

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application of Verizon Northwest Inc.,)	
Verizon Communications Inc. and)	WT Docket No. 09-95
Frontier Communications Inc. and)	
Frontier Communications Corporation)	
for Consent to Transfer Control of)	
Domestic Section 214 Authority)	

Petition of NTELOS of West Virginia to Condition Consent or Deny Application

NTELOS of West Virginia Inc. files this Petition to Condition Consent or Deny Application in opposition to the proposed transfer of Verizon wireline operations in multiple states to Frontier Communications Corporation.

NTELOS Inc. and its affiliates provide wireline and wireless services primarily in Virginia and West Virginia. NTELOS provides wireless service to approximately 435,000 customers. NTELOS of West Virginia Inc. is a competitive local exchange carrier (CLEC) in West Virginia. Affiliates of NTELOS of West Virginia include two incumbent local exchange carriers (“ILECs”) offering communications services to residential and business customers in the western Virginia communities of Waynesboro, Covington, Clifton Forge and portions of Botetourt and Augusta counties. Those ILECs provide service to a total of 41,000 lines.

NTELOS of West Virginia is part of NTELOS’ CLEC business. NTELOS CLECs provide local and long distance, voice and data services to approximately 50,000 lines in Virginia and West Virginia combined. NTELOS operates almost 23,000 broadband access connections in total in the ILEC and CLEC markets. NTELOS provides

competitive services to customers in communities throughout West Virginia, including Charleston, Huntington, Beckley, Lewisburg, Clarksburg, and Morgantown.

NTELOS is extremely concerned about the proposed transfer of all Verizon lines and operations in West Virginia to Frontier. NTELOS is a CLEC in the Bluefield/Princeton area of West Virginia and so has experience competing with Frontier. That experience has been a largely negative one. Frontier operates in West Virginia as a small, rural carrier – one that routinely creates competitive roadblocks. Frontier’s wholesale support systems are unsophisticated and not designed for mass quantity. They are manual, error prone, and slow. Frontier’s wholesale rates are well above Verizon’s. The other, non-rate, terms of NTELOS’ interconnection agreement that the NTELOS companies have with other carriers. Based upon its experience, NTELOS is confident that this transaction will be detrimental to competition in the telecommunications industry in West Virginia.

The FCC must assess whether Frontier is able to assume the role of the incumbent local exchange carrier in the extensive geography at issue in this transaction, including virtually all of West Virginia. That assessment must include the impact on both the retail and wholesale markets. Frontier currently serves approximately 144,000 access lines in West Virginia and the plan is to assume control of Verizon’s 617,000 lines in the state. The sheer scale of such a transformation will likely lead to service disruptions and delays like those currently occurring in New England associated with the transfer of Verizon lines to Fairpoint. Before the FCC is in a position to determine whether to grant the instant application, Frontier must provide the Commission with a

detailed action plan so that the FCC as well as the state commissions have the information needed to assess the merits of the proposal.

FRONTIER LEGAL AND REGULATORY OBLIGATIONS

Frontier in West Virginia is currently not subject to the same set of obligations under Section 251 of the Communications Act as is Verizon. Frontier's operations do not provide all the "competitive checklist" items per Section 271(c)(2)(B) of the Act. Frontier also does not have a performance measurement plan in such as Verizon's Performance Assurance Plan (PAP). NTELOS believes that Verizon's existing PAP is deficient in that it combines retail and wholesale performance and therefore masks serious performance deficiencies in Verizon's service to CLECs. Still, to consider allowing this transaction to take place without some means to monitor on-going service levels is not in the public interest.

INTERCONNECTION AGREEMENTS AND PRICING

NTELOS has Interconnection Agreements (ICAs) in West Virginia with both Verizon and Frontier (Citizens Telecommunications of West Virginia). Verizon's ICA offers a range of wholesale services at rates reviewed and authorized by the West Virginia Public Utility Commission. Frontier's ICA is typical of a rural carrier. It offers very few unbundled network elements and the ones offered are at rates significantly higher than Verizon's. The FCC should compare the existing Frontier and Verizon ICA's, as well as the Frontier and Verizon tariffs that are relevant to interconnection (e.g. Verizon's Statement of Generally Available Terms). The differences are quite dramatic.

And Frontier's ability to stifle competition goes beyond its ICA. Unless Frontier is prevented from imposing its special access rates and its pole attachment agreements throughout West Virginia, it would be difficult for any CLEC to offer meaningful competition.

OPERATING SUPPORT SYSTEMS (OSS)

Frontier has announced plans to discontinue use of Verizon wholesale and retail operating support systems (OSS). It will instead use OSS that are legacy GTE systems. Frontier's plan to use its own ordering and provisioning systems puts the operations of all CLECs in West Virginia in jeopardy. The Frontier systems simply do not compare with the OSS systems CLECs use today in Verizon areas. For example, to send an Access Service Request (ASR) to Verizon, CLECs use a Verizon system that delivers validation of the order, a firm order commitment and a design layout record, all electronically. With Frontier, ASRs must be faxed and there is no way to look up a firm order commitment.

For over 15 years, Verizon has developed and implemented ordering, billing and provisioning systems that allow NTELOS and other CLECs to order pieces of the Verizon network, network elements that CLECs use to provide service to CLEC end users. In comparison to systems used by Frontier, those Verizon systems are efficient and timely. Current Verizon "pre-order" tools used by CLECs, such as address validation, telephone number reservation, directory listing lookup, loop makeup and customer service records are not available from Frontier. Its trouble resolution system is inferior in comparison with Verizon's on-line trouble reporting and a loop testing system. Frontier's ASR and trunk ordering systems are manual processes in comparison with

Verizon's and Frontier's bills contain insufficient detail. Frontier plans to jettison all or major parts of the Verizon systems and require CLECs and even retail customers to use Frontier systems that will strain under the weight of expected service order volumes.

ACCOUNT SERVICES

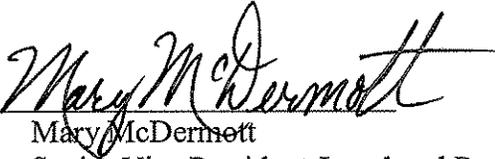
Frontier does not consider CLECs customers and treats CLECs only as competitors. CLECs have struggled continuously on this point with Verizon as well. Neither Verizon nor Frontier has a local account team focused on the needs of the CLECs. Since the announcement of the Frontier/Verizon transaction, installation, repair, and maintenance services from Verizon have deteriorated significantly. Any transfer of access lines to Frontier must be accompanied by a new mindset that CLECs are customers, not just competitors. Currently, NTELOS' efforts to get the attention of either Verizon or Frontier when NTELOS experiences service or billing problems with these two carriers are totally ineffective. CLECs deserve a point of contact within each ILEC that is responsive to problems and has authority within the company to get things accomplished.

CONCLUSION

The transfer of millions of Verizon lines to Frontier in states across the country is a proposal that cannot be approved by the FCC on the record before it. The situation is especially acute in West Virginia where Frontier would become the ILEC virtually the whole state. Frontier has failed to show that it can convert thousands of lines to its operation support systems without creating ordering and provisioning delays and service disruptions. Based on its experience with Frontier, NTELOS is confident that the

transaction would degrade service and lessen competition in West Virginia. It should not be approved.

Respectfully submitted,

By: 

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VERIFICATION

I, Mary McDermott, am the Senior Vice President-Legal and Regulatory Affairs for NTELOS Inc. I am a resident of the Commonwealth of Virginia, over the age of 18, and competent to make this verification in support of the attached Petition of NTELOS of West Virginia Inc. to Condition Consent or Deny Application ("Petition").

I hereby verify under penalty of perjury that I have read the foregoing Petition, and that to the best of my knowledge the statements contained therein are true, complete, and correct.

Executed on September 21, 2009


Mary McDermott

CERTIFICATE OF SERVICE

I, Robin Powers, certify that a copy of the foregoing Petition of NTELOS of West Virginia to Condition Consent or Deny Application in WT Docket No. 09-95 was mailed postage prepaid or via electronic email to the following parties on this 21st day of August, 2009.



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