EXHIBIT 3

BINGHAM

Andrew D. Lipman
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October 3, 2007

VIA ECFS

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

Re: *Ex Parte*, Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas, WC Docket No. 06-172

Dear Secretary Dortch:

On July 10, 2007, the undersigned CLECs submitted information showing that granting a request for forbearance from basic and DSL qualified copper (i.e., conditioned 2- and 4- wire) loops as § 251(c)(3) unbundled network elements ("copper loop UNEs") in the six Metropolitan Service Areas ("MSAs") at issue in this proceeding would be detrimental to consumers, competition and the public interest.[1] In response, two months later, Verizon submitted a letter that trots out the same litany of arguments it has previously advanced in support of its Petitions, but no new information to respond to any of the points raised in July.[2]

Because there is so little real information in Verizon's latest letter, we respond to it only briefly, to rebut Verizon's claims that CLECs' arguments are "unfounded."[3]

1. Unsubstantiated Claims

First, as it did both in its Petitions and its Reply Comments in this docket, Verizon asserts that "competition is more advanced" in these six MSAs "than it was in the Omaha MSA."[4] But Verizon has never explained how it justifies this

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[1] *See* Letter from Andrew D. Lipman *et al*. to Marlene H. Dortch, Secretary, FCC WC Docket No. 06-172 (July 10, 2007) ("CLECs July 10 Letter") at 3.

[2] Letter from Dee May, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-172 (September 12, 2007) ("Verizon Letter").

[3] Verizon Letter at 1.

[4] Verizon Letter at 1-2.

comparison. Putting aside the questionable value of its evidence of competition in its own markets, which has been addressed elsewhere,[5] Verizon has cited no source for any facts about the level of competition in Omaha.

If its claim relies on confidential information filed with the Commission in WC Docket No. 04-223, Verizon would be violating the Protective Order in that docket, under which no party may "use such information for any other purpose, including business, governmental, commercial, or other administrative or judicial proceedings."[6] However, Verizon has not identified any independent source it could be using to evaluate the Omaha market.

The Commission should require Verizon either to substantiate its claims, or withdraw them.

2. Undisclosed "Commercial" Terms for Loops

Second, Verizon still refuses to disclose to the Commission what "commercial" terms it will offer for unbundled copper loop facilities if it is relieved of its Section 251 TELRIC pricing obligation. Verizon tries to blame the CLECs for this, claiming that CLECs haven't formally requested negotiation of terms.[7] This is nonsense, since the CLECs July 10 Letter made it very clear (if previous requests had not) that this information was being sought. Actually, at least three CLECs made serious inquiries based on genuine desires to initiate negotiations even earlier.[8] Verizon never responded to one of them[9] and expressly stated in its answer to the others that it did "not have draft agreements"[10] and that

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[5] *See, e.g.*, Letter from Andrew D. Lipman *et al*., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-172 (filed Sep. 4, 2007); Opposition to Verizon's Petitions of ACN *et al.*, WC Docket No. 06-172, at 2-44 (filed Mar. 5, 2007); Reply Comments of ACN *et al.*, WC Docket No. 06-172 (filed Apr. 18, 2007).

[6] *In the Matter of Petition for Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Order Metropolitan Statistical Area*, WC Docket No. 04-223, Protective Order, 19 FCC Rcd 11377, ¶ 7 (rel. June 25, 2004).

[7] Verizon Letter at 4.

[8] *See* E-mail from Marty Clift, Cavalier to Thomas Caldwell, Verizon (dated September 21, 2006) (appended hereto as Attachment A at 1); *see* Letter from Kevin Albaugh, Penn Telecom, to Lisa Beegle, Account Manager, Verizon Partner Solutions (dated June 13, 2007) (appended hereto as Attachment B at 1); E-mail from Mary Horvath, MegaPath, VP, Customer Support, MegaPath, to Kevin Eaglet, Verizon (dated June 25, 2007) (appended hereto as Attachment C).

[9] Verizon did not respond to MegaPath's inquiry.

[10] *See* Attachment A at 2

"[t]he only option you all will have is to convert the UNE circuits to Special Access circuits."[11]

Verizon admits that, even if forbearance were granted, it would still have an obligation to unbundle copper loops under Section 271.[12] However, it argues that the Commission need not care about the pricing, terms, and conditions under which it will fulfill this obligation, because the market will take care of it.[13] In short, Verizon is tempting the Commission to make the same mistake it made in the *Omaha Forbearance Order*—to make a predictive judgment that an RBOC will lease facilities to its own competitors at reasonable rates, for the benefit of a marginal increase in facilities utilization.[14]

This prediction would fly in the face of actual experience in Omaha, as well as economic theory about duopolies and the Commission's own precedent, recognizing that an unregulated duopoly would not serve the public interest. In a duopoly market, both companies have a natural incentive to accept somewhat lower sales at above-cost prices to maximize their joint profits, rather than engage in mutually detrimental price wars. As discussed in previously filed comments,[15] the Commission consistently has recognized that duopoly markets do not protect consumers against anti-competitive conduct. For example, in the *UNE Remand Order*, it concluded that an ILEC/cable duopoly does not constitute sufficient competition to realize the local market-opening goals of the 1996 Telecom Act.[16] It found that the existence of a single competitor would "not create competition among multiple providers of local service that would drive down prices to competitive levels" and that "such a standard would more likely create stagnant duopolies comprised of the incumbent LEC and the first new entrant in a particular market."[17] In other contexts, as well, the Commission recognized that a

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[11] *See* Attachment B at 2.

[12] Verizon Letter at 3.

[13] Verizon Letter at 5.

[14] *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, WC Docket No. 04-223, Memorandum Opinion and Order, 20 FCC Rcd 19415, ¶¶ 79, 83 (2005) ("*Omaha Forbearance Order*") *petitions for review denied in part, dismissed in part, Qwest Corp. v. FCC & USA*, 482 F.3d 471 (D.C. Cir. 2007).

[15] *See* Letter from Andrew D. Lipman, *et al*., to Marlene H. Dortch, Secretary, FCC, WC Doc. No. 06-172 (filed Sep. 4, 2007) at 9; *see also* Telecom Investors Opposition to Verizon's Petitions, WC Docket No. 06-172 (filed Mar. 5, 2007) at 9-15.

[16] *Implementation Of The Local Competition Provisions Of The Telecommunications Act Of 1996*, CC Docket No. 96-98, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, 15 FCC Rcd 3696, ¶ 55 (1999) ("*UNE Remand Order*") (subsequent history omitted).

[17] *Id*.

merger resulting in duopoly "create[s] a strong presumption of significant anticompetitive effects."[18]

Under Section 10(b) of the Act, the Commission has a duty to consider whether forbearance will "promote competitive market conditions" and "enhance competition among providers of telecommunications services." Post-forbearance access to copper loop facilities is unquestionably a critical aspect of this determination. If Verizon's economic incentive is to exclude competitors and reap supra-competitive profits as a duopolist, the public interest criterion cannot be satisfied. Therefore, Verizon's arrogant response that post-forbearance pricing, in effect, is none of the Commission's business cannot be accepted. The Commission would be derelict in its duty if it granted forbearance without requiring Verizon to disclose the actual terms on which it would offer this access.

3. The Mythical "Commercial Agreement" Panacea

Third, Verizon claims it can be trusted to offer reasonable post-forbearance terms for loop access to CLECs because of the large number of "commercial agreements" it signed for line sharing and UNE-P replacement products after the Commission eliminated its TELRIC pricing obligations for those elements.[19] Sheer numbers of agreements, however, are meaningless without context, and Verizon is just as close-mouthed about the actual substance of these agreements as it is about its plans for post-forbearance loop offerings.

It can come as no surprise that many CLECs signed commercial agreements with Verizon for line-sharing and UNE-P replacements because any carrier that was buying those products as UNEs *had* to either sign the commercial agreement or disconnect its existing customers. The only thing "commercial" about these agreements is the fact that they are subject to no regulatory scrutiny. They are really nothing more than a monopolist's standard take-it-or-leave-it offering. The Commission should recall Full Service Network's detailed description of the "non-negotiable," "draconian and patently inequitable terms" of the Verizon wholesale product.[20] As Full Service explained, "there is every indication that CLECs can expect similar treatment if Verizon is granted the forbearance it seeks in its petitions."[21] Verizon's silence in response to these facts speaks volumes.

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[18] *Application of EchoStar Communications Corporation*, Hearing Designation Order, 17 FCC Rcd 20559, ¶ 99 (2002).

[19] Verizon Letter at 3 ("more than 160 commercial agreements"); *id.* at 4 ("more than 150 commercial agreements").

[20] *See* Reply Comments of Full Service Network in Opposition to Verizon's Petition for Forbearance, WC Doc. No. 06-172 (filed Apr. 18, 2007) at 11-12.

[21] *See id*. at 12.

More informative than the mere number of agreements would be how many carriers are still serving customers under those agreements,[22] and how many (if any) *new* customers they have added since signing. Verizon's Form 477 data show steep declines in UNE-P lines since the implementation of the *TRRO*[23] in key states affected by these petitions; *see* Table 1, below. If CLECs have simply used "commercial agreements" to control the attrition of their legacy customer bases, but have stopped marketing and selling services that require these Verizon facilities, then Verizon's claims of reasonableness are hollow indeed.

Table 1

State	UNE-P lines as of June 30, 2004	Wholesale Advantage lines as of June 30, 2006	Percent Change
Massachusetts	315,316	203,806	-35.36%
New York	2,542,511	1,178,919	-53.63%
Pennsylvania*	618,549	305,666	-50.58%
Virginia*	339,081	177,684	-47.60%

* Verizon East exchanges only.
Source: Verizon Responses to FCC Local Competition Reports, available at http://www.fcc.gov/wcb/iatd/comp.html

4. Tired TELRIC-Bashing

Fourth, Verizon replays its canned arguments about the supposedly evil effects of TELRIC pricing, which the Commission has heard so many times before. Of course, no less an authority than the United States Supreme Court has specifically rejected the contention that TELRIC pricing discourages efficient investment.[24] In this context, moreover, the gross illogic of Verizon's rhetoric should be obvious—Verizon insists that TELRIC pricing "undermines facilities-based competition" and "discourages investment in competing facilities"[25] in the

[22] Unlike, for example, Qwest (which lists its wholesale "commercial" agreements on its website), Verizon treats the very existence of such agreements as Top Secret. Therefore, it is impossible for anyone but Verizon to say whether it is counting agreements with companies that have gone out of business, sold their former UNE-P operations, or simply never actually ordered any service after signing.

[23] *Unbundled Access to Network Elements, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, Order on Remand, 20 FCC Rcd 2533 (2005) ("*TRRO*"), *aff'd*, *Covad Comm'ns Co. v. FCC*, 450 F.3d 528 (D.C. Cir. 2006).

[24] *Verizon Communications v. FCC*, 535 U.S. 467 (2002)

[25] Verizon Letter at 2.

very same markets in which it claims to face a huge threat from its competitors' massive investment in facilities-based competition!

Indeed, Verizon's claims that TELRIC pricing of copper loops is detrimental to the public rely on quoting past decisions out of context.[26] In the *TRO*, the Commission explicitly held that CLECs are impaired on a national basis without unbundled access to copper loops, "whether they seek to provide narrowband or broadband services" and that "no party seriously asserts that stand-alone copper loops" should not be unbundled.[27] Tellingly, Verizon and the other BOCs never challenged the Commission's national unbundling determination as to standalone unbundled copper loops. Nor did the D.C. Circuit ever condemn the Commission's national impairment finding of standalone unbundled copper loops.[28]

Verizon's reliance on the Commission's line sharing decision is even more misleading.[29] Contrary to Verizon's implication, the Commission specifically held that allowing CLECs unbundled access to the entire copper loop facility and line splitting "creates better competitive incentives" than requiring line sharing.[30]

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[26] Verizon Letter at 2. For example, Verizon cites to the Commission's decision in the *TRRO* that CLECs are non-impaired without access to mass market switching and that unbundling of switching discourages investment in these facilities. *Id*. at n.2 It also cites the *TRO's* decision that relieved the ILECs of offering next-generation network capabilities of certain fiber-based local loops because doing so would incent them to invest in these facilities. *Id*. (citing *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Deployment of Wireline Services Offering Advanced Telecommunications Capability*, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, 18 FCC Rcd 16978, ¶ 213 (2003) ("*TRO*"), *corrected by* Errata, 18 FCC Rcd 19020 (2003), *aff'd in part, remanded in part, vacated in part, United States Telecom Ass'n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004), *cert. denied sub nom. Nat'l Ass'n Regulatory Util. Comm'rs v. United States Telecom Ass'n*, 125 S. Ct. 313 (2004).

[27] *TRO*, ¶ 226.

[28] Verizon quotes portions of a court opinion that had nothing to do with unbundled copper loops, but was discussing the Commission's holding that ILECs are not required to unbundle a transmission path over a hybrid fiber loop that is used to transmit packetized information. *TRO*, ¶ 288.

[29] Verizon Letter at 2.

[30] *TRO*, ¶ 260 (emphasis supplied). The Commission explained that "[t]his is largely due to the difficulties in pricing the HFPL as a separate element" because CLECs "are allowed to purchase the HFPL at a price of roughly zero." *Id*. The Commission found that CLECs purchasing only the HFPL have an irrational cost advantage over CLECs purchasing the whole loop and over the ILECs. *Id*.

If Verizon were relieved of its obligation to offer copper loop UNEs, competition, consumers and the overall economy would be harmed, and the policy of § 706 of the Telecommunications Act[31] would be undermined. The Commission's unbundling rules were crafted "to provide the right incentives for all carriers, including incumbent LECs, to invest in broadband facilities."[32] The Commission relieved ILECs of their obligation to unbundle *fiber* loops so that ILECs would have the incentive to upgrade their plant with new fiber transmission facilities.[33] However, it explained that with existing copper loop plant, "all investment in advanced telecommunications capability is necessarily limited to the equipment, not the transmission facility."[34]

> Because the incumbent LEC has already made the most significant infrastructure investment, *i.e.*, deployed the [copper] loop to the customer's premises, we seek, through our unbundling rules, to encourage both intramodal and intermodal carriers (in addition to incumbent LECs) to enter the broadband mass market and make infrastructure investments in equipment. **In addition, we seek to promote the deployment of equipment that can unleash the full potential of the embedded copper loop plant so that consumers can experience enhanced broadband capabilities before the mass deployment of fiber loops.**[35]

This prediction is becoming a reality. CLECs have invested enormous amounts in equipment that "unleashes the full potential embedded copper loop plant."[36] As

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[31] Section 706 directs the Commission to "'encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans'" by using regulatory measures that "'promote competition in the local telecommunications market'" and "'remove barriers to infrastructure investment.'" *TRO*, ¶ 242 (citing and quoting 47 U.S.C. § 157 nt.). The Commission has stated that "broadband deployment is a critical domestic policy objective that transcends the realm of communications." *TRO*, ¶ 212. It recognizes that "while the development of broadband infrastructure is a fundamental and integral step in ensuring that consumers are able to fully reap the benefits of the information age, even more broadly, it is vital to the long-term growth of our economy as well as our country's continued preeminence as the global leader in information and telecommunications technologies." *Id*.

[32] *TRO*, ¶ 213.

[33] *TRO*, ¶¶ 213, 272.

[34] *TRO*, ¶ 244.

[35] *TRO*, ¶ 244 (bolding supplied).

[36] *Id*.

explained previously, these CLECs are now able to provision innovative, reliable and cost-effective DSL and other high-bandwidth services over copper.[37] Unbundling of standalone cooper facilities has significantly *increased* investment, just as the Commission envisioned.[38]

The Commission should reject Verizon's unsubstantiated, illogical, and misleading claims about the importance of unbundled copper loop UNEs, and should deny its Petitions for Forbearance with respect to Section 251(c)(3) unbundling and pricing requirements.

Sincerely,

/s/ Russell M. Blau

Andrew D. Lipman
Russell M. Blau
Philip J. Macres

Attorneys for

Alpheus Communications, L.P.;
ATX Communications, Inc.;
Cavalier Telephone Corporation;
CloseCall America, Inc.;
DSLnet Communications, LLC;
Eureka Telecom, Inc. d/b/a InfoHighway Communications;
ITC^DeltaCom Communications, Inc.;
McLeodUSA Telecommunications Services, Inc.;
MegaPath, Inc
Mpower Communications Corp.;
Norlight Telecommunications, Inc.;
Penn Telecom, Inc.;
RCN Telecom Services, Inc.;
RNK Inc.;
segTEL, Inc.;
Talk America Holdings, Inc.;
TDS Metrocom, LLC; and
U.S. TelePacific Corp. d/b/a TelePacific Communications

cc: Nick Alexander (via e-mail)
Marcus Maher

[37] *See* CLECs July 10, 2007 Letter at 3.

[38] Verizon dismisses claims about the capabilities of copper facilities as "not true," Verizon Letter at 5, but offers no supporting evidence. Does it believe that the advanced broadband services Cavalier, DSLnet, Earthlink, and other CLECs *are already offering today* over copper loop UNEs, and which are amply documented in the record of this proceeding, don't really exist?

ATTACHMENT A

Macres, Philip J.

From: Clift, Marty [mwclift@cavtel.com]
Sent: Thursday, September 21, 2006 5:15 PM
To: thomas.caldwell@verizon.com
Subject: RE: Request for Agreement

I appreciate your prompt response and candor.

From: thomas.caldwell@verizon.com [mailto:thomas.caldwell@verizon.com]
Sent: Thursday, September 21, 2006 5:13 PM
To: Clift, Marty
Subject: Re: Request for Agreement

Marty
I want to acknowledge your note although I do not have any additional information.
Tom

----- Original Message -----
From: "Clift, Marty" [mwclift@cavtel.com]
Sent: 09/21/2006 12:00 PM
To: Thomas Caldwell
Subject: RE: Request for Agreement

I am not trying to be trite, but how can we objectively review those petitions, when we have no idea of what happens post forbearance?

From: thomas.caldwell@verizon.com [mailto:thomas.caldwell@verizon.com]
Sent: Thursday, September 21, 2006 11:56 AM
To: Clift, Marty
Subject: Re: Request for Agreement

Marty
We do not have draft agreements.
Tom

----- Original Message -----
From: "Clift, Marty" [mwclift@cavtel.com]
Sent: 09/21/2006 11:08 AM
To: Thomas Caldwell
Subject: Request for Agreement

With respect to Verizon's Forbearance Petitions, would you please provide a copy of the planned commercial agreement, that Verizon plans to introduce if those forbearance petitions are granted?

Second, on July 24, Verizon served notice to the FCC of a planned copper retirement in Christiansburg, Virginia. Based upon our previous conversations, the continued availability of cooper loops is of critical importance to us, and thus the Christiansburg Notice caught our attention. While Cavalier does not service Christiansburg, we do have some questions about this notice, process, and future notices. I have placed two calls to Rose Clayton, the person instructed to call on the notice, but Rose has not called me back. If Rose is unavailable, would you please have someone call me who may be familiar with this activity.

Thank you.

Marty
804-422-4515

ATTACHMENT B

From: Kevin Albaugh [kalbaugh@nptc.com]
Sent: Wednesday, June 13, 2007 2:49 PM
To: Lisa M. Beegle
Cc: Al Weigand; Steve Noel; Joelle Blaho-Sinclair
Subject: PTI Letter Requesting Info on Verizon Alternatives to UNEs
Attachments: Beegle Letter 6-13-07.pdf

Lisa M. Beegle
Account Manager
Verizon Partner Solutions

Lisa,
Attached below is a letter from Penn Telecom, Inc.to Verizon requesting information regarding possible Verizon alternatives to UNEs in the event the FCC grants the pending Verizon petition for forbearance regarding basic and DSL qualified loops and dark fiber transport UNEs in the Pittsburgh SMA.

We were looking for a response within the next two weeks, if possible.

If you have any questions please call or email me.
Thanks
Kevin

Kevin Albaugh
VP-Regulatory Affairs
Penn Telecom, Inc.
724-443-9598 (voice)
724-443-9434 (fax)
kalbaugh@penntele.com

<<Beegle Letter 6-13-07.pdf>>

Kevin J. Albaugh
Vice President-Regulatory Affairs
(724) 443-9598

PHONE 724.778.9500
FAX 724.778.9501
WEB www.penntele.com

June 13, 2007

VIA E-MAIL

Lisa Beegle
Account Manager
Verizon Partner Solutions
2 Beechtree Court
Fredricksburg, VA 22407

RE: Request for Proposed Commercial Wholesale Service Agreement to Replace Certain § 251(c)(3) UNEs

Dear Lisa:

We are aware that Verizon has a pending petition before the FCC seeking forbearance from offering, among other things, basic and DSL qualified copper loop and dark fiber transport UNEs throughout six metropolitan serving areas ("MSAs") in the Northeast, one of which is Pittsburgh, within which we provide service.[1] In the event that Verizon no longer offers these elements as Section 251 UNEs, Penn Telecom, Inc. ("PTI") would like information on the commercial wholesale services, if any, that Verizon would offer as a replacement to any UNEs that may be eliminated.

In particular, we are interested in determining what rates, terms, and conditions Verizon would offer to current users such as PTI, of Verizon's Section 251(c)(3) UNEs, including basic and DSL qualified copper (for example, conditioned 2- and 4-wire) loops and dark fiber transport, if Verizon were no longer obligated to offer these facilities pursuant to Section 251(c)(3). If Verizon believes that its special access services could be used in place of these UNEs, would you please identify specific tariffed special access services that offer transmission capabilities comparable to the each of the 2-wire and 4-wire loop and dark fiber transport elements that Verizon currently offers as UNEs.

Please let me know if you have any questions about this inquiry. If possible, we would appreciate receiving Verizon's projected offerings within the next two weeks. We are only requesting a reasonable estimate for the likely prices and terms at this point, to assist us in our business planning, not a binding offer or contract. Thank you.

Sincerely,

Kevin J. Albaugh

Kevin J. Albaugh
Vice President - Regulatory Affairs

KJA/vb

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1 They include the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach MSAs.

From: Lisa Beegle [mailto:lisa.beegle@verizon.com]
Sent: Tuesday, July 17, 2007 11:24 AM
To: Kevin Albaugh
Cc: 'Delucco, Maria J (Maria DeLucco)'
Subject: RE: PTI Letter Requesting Info on Verizon Alternatives to UNEs

Kevin,

Please accept my apologies I do understand the importance of this information for you all I thought I had copied you when I sent this to Al. The only option you all will have is to convert the UNE circuits to Special Access circuits attached is the pricing requirement associated with this conversion.

Again please accept my apologies.
Thank you,
Lisa
Lisa M . Beegle
Account Manager
Verizon Partner Solutions
office: 703-645-1287
Mobile: 703-898-7888
fax: 801-991-7708
lisa.beegle@verizon.com

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ATTACHMENT C

From: Mary Horvath
Sent: Friday, July 20, 2007 9:26 AM
To: 'Eaglet, Kevin R'; gary.billingsley@core.verizon.com
Subject: FW: A request for information
Importance: High

Kevin and Gary,

It's been a while since I sent this to you. Is there an update on when I might hear something back?

Mary Horvath

Mary N. Horvath

VP, Customer Support

MegaPath Inc.

50 Barnes Park No.

Wallingford, CT 06492

203-284-6200 Office

203-687-1265 Cellular

From: Mary Horvath
Sent: Tuesday, June 26, 2007 4:57 PM
To: 'Eaglet, Kevin R'
Cc: gary.billingsley@core.verizon.com
Subject: A request for information
Importance: High

June 25th, 2007

VIA E-MAIL

Verizon

MS C2-2-583

Attn: Kevin Eaglet

22001 Loudoun County Parkway

Ashburn VA 20147

RE: Request for Proposed Commercial Wholesale Service Agreement to Replace Certain § 251(c)(3) UNEs

Dear Kevin:

We are aware that Verizon is currently seeking FCC forbearance from offering, among other things, basic and DSL qualified copper loop [and dark fiber transport] UNEs throughout six metropolitan serving areas ("MSAs") in the Northeast. In the event that Verizon no longer offers these elements as Section 251 UNEs, Megapath Inc. would like information on the commercial wholesale services, if any, that Verizon would offer as a replacement to them.

In particular, we are interested in determining what rates, terms, and conditions Verizon would offer to current users of Verizon's Section 251(c)(3) UNEs, including basic and DSL qualified copper (*i.e.,* conditioned 2- and 4-wire) loops [and dark fiber transport], if Verizon were no longer obligated to offer these facilities pursuant to Section 251(c)(3). If Verizon believes that its special access services could be used in place of these UNEs, please identify specific tariffed special access services that offer transmission capabilities comparable to the each of the 2-wire and 4-wire loop [and dark fiber transport] elements that Verizon currently offers as UNEs.

Please let me know if you have any questions about this inquiry. If possible, we would appreciate receiving Verizon's projected offerings within the next two weeks. We are only requesting a reasonable estimate for the likely prices and terms at this point, to assist us in our business planning, not a binding offer or contract. Thank you.

Sincerely,

Mary N. Horvath

VP, Customer Support

MegaPath, Inc.