

The Commission therefore should direct Verizon to transport 555 calls to CLEC ISPs over local interconnection trunks: until further order of the Commission. The Commission should disallow Verizon-WV's practice on the grounds it discriminates against CLECs seeking to provide the same service Verizon-WV does

**VII. NCC SHOULD BE DIRECTED TO MIGRATE ITS TRUNKS FROM THE 405 MUX TO ITS DEDICATED ENTRANCE FACILITY.**

On one issue, at least, Staff agrees with Verizon-WV: NCC should be directed to migrate its trunks from the 405 MUX to its dedicated entrance facility

The evidence is undisputed on this issue. Verizon-WV agreed to provision 6 trunks on the 405 MUX for NCC as an interim measure, in order to allow NCC to activate its NXX codes. VZ Exh. 4.4, at 23. NCC agreed to migrate those trunks after its dedicated entrance facility had been constructed and the trunks to that facility activated. The dedicated entrance facility has been constructed and the trunks to it activated for some time now. Verizon-WV has asked that NCC make arrangements to allow the trunks to be migrated to the dedicated entrance facility, in accordance with the interim arrangement, but NCC has refused to do so. The testimony established that there are no technical or service-related reasons the migration cannot be accomplished. Tr. II, at 12-14.

The wrongful, unlawful, and unreasonable acts by Verizon elaborated upon in this proceeding do not excuse NCC from carrying out its agreement in July 2001, and NCC should therefore be directed to assist Verizon-WV in migrating the trunks **within** a reasonable time period. Staff suggests 30 days should be sufficient in order to allow arrangements for the

migration to be made.

**CASE NOS. 02-0722-T-CN & 02-0723-T-CN, VERIZON-ES & VERIZON-LD**

The Commission should grant the applications for a certificate of public convenience and necessity to provide resold, interexchange telecommunications service filed with the Commission by NYNEX Long Distance Company, dba Verizon Enterprise Solutions (Verizon-ES), and Bell Atlantic Communications, Inc., dba Verizon Long Distance (Verizon-LD). The companies appear to possess the requisite managerial, technical and financial means to provide such service in West Virginia and have complied with the Commission's notice and filing fee requirements.

Other than NCC's protest to these companies' certificate applications, no-one protested the issuance of a certificate to either carrier within the public comment or protest period following publication of the notice of filing. Moreover, NCC's protest was intended to be considered in the context of Verizon-WV's pending petition, in Case No. 02-0809-T-P, for a Commission determination that the company has satisfied the Act's 14-point checklist, thereby enabling Verizon to seek in-state, interLATA operating authority from the FCC. See 47 U.S.C. § 271. To the extent the Commission granted NCC's petition to intervene in Case No. 02-0809-T-P, and caused a copy of the record in Case No. 02-0254-T-C to be lodged in the Section 271 proceeding, NCC's protest to the applications filed by Verizon-ES and Verizon-LD have been rendered moot.

The facts in these proceedings are not disputed and, based on the evidence produced by at the commencement of the hearing, the certificate applicants have demonstrated that they have the requisite technical, managerial and financial qualifications to provide resold interexchange telecommunications service as public utilities in West Virginia. Moreover, Staff notes that NCC, for all intents and purposes, withdrew its protests to the certificate applications in order to intervene in the Verizon-WV Section 271 proceeding in Case No. 02-0809-T-P. In addition, Staff attaches the Utilities Division's July 24, 2002, internal memorandum, setting forth its final recommendations regarding the 2 certificate applications as Appendix D. Legal Staff concurs with those recommendations.

For the foregoing reasons, the Commission should grant the certificate applications filed by Verizon-ES and Verizon-LD.

### **CONCLUSION**

For all the foregoing reasons, Staff recommends that the Commission enter an order:

1. Finding that Verizon violated Section 252(b)(5) of the Act, and 47 C.F.R. § 51.809(a), as well as Telephone Rule 15.4.a, by failing to negotiate an ICA with NCC without unreasonable delay.
2. Finding that Verizon violated Section 252(c)(2) of the Act, 47 C.F.R. § 51.305, and Telephone Rule 15.2.a, by unreasonably refusing to interconnect its network with NCC at a technically feasible point within its network.
3. Finding that Verizon's refusal to interconnect with NCC at a technically feasible point in its network was in accordance with internal policies that violate Section

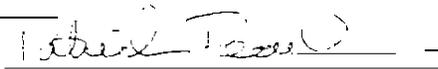
252(c)(2) of the Act, 47 C.F.R. § 1.305 and Telephone Rule 15.2.a

4. Finding that Verizon's refusal to route 555 traffic to NCC over interconnection trunks violates its obligation to provide dialing parity to CLECs and non-discriminator) access to numbers under Sections 251(b)(3) and Telephone Rule 15.1.a
5. Finding that NCC's refusal to migrate the trunks currently being provisioned over the 405 MUX to its dedicated entrance facility is unreasonable.
6. Further ordering:
  - a. That, effective upon entry of the Commission's order, Verizon-WV be directed to file all executed ICAs with the Commission for approval *within* 20 business days of receipt of an agreement bearing the signature of both parties, unless Verizon-WV has been advised, in writing, that the CLEC does not wish to have the ICA filed until further notice;
  - b. That, effective upon entry of the Commission's order, Verizon-WV be directed to conclude negotiations, execute and file with the Commission, consistent with paragraph 7.a, all ICAs that are adopted by CLECs pursuant to the "opt-in" provisions of 47 U.S.C. § 252(i), *within* 60 business days from the date of Verizon's receipt of a carrier's opt-in request;
  - c. That Verizon be directed to submit to the Commission, within 90 days of entry of the Commission's order, measures ensuring that its wholesale service personnel are trained to refer to relevant ICAs, in addition to Verizon's CLEC Handbook, in dealing with CLECs in West Virginia;
  - d. That Verizon-WV provide notice to Commission Staff of all changes or revisions to its CLEC Handbook, for review and comment, at least 30 days before such changes are implemented;
  - e. That, within 90 days of entry of the Commission's order, Verizon-WV route all traffic to CLEC 555 numbers over interconnection trunks.

unless alternative routing arrangements for such traffic are clearly provided for in a Commission-approved ICA:

- g. That NCC shall make arrangements for; and cooperate with Verizon-WV's in, the migration of its interconnection trunks from the 405 MUX to NCC's dedicated entrance facility, to be completed within 30 days of the Commission's order's entry date: and
- h. That certificates of public convenience and necessity be issued to Verizon-ES and Verizon-LD, in accordance with their certificate applications.

Respectfully submitted, this 26th day of November, 2002

  
\_\_\_\_\_  
PATRICK W. PEARLMAN  
Staff Attorney  
Public Service Commission of WV  
201 Brooks Street,  
P.O. Box 812  
Charleston, West Virginia 25323  
State Bar I.D. No. 5755

## **APPENDIX D**

INTERNAL MEMORANDUM

TO: Staff Attorney  
Legal Division

FROM: David T. Carden, Utility Analyst Manager   
Utilities Division

DATE: July 24, 2002

SUBJECT **CASE NO. 02-0722-T-CN**  
**NYNEX LONG DISTANCE COMPANY, dba**  
**VERIZON ENTERPRISE SOLUTIONS**

**CASE NO. 02-0723-T-CN**  
**BELL ATLANTIC COMMUNICATIONS, INC.,**  
doing business as **VERIZON LONG DISTANCE**

**CASE NO. 02-1005-T-PC**  
**VERIZON WEST VIRGINIA, INC.**

Transmitted herewith is the Division's Final Staff Memorandum in the above-captioned case. Please submit this report to the Commission.

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA  
UTILITIES DIVISION, FINAL STAFF MEMORANDUM

FROM: David T. Carden, Utility Analyst Manager  
Utilities Division

DATE: July 24, 2002

SUBJECT: **CASE NO. 02-0722-T-CN**  
**NYNEX LONG DISTANCE COMPANY, dba**  
**VERIZON ENTERPRISE SOLUTIONS**

Filing fee and an application for a certificate of convenience and necessity to provide resold interexchange telecommunications services to customers throughout the State of West Virginia, in addition for authority to handle local calls that are placed using the applicant's 800 number. (Filed 5/24/02)

**CASE NO. 02-0723-T-CN**  
**BELL ATLANTIC COMMUNICATIONS, INC.,**  
**doing business as VERIZON LONG DISTANCE**

**Application** and filing fee for a certificate of convenience and necessity to provide resold interexchange telecommunications services and for authority to handle local calls that are placed using this applicant's 800 access number

**CASE NO. 02-1005-T-PC**  
**VERIZON WEST VIRGINIA, INC.**

Petition for consent and approval for streamlined authorization for certain affiliate transaction agreements with Bell Atlantic Communications, Inc., doing business as Verizon Long Distance, Verizon Global Networks, Inc., NYNEX Long Distance Company, doing business as Verizon Enterprise Solutions and Verizon Select Services, Inc. and other certain Verizon affiliates. (Filed 7/16/02)

I have reviewed the subject certificate applications and related affiliated agreements and make the following comments and recommendations:

1. The Applicant has met or will have met upon approval of affiliated agreements the requirements of the Telecommunications Act of 1996, Section 272, prescribing a separate affiliate to provide origination of interLATA telecommunications services to include:

- a. One that shall operate independently;
  - b. Shall maintain separate books and records;
  - c. Shall have separate offices, directors and employees;
  - d. May not permit a creditor, upon default, to have recourse to the assets of the parent Bell Operating Company; and
  - e. Shall conduct all transactions on an arm's length basis reduced to writing and available for public inspection.
- 2 The agreements cover Joint Marketing and Sales Service, Technical Services, and Miscellaneous Route and Billing Services. Future amendments in the ordinary course of business are expected to be frequent, according to the Petition, for which the Petitioners seek "consent in advance." I note that Verizon Global Networking, Inc. is not a certificated carrier, but constructs network facilities.
- 3 I recommend approval of the Certificates of Convenience and Necessity sought for the initial three-year period of operation required.
- 4 I do not recommend approval of the illustrative tariff filed.
- 5 I recommend that the applicant file tariffs for approval thirty days prior to an effective date.
- 6 In approving the affiliated agreements, Staff is simply recommending that authority to enter such agreements be granted, but the numerous terms and conditions contained therein would be *subject to challenge* and review in the required biennial audit or other rate cases that may follow.
- 7 I defer to the Legal Division as to the requested "consent in advance" of further amendments to the affiliated agreements.

DTC las  
cc: Billy Jack Gregg, CAD

# **APPENDIX A**

## MCI OPT-INS

<u>Case Number</u>	<u>Company</u>	<u>DATE</u>		
		<u>Adoption Lener Signed</u>	<u>Filed</u>	<u>Approved</u>
99-0106-T-PC	CCCWVDBA TELECONNECT	03/25/02*	06/04/99	07/14/99
99-0270-T-PC	HYPERION/ADELPHIA	01/19/99**	02/19/99	04/23/99
99-0559-T-PC	AT&T (EXPIRED)	02/10/99*	04/23/99	05/21/99
99-0809-T-PC	FIBERNET	04/13/99*	06/14/99	07/20/99
99-0849-T-PC	SPRINT	06/07/99*	06/17/99	09/22/99
99-1757-T-PC	BUSINESS TELECOM	09/30/99*	12/06/99	01/27/00
00-0165-T-PC	FAIRPOINT	12/30/99*	01/28/00	03/03/00
00-0440-T-PC	CTSI	12/03/99*	03/22/00	05/22/00
00-0674-T-PC	NET 2000	01/28/00*	05/30/00	06/08/00
00-1004-T-PC	SBC	05/26/00*	06/30/00	07/28/00
00-1496-T-PC	KMC	07/31/00*	10/05/00	11/08/00
01-0167-T-PC	NORTH COUNTY	09/06/00	01/19/01	02/15/01
01-0239-T-PC	BROADSTREET	09/01/00	02/07/01	04/17/01
01-0251-T-PC	CORTEL	05/29/00'	02/13/01	05/10/01

\* No adoption filed. \_\_\_\_\_ is date Agreement signed

\*\*CLEC filed separate concurrence letter with petition

## **APPENDIX B**



## 6.3 Establish CLEC and Verizon Network Interconnections

- [Verizon Wholesale](#)
- [Local Service Providers](#)
- [Products and Services](#)
- [Tools and Applications](#)
- [Training and Education](#)
- [Support, Contacts and FAQ](#)
- [Online Library](#)

This section covers the interconnection of the CLEC network with the Verizon network and provides information primarily to those CLECs wishing to interconnect switches with the Verizon network.

Two important topics that may also interest CLECs wishing to interconnect switches, the purchase of Unbundled Network Elements and Collocation, are discussed in [Section 6.4](#)

Network interconnection enables Verizon and the CLEC to originate and terminate traffic to and from each other's network. To interconnect a CLEC's network to Verizon's network, a CLEC needs to establish an Interconnection Point between its switches and the Verizon network. Verizon Interconnection Points are generally central offices and access tandems that are utilized for the exchange of local traffic to and from end users served by those switches.

A CLEC that establishes a network interconnection and plans to serve end users with its own local loop facilities from its own switches will be able to activate local service from its switches for its end users upon completion of the steps in the network interconnection process. The basic steps to establish network interconnection are:

1. Determine the Network Interconnection Point and Interoffice Trunking
2. Build and Test the Network Interconnection Point
3. Establish Electronic Interface/Connectivity for Access Service Requests (ASR) and Local Service Requests (LSR)
4. Conduct a Pre-ASR Meeting
5. Establish Interoffice Trunking for the Exchange of Traffic
6. Verify Network Build

### 6.3.1 Design the Network Interconnection Point and Interoffice Trunking

In this step, representatives from the CLEC and Verizon meet to design the Network Interconnection Point and desired interoffice trunking.

CLECs are required to provide a forecast of trunk requirements six months prior to the desired in-service date. This may require that the CLEC submit forecasts in advance of the signing of the interconnection agreement.

CLECs will need to have internally performed initial network design, including the development of forecasted volumes, and will need an understanding of the following topics:

#### 6.3.1.1 Local Access and Transport Areas

- [Resale Handbook](#)
- [Volume 1](#)
- [Volume 2](#)
- [Volume 3](#)
- [CLSC Handbook](#)
- [Volume 1](#)
- [Volume 2](#)
- [Volume 3](#)
- [Feedback](#)



WTTW000696

As mentioned previously, CLECs wishing to interconnect their switch to the Verizon network will need to have an understanding of each of the preceding points and will need to have cared for them in the design of the interconnected network.

In order to provide CLECs with a more detailed understanding of the points mentioned above and to verify the design of the network interconnection, CLECs need to schedule a design meeting with Verizon. The purpose of the design meeting is to allow representatives from the CLEC and Verizon to design in detail how each company's networks will interconnect. In addition, plans for the interface facilities that will be required will also be reviewed. With the design of the interconnected network, each company will have an understanding of the facilities required to establish the interconnection.

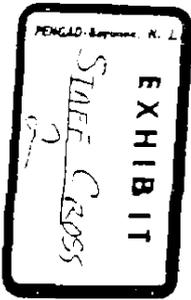
CLECs should obtain the materials and information discussed above prior to the design meeting and come to the meeting prepared to discuss the design of the Verizon/CLEC interconnection. In addition, CLECs should be prepared to share their initial forecasts with Verizon at this meeting.

As a guide to assist "facilities-based" CLECs with their network planning, the following is a list of the types of trunks that should be considered:

- Traffic Exchange Trunks for the transmission and routing of terminating Local Traffic, Tandem Transit Service, translated IntraLATA 800/888/877 traffic and IntraLATA Toll Traffic.
- Access Toll Connecting (meet point billing) Trunks for the transmission and routing of Exchange Access Traffic, including translated IntraLATA 800/888/877 Traffic between CLEC Telephone Exchange Service end users and purchasers of Switched Exchange Access Service via a Verizon Tandem terminating Information Services Trunks for the transmission and routing of terminating Information Services Traffic.
- Operator Verification/Interrupt Trunks for the transmission and routing of terminating Operator Verification/Interrupt Traffic (Operator Verification/Interrupt) in Verizon-North, these trunks are called Busy Line Verification (BLV) and Busy Line Verification/Interrupt (BLVI) respectively. In Verizon-South, these trunks are called Line Status Verification (LSV) and Verification of Call with Interrupt (VCI) respectively.
- 911/E911 Trunks for the transmission and routing of 911/E911 traffic.
- Directory Assistance Trunks for the transmission and routing of terminating directory assistance traffic.
- Operator Services (IntraLATA call completion) Trunks for the transmission and routing of terminating IntraLATA call completion traffic.
- Choke Trunks for traffic congestion and testing.

### 3.1.17 Network Quiet Periods

Verizon-North CLECs should be aware of Network Quiet Periods which are scheduled events typically used for updating switch software and making other important changes to the network. Network quiet periods require that activity in these switches, such as customer trunk



verizon

Local Service Providers

Long Distance Providers

Internet Service Providers

Wireless Providers


[Verizon Wholesale](#) [Local Service Providers](#) [Online Library](#) [CLEC Volume 1](#)

## 8.3 Forecasting Guidelines

[back](#) [next](#)
 Search Wholesale

0

[Verizon Wholesale](#)  
[Local Service Providers](#)  
[Products and Services](#)  
[Tools and Applications](#)  
[Training and Education](#)  
[Support, Contacts and FAQ](#)  
[Online Library](#)


 Search

This section details Forecasting for Verizon including Trunk Forecasts, Collocation Forecasting and Unbundled Network Elements Forecasting

### CLEC Demand Forecasts – General Requirements

In order to identify the resources and network infrastructure we will need to best serve CLECs in meeting their business goals and end user requirements, Verizon will request demand forecasts of unbundled network elements and interconnection products on a semi-annual basis. New entrants will be asked to provide an initial forecast upon entry into the market. Subsequent to market entry active CLECs will be asked every six months to provide a current year plus two year view of the approximate number of units of UNE and interconnection services that the CLEC expects to require in a particular geographic area. Detail will be requested by state, LATA and central office, and by month for the entire Verizon (former Bell Atlantic) service area. A forecast should be submitted on Verizon provided templates located at; <http://www.verizon.com/wholesale>

[Resale Handbooks](#)  
[Volume 1](#)  
[Volume 2](#)  
[Volume 3](#)  
[CLEC Handbooks](#)  
[Volume 1](#)  
[Volume 2](#)  
[Volume 3](#)  
[Feedback](#)

Click on: [Local Service Providers](#)

Click on: [Tools and Applications](#)

Go to [Forecasting Templates](#) (Click)

Verizon realizes that forecasting can be a challenging task in a new market; however, the availability of good faith demand estimates of service volumes and deployment timelines enable Verizon to be better prepared to meet CLEC business requirements. The information improves our ability to manage workforce and network planning for the long-range needs of CLECs.

Carrier specific information will receive confidential treatment as described in our interconnection agreements, tariffs and Statements of Generally Available Terms and Conditions (SGATs). Forecast information will be utilized only by authorized personnel, and wherever possible, viewed on an aggregate basis with similar data of other CLECs.

Any questions or concerns regarding forecasts can be directed to your Account Manager

### 8.3.1 Trunk Forecasts

#### 8.3.1.1 introduction

The purpose of this interconnection Trunk Forecast section is to provide guidelines for the formats and language to be used in exchanges of trunk forecast information between CLECs and Verizon

These guidelines in no way supersede any Statements of Generally

Available Terms and Conditions ("SGATs") or any existing or future Interconnection Agreements between Verizon and individual CLECs. These guidelines have been developed based on the New York collaborative effort for CLEC trunk forecasting (Case 97-C-0139).

The CLEC Interconnection Trunking Forecast along with step-by-step instructions is available at <http://www.verizon.com/wholesale>

Click on Local Service Providers  
 Click on Tools and Applications  
 Go to Forecasting Templates (Click)

### 8.3.1.2 Reasons for Forecasting

- 1 To help ensure that trunk groups do not exceed their design blocking thresholds.
- 2 To support infrastructure planning to meet customer service requirements within standard intervals.
- 3 To enable CLECs and Verizon to
  - Design optimum network infrastructure
    - Prioritize and allocate resources to better meet switching, OSP, transport and OSS projects.

### 8.3.1.3 Potential **Impact** of Unforecasted Demand

- Blockage that exceeds design blocking thresholds
- Inadequate infrastructure
- Redesign of infrastructure network in various areas
- Sub-optimization of planned aggregate infrastructure
- Reprioritizing, rescheduling, or cancellation of planned projects

### 8.3.1.4 Forecast Scope

On a semi-annual basis (quarterly where SGATs or specific contracts between Verizon and individual companies state quarterly forecasts as a requirement or where a significant change in demand occurs between forecast periods), CLECs will be requested to provide Verizon with a current year plus two-year detailed forecast of traffic and volume requirements for all Interconnection Trunking. This should include requirements for both new growth and change in volumes. This forecast should provide volume information on the following types of interconnection trunks:

- Local / Toll CLEC to Verizon
- Local / Toll Verizon to CLEC
- 911 / E911
- Measured 2-Way Trunking
  - Wireless Interconnection Trunks
- Directory Assistance
- Operator Services
- Information Services
- IXC Access (Tandem Subtending)
- Choke

- Busy Line Verification

CLECs should strive to provide forecasts to Verizon with a high degree of accuracy. The Remarks section of the forecast template should be used to *identify high priority requirements* and *indicate special considerations*.

Trunk forecasts should be sent in electronic format on Verizon templates, to the Account Manager in February and August, except as noted above. CLECs will receive detailed information via the industry mailing process with specific dates and requirements.

### 8.3.2 Collocation Forecasting

Verizon's ability to meet the provisioning intervals for both physical and virtual collocation is related to its ability to schedule the work and appropriately size its work force. Therefore, Verizon will request forecasts of anticipated collocation requirements from requesting carriers.

This section describes forecasting requirements for all Verizon (former Bell Atlantic) service territories. Certain states, for example New York, have ongoing regulatory proceedings, filed statements and regulatory orders, which may affect forecasting guidelines going forward. As the local competitive market continues to develop, Verizon is committed to establishing a simple streamlined forecasting methodology for its entire service area. Based on the success of the Trunk Forecast process, which had its genesis in New York, we have developed an expanded and improved Collocation template and instructions for use by all CLECs throughout the former Bell Atlantic region.

Verizon will request Collocation forecasts on a semi-annual basis with each forecast covering the current year plus a two-year period. Information requested will include the following:

- Date of previous forecast
- Date of current forecast
- State
- LATA
- City/County
- Central office (CLLI Code)
- Quantity
- Month applications are expected to be sent
- Requested in-service month
- Preference for Virtual, Physical, SCOPE (Secured Collocation Open Physical Environment), CCOE (Cageless Collocation Open Environment), Assembly Room Collocation, or CRTEE (Collocation Remote Terminal Equipment Enclosure)
- New arrangement or augment to existing space-
- Type of equipment augment
- Square footage required (physical)
- Type of equipment to be installed (Virtual & CRTEE)
- Forecast Update Code (Add, Change, Deletion)

Each collocation request should be listed separately. Requests should be grouped by state and LATA for each year.

## **APPENDIX C**

Pearlman, Patrick

---

From: Henry Garcia [ngarcia@telcordia.com]  
Sent: Tuesday, November 10, 2002 4:25 PM  
To: Pearlman, Patrick  
CC: John Van Oosrendorp, Rachel Turner, Lois E. Modrell  
Subject: COMMON LANGUAGE(R) Documents

Patrick,  
Below are Abstracts for the 2 documents you mentioned are part of a case you are investigating. If, as part of your responsibility as Staff Counsel for the West Virginia PSC, you require more information, please contact the SME on the tel # I provided. [Please note: these documents are proprietary information licensed by Telcordia Technologies.]

Henry Garcia  
Account Executive, Portfolio Sales  
COMMON LANGUAGE(R) Licensing & Sales  
+732-699-8859

Proprietary Status:  
BR 795-100-100, Licensed Common Language Material - Proprietary

Abstract:  
This Telcordia Practice provides the basic rules and guidelines to **use** when assigning unique CLLI Codes to geographic locations and functional categories of equipment that are of interest primarily to the telecommunications industry. These rules and guidelines create an identification scheme used in manual and mechanized environments, and are an integral part of many centrally developed operations support systems and related applications. This Practice contains an overall description of the CLLI Code Set formats and their associated elements. This Practice is directed to those who need to know the COMMON LANGUAGE standard codes for assignment, description, and application interface requirements.

\*\*\*\*\*

Proprietary Status:  
BR 795-400-100, Licensed Common Language Material - Proprietary

Abstract:  
This Practice **describes** the guidelines and rules by which message **trunks** and trunk groups are identified through the use of CLCI MSG codes. These guidelines and rules provide a standard that will be used in Telcordia-developed operations systems and in all related applications. This Practice is applicable to circuit administration, provisioning, design, engineering, and other personnel having responsibility for designing, planning, and/or servicing message **trunks**.

CERTIFICATE OF SERVICE

I, PATRICK W. PEARLMAN, Staff Counsel for the Public Service Commission of West Virginia, hereby certify that I have served a copy of the foregoing 'Commission Staffs Post-Hearing Brief' upon all parties of record by First Class United States Mail, postage prepaid this 26th day of November, 2002.

James V. Kelsh, Esq.  
300 Summers Street, Suite 1230  
Charleston, WV 25337-3713  
Counsel for North County  
Communications Corp.

Joseph J. Starsick, Jr., Esq.  
P.O. Box 1386  
Charleston, WV 25325-1386  
Counsel for Venzon West  
Virginia Inc.

  
PATRICK W. PEARLMAN



---

---

**EXHIBIT G**

---

---

PUBLIC SERVICE COMMISSION  
WEST VIRGINIA  
CHARLESTON

CASE NO. 02-0254-T-C  
NORTH COUNTY COMMUNICATIONS CORP.,

Complainant,

v.

VERIZON WEST VIRGINIA INC.,

Defendant.

CASE NO. 02-0722-T-CN

NYNEX LONG DISTANCE COMPANY, dba  
VERIZON ENTERPRISE SOLUTIONS.

CASE NO. 02-0723-T-CN

BELL ATLANTIC COMMUNICATIONS, INC., dba  
VERIZON LONG DISTANCE

**COMMISSION STAFF'S REPLY BRIEF**

**I. INTRODUCTION.**

Commission Staff(Staff), by the undersigned counsel, hereby submits its post-hearing reply brief in accordance with Rule 18.3 of the Commission's Rules of Practice and Procedure, 150 C.S.R. Series 1 (Procedural Rules).

**II. ARGUMENT.**

Verizon West Virginia Inc. (Verizon) raises several points in its brief that need to be addressed on reply. Staff will try to be brief.

12/10/02

A. **Verizon's Claim That NCC Could Not Have Begun Offering Local Service Prior to December 18, 2000, Is A Red Herring.**

Verizon asserts that "any delay in NCC's adoption of an [ICA] with Verizon and that agreement's filing with the Commission," while "regrettable" **did** not matter because NCC could *not* actually enter *the* market in West Virginia until December 18, 2000, when its NXX codes were activated. VZ Brief, at 2. Aside from the patently wrong suggestion that NCC *delayed* the adoption **of** an ICA and filing of the agreement with the Commission, Verizon's statement *is* misleading and something *of* a red herring.

While the NXX activation date would be important from the standpoint of NCC activating its switch,<sup>1</sup> it certainly would not preclude NCC from entering the West Virginia local exchange market prior to December 18, 2000. Prior to December 18, 2000, NCC could have operated as a reseller of Verizon retail service **and** could have also operated as a facilities-based competitor without NXX codes by purchasing unbundled network elements (UNEs) from Verizon – all without NXX codes. NCC could have provided service to its intended customer – Kanawha Valley Internet (then-served by Verizon), **while** it **was** waiting for its NXX codes to *be* activated. NCC could have served Kanawha Valley Internet and other former Verizon customers, on either a resale or UNE basis, even without activated NXX codes.

---

<sup>1</sup>Staff understands that a switch cannot be activated until it has a Local Routing Number (LRN) assigned to it and that, for all intents and purposes, a *carrier* must have its own NXX to be able to obtain an LRN. Without an LRN, a switch **cannot** accommodate incoming or outgoing telecommunications traffic.

**B. MCC Did Not Delay In Filing Its Complaint Against Verizon.**

Another red herring thrown to the Commission is the suggestion that NCC improperly waited to file its complaint with the Commission “until thirteen months after the events in question occurred, and fully seven months” after NCC physically interconnected with Verizon VZ Brief, at 3. Staff certainly agrees that NCC could have, and probably should have, involved the Commission at an earlier date. However, the timing of NCC’s complaint stems from the fact that it was not until December 2001, that Verizon provided NCC with evidence of a “policy” against interconnecting with competitors at loop facilities, such as the 405 MUX. NCC Exh. 3C-031, -033 to -35. Although this “policy” was communicated to NCC in the context of its interconnection negotiations with Verizon in Illinois, it is relevant to the interconnection efforts between NCC and Verizon in this state, which are the subject of NCC’s complaint.<sup>2</sup>

Verizon also points to the fact that it has, in fact, interconnected at loop facilities as evidence that no “policy” exists. VZ Brief, at 16 & Fn. 42. Staff has reviewed Verizon’s response to the in-hearing data request and indeed, that response confirms four occasions On

---

<sup>2</sup> Indeed, Verizon’s “policy” appears to have been applied to NCC in New York, and to Core Communications Corp., another Competitor, in Maryland. NCC Exh. 3C-031; NCC Exh. 3F; NCC Exh. 3K, at 24-27; Tr. III, at 124-130, 140-147. Verizon suggests that the Commission should not consider the facts relating to the Illinois communications, because that is the subject of an ongoing complaint proceeding. VZ Brief, at 16 Fn. 43. Staff believes that the Commission must consider the Illinois communications, as well as the evidence from New York and Maryland, in reaching its decision regarding whether Verizon complied with its legal obligations during interconnection negotiations with NCC in West Virginia.