42. Cageless collocation arrangements now represent approximately two-thirds of the collocation arrangements in Verizon’s central offices in Maine. See Lacouture/Ruesterholz Decl. ¶ 41. *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 id. ¶ 59; Collocation Order ¶ 44; Collocation Reconsideration Order ¶¶ 45-47. *Third*, Verizon provides virtual collocation. See Lacouture/Ruesterholz Decl. ¶¶ 36, 38. *Fourth*, Verizon offers collocation at remote terminals in the same manner as the Commission found compliant in Massachusetts and Rhode Island. See id. ¶ 66; Massachusetts Order ¶ 196; see also Rhode Island Order ¶¶ 73-75. *Finally*, Verizon provides collocation within intervals adopted by the Maine PUC (76 business days for physical arrangements, and 105 business days for virtual arrangements). See Lacouture/Ruesterholz Decl. ¶ 42; see also Massachusetts Order ¶ 195 (finding that comparable intervals satisfied the checklist); New York Order ¶¶ 73-75 (same).

Verizon is providing collocation in a timely manner. From November 2001 through January 2002, Verizon completed only two new physical collocation arrangements and 23 augments to existing arrangements in Maine, see Lacouture/Ruesterholz Decl. ¶ 43, which are too few to provide meaningful results, see Kansas/Oklahoma Order ¶ 36. Nonetheless, Verizon completed all of these new arrangements and augments on time. See Lacouture/Ruesterholz

those in Massachusetts, Rhode Island, and Pennsylvania, where the Commission found that Verizon’s collocation power charges were “just, reasonable, and nondiscriminatory.” Massachusetts Order ¶ 199; Pennsylvania Order ¶ 104; see also Rhode Island Order ¶ 73. Moreover, the Maine PUC has reviewed and approved these rates. See Lacouture/Ruesterholz Decl. ¶ 73.

Decl. ¶ 43. In Massachusetts, where volumes were greater, Verizon also completed all physical collocation arrangements and augments on time from November through January. See id. ¶ 44.

Finally, Verizon has taken the same extraordinary steps as in Massachusetts and Rhode Island to make collocation space available in its central offices. For example, Verizon will allow CLECs to tour a central office within 10 days in those rare instances where it cannot accommodate a request for physical collocation, and it will file space exhaustion notifications as required by the Maine PUC upon determining that space is not available. See id. ¶¶ 51-52. Verizon also has implemented methods and procedures to identify when a central office runs out of space for physical collocation, and to post this information on its Website within 10 days of when this occurs. See id. ¶¶ 48-50; Rhode Island Order ¶ 75.²³

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

Verizon provides competing carriers in Maine with commercial volumes of unbundled network elements, including unbundled local loops, local switching, and local transport. Moreover, it does so using the same processes and procedures that it uses in Massachusetts and Rhode Island, where the Commission found that Verizon satisfies the requirements of the Act. See Massachusetts Order ¶¶ 20, 124, 208, 222; Rhode Island Order ¶¶ 72, 76, 91, 97. Through December 2001, Verizon has provided more than 14,300 unbundled loops to CLECs in Maine, including approximately 2,700 that were provided as part of an unbundled element platform that also included switching and shared transport. See Lacouture/Ruesterholz Decl. ¶ 79. Moreover, Verizon has kept pace with rapidly increasing demand; it consistently delivers unbundled elements on time, when competing carriers request them.

²³ During the course of the state proceedings in Maine, CTC claimed that Verizon improperly billed CTC for non-recurring charges associated with collocation arrangements in states other than Maine. No CLEC in Maine expressed any such concerns. See Lacouture/Ruesterholz Decl. ¶ 72.

1. Unbundled Local Loops.

Verizon makes available to competing carriers in Maine the same types of unbundled loops it makes available in Massachusetts and Rhode Island, and provides them using substantially the same processes and procedures as it uses in those states. See id. ¶ 76; see also Massachusetts Order ¶ 124 (finding that Verizon’s provision of unbundled loops satisfies the Act); Rhode Island Order ¶ 76 (same).²⁴ Through December 2001, Verizon has provided more than 14,300 unbundled loops to CLECs in Maine, including approximately 2,700 that were provided as part of an unbundled element platform that also included switching and shared transport. See Lacouture/Ruesterholz Decl. ¶ 79. Moreover, Verizon’s performance in Maine has been excellent across the board.²⁵ Verizon’s performance also has continued to be excellent in Massachusetts, where volumes are higher than in Maine.

a. Stand-Alone Voice-Grade Loops.

Through December 2001, Verizon has provided competing carriers in Maine with approximately 11,000 voice-grade (i.e., POTS) loops on a stand-alone basis and approximately 2,700 additional loops as part of unbundled network element platforms. See Lacouture/Ruesterholz Decl. ¶¶ 79, 81. Verizon’s processes for providing stand-alone voice-

²⁴ Verizon provides unbundled loops pursuant to interconnection agreements. See Lacouture/Ruesterholz Decl. ¶ 77. 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 id.

²⁵ The Commission has correctly concluded that its “analysis of this checklist item cannot focus on [Verizon’s] performance with respect to any single metric or any single type of loop,” but rather should be based on a “comprehensive picture of whether [Verizon] is providing unbundled local loops in accordance with the requirements of checklist item 4.” New York Order ¶ 278; see also AT&T Corp. v. FCC, 220 F.3d 607, 624 (D.C. Cir. 2000) (affirming determination that the checklist focus is on “overall provisioning of loops, as opposed to mandating pass-fail analysis with respect to” a single category).

grade loops have 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. ¶ 82.

As demand has increased, Verizon has continued to provide voice-grade loops on time, when competitors ask for them. In Maine, from November through January, Verizon met more than 99.5 percent of its installation appointments for CLECs' stand-alone voice-grade loops and platforms. See Lacouture/Ruesterholz Decl. ¶¶ 83, 212; see also Massachusetts Order ¶ 162 (finding 93-percent performance acceptable). In Massachusetts, where volumes were much higher, Verizon met 99 percent of its installation appointments for CLECs' stand-alone voice-grade loops from November through January, compared to approximately 95 percent of its installation appointments for the retail comparison group. See Lacouture/Ruesterholz Decl. ¶ 84. During that same period, Verizon met more than 99 percent of its installation appointments for CLECs' platform orders in Massachusetts. See id. ¶ 213.

Verizon also provides stand-alone voice-grade loops to competitors with a high degree of quality. CLECs reported installation troubles within 30 days on only 1.34 percent of stand-alone voice-grade loops in Maine, compared to 2.32 percent for the retail comparison group. See id. ¶ 88. In Massachusetts, the rate of installation troubles within 30 days during this same period was 1.89 percent for CLECs, compared to 2.93 percent for the retail comparison group. See id. ¶ 89.

Verizon's performance in maintaining and repairing CLECs' stand-alone voice-grade loops also is excellent. From November through January, fewer than 1 percent of CLEC voice-grade loops had any reported troubles at all in Maine and Massachusetts. See id. ¶¶ 90-91.

Moreover, for the small number of these loops that did experience troubles, Verizon's maintenance and repair performance is excellent. With respect to most maintenance and repair performance measurements for stand-alone voice-grade loops — including both the missed repair appointment rate and the mean time to repair — Verizon's reported performance for CLECs in Maine and Massachusetts is comparable to or better than Verizon's reported performance for the retail comparison group. See id. ¶¶ 92-97.

b. Hot Cuts.

Just as Verizon's performance in providing new stand-alone voice-grade loops has been strong overall, so has its performance on the subset of voice-grade loops provisioned through hot cuts. Verizon uses the same methods and procedures to perform hot cuts in Maine as it uses in Massachusetts and Rhode Island, see id. ¶ 98, and its performance in Maine and Massachusetts has been and continues to be excellent. As with Verizon's processes for stand-alone voice-grade loops, its hot-cut processes have earned the prestigious ISO 9000 certification. See id. ¶ 99.

From November through January, Verizon completed 99.5 percent of CLECs' hot-cut orders on time in Maine. See id. ¶ 103; Massachusetts Order ¶ 160 (finding 96-percent performance acceptable); New York Order ¶¶ 291-296 (finding 91- to 94-percent performance acceptable); see also AT&T Corp., 220 F.3d at 625-28 (upholding Commission's decision in New York). Verizon also completed nearly 99 percent of CLECs' hot-cut orders on time in Massachusetts, where volumes are higher. See Lacouture/Ruesterholz Decl. ¶ 104. Moreover, in its Massachusetts test, KPMG confirmed that Verizon satisfied all the evaluation criteria with respect to the hot-cut process. See KPMG MA Report at 215-26.²⁶

²⁶ KPMG, Bell Atlantic OSS Evaluation Project (Version 1.4) (Sept. 7, 2000) ("KPMG MA Report") (App. C, Tab 2).

Verizon also continues to provide hot cuts at a very high level of quality. From November through January, CLECs reported troubles within seven days of installation in Maine on only 0.17 percent of their hot-cut orders. See Lacouture/Ruesterholz Decl. ¶ 106. In Massachusetts, CLECs reported troubles within seven days of installation on only 0.54 percent of their hot cuts, which is also better than the 2-percent benchmark. See id. ¶ 107.

c. DSL-Capable Loops.

Verizon's performance in providing access to the subset of loops used to provide DSL services also is strong.

Through December 2001, roughly 330 of the approximately 11,600 stand-alone unbundled loops that Verizon provided to competing carriers in Maine were DSL loops. See Torre Decl. Att. 1 ¶ 19. Verizon uses the same processes and procedures to provide competing carriers access to DSL loops in Maine as those used in Massachusetts and Rhode Island, see Lacouture/Ruesterholz Decl. ¶ 125, where the Commission found that Verizon satisfies the checklist, see Massachusetts Order ¶¶ 60, 130, 133, 136, 142, 149; see Rhode Island Order ¶¶ 61, 78-79. And, as with Verizon's processes for stand-alone POTS loops and hot cuts, Verizon's DSL processes have earned the prestigious ISO 9000 certification. See Lacouture/Ruesterholz Decl. ¶ 127.

Verizon reports its performance in providing access to DSL-capable loops in Maine using measurements that are identical to those used in Massachusetts and Rhode Island. See Guerard/Canny/Abesamis Decl. ¶¶ 13-14. And these measurements show that Verizon's performance has been and continues to be excellent, both in Maine, where volumes have been low, and in Massachusetts, where volumes are significantly higher.

Pre-ordering. Verizon provides CLECs with the same ways of obtaining access to loop qualification and loop make-up information as in Massachusetts and Rhode Island, see

McLean/Wierzbicki/Webster Decl. ¶ 39 & Att. 2, where the Commission found that Verizon provides “nondiscriminatory access to OSS pre-ordering functions associated with determining whether a loop is capable of supporting xDSL advanced technologies,” Massachusetts Order ¶ 60; see Rhode Island Order ¶ 61 (“Verizon provides access to loop qualification information in a manner consistent with the requirements of the UNE Remand Order” and “[n]o commenter has raised concerns with regard to any aspect of Verizon’s loop qualification OSS”). In approving Verizon’s Rhode Island application, the Commission paid “particular attention to the permanent OSS Verizon has implemented since the time of the Verizon Massachusetts Order” and found that these improvements are also checklist compliant. See Rhode Island Order ¶¶ 61-63; see also McLean/Wierzbicki/Webster Decl. ¶¶ 40-43.

Verizon not only provides access to the required loop make-up information, but does so on a timely basis. For example, from November through January, Verizon consistently met or bettered the relevant standards for responding to mechanized and manual loop qualification requests in Maine. See McLean/Wierzbicki/Webster Decl. ¶¶ 44-46; see also Massachusetts Order ¶¶ 133-134 (relying on comparable performance). And Verizon has responded to requests for the information from LFACS in a timely manner. See McLean/Wierzbicki/Webster Decl. ¶ 42; see also Rhode Island Order ¶ 62 n.171 (relying on comparable performance).

Ordering. Verizon is providing competing carriers in Maine with access to ordering systems in a timely manner. Specifically, CLECs in Maine have a choice of submitting unbundled DSL loop orders using the same two interfaces that Verizon makes available in Massachusetts and Rhode Island: the Web GUI and EDI interfaces. See McLean/Wierzbicki/Webster Decl. Att. 2. And Verizon’s performance has been and continues

to be excellent for all ordering categories that include unbundled DSL-loop orders. See id.; see also Massachusetts Order ¶ 135 & n.424 (relying on comparable performance).

Provisioning. Verizon also installs DSL loops on time, as demonstrated by the same New York and Massachusetts measurements that have been adopted in Maine.

For example, Verizon consistently is meeting its installation appointments for CLEC DSL loops. From November through January, Verizon met 100 percent of its installation appointments for CLECs in Maine. See Lacouture/Ruesterholz Decl. ¶ 131. In Massachusetts, where volumes were higher, Verizon met more than 99 percent of its installation appointments for CLECs' DSL loops during that same period. See id. ¶ 132. These results are even better than what the Commission has found acceptable in the past. See, e.g., Massachusetts Order ¶ 137 & n.429 (finding 6.4-percent missed appointment rate for CLECs acceptable).²⁷

Installation Quality. Verizon provides unbundled DSL-capable loops to competing carriers that are equal in quality to those provided to Verizon's retail services.

The measurement that the Commission previously has used to evaluate installation quality is the subset of total trouble reports that are reported within 30 days of installation (so-called "I-codes"). As Verizon has explained in previous applications, as of November 2001, the Maine and Massachusetts performance measurements use POTS orders that require a dispatch as the retail comparison group and include trouble reports for all CLECs, not just those that

²⁷ Verizon's performance also is strong under two measurements that the Commission has not relied on in the past (and need not rely on here): the measurement that tracks how often Verizon meets the six-day interval for DSL loops that have been pre-qualified; and the measurement that tracks how often Verizon meets the nine-day interval for all DSL loops, including both loops that have been pre-qualified and those for which a CLEC requested a manual loop qualification. While the volumes from November through January in Maine were too small to provide meaningful results, Verizon completed within these respective intervals 100 percent of CLEC orders for both pre-qualified DSL loops and for DSL loops as a whole. See Lacouture/Ruesterholz Decl. ¶ 135.

participate in cooperative acceptance testing with Verizon. See Massachusetts Order ¶ 146; Pennsylvania Order ¶ 81 & nn.282 & 284. These results show that Verizon's performance satisfies the checklist requirements. In Maine CLECs submitted only 10 I-codes from November through January. And in Massachusetts, where volumes are higher, the I-code rate for CLECs during this same period was 5.35 percent, which was better than the 5.95 percent rate for the retail comparison group. See Lacouture/Ruesterholz Decl. ¶¶ 139-140.

Maintenance and Repair. As described above, competing carriers experience troubles on a very small fraction of their unbundled DSL loops, and therefore generally do not need Verizon to provide them with maintenance and repair. On the small fraction of DSL loops for which Verizon does need to provide maintenance and repair, however, it does so in a nondiscriminatory manner.

First, the total trouble report rate for unbundled DSL loops confirms that Verizon provides reliable loops to CLECs. From November through January, fewer than 1 percent of CLECs' DSL loops in Maine and Massachusetts had reported troubles found in either the outside plant or the central office. See Lacouture/Ruesterholz Decl. ¶¶ 141-142; see also Pennsylvania Order ¶ 80 & n.278 (relying on comparable performance under this measurement).

Second, Verizon meets the scheduled repair appointments for CLECs. See Pennsylvania Order ¶ 80 (relying on performance under this measurement); Massachusetts Order ¶ 150 n.471 (noting as relevant Verizon's performance under this measurement). In Maine, Verizon received only 13 trouble reports for CLEC DSL loops from November through January but nonetheless met all but one repair appointment. See Lacouture/Ruesterholz Decl. ¶ 143. In Massachusetts, where volumes are higher, Verizon met more than 93 percent of its repair appointments for

competing carriers' customers, compared to approximately 91 percent of the appointments for the retail comparison group. See id. ¶ 144.

Third, Verizon's mean time to repair competing carriers' DSL loops is shorter than the mean time to repair for the retail comparison group. For example, from November through January, the mean time to repair CLEC DSL loop troubles in Maine was 23.70 hours for troubles outside the central office (of which there were only six) and 4.39 hours for the seven troubles reported within the central office, compared to 21.66 hours and 7.43 hours, respectively, for the retail comparison group. See id. ¶ 145. In Massachusetts, the mean time to repair CLEC DSL loop troubles from November through January also was better than the mean time to repair for the retail comparison group. See id. ¶ 146. Moreover, these results are better than what the Commission has found acceptable in the past. See, e.g., Massachusetts Order ¶ 150 (finding eight-hour difference in mean time to repair performance acceptable).

Finally, Verizon's repeat trouble report rate is comparable for CLECs and the retail comparison group. Although volumes in Maine from November through January are too small to provide meaningful results, in Massachusetts Verizon's performance on this measurement is at parity during those months. See Lacouture/Ruesterholz Decl. ¶¶ 147-148.

d. Line Sharing.

Just as Verizon's performance in providing access to DSL-capable loops is excellent, so is its performance in providing access to the "high frequency portion of the loop" through so-called "line sharing." 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 provides line sharing in Maine using the Massachusetts and Rhode Island processes and procedures. See Lacouture/Ruesterholz Decl. ¶ 164. As the Commission found, these processes and procedures "provide[]

nondiscriminatory access to the high-frequency portion of the loop.” Massachusetts Order ¶ 165; Rhode Island Order ¶ 89.²⁸ Verizon also reports its line-sharing performance in Maine using the same line-sharing specific measurements as in Massachusetts and Rhode Island, see Lacouture/Ruesterholz Decl. ¶ 173, which the Commission found “adequately show that Verizon has met its line sharing obligation,” Massachusetts Order ¶ 168; see also Rhode Island Order ¶ 89 (“Verizon’s Massachusetts performance data demonstrate that it is provisioning line shared DSL loops to competitors at parity with its own retail provisioning, and that its maintenance and repair performance is also acceptable.”).

Verizon has provisioned about 550 line-sharing arrangements for unaffiliated CLECs in Maine. See Lacouture/Ruesterholz Decl. ¶ 171.²⁹ Through December 2001, Verizon has completed more than 4,000 line-sharing orders for unaffiliated CLECs in Massachusetts. See Lacouture/Ruesterholz Decl. ¶ 172.

Pre-ordering. Verizon uses the same Massachusetts and Rhode Island pre-ordering interfaces, systems, and processes to provide line sharing in Maine as it uses for providing

²⁸ Through interconnection agreements, Verizon makes available in Maine the same two types of line-sharing arrangements that it provides in Massachusetts and Rhode Island. See Lacouture/Ruesterholz Decl. ¶¶ 164-165; Massachusetts Order ¶¶ 164 n.512, 165 n.519.

²⁹ On September 26, 2001, the Commission granted Verizon’s request to accelerate Verizon’s right under the Bell Atlantic/GTE Merger Order to provide advanced services without using its separate data affiliate, VADI. See Application of GTE Corp., Transferor, and Bell Atlantic Corp., Transferee, For Consent to Transfer Control of Domestic and International Section 214 and 310 Authorizations and Applications to Transfer Control of a Submarine Cable Landing License, Order, 16 FCC Rcd 16915 (2001). While Verizon is no longer obligated to provide advanced services through a separate affiliate, during the time period covered by this Application, Verizon provided DSL services in Maine exclusively through VADI. See McLean/Wierzbicki/Webster Decl. Att. 2; Lacouture/Ruesterholz Decl. ¶ 126. On February 5, 2002, the Maine PUC approved Verizon’s request to transfer assets from VADI to the Verizon core company. See Lacouture/Ruesterholz Decl. ¶ 126. Verizon completed the reintegration of VADI into the core company on March 1, 2002, and Verizon now provides DSL service through a separate division that uses the same interfaces as CLECs for a substantial majority of its orders. See id.

unbundled DSL-capable loops, see McLean/Wierzbicki/Webster Decl. Att. 2, which the Commission found provide CLECs with nondiscriminatory access, see Massachusetts Order ¶ 60. As in Massachusetts and Rhode Island, Verizon's pre-ordering performance for line sharing is reported together with its performance for unbundled DSL-capable loops. See McLean/Wierzbicki/Webster Decl. Att. 2. And, as described above, Verizon's pre-ordering performance has been strong in Maine and Massachusetts.

Ordering. Just as with pre-ordering, Verizon uses the Massachusetts and Rhode Island interfaces, systems, and processes for ordering in Maine. See id. ¶ 48 & Att. 2. The Commission found that Verizon's ordering systems and processes for line sharing fully satisfy the Act. See Massachusetts Order ¶ 135.

As in Massachusetts and Rhode Island, Verizon reports its ordering performance for line sharing under two categories of measurements. For line-sharing orders that have been pre-qualified — which now make up the majority of line-sharing orders — Verizon reports its ordering performance together with its performance for unbundled DSL-capable loops. As described above, Verizon's ordering performance for such loops has been excellent. For line-sharing orders that require a manual loop qualification, Verizon reports its ordering performance separately. In Maine and Massachusetts, Verizon consistently returns order confirmation and reject notices for line-sharing orders in a timely fashion. See McLean/Wierzbicki/Webster Decl. Att. 2.

Provisioning. Verizon installs line-sharing orders in a timely and nondiscriminatory manner, as demonstrated by its performance under several different measurements adopted in the New York Carrier-to-Carrier proceedings. Verizon's performance in provisioning line-sharing orders in Maine and Massachusetts has been strong. In addition, as part of its testing in Rhode

Island, KPMG “evaluated Verizon’s line sharing installations in Massachusetts” and gave Verizon a “‘satisfied’ rating.” Rhode Island Order ¶ 89 n.260 (relying on results of KPMG test).

First, Verizon’s performance under the missed appointment measurement demonstrates that its performance in providing line sharing to CLECs is strong. From November through January, Verizon met more than 99 percent of its installation appointments for CLECs’ non-dispatch line-sharing orders in Maine and 100 percent of those installation appointments in Massachusetts. See Lacouture/Ruesterholz Decl. ¶¶ 174-175.

Second, Verizon reports the percentage of line-sharing orders that it completes within three business days, which is the standard provisioning interval for line-sharing orders (in Maine and Massachusetts). See id. ¶ 171. From November through January, Verizon provisioned line-sharing orders in Maine within three business days when that interval was requested nearly 96 percent of the time for CLECs. See id. ¶ 177.

Installation Quality. Verizon also provides line sharing to its CLEC customers with a high degree of quality. In Maine, from November through January, the rate of installation troubles reported within 30 days was 0.30 percent for CLECs. See id. ¶ 178; Massachusetts Order ¶ 171 (finding comparable performance acceptable). In Massachusetts, there were only seven CLEC installation troubles reported during those months. See Lacouture/Ruesterholz Decl. ¶ 179.

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

CLECs in Maine and Massachusetts have submitted an extremely small number of trouble tickets on line-sharing orders — only two measured trouble tickets in Maine and fewer than 20 such tickets in Massachusetts — from November through January. See id. ¶ 180. Although these volumes are too small to provide meaningful results, see Kansas/Oklahoma Order ¶ 36; Massachusetts Order ¶ 93 n.296, the limited performance data available demonstrate that Verizon's performance is excellent.

The first maintenance and repair measurement tracks the percentage of time that Verizon completes repairs on the date of its scheduled repair appointments. See Massachusetts Order ¶ 172 & n.547 (relying on Verizon's performance under this measurement). In Massachusetts, the number of repair appointments was small, but, from November through January, Verizon met all of the CLEC central office repair appointments on time. See Lacouture/Ruesterholz Decl. ¶ 180.

A second maintenance and repair measurement tracks the number of repeat trouble reports within 30 days of an initial repair. Here, too, the very low volumes skew the reported results. See id. ¶ 181. From November through January, Verizon received repeat trouble reports for only six CLEC orders in Massachusetts. See id.

The third measurement of Verizon's maintenance and repair performance tracks the mean time to repair line-sharing orders. Although CLECs in Massachusetts submitted only a small number of trouble tickets for central office troubles from November through January, Verizon's mean time to repair during this period was at parity. See id. ¶ 182.

Finally, the total trouble report rate — which measures the overall reliability of line-shared loops — demonstrates that there were no troubles found on more than 99.5 percent of the

CLEC line-shared loops in service in Massachusetts from November through January. See id. ¶ 183.

Line Splitting. Verizon permits CLECs in Maine to engage in line splitting in the same manner that the Commission found met its requirements in Massachusetts and Rhode Island. See id. ¶ 184. As the Commission explained, Verizon “offers competitors nondiscriminatory access to the individual network elements necessary to provide line-split services and . . . nothing prevents competitors from offering voice and data services over a single unbundled loop.” Massachusetts Order ¶ 175; see id. ¶ 176; see Rhode Island Order ¶ 90 (finding that Verizon “met its goal to implement permanent [line-splitting] OSS by October 2001” and that “Verizon’s process for line-splitting orders is in compliance with the requirements of this checklist item”).

As Verizon has made clear in its formal policy statement provided to CLECs on this issue, CLECs may engage in line splitting by using Verizon’s existing systems “to order and combine in a line splitting configuration an unbundled xDSL capable [l]oop terminated to a collocated splitter and DSLAM equipment provided by a participating CLEC, unbundled switching combined with shared transport, collocator-to-collocator connections, and available cross-connects.” Verizon, Line Splitting Policy (Feb. 14, 2001), at http://128.11.40.241/east/wholesale/html/clec_01/02_14.htm. Verizon also has added line splitting to its Model Interconnection Agreement. See Lacouture/Ruesterholz Decl. ¶ 185. Moreover, since the Massachusetts Order, Verizon has implemented additional OSS capabilities for line splitting, including the ability for competing carriers to migrate from a UNE platform arrangement or a line-sharing arrangement to a line-splitting arrangement using a single local service request. See Lacouture/Ruesterholz Decl. ¶¶ 191-192; McLean/Wierzbicki/Webster Decl. Att. 2; Line

Sharing Reconsideration Order ¶¶ 18-21.³⁰ As noted above, the Commission previously has found that Verizon's line-splitting policies fully comply with the Commission's rules. See Massachusetts Order ¶¶ 176-180; Rhode Island Order ¶ 90.

The New York PSC has approved line-splitting measurements, which Verizon began reporting in New York, Massachusetts, Rhode Island, and Maine beginning with the November 2001 reporting month. See Lacouture/Ruesterholz Decl. ¶ 193. From November through January, Verizon completed more than 800 commercial line splitting orders in New York and completed more than 99 percent of them on time. See id. ¶ 192. Verizon did not complete any commercial line splitting orders in Maine or Massachusetts during these months. See id.

e. High-Capacity Loops.

Verizon's performance also has been strong in providing competing carriers access to high-capacity loops. These loops make up only about 1 percent of all unbundled loops provided to competitors in Maine, and, from November through January, Verizon provided only about 17 high-capacity loops per month in Maine, all of which were DS-1 loops. See id. ¶¶ 109-110. Although these volumes are too small to provide meaningful results, Verizon's performance in providing high-capacity loops to competitors in Maine has been strong, and the same continues to be true in Massachusetts, where volumes are higher.

From November through January, Verizon missed only one of its installation appointments for CLEC high-capacity loop orders in Maine. See id. ¶ 111. In Massachusetts,

³⁰ Deployment of Wireline Services Offering Advanced Telecommunications Capability, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98-147, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, 16 FCC Rcd 2101 (2001) ("Line Sharing Reconsideration Order").

Verizon met more than 98.5 percent of its installation appointments for CLEC high-capacity loops during this period, which is better than for the retail comparison group. See id. ¶ 112.

Verizon also provides high-capacity loops with a high degree of quality. The installation quality measurements for high-capacity loops report Verizon's performance on these loops together with its performance for high-capacity interoffice facilities and loop and transport combinations. See id. ¶ 114. In Maine, CLECs reported an average of three installation troubles per month on high-capacity loops and interoffice transport facilities from November through January. See id.

Verizon's performance in maintaining and repairing high-capacity loops also is strong. From November through January, Verizon received 17 trouble reports relating to high-capacity loops, interoffice facilities, and loop and transport combinations in Maine, which means that there was not enough maintenance and repair activity to provide meaningful results. See id. ¶ 118; Kansas/Oklahoma Order ¶ 36. In Massachusetts, where volumes were higher, from November through January the trouble report rate for high-capacity loops, interoffice facilities, and loop and transport combinations was, on average, less than 2 percent for both CLECs and the retail comparison group. See Lacouture/Ruesterholz Decl. ¶ 117. Moreover, the mean time to repair CLEC high-capacity loops and other wholesale special services in Massachusetts was within about 20 minutes of the mean time to repair for the retail comparison group. See id. ¶ 119. Finally, from November through January, Verizon did not have any repeat trouble reports in Maine, and in Massachusetts the repeat trouble report rate was better for CLECs (12.22 percent) than for the retail comparison group (16.44 percent). See id. ¶¶ 120-121.³¹

³¹ Two CLECs — Mid-Maine and Rev Nets — raised an issue before the Maine PUC concerning Verizon's rejection of orders for high capacity loops where facilities are not available. See Lacouture/Ruesterholz Decl. ¶ 122. However, Verizon follows the same practice

f. 2-Wire Digital Loops.

Verizon's performance in providing 2-wire digital loops to competitors in Maine has been strong, and the same continues to be true in Massachusetts. CLECs typically order 2-wire digital loops when a DSL loop is not available. The number of CLEC 2-wire digital loop orders continues to decline. See Lacouture/Ruesterholz Decl. ¶ 149.

Verizon provisioned only 22 orders for 2-wire digital loops in Maine from November through January, which are too few to provide meaningful results. See id. ¶ 150. Nevertheless, Verizon installed all of these orders on time. See id. In Massachusetts, where volumes are higher, Verizon also met all of its 2-wire digital loop installation appointments from November through January. See id. ¶ 151.

Verizon also provides 2-wire digital loops with a high degree of quality. As the Commission has found, however, the installation quality measurement for 2-wire digital loops is skewed by factors outside of Verizon's control and does not use an appropriate retail comparison group. See Rhode Island Order ¶ 81 ("we agree with Verizon that this metric may appear to suggest unequal treatment simply because of the comparison group used"); Lacouture/Ruesterholz Decl. ¶¶ 153-155. Nonetheless, when competing carriers have reported troubles on 2-wire digital loops, they have been fixed more quickly than for the retail comparison group. See id. ¶ 155.

Verizon's performance in maintaining and repairing 2-wire digital loops also is strong. There were a total of 12 network trouble reports on 2-wire digital loops in Maine from November through January, which are too few to provide meaningful results. See id. ¶ 156. In

of unbundling high capacity loops in Maine as it does in Pennsylvania, which the Commission found to comply with the checklist. See Pennsylvania Order ¶ 68; Lacouture/Ruesterholz Decl. ¶¶ 122-124.

Massachusetts, only about 1.25 percent of CLECs' 2-wire digital loops had reported troubles found in Verizon's network. See id. ¶ 157. In Maine, Verizon did not miss any of the few repair appointments for 2-wire digital loops. See id. ¶ 158. In Massachusetts, Verizon met a higher percentage of CLECs' repair appointments than for the retail comparison group. See id. ¶ 159. In Maine and Massachusetts, the mean time to repair CLECs' 2-wire digital loops was shorter than for the retail comparison group. See id. ¶¶ 160-161; Rhode Island Order ¶ 80 n.229 (relying on comparable performance). Finally, in Massachusetts, Verizon's repeat trouble report rates were in parity from November through January. See Lacouture/Ruesterholz Decl. ¶ 162.

g. Subloops.

With one minor exception, Verizon provides access to subloops in Maine in the same way as it does in Massachusetts, see id. ¶ 194, where the Commission found that "Verizon provides nondiscriminatory access to subloops consistent with the requirements of section 271 and the UNE Remand Order," Massachusetts Order ¶ 154.³² The subloop elements that Verizon provides include access to house-and-riser cable, and to remote terminals either through collocation (where space is available) or by establishing a connection between Verizon's remote terminal and a CLEC's adjacent facilities. See Lacouture/Ruesterholz Decl. ¶¶ 195-196. As in Massachusetts, "Verizon allows requesting carrier[s] to obtain access to subloop facilities regardless of the transmission medium," and to "gain access to subloops at technically feasible points of interconnection other than the FDI [Feeder Distribution Interface]." Massachusetts Order ¶ 155; see Lacouture/Ruesterholz Decl. ¶ 199.³³

³² Verizon provides access to subloops through interconnection agreements. See Lacouture/Ruesterholz Decl. ¶ 194.

³³ The one minor difference between Verizon's unbundled subloop offering in Massachusetts and Maine is that, in Massachusetts, the Department of Telecommunications and Energy ("DTE") has determined that CLECs who have already collocated equipment in a remote

h. Network Interface Devices.

Verizon provides CLECs with access to Network Interface Devices (“NIDs”), either as part of an unbundled loop or on a stand-alone basis to CLECs that deploy their own loop facilities. See id. ¶ 200; UNE Remand Order ¶¶ 233-235.³⁴ Verizon provides access to NIDs in Maine in the same manner as in Massachusetts and Rhode Island, see Lacouture/Ruesterholz Decl. ¶ 200, where the Commission found that Verizon satisfies the checklist, see Massachusetts Order ¶ 124. Verizon permits competing carriers that deploy their own loop facilities to connect their loops directly to Verizon’s NIDs, or to connect indirectly through their own adjacent NIDs. See Lacouture/Ruesterholz Decl. ¶ 201. No CLEC has requested access to Verizon’s NIDs on a stand-alone basis in Maine or Massachusetts. See id.

2. Unbundled Switching.

Verizon provides unbundled local and tandem switching using the same processes and procedures as in Massachusetts and Rhode Island, see id. ¶ 202, which the Commission found satisfy the checklist, see Massachusetts Order ¶ 222; Rhode Island Order ¶ 97.³⁵

terminal equipment enclosure serving the Feeder Distribution Interface do not need to establish an outside interconnection cabinet to house a cross connect panel between Verizon’s network and the CLEC’s equipment. See Lacouture/Ruesterholz Decl. ¶ 198.

³⁴ 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 (1999) (“UNE Remand Order”) (internal quotation marks omitted), petitions for review pending, United States Telecom Ass’n v. FCC, Nos. 00-1015 & 00-1025 (D.C. Cir. argued Mar. 7, 2002).

³⁵ Verizon makes unbundled switching available pursuant to legally binding interconnection agreements. See Lacouture/Ruesterholz Decl. ¶ 202. Unbundled local switching is available as a line side or a trunk side port (shared and dedicated) and includes the vertical features available to Verizon’s retail customers on a line-by-line basis. See id. In addition, Verizon provides CLECs with access to other features resident in its switches that Verizon does not offer its retail customers. See id.

Through December 2001, Verizon has provided approximately 2,700 unbundled local switching elements in Maine as part of network element platforms. See Lacouture/Ruesterholz Decl. ¶ 203. Verizon also has provided unbundled tandem switching in connection with each of these platform orders. See id. Moreover, Verizon consistently provides unbundled switching on time. In Maine and Massachusetts, from November through January, Verizon provided more than 99 percent of local switching elements on time. See id. ¶¶ 212-213. Moreover, during that same period, the platforms that Verizon installed for CLECs in Maine and Massachusetts experienced fewer installation-related troubles than the retail comparison group. See id. ¶¶ 215-216.

As in Massachusetts and Rhode Island, Verizon also provides customized routing (using line-class codes) so that CLECs can route directory-assistance and operator-services traffic to their own platforms, to a third-party platform, or to Verizon's platform. See id. ¶ 204. Verizon also offers the same standardized local switching configuration that gives CLECs the same local call routing as Verizon itself, but with the option of branding their directory-assistance and operator-services traffic as they choose. See id. ¶ 205. Finally, as in Massachusetts and Rhode Island, Verizon is capturing and providing usage data to CLECs that enable them to bill for exchange access. See id. ¶¶ 208-211.

3. Unbundled Local Transport (Including Interoffice Facilities).

Verizon provides unbundled dedicated and shared transport using the same processes and procedures that it uses in Massachusetts and Rhode Island. See id. ¶ 225. The Commission found that, in Massachusetts, Verizon "provides both shared and dedicated transport in compliance with the requirements" of the Act. Massachusetts Order ¶ 208; see Rhode Island

Order ¶ 91 (“Verizon complies with the requirements” of checklist item 5).³⁶ The same conclusion therefore applies here.

Through December 2001, Verizon has provided shared transport on each of the platforms it has provided in Maine. See Lacouture/Ruesterholz Decl. ¶ 235. Moreover, because access to shared transport is provided as part of network element platforms, it has been delivered at the same time as the accompanying loops and unbundled switching. As discussed above, Verizon provides platforms on time more than 99 percent of the time in Maine and Massachusetts, and the same is true of unbundled shared transport. See id. ¶¶ 212-213.

Verizon also has provided dedicated local transport facilities to competing carriers in Maine; however, the volume of such orders has been very small. See id. ¶ 227. From November through January, Verizon received a total of only 20 orders for unbundled dedicated transport in Maine. See id. ¶ 228. Nonetheless, Verizon missed only one of its installation appointments in Maine for CLECs’ unbundled dedicated transport orders from November through January. See Lacouture/Ruesterholz Decl. ¶ 228.

4. Dark Fiber.

Verizon provides “dark fiber” — that is, fiber that has not been activated through the connection of the electronics used to carry communications services — in Maine. See id. ¶ 237; UNE Remand Order ¶ 165.³⁷ As of December 2001, Verizon had received only 62 dark fiber orders from CLECs in Maine. See Lacouture/Ruesterholz Decl. ¶ 245. CLECs cancelled 30 of

³⁶ Verizon provides shared and dedicated transport under interconnection agreements. See Lacouture/Ruesterholz Decl. ¶ 225. This includes shared transport between Verizon’s end office switches, between end office and tandem switches, and between tandem switches. See id. ¶ 233.

³⁷ Under the terms of its interconnection agreements, Verizon provides both dark fiber interoffice facilities and dark fiber loops, where spare facilities are available. See Lacouture/Ruesterholz Decl. ¶ 237.

these orders. See id. Of the remaining 32 orders, Verizon completed all but four on time. See id. For the period of time governed by this Application, Verizon's dark fiber offering in Maine, as well as the processes and procedures used to provide dark fiber, were substantially the same as those used in Pennsylvania and Connecticut, see id. ¶ 239, where the Commission found that Verizon's provision of dark fiber satisfies the Act, see Connecticut Order ¶¶ 49-54; Pennsylvania Order ¶¶ 109-113.

On March 1, 2002, the Maine PUC adopted additional dark fiber requirements. See Maine PUC 271 Letter at 1-3. Like the requirements adopted by the Massachusetts DTE and the Rhode Island PUC, the Maine PUC's new dark fiber requirements go above and beyond those adopted by the FCC in its UNE Remand Order. See Lacouture/Ruesterholz Decl. ¶ 240. Consequently, Verizon need not demonstrate its compliance with these new requirements to establish that its dark fiber offering in Maine is checklist-compliant. Nevertheless, Verizon is implementing the Maine PUC's ruling, which includes all of the requirements imposed by the Rhode Island PUC, plus some additional requirements. See id.³⁸ Because the Maine PUC's new dark fiber requirements include all of the Rhode Island PUC's dark fiber requirements, and the Commission has already found that Verizon's dark fiber offering in Rhode Island is checklist compliant, Verizon's dark fiber offering in Maine is likewise checklist compliant. See Lacouture/Ruesterholz Decl. ¶ 240; Rhode Island Order ¶ 93.

³⁸ Specifically, the Maine PUC required Verizon to implement a procedure enabling CLECs to order interoffice dark fiber consistent with the ordering process trial in Pennsylvania, to provide a fiber map and written documentation within 30 days if a dark fiber inquiry reveals there is no dark fiber available, to perform repairs to CLECs dark fiber pairs as well as to Verizon's own fiber pairs when Verizon performs such repairs, and to file a dark fiber tariff for Maine by May 1, 2002. See Maine PUC 271 Letter at 1-3.

5. Combining Unbundled Network Elements.

With one minor and temporary exception, Verizon provides both existing combinations of network elements and access to unbundled elements that allows competing carriers to assemble combinations of elements themselves in Maine as it does in Massachusetts and Rhode Island. See Lacouture/Ruesterholz Decl. ¶ 248.

First, Verizon provides the same preassembled combinations of network elements that it provides in Massachusetts and Rhode Island, see id., where the Commission found that Verizon satisfies the checklist, see Massachusetts Order ¶¶ 117-118; Rhode Island Order ¶ 72. As noted above, Verizon has provided competing carriers in Maine with approximately 2,700 complete, preassembled platforms of network elements through December 2001. See Lacouture/Ruesterholz Decl. ¶ 203. Verizon also provides a “switch sub-platform” (local switching in combination with other shared network elements such as shared transport, shared tandem switching, and SS7 signaling), although no competitor has yet requested this combination. See id. ¶ 257. Moreover, Verizon provides loop and transport combinations in accordance with the Commission’s rules. See id. ¶ 258; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Supplemental Order, 15 FCC Rcd 1760 (1999); Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Supplemental Order Clarification, 15 FCC Rcd 9587 (2000).³⁹

³⁹ Although the availability of combinations of loop and transport network elements that are not already combined in Verizon’s network is not a checklist requirement and Verizon’s current offering satisfies the checklist requirements, in accordance with the Maine PUC’s March 1, 2002 ruling, Verizon will begin offering new loop/transport combinations on April 1, 2002, which will make Verizon’s loop/transport combination offerings in Maine the same as its offerings in Massachusetts. Maine PUC 271 Letter at 2; Lacouture/Ruesterholz Decl. ¶¶ 257, 259. From November through January, Verizon did not provision any loop and transport combinations to CLECs in Maine. See Lacouture/Ruesterholz Decl. ¶ 258. In Massachusetts, Verizon provisioned approximately 190 loop and transport combinations during these months, and Verizon’s performance in Massachusetts during this period was at parity. See id.

Second, Verizon offers CLECs in Maine the same methods of access to combine unbundled network elements as in Massachusetts and Rhode Island, see Lacouture/Ruesterholz Decl. ¶ 248, where the Commission found that Verizon satisfies the checklist, see Massachusetts Order ¶¶ 117-119; Rhode Island Order ¶ 72. For example, Verizon offers competing carriers a variety of forms of access that permit them to combine network elements, including physical, virtual, and various forms of cageless collocation. See Lacouture/Ruesterholz Decl. ¶¶ 250-251.

6. Pricing of Unbundled Network Elements.

The Maine PUC has found that Verizon's wholesale rates for unbundled network elements comply fully with the Act and the Commission's rules. Under well-settled precedent, the Commission "will not conduct a *de novo* review of a state's pricing determinations and will reject an application only if 'basic TELRIC principles are violated or the state commission makes clear errors in factual findings on matters so substantial that the end result falls outside the range that the reasonable application of TELRIC principles would produce.'" Kansas/Oklahoma Order ¶ 59 (quoting New York Order ¶ 244).⁴⁰ The evidence here demonstrates that neither of these two conditions is present here.

First, as described below, the Maine PUC applied TELRIC principles in establishing Verizon's rates, and no party has sought review of those rates, let alone demonstrated a "clear error" on the part of the PUC. As the Commission has recognized, of course, the use of "TELRIC principles" does not mandate adherence to any specific formulas or set of inputs and

⁴⁰ As the courts have held, the clear error standard is "narrow" and "highly deferential," and the burden of establishing a clear error is on the party challenging the decision. Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402, 416 (1971); MCI WorldCom Network Servs., Inc. v. FCC, 274 F.3d 542, 547 (D.C. Cir. 2002); see also Bailey v. Federal Nat'l Mortgage Ass'n, 209 F.3d 740, 743 (D.C. Cir. 2000); cf. Allentown Mack Sales & Serv., Inc. v. NLRB, 522 U.S. 359, 376 (1998) (agency must "apply in fact the clearly understood legal standards that it enunciates in principle").