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VIA ELECTRONIC SUBMISSION

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: ***Ex Parte* presentation in CC Docket No. 01-338, CC Docket No. 96-98, and CC Docket No. 98-147**

Dear Ms. Dortch:

This letter provides information requested by Commissioner Martin and his assistant, Daniel Gonzalez, in a recent *ex parte* meeting in which the undersigned participated regarding the continued availability of the unbundled network element platform ("UNE-P"). Specifically, the Commissioner made an inquiry regarding the number of times that the Commission has relied, at least in part, upon the existence of UNE-P-based competition to find that a Regional Bell Operating Company ("RBOC") seeking in-region long distance authority under Section 271 of the Communications Act of 1934, as amended (the "Act"), met the threshold requirements under so-called "Track A." Track A requires an RBOC to demonstrate that it has entered into interconnection agreements with one or more competing carriers by which those competitors are providing local telephone exchange service, either exclusively or predominantly over their own facilities (which the Commission has interpreted to include UNE-P), to more than *de minimis* numbers of business and residential customers. *See* 47 U.S.C. § 271(c)(1)(A). [1]

[1] In a written *ex parte* used in the above-referenced meeting, the undersigned advocated on behalf of Talk America, Inc., that where the availability of unbundled local switching ("ULS") (whether alone or as part of UNE-P) was a condition for Section 271 approval, then ULS (and UNE-P) must continue to be provided by that RBOC at *total element long run incremental cost* ("TELRIC")-based rates under Section 271(d)(6) of the Act. *See* Letter from Brad E. Mutschelknaus, Kelley Drye & Warren, LLP, counsel for Talk America, Inc., to Marlene H. Dortch, Secretary, FCC (dated December 30, 2002) at 3 ("Talk Letter"). We

Our review of the Commission's Orders indicates that the presence of UNE-P-based competition was specifically cited by the Commission thirty percent of the time in which the Commission found Track A requirements under Section 271 were satisfied.[2] (10 out of 34 States.) Notably, all four of the RBOCs have relied, in one or more States, upon the presence of UNE-P, to advance their bids for Section 271 authority. Furthermore, in a number of other cases, the FCC has been less specific in its Section 271 orders about the characteristics of the facilities-based competition within a state that allowed the RBOC to satisfy the Track A requirements. Our research indicates that in at least two of these States, Florida and Tennessee, BellSouth relied in its applications upon the presence of UNE-P to make its showing.[3] In addition, the RBOCs continue to rely upon the presence of UNE-P in making their Section 271 showings. In its pending applications in the Maryland and West Virginia, for example, Verizon includes in its showing a material number of UNE-P lines in support of its Track A showing, particularly on the residential side.[4] Indeed, in West Virginia, the overwhelming majority of the residential customers served by competitors on a facilities-basis are served through UNE-P.

On January 15, 2003, Verizon filed an *ex parte* letter contending that in the case of the Section 271 authorizations that it has received, the grants were based upon the presence of competitors that were predominantly providing service to residential and business subscribers over facilities they deployed themselves.[5] Despite Verizon's characterizations of the evidence it presented, the fact remains (as described above) that the FCC, in at least four of the orders granting Verizon Section 271 authority, explicitly stated that its Track A finding was predicated upon competitors using, at least in part, UNE-P.[6] Verizon's *ex parte* filing in this proceeding, totally devoid of any direct quantitative information, does not provide a basis to conclude

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also suggested that an RBOC in this situation should be permitted to petition the Commission for a lessening of this requirement where and to the extent ULS (or UNE-P) is no longer required under Section 251(d)(2), by making a clear and convincing showing that, *at the time it requests relief from the continued obligation to provide based ULS under Section 271(d)(6)*, the availability of ULS (or UNE-P) at TELRIC-based rates would *not* be required for the RBOC *currently* to satisfy the condition that facilities-based competition is present. *Id.* However, even if such a showing were made, the RBOC would still be obligated to provide unbundled local switching to the extent required by checklist item 6, 47 U.S.C. § 271(c)(2)(B)(vi), at parity with the RBOC's own use of unbundled switching or at rates, terms, and conditions that support a meaningful opportunity for competitive entry. *Talk Letter* at 3.

2 *See* Attachment. The ten States are California, Georgia, Kansas, Kentucky, Louisiana, Massachusetts, New Jersey, Vermont, Virginia, and Washington.

3 *Id.* In a number of other States where the basis for the FCC's finding is not clear in its order, the data upon which the RBOC relied are subject to confidentiality restrictions, so the number may very well be higher. In any event, unless the Commission was clear in its Section 271 Order that it was not relying upon UNE-P in granting long distance authority to an RBOC, an RBOC with Section 271 authority should not be permitted to cease providing UNE-P at TELRIC-based rates until it makes an adequate showing to the Commission.

4 *Id.*

5 *See* Letter of Dee May, Assistant Vice President, Federal Regulatory, Verizon to Marlene H. Dortch, Secretary, FCC (dated January 15, 2003) at 1-2.

6 *See* Attachment at 3-5.

otherwise. Rather, if Verizon believes that it has a basis to meet Track A requirements in the absence of UNE-P competition, it should be free to seek relief from the Commission – at such time as, and in the event that, the Commission removes UNE-P from the Section 251(d)(2) list of UNEs – through a procedure of the sort outlined in Talk America's December 30, 2002, *ex parte*. (*See* footnote 1, *supra*.)[7]

It is also worth pointing out that the State commissions, in reviewing RBOC compliance with Section 271(c) as part of the federal-state consultative process required by the Act, have underscored the importance of UNE-P to the emergence of a competitive market and the threshold findings in support of Section 271 approval. On January 13, 2003, the Michigan Public Service Commission ("PSC") forwarded a letter to this Commission regarding its recommendation that SBC be authorized to provide interLATA telecommunications services in that state. The Michigan PSC stated that:

> the Michigan competitive market is significantly dependent on availability of the Unbundled Network Element-Platform (UNE-P). We believe that the elimination or severe curtailment of UNE-P would adversely impact our competitive market. Our recommendation [for Section 271 approval] is predicated on the FCC's continuation of policies and rules that allow competitors access to UNE-P for the foreseeable future and throughout an orderly transition to facilities-based competition. In fact, we support UNE-P as consistent with the methods of competition specified in the 1996 Federal Act, including resale, facilities-based and unbundled network elements.[8]

Similarly, the Maryland Public Service Commission, in issuing its conditional findings that Verizon meets the competitive checklist in that State in mid-December 2002, found that the appropriate rate level for UNE-P *in particular* (and thus the availability of UNE-P) "is essential in encouraging competitive entry into the Maryland market." The PSC went on to explain that

> [t]he evidence in this proceeding demonstrates that increased competition in Maryland exists in large measure because of the availability of UNE-P. . . . In six month's time, according to the FCC's most recent report on the status of local competition, Maryland went from 4% to 6% in the level of competition due primarily to UNE-P. It appears that without UNE-P that growth vector will be clearly reduced. The Commission believes that any alteration from UNE-P as

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7 In addition, the "evidence" offered by Verizon would have to be closely scrutinized. In its chart attached to its January 15 *ex parte*, to cite one instance, Verizon lists Broadview as one of the facilities-based carriers that predominantly serves customers over its own facilities. In reality, for example, Broadview has, and has had, only *one* "on-net" customer in the state of New Hampshire.

8 Letter from Chairman Laura Chappelle, Michigan PSC, *et al.*, to Chairman Michael K. Powell, *et al.*, dated January 13, 2003, at 2.

> presently constituted would have significant adverse effects on the competitive market in Maryland.[9]

In addition, we wish to emphasize that in this *ex parte* we are responding to Commissioner Martin's specific question. We have focused on the role UNE-P competition has played in allowing RBOCs to meet Section 271 threshold requirements under Track A. As CompTel detailed in an earlier *ex parte*, however, the availability of UNE-P and presence of competitors relying upon UNE-P has been critical in the Commission's Section 271 analyses in other ways, reflecting a similarity to the statements regarding the impact of UNE-P on competition in the State recommendations just discussed. For example, the Commission has required RBOCs to demonstrate an adequate interface for ordering and provisioning UNE-P to the mass market, has required RBOCs to show that their operational support systems work to provide competitors a meaningful opportunity to compete using UNE-P, and has found some of the most probative pieces of evidence in its public interest analyses under Section 271 to be the extent to which UNE-P is available at cost-based rates so as to stimulate competition and is used by competitors.[10]

Finally, past Commission rulings under Section 271 also provide insight into the pricing standards that must be applied to UNE-P in cases where RBOCs have received interLATA authorization based on the existence of UNE-P based competition. In its *1997 Michigan 271 Order*, the Commission, speaking about the implementation of the competitive checklist, stated that:

> [b]ecause the purpose of the checklist is to provide a gauge for whether the local markets are open to competition, we cannot conclude that the checklist has been met if the prices for interconnection and unbundled elements do not permit efficient entry. That would be the case, for example, if such prices included embedded costs.[11]

Thus, consistent with Talk America's December 30, 2002, *ex parte* filing (*see* footnote 1, *supra*), the Commission itself has previously established that, in states where RBOCs have received interLATA authority pursuant to Section 271 of the Act, the RBOCs must provide all elements referenced in Section 271 (which would include unbundled local switching) at rates which do not include embedded costs and which otherwise permit efficient entry. Thus, in our view, the Act provides that the Commission may not relieve RBOCs that have or seek Section

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9 Letter from Catherine I. Riley, Chairman, Maryland PSC, *et al.*, to William R. Roberts, President, Verizon Maryland, inc., dated December 16, 2002, at 10, 11.

10 *See* Letter of Jonathan D. Lee, Vice President, Regulatory Affairs, CompTel, to Marlene H. Dortch, Secretary, FCC (dated December 12, 2002).

11 *Application of Ameritech Michigan Pursuant to Section 271 of the Communications Act of 1934, as amended, To Provide In-Region, InterLATA Services in Michigan*, 12 FCC Rcd 20543, ¶¶ 287 (1997)(*1997 Michigan 271 Order*).

271 authority of the obligation to provide UNE-P at cost-based rates, at least until such time as it makes a finding pursuant to Section 10 that Section 271 is 'fully implemented.' We note in this regard that the Act expressly precludes the Commission from limiting the terms of the competitive checklist. See 47 U.S.C. § 271(d)(4).

We hope this information is responsive to the Commissioner's questions. Please contact the undersigned if there are any questions about this letter or the attached, or if further information would be of assistance.

Pursuant to Section 1.1206(b)(1) of the Commission's rules, an original and one copy of this written *ex parte* presentation is being submitted electronically to the office of the Secretary. Please associate this notification with the record in the proceedings indicated above.

Respectfully submitted,

B E Mutsch /EMY

Brad E. Mutschelknaus
Broadview Networks, Inc.,
Echelon Telecom, Inc., and
Talk America, Inc.,

cc: Commissioner Kevin Martin (w/attachments)
Daniel Gonzalez (w/attachments)
Chris Libertelli (w/attachments)
Jordan Goldstein (w/attachments)
Matthew Brill (w/attachments)
William Maher (w/attachments)
Steve Morris (w/attachments)
Tom Navin (w/attachments)
Rob Tanner (w/attachments)
Richard Lerner (w/attachments)
Michelle Carey (w/attachments)
Scott Bergmann (w/attachments)
Qualex International (w/attachments)
Linda Kinney (w/attachments)
Nick Bourne (w/attachments)
Mary McManus (w/attachments)
Paula Silberthau (w/attachments)
Debra Weiner (w/attachments)

ATTACHMENT

A. **List of 271 Orders That Expressly Rely On Competitors' Use Of UNE-P For Meeting The Requirements Of Section 271(c)(1)(A)**

BELLSOUTH

Georgia and Louisiana

"We conclude that BellSouth satisfies the requirements of Track A in Georgia. We base this decision on the interconnection agreements BellSouth has implemented with competing carriers in Georgia and the number of firms that provide local telephone exchange service, either exclusively or predominantly over their own facilities, to residential and business customers. In support of its Track A showing, BellSouth relies on interconnection agreements with AT&T (MediaOne Telecom, Teleport), MCImetro, and Mpower. We find that each of these carriers serves more than a *de minimis* number of residential and business customers predominantly over its own facilities and represents an "actual commercial alternative" to BellSouth in Georgia. Specifically, the record demonstrates that AT&T provides residential and business service to its customers over its own facilities, *UNE-Platform (UNE-P)* and UNE Loops. MCImetro provides service to residential and business customers over their own facilities and *UNE-P*. We conclude that BellSouth demonstrates that it satisfies the requirements of Track A based on the interconnection agreements it has implemented with competing carriers in Louisiana and the numerous carriers providing facilities-based service to residential and business customers in this market. In support of its Track A showing, BellSouth relies on interconnection agreements with AccessOne, Cox, and ITC^DeltaCom. The record demonstrates that each of these carriers serves more than a *de minimis* number of residential and business customers via *UNE-P* or full-facilities lines. Thus, we find that there is an "actual commercial alternative" to BellSouth in Louisiana and that BellSouth satisfies the requirements of Track A in Louisiana."

See In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc. and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Georgia and Louisiana, CC Docket 02-35, *Memorandum Opinion and Order,* FCC 02-147, ¶¶ 12, 15 (May 15, 2002) (emphases added and footnotes omitted).

Kentucky

"In Kentucky, we also find that BellSouth demonstrates that it satisfies the requirements of Track A based on the interconnection agreements it has implemented with competing carriers and the numerous carriers providing facilities-based service to residential and business customers in this market. In support of its Track A showing, BellSouth relies on interconnection agreements with, among others, AT&T and The Other Phone Company (AccessOne, Talk.Com, Omnicall). The record demonstrates that each of these carriers serves more that a *de minimis* number of residential and business customers *via UNE-P* or full facilities lines. Thus, we find that there is an "actual commercial alternative" to BellSouth in Kentucky and that BellSouth satisfies the requirements of Track A in Kentucky." (The *Memorandum Opinion and Order* specifically relies on the use of the UNE-platform in determining that Track A requirements have been met in Kentucky. The FCC's use of more general language with respect to the other states in this multi-state application leaves open the question of whether, and the extent to which, the UNE-platform was relied upon by the RBOCs to demonstrate the satisfaction of Track A requirements for other states addressed in the Order.)

See In the Matter of Joint Application by BellSouth Corporation, BellSouth Telecommunications, Inc., And BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Alabama, Kentucky, Mississippi, North Carolina, and South Carolina, WC Docket 02-150, *Memorandum Opinion and Order*, FCC 02-260, ¶ 24 (Sept. 18, 2002) (emphases added and footnotes omitted).

<u>SBC</u>

California

"We conclude, as did the California Commission, that Pacific Bell satisfies the requirements of Track A in California. We base this decision on the interconnection agreements Pacific Bell has implemented with competing carriers in California and the number of carriers that provide local telephone exchange service, either exclusively or predominantly over their own facilities, to residential and business customers. No party challenges Pacific Bell's finding of compliance with section 271(c)(1)(A). In support of its Track A showing, Pacific Bell relies on interconnection agreements with AT&T, WorldCom and Allegiance Telecom. We find that each of these carriers serves more than a *de minimis* number of residential and business customers predominantly over its own facilities, and represents an "actual commercial alternative" to Pacific Bell in California. Specifically, the record demonstrates that AT&T and WorldCom each provide service to residential and business customers over their own facilities, *UNE-P* and UNE

Loops, and Allegiance Telecom provides service to residential and business customers over its own facilities and UNE Loops."

See In the Matter of Application by SBC Communications, Inc., Pacific Bell Telephone Company, and Southwestern Bell Communications Services Inc., for Authorization To Provide In-Region, InterLATA Services in California, WC Docket 02-330, *Memorandum Opinion and Order*, FCC 02-330, ¶ 12 (Dec. 19, 2002) (emphasis added and footnotes omitted).

Kansas

"We conclude, as the Kansas Commission did, that SWBT demonstrates that it satisfies the requirements of Track A based on the interconnection agreements it has implemented with competing carriers in Kansas. In support of its Track A showing, SWBT relies on interconnection agreements with Global Crossing, Sprint, Birch Telecom and Ionex Communications. Specifically, the record demonstrates that both Ionex Communications and Birch Telecom provide service to residential subscribers exclusively over their own facilities using the *UNE platform*. Sprint also provides local exchange service to business and residential subscribers."

See In the Matter of Joint Application by SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance for Provision of In-Region, InterLATA Services in Kansas and Oklahoma, CC Docket 00-217, *Memorandum Opinion and Order,* FCC 01-29, ¶ 41 (Jan. 22, 2001) (emphasis added and footnotes omitted).

VERIZON

Massachusetts

"We conclude, as did the Massachusetts Department, that Verizon demonstrates that it satisfies the requirements of Track A based on the interconnection agreements it has implemented with competing carriers in Massachusetts. The Massachusetts Department has approved a substantial number of binding interconnection agreements between Verizon and competing providers of telephone exchange service. The record demonstrates that the three largest competing carriers in Massachusetts -- AT&T, WorldCom, and RCN -- collectively provide telephone exchange service predominantly over their own facilities to residential and business subscribers. Verizon also asserts that six other competitive LECs provide business and/or residential service through some mix of their own facilities, UNEs, *UNE-P*, and resale."

See In the Matter of Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions) And Verizon Global Networks Inc., For Authorization to Provide In-Region, InterLATA Services in Massachusetts, CC Docket 01-9, *Memorandum Opinion and Ord*er, FCC 01-130, ¶ 224 (April 16, 2001) (emphasis added and footnotes omitted).

New Jersey

"Verizon relies upon interconnection agreements with MetTel, eLEC and Broadview in support of its Track A showing, and we find that each of these carriers serves more than a *de minimis* number of end users predominantly over its own facilities and represents an 'actual commercial alternative' to Verizon in New Jersey. Specifically, MetTel provides telephone exchange service to both residential and business subscribers in New Jersey *primarily through UNE-platforms.* Broadview and eLEC provide service to both residential and business customer in New Jersey through UNE loops, *UNE-Platform* and resale."

See In the Matter of Verizon New Jersey, Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks, Inc. and Verizon Select Services, Inc. for Authorization to Provide In Region IntraLATA Services in New Jersey, WC Docket 02-67, *Memorandum Opinion and Order*, FCC 02-189, ¶ 11 (June 24, 2002) (*Verizon New Jersey Order*) (emphases added and footnotes omitted).

Vermont

"We conclude that Verizon satisfies the requirements of Track A in Vermont. Verizon relies on interconnection agreements with SoVerNet, Z-Tel, and Adelphi in support of its Track A showing, and we find that each of these carriers serves more than a *de minimis* number of end users predominantly over its facilities and represents an "actual commercial alternative" to Verizon in Vermont. Specifically, SoVerNet provides telephone exchange service to both residential and business subscribers in Vermont using UNEs and its own facilities. SoVerNet is expanding its footprint in the state with additional collocation arrangements, and is actively pursuing new customers through advertising and marketing. Z-Tel provides services to residential subscribers over *UNE-Platform.*"

See In the Matter of Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to

Provide In-Region, InterLATA Services in Vermont, CC Docket 02-7, *Memorandum Opinion and Order*, FCC 02-118, ¶ 11 (April 17, 2002) (emphasis added and footnotes omitted).

Virginia

"We conclude, as the Virginia Hearing Examiner did, that Verizon satisfies the requirements of Track A in Virginia. Verizon relies on interconnection agreements with AT&T, Cox, Comcast, and Cavalier in support of its Track A showing, and we find that each of these carriers services mo re than a *de minimis* number of residential and business end users predominantly over its own facilities and represents an 'actual commercial alternative' to Verizon in Virginia. Specifically, AT&T provides telephone exchange service to both residential and business subscribers in Virginia primarily though UNE loops, *UNE-platforms* and their own cable facilities."

See In the Matter of Application by Verizon New Jersey, Inc., Verizon Long Distance Virginia, Inc., Verizon Enterprise Solutions Virginia, Inc., Verizon Global Networks, Inc. and Verizon Select Services of Virginia Inc. for Authorization to Provide In Region IntraLATA Services in Virginia, WC Docket No. 02-214, *Memorandum Opinion and Order*, FCC 02-297, ¶ 8 (Oct. 30, 2002) (emphasis added and footnotes omitted).

QWEST

Washington

"In Washington, we find that AT&T Communications of the Pacific Northwest, Rainier Cable, Time Warner Telecom of Washington, and XO Washington each serve more than a *de minimis* number of end users predominantly over their own facilities and represent "actual commercial alternatives" to Qwest. Specifically, we find that AT&T provides telephone exchange services to both residential and business subscribers using its own facilities, UNE loops and *UNE-P*, while XO provides telephone exchange services to residential and business subscribers predominantly using UNE loops and its own facilities." (The *Memorandum Opinion and Order* specifically relies on the use of the UNE-platform in determining that Track A requirements have been met in Washington. The FCC's use of more general language with respect to the other states in this multi-state application leaves open the question of whether, and the extent to which, the UNE-platform was relied upon by the RBOCs to demonstrate the satisfaction of Track A requirements for the other states addressed in the Order.)

In the Matter of Application by Qwest Communications International, Inc. for Authorization To Provide In-Region, InterLATA Services in the States of Colorado, Idaho, Iowa, Montana, *Nebraska, North Dakota, Utah, Washington and Wyoming,* WC Docket 02-314, *Memorandum Opinion and Order,* FCC 02-332, ¶ 29 (December 23, 2002) (emphasis added and footnotes omitted).

B. Other Examples Of Reliance On Competitors' Use Of UNE-P For Meeting The Requirements Of Section 271(c)(1)(A)

BELLSOUTH

Florida and Tennessee

In its *Memorandum Opinion and Order*, the FCC concluded that in Florida and Tennessee, BellSouth has satisfied the requirements of Track A. Although the FCC did not explicitly cite BellSouth's reliance on competitors that use UNE-platform, the Commission restated its determination that unbundled network elements are a competing provider's "own telephone exchange service facilities" for purposes of section 271(c)(1)(A) and found that BellSouth's competitive providers serve more than a *de minimis* number of end users predominantly over their own facilities and represent an "actual commercial alternative" to BellSouth in both Florida and Tennessee. BellSouth's underlying application indicates that the UNE-platform constitutes a significant portion of the competition relied upon to meet the requirements of section 271(c)(1)(A). In Florida, competitive carriers provide approximately 37%, or 434,881 out of a total of 1,173,150 lines, of their facilities-based service through the UNE-platform. In Tennessee, competitive carriers provide approximately 25%, or 75,056 out of a total of 300,964 lines, of their facilities-based service through the UNE-platform.

See In the Matter of Application by BellSouth Corporation, BellSouth Telecommunications, Inc, and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Florida and Tennessee, WC Docket 02-307, *Memorandum Opinion and Order*, FCC 02-331, ¶¶ 8, 10 (Dec. 19, 2002); *See also Joint Application of BellSouth Corporation, BellSouth Telecommunications, Inc, and BellSouth Long Distance, Inc. for Provision of In-Region, InterLATA Services in Florida and Tennessee*, WC Docket 02-307, Stockdale Aff. ¶¶ 16-18, and ¶¶28-30 (filed Sept. 20, 2002).

VERIZON

Maryland

In its application seeking 271 authority in Maryland, Verizon explained that its "data also show that unaffiliated CLECs in Maryland are serving approximately 41,000 lines through unbundled network element platforms" which represents approximately 10% of *all* facilities-based competitors' lines. Further, approximately 20% of competitors' facilities-based residential lines are provided through UNE-platforms.

See Application by Verizon Maryland Inc., Verizon Washington, D.C. Inc., Verizon West Virginia Inc., Bell Atlantic Communications, Inc., (d/b/a Verizon Long Distance), NYNEX Long Distance (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization To Provide In-Region, InterLATA Services in Maryland, Washington, D.C., and West Virginia, WC Docket 02-384, Torre Decl. Att. 1, at pp. 3-4, Table 1, (filed Dec. 18, 2002).

West Virginia

Of approximately 200 facilities-based residential lines served by Verizon's competitors in West Virginia, 65% are served through the UNE-platform.

See Application by Verizon Maryland Inc., Verizon Washington, D.C. Inc., Verizon West Virginia Inc., Bell Atlantic Communications, Inc., (d/b/a Verizon Long Distance), NYNEX Long Distance (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization To Provide In-Region, InterLATA Services in Maryland, Washington, D.C., and West Virginia, WC Docket 02-384, Torre Decl., Att. 3, at p. 3, Table 1 (Dec. 18, 2002).