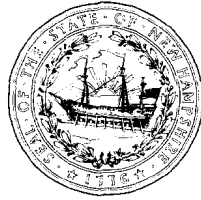


THE STATE OF NEW HAMPSHIRE

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Graham J. Morrison
Clifton C. Below

EXECUTIVE DIRECTOR
AND SECRETARY
Debra A. Howland



PUBLIC UTILITIES COMMISSION

21 S. Fruit Street, Suite 10
Concord, N.H. 03301-2429

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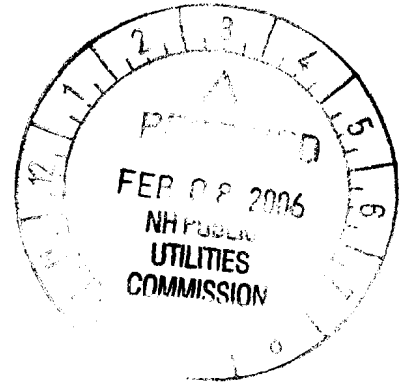
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February 8, 2005

Ms. Debra A. Howland
Executive Director and Secretary
New Hampshire Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, New Hampshire 03301-2429



Re: Docket No. DT 05-083
Verizon New Hampshire
Wire Center Investigation

Dear Ms. Howland:

At the July 13, 2005 technical session in the aforementioned docket, the Staff of the Commission (Staff) agreed to file a factual affidavit regarding its summary of certain facts contained in confidential discovery. Stephen Merrill of the Office of the Consumer Advocate agreed to provide third-party verification of Staff's analysis. The affidavits of Kath Mullholand and Stephen Merrill are attached for filing.

I am available at 603.271.6006 if there are any questions about the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald M. Kreis".

Donald M. Kreis
Hearings Examiner/Staff Attorney

Attachments: Factual Affidavit of Kath Mullholand
Diagrams of Dover, Keene, Manchester, Nashua and Portsmouth wire centers
Affidavit of Stephen Merrill

Cc: Service List

Affidavit of Kath Mullholand

I, Kath Mullholand, having been duly sworn, declare as follows:

1. I am currently the Assistant Director of the Telecommunications Division of the New Hampshire Public Utilities Commission (Commission), which oversees the activities of telephone utilities in the state. Previous to that position, I was a Utility Analyst in the Telecommunications Division of the Commission. In both of these positions I am a member of the Staff of the Commission (Staff). As a member of Staff my role is to inform and advise the Commission.
2. The Commission opened Docket 05-083 to investigate certain Verizon New Hampshire (Verizon) wire centers as detailed above. In the course of the docket, discovery was issued to six parties to the docket and to six telephone utilities that Verizon identified as collocators in the relevant wire centers. The carriers duly responded under oath, and requested confidential treatment of all or part of their responses.
3. At issue in this docket, among other things, is whether Verizon's contention that a competitive local exchange carrier (CLEC) is a fiber-based collocator pursuant to 47 U.S.C. §51.5, Terms and Definitions, will be upheld. Staff attempted to identify and describe the operations of all collocators in the wire centers at issue in this docket who might be fiber-based collocators.
4. In my official capacity, I analyzed information from several sources and created the attached diagrams.
5. Here follows a summary of the conditions in five Verizon wire centers: Dover, Keene, Manchester, Nashua, and Portsmouth. In each of the wire centers there were three sources of information that I used: 1) Verizon's list of asserted fiber-based collocators; 2) verbal assertions from competitive fiber providers of the companies holding contracts with them in each wire center; and 3) sworn discovery from the parties and non-parties in this docket.
6. For clarity, CLECs are referred to by number (e.g., CLEC 1) herein. There is not necessarily a correlation between any given CLEC and a CLEC assigned the same designation in different wire center.
7. Verizon and MCI have finalized a merger since this docket opened. To the extent that MCI may have been listed by Verizon or others and responded to discovery, MCI's collocations are not described in this document. Two CLECs who are parties to this docket merged in May, 2005. To the extent that both of these CLECs are described herein in the same wire center, each is considered separately, as if the two CLECs were unaffiliated. Apart from these two exceptions, every CLEC described herein is unaffiliated with Verizon or with any other CLEC described herein.

8. As to Dover, Verizon provided to Staff under confidential cover the names of three CLECs that Verizon believes are fiber-based collocators in the Dover wire center. Verizon's list includes one competitive fiber provider. For the purposes of this document a competitive fiber provider is a CLEC that offers fiber-based services to other CLECs. Fiber-based services may be dark fiber provided on a short or long-term basis, or lit fiber circuits, which means high speed transmission services that use fiber optics as the transmission medium.
9. In a telephone call with the regulatory liaison of the competitive fiber provider, I was given a list of four CLECs that have executed contracts for fiber-based services in Dover. The competitive fiber provider also responded to discovery as a non-party to the docket, submitting copies of the executed contracts and requesting confidential treatment.
10. As to Dover, a total of five unique CLECs were identified, designated 1 through 5 on the attached diagram, and in items 11-15, respectively. All five CLECs maintain one or more collocation arrangements in the Dover wire center. All of the collocation arrangements referred to herein have an active power supply, except for the Competitive Alternate Transport Terminal (CATT) arrangement maintained by CLEC 1.
11. CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Dover wire center. CLEC 1 owns fiber optic cable that terminates in its CATT and leaves the wire center premises.
12. CLEC 2 owns fiber optic cable that terminates at its collocation and leaves the wire center premises. The fiber optic cable connects to its collocation at another Verizon wire center. CLEC 2 also obtains dark fiber strands on a five-year indefeasible right to use (IRU) basis from CLEC 1. The strands are part of a fiber optic cable owned by CLEC 1.
13. CLEC 3 obtains dark fiber strands on a 20-year lease from CLEC 1. The strands are part of a fiber optic cable owned by CLEC 1.
14. CLEC 4 was not identified by Verizon; it has an executed contract with CLEC 1. CLEC 4 affirms that it has no fiber-based services in Dover, and verbally asserts that its connection to CLEC 1 is not yet installed. CLEC 1 verbally concurred.
15. CLEC 5 was not identified by Verizon; it has an executed contract with CLEC 1. CLEC 5 affirms that it disconnected its connection to CLEC 1 prior to March 11, 2005. CLEC 1 verbally concurred.
16. This summary reflects the discovery and follow-up information for all the CLECs identified by Verizon and CLEC 1 in Dover.
17. As to Keene, Verizon provided to Staff under confidential cover the names of four CLECs that Verizon believes maintain a fiber-based collocation in the Keene wire center. Verizon's list includes one competitive fiber provider.
18. In a telephone call with the regulatory liaison of the competitive fiber provider, I was given a list of three CLECs that have executed contracts for fiber-based services in Keene. The competitive fiber provider also responded to discovery as

a non-party to the docket, submitting copies of the executed contracts and requesting confidential treatment.

19. As to Keene, a total of four unique CLECs were identified, designated 1 through 4 on the attached diagram, and in items 20-22. All four CLECs maintain one or more collocation arrangements in the Keene wire center. All of the collocation arrangements referred to herein have an active power supply, except for the CATT arrangement maintained by CLEC 1.
 20. CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Dover wire center. CLEC 1 owns fiber optic cable that terminates in its CATT and leaves the wire center premises.
 21. CLEC 2 obtains dark fiber strands on a 20-year lease from CLEC 1. The strands are part of a fiber optic cable owned by CLEC 1.
 22. CLECs 3 and 4 each lease lit-fiber circuits from the competitive fiber provider under five-year master service agreements. The lit-fiber circuits are provided using fiber optic cable owned by CLEC 1.
 23. This summary reflects the discovery and follow-up information for all the carriers identified by Verizon and the competitive fiber provider in Keene.
 24. As to Manchester, Verizon provided to Staff under confidential cover the names of six CLECs that Verizon believes maintain a fiber-based collocation in the Manchester wire center. Verizon's list includes one competitive fiber provider.
 25. In a telephone call with the regulatory liaison of the competitive fiber provider, I was given a list of six CLECs that have executed contracts for fiber-based services in Manchester. The competitive fiber provider also responded to discovery as a non-party to the docket, submitting copies of the executed contracts and requesting confidential treatment.
 26. As to Manchester, a total of seven unique CLECs were identified, designated 1 through 7 on the attached diagram, and in items 27-33, respectively. All seven CLECs maintain one or more collocation arrangements in the Manchester wire center. All of the collocation arrangements referred to herein have an active power supply, except for the CATT arrangement maintained by CLEC 1.
 27. CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Manchester wire center. CLEC 1 owns fiber optic cable that terminates in its CATT and leaves the wire center premises.
 28. CLEC 2 obtains dark fiber strands on a 20-year lease from CLEC 1. The strands are part of a fiber optic cable owned by CLEC 1. CLEC 2 also maintains a dark fiber connection using Verizon's Direct Transport Service (DTS) for interconnection with CLEC 4.
 29. CLEC 3, in unsworn pre-discovery, stated that it owns fiber optic cable between two of its collocation sites in New Hampshire. CLEC 1 reported an executed contract between itself and CLEC 3 in Manchester. In discovery CLEC 3 affirms that it has high-capacity transport between Manchester and another collocation site in New Hampshire. Staff will issue round 3 discovery to determine (1) over
-

which facilities the high-capacity transport is transmitted and (2) whether the fiber cable CLEC 3 owns is terminated at its collocation.

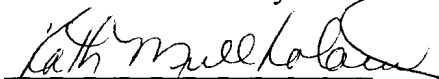
30. CLEC 4 obtains dark fiber strands on a 5-year lease from CLEC 1. The strands are part of a fiber optic cable owned by CLEC 1. CLEC 4 also maintains a dark fiber connection using Verizon's DTS for interconnection with CLEC 2.
31. CLEC 5 obtains dark fiber strands under a one-year term agreement from CLEC 1, which are connected using Verizon's Direct Cable Service (DCS). The strands are part of a fiber optic cable owned by CLEC 1.
32. CLEC 6 has an executed contract with CLEC 1, but affirms that it disconnected its connection to CLEC 1 prior to March 11, 2005. CLEC 1 verbally concurred.
33. CLEC 7 was not identified by Verizon; it has an executed contract with CLEC 1. CLEC 7 affirms that it has no fiber-based services in Manchester, and verbally asserts that its connection to CLEC 1 is not yet installed. CLEC 1 verbally concurred.
34. This summary reflects the discovery and follow-up information for all the carriers identified by Verizon and the competitive fiber provider in Manchester.
35. As to Nashua, Verizon provided to Staff under confidential cover the names of six CLECs that Verizon believes maintain a fiber-based collocation in the Nashua wire center. Verizon's list includes one competitive fiber provider.
36. In a telephone call with the regulatory liaison of the competitive fiber provider, I was given a list of four CLECs that have executed contracts for fiber-based services in Manchester. The competitive fiber provider also responded to discovery as a non-party to the docket, submitting copies of the executed contracts and requesting confidential treatment.
37. As to Nashua, a total of six unique CLECs were identified, designated 1 through 6 on the attached diagram, and in items 38-43, respectively. All six CLECs maintain one or more collocation arrangements in the Nashua wire center. All of the collocation arrangements referred to herein have an active power supply, except for the CATT arrangement maintained by CLEC 1.
38. CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Nashua wire center. CLEC 1 owns fiber optic cable that terminates in its CATT and leaves the wire center premises.
39. CLEC 2 obtains dark fiber strands on a 20-year lease from CLEC 1. The strands are part of a fiber optic cable owned by CLEC 1.
40. CLEC 3 owns fiber optic cable that terminates at its collocation and leaves the wire center premises. From there the fiber connects to its network. CLEC 3 also obtains dark fiber strands and lit fiber circuits from CLEC 1. The dark and lit fiber products are provided out of a fiber optic cable owned by CLEC 1.
41. CLEC 4 owns fiber optic cable that terminates at its collocation and leaves the wire center premises. The fiber optic cable connects to its collocation at another Verizon wire center.

42. CLEC 5 obtains dark fiber strands on a 5-year lease from CLEC 1. The strands are part of a fiber optic cable owned by CLEC 1.
43. CLEC 6 has an executed contract with CLEC 1, but affirms that it disconnected its connection to CLEC 1 prior to March 11, 2005. CLEC 1 verbally concurred.
44. This summary reflects the discovery and follow-up information for all the carriers identified by Verizon and the competitive fiber provider in Nashua.
45. As to Portsmouth, Verizon provided to Staff under confidential cover the names of six CLECs that Verizon believes maintain a fiber-based collocation in the Portsmouth wire center. Verizon's list includes a competitive fiber provider.
46. In a telephone call with the competitive fiber provider's regulatory liaison and the engineer responsible for the CLEC's Portsmouth collocation, I was given a list of four CLECs that have executed contracts for fiber-based services in Portsmouth and clarification of how the CATT is used. The competitive fiber provider also responded to discovery as a non-party to the docket, submitting copies of the executed contracts and requesting confidential treatment.
47. As to Portsmouth, a total of eight unique CLECs were identified, designated 1 through 8 on the attached diagram, and in items 48-55, respectively. All eight CLECs maintain one or more collocation arrangements in the Portsmouth wire center. All of the collocation arrangements referred to herein have an active power supply, except for the CATT arrangement maintained by CLEC 3.
48. CLEC 1 owns fiber optic cable that terminates at its collocation and leaves the wire center premises. The fiber optic cable connects to its network. CLEC 1 also maintains dark fiber connections using Verizon's DTS for interconnection with CLECs 2 and 8.
49. CLEC 2 owns fiber optic cable that terminates at its collocation and leaves the wire center premises. The fiber optic cable connects to its collocation at another Verizon wire center. CLEC 2 also maintains dark fiber connections using Verizon's DTS for interconnection with CLEC 1.
50. CLEC 3 is a competitive fiber provider that maintains a CATT arrangement in the Portsmouth wire center. CLEC 3 owns fiber optic cable that terminates in its CATT and leaves the wire center premises.
51. CLEC 4 obtains dark fiber strands on a 5-year lease from CLEC 3. The strands are part of a fiber optic cable owned by CLEC 3. CLEC 4 also maintains a dark fiber connection using Verizon's DTS for interconnection with CLEC 6.
52. CLEC 5, identified by Verizon, attests that it has no fiber facilities in Portsmouth.
53. CLEC 6 leases a lit fiber circuit from CLEC 3, which is provided out of a fiber optic cable owned by CLEC 3. CLEC 6 also maintains a dark fiber connection using Verizon's DTS for interconnection with CLEC 4.
54. CLEC 7 was not identified by Verizon; it has an executed contract with CLEC 3. CLEC 7 affirms that it has no fiber-based services in Portsmouth, and verbally

asserts that its connection to CLEC 3 is not yet installed. CLEC 1 verbally concurred.

55. CLEC 8 was not identified by Verizon, but responded to discovery. CLEC 8 obtains lit fiber from CLEC 1, which is provided over fiber optic cable owned by CLEC 1. CLEC 8 also leases a lit fiber product from an interexchange carrier, which in turn provides the service over fiber optic cable owned by CLEC 3.
56. This summary reflects the discovery and follow-up information for all the carriers identified by Verizon and the competitive fiber providers in Portsmouth.
57. I attest that information herein and the diagrams attached are, to the best of my knowledge and ability, an accurate representation of the carriers' descriptions of the relevant conditions in each of the wire centers at issue in Docket No. DT 05-083.

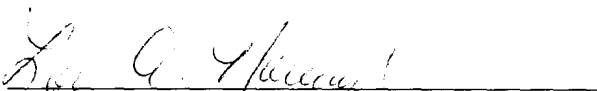
Further the affiant sayth not.


Kath Mullholand

Attachments: Five worksheet diagrams of the Verizon wire centers in Dover, Keene, Manchester, Nashua and Portsmouth, respectively.

State of New Hampshire
Merrimack, ss

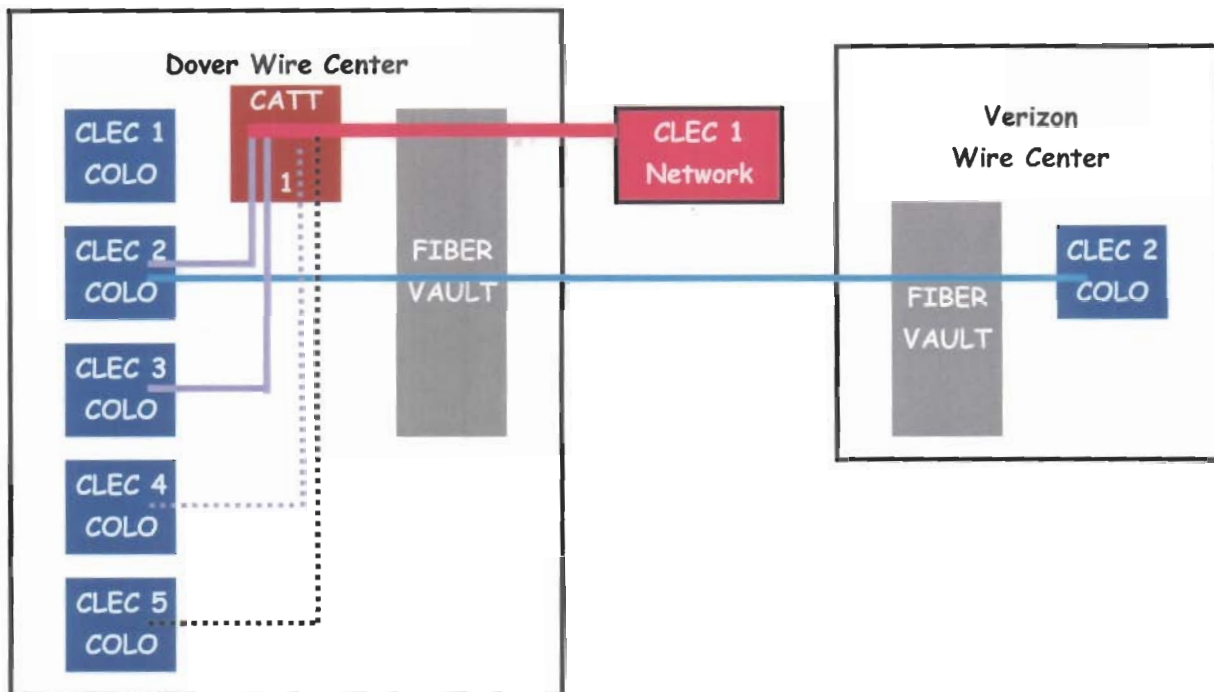
Personally appeared the above-named Kath Mullholand on February 8, 2006, before me and, having executed the document in my presence, affirmed on the pains and penalties of perjury the truth of the statements contained therein.


Notary Public/Justice of the Peace

My commission expires on Oct 9, 2007.

Dover, New Hampshire

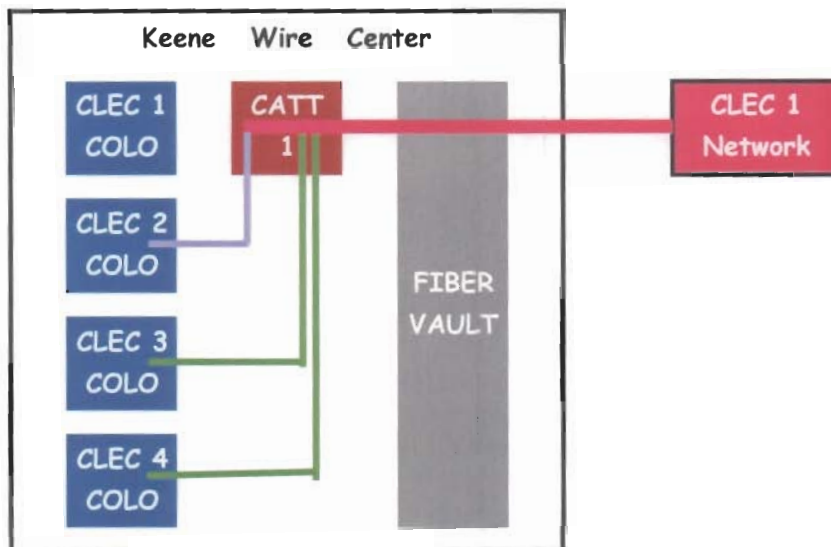
Verizon asserts three fiber-based collocators in Dover. CLEC 1 asserts it has executed contracts with four CLECs. A total of five unique CLECs were identified. Each of the CLECs are unaffiliated with Verizon and each maintains a collocation with active power in the wire center.



- 1 CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Dover wire center. CLEC 1 owns fiber optic cable that terminates at its CATT collocation and leaves the wire center premises.
- 2a CLEC 2 owns fiber optic cable that terminates at its collocation and leaves the wire center premises. The fiber optic cable connects to its collocation at another Verizon wire center.
- 2b CLEC 2 also obtains dark fiber strands on a five-year indefeasible right to use (IRU) basis from CLEC 1.
- 3 CLEC 3 obtains dark fiber strands on a 20-year lease from CLEC 1.
- 4 CLEC 4 executed a contract for services with CLEC 1, but affirms it has no fiber-based services in Dover. CLEC 1 concurs that connection is not yet installed.
- 5 CLEC 5 executed a contract for services with CLEC 1, but has no fiber-based services in Dover. CLEC 1 concurs that services were disconnected prior to March, 2005.

Keene, New Hampshire

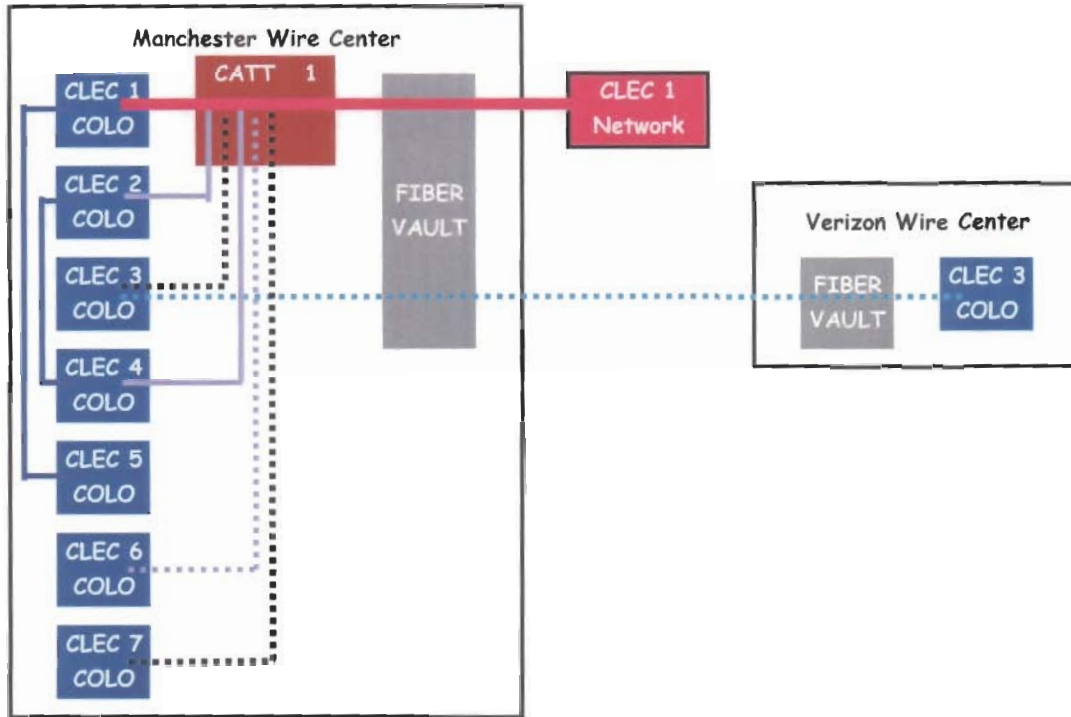
Verizon asserts four fiber-based collocators in Dover. CLEC 1 asserts it has executed contracts with three CLECs. A total of four unique CLECs were identified. Each of the CLECs are unaffiliated with Verizon and each maintains a collocation with active power in the wire center.



- 1 CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Keene wire center. CLEC 1 owns fiber optic cable that terminates at its CATT collocation and leaves the wire center premises.
- 2 CLEC 3 obtains dark fiber strands on a 20-year lease from CLEC 1.
- 3 CLEC 3 leases an OC3 circuit from CLEC 1.
- 4 CLEC 3 leases a lit fiber circuit from CLEC 1.

Manchester, New Hampshire

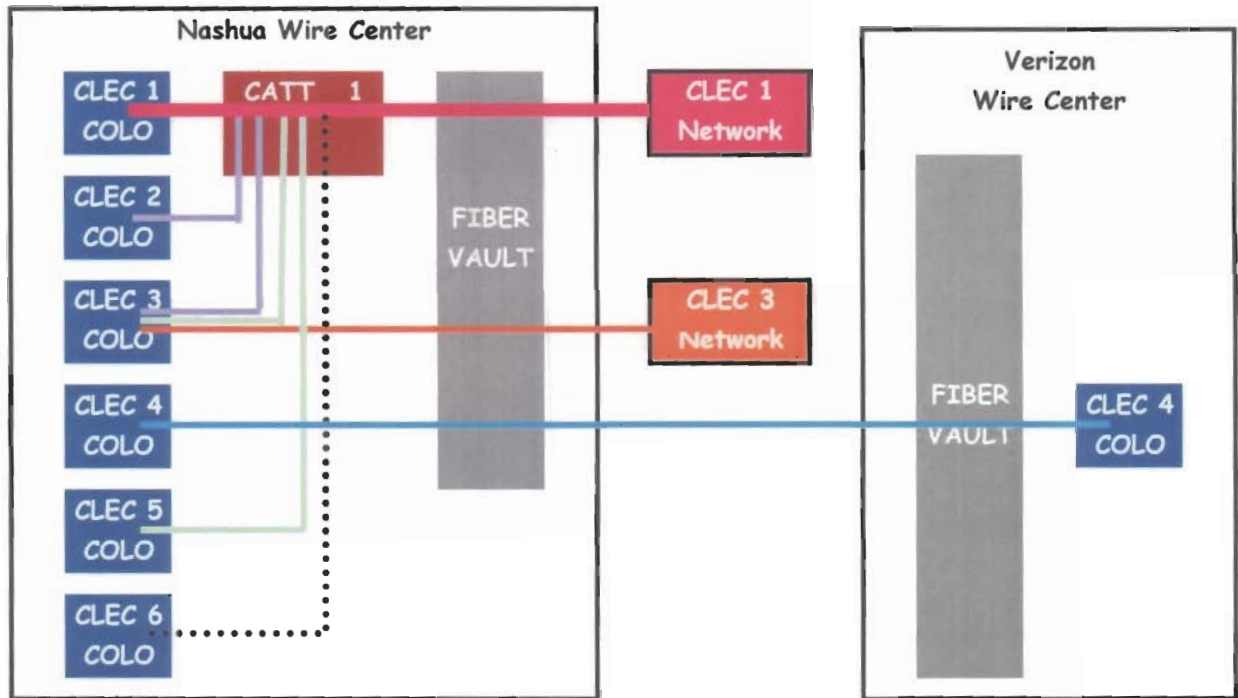
Verizon asserts six fiber-based collocators in Dover. CLEC 1 asserts it has executed contracts with six CLECs. A total of seven unique CLECs were identified. Each of the CLECs are unaffiliated with Verizon and each maintains a collocation with active power in the wire center.



- 1 CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Manchester wire center. CLEC 1 owns fiber optic cable that terminates at its CATT collocation and leaves the wire center premises.
- 2a CLEC 2 obtains dark fiber strands on a 20-year lease from CLEC 1.
- 2b CLEC 2 also connects dark fiber to CLEC 4 using DTS.
- 3a CLEC 3 owns fiber optic cable between two of its collocation sites.
- 3b CLEC 3 has a contract for fiber-based services from CLEC 1
CLEC 3 affirms high-speed transport between its collocations; round 3 discovery to clarify over which facilities this transport is transmitted.
- 4a CLEC 4 obtains dark fiber strands on a 5-year lease from CLEC 1.
- 4b CLEC 4 uses DTS to connect dark fiber to CLEC 2.
- 5 CLEC 5 obtains dark fiber strands under a one-year term agreement with CLEC 1.
- 6 CLEC 6 executed a contract for services with CLEC 1, but affirms it has no fiber-based services in Manchester. CLEC 1 concurs that connection is not yet installed.
- 7 CLEC 7 executed a contract for services with CLEC 1, but has no fiber-based services in Manchester. CLEC 1 concurs that services were disconnected prior to March, 2005.

Nashua, New Hampshire

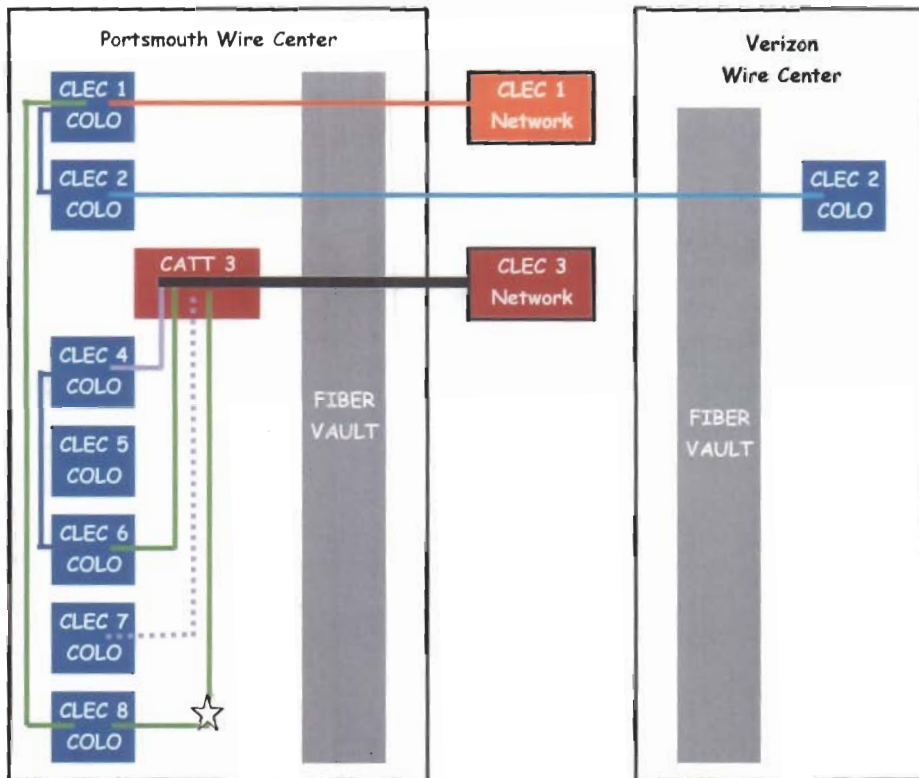
Verizon asserts six fiber-based collocators in Dover. CLEC 1 asserts it has executed contracts with four CLECs. A total of seven unique CLECs were identified. Each of the CLECs are unaffiliated with Verizon and each maintains a collocation with active power in the wire center.



- 1 CLEC 1 is a competitive fiber provider that maintains a CATT arrangement in addition to its collocation in the Dover wire center. CLEC 1 owns fiber optic cable that terminates at its CATT collocation and leaves the wire center premises.
- 2 CLEC 2 obtains dark fiber strands on a 20-year lease from CLEC 1.
- 3a CLEC 3 owns fiber optic cable that terminates at its collocation and leaves the wire center premises to connect to its network.
- 3b CLEC 3 also obtains dark fiber strands on a lease from CLEC 1.
- 3c CLEC 3 also obtains lit fiber circuits from CLEC 1.
- 4 CLEC 4 owns fiber optic cable between two of its collocation sites.
- 5 CLEC 5 obtains lit fiber circuits from CLEC 1.
- 6 CLEC 6 executed a contract for services with CLEC 1, but has no fiber-based services in Nashua. CLEC 1 concurs that services were disconnected prior to March, 2005.

Portsmouth, New Hampshire

Verizon asserts six fiber-based collocators in Dover. CLEC 1 asserts it has executed contracts with four CLECs. A total of eight unique CLECs were identified. Each of the CLECs are unaffiliated with Verizon and each maintains a collocation with active power in the wire center.



- 1a CLEC 1 owns fiber optic cable that terminates at its collocation and leaves the wire center premises to connect to its network.
- 1b CLEC 1 uses DTS to connect dark fiber to CLECs 2 and 8.
- 2a CLEC 2 owns fiber optic cable between two of its collocation sites.
- 2a CLEC 2 uses DTS to connect dark fiber to CLEC 1.
- 3 CLEC 3 is a competitive fiber provider that maintains a CATT arrangement in the Portsmouth wire center. CLEC 1 owns fiber optic cable that terminates at its CATT collocation and leaves the wire center premises.
- 4a CLEC 4 obtains dark fiber strands on a 20-year lease from CLEC 2.
- 4b CLEC 4 also connects dark fiber to CLEC 6 using DTS.
- 5 CLEC 5 was listed by Verizon. CLEC 5 attests that it has no fiber facilities in Portsmouth.
- 6 CLEC 6 leases an OC3 from CLEC 3.
- 7 CLEC 7 executed a contract for services with CLEC 3, but affirms it has no fiber-based services in Portsmouth. CLEC 3 concurs that connection is not yet installed.
- ★ 8 CLEC 8 leases an OC3 from an interexchange carrier (IXC), which is not a CLEC. The IXC reportedly leases dark fiber from CLEC 3.
- 8a CLEC 8 also leases a lit fiber product from CLEC 1 using DTS.

Affidavit of Stephen Merrill

I, Stephen Merrill, having been duly sworn, declare as follows:

1. I am currently a Utility Analyst in the New Hampshire Office of Consumer Affairs.
2. In my official capacity, I reviewed the above report, the attached diagrams, and the sworn discovery of the parties and non-parties in Docket No. DT 05-083.
3. I attest that the aforementioned summary and diagrams are, to the best of my knowledge and ability, an accurate representation of the carriers' descriptions of the relevant conditions in each of the wire centers at issue in docket no. DT-05-083.


Further the affiant sayth not.



Stephen Merrill

State of New Hampshire
Merrimack, ss

Personally appeared the above-named Stephen Merrill on February 8, 2006, before me and, having executed the document in my presence, affirmed on the pains and penalties of perjury the truth of the statements contained therein.



Notary Public/Justice of the Peace

My commission expires on Oct. 9, 2007.