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N.H. PUBLIC UTILITIES COMMISSION

April 4, 2006

***VIA* HAND DELIVERY**

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

Re: Dockets DT 05-083 – Wire Center Investigation and
DT 06-012 – Proposed Revisions to NHPUC Tariff No. 84

Dear Ms. Howland:

Enclosed for filing in the above-referenced matter are an original and eight copies of Verizon New Hampshire's Motion for Reconsideration, Rehearing and/or Clarification, and Opposition to Conversent *et al.* Motion for Reconsideration.

Thank you for your attention to this matter.

Very truly yours,

Victor D Del Vecchio
LMJ

Victor D. Del Vecchio

cc: Service List

BEFORE THE
STATE OF NEW HAMPSHIRE
PUBLIC UTILITIES COMMISSION

Verizon New Hampshire's Proposed Revisions to NH PUC Tariff No. 84	)	**Docket No. DT 06-012**
Verizon New Hampshire Wire Center Investigation	)	**Docket No. DT 05-083**

VERIZON NEW HAMPSHIRE'S MOTION FOR RECONSIDERATION, REHEARING AND/OR CLARIFICATION, AND OPPOSITION TO CONVERSENT ET AL. MOTION FOR RECONSIDERATION

Pursuant to RSA 541:3 Verizon New England Inc. d/b/a Verizon New Hampshire ("Verizon NH") moves for reconsideration, rehearing and/or clarification of certain portions of Order No. 24,598 dated March 10, 2006 (the "*Order*").[1] Verizon NH also opposes the motion for rehearing and/or reconsideration of Conversent Communications of New Hampshire, LLC, CTC Communications Corp. and Broadview Networks, Inc. ("Moving CLECs" or "CLECs"). Specifically, the Commission should reconsider and/or clarify its *Order* for the following reasons:

1. The Commission's rulings regarding which collocation arrangements constitute fiber-based collocation unreasonably exclude from the FCC's definition CLECs that lease fiber from a competitive fiber provider, in contravention of federal law.

[1] The *Order* incorporates the Commission's decisions in Order No. 24,442 dated March 11, 2005 in Docket Nos. DT 03-201 and DT 04-176, and in its Secretarial Letter Order dated April 22, 2005 in Docket No. DT 05-034. These decisions are the subject of an appeal by Verizon NH before the United States District Court for the District of New Hampshire concerning the Commission's authority to establish and enforce Verizon NH's obligations under Section 271 of the Telecommunications Act. To the extent that the *Order* establishes additional Section 271 requirements on Verizon NH that are not already set forth in these prior decisions, Verizon reserves its right to object to such requirements in any court or administrative forum of competent jurisdiction.

2. The Commission erred as a matter of law in concluding that when CLECs obtain dark fiber from a non-ILEC the fiber must be provided on an indefeasible right of use ("IRU") basis.

3. The Commission should clarify that its ruling that future wire center classification changes shall become effective when the Commission approves a tariff containing such changes is not applicable to the pending wire center classification changes being investigated in DT 06-020.

4. The Commission should clarify that while the parties agree that DS1 and DS3 loops and dedicated transport are required under Section 271 of the Telecommunications Act, Verizon NH disputes that dark fiber loops or transport are required under Section 271.

Finally, the Commission should deny the CLECs' motion for rehearing and/or reconsideration. The Moving CLECs have done nothing more than "reassert[] prior arguments and request[] a different outcome." *See*, *Connecticut Valley Electric Company/Public Service of New Hampshire*, DE 03-330, Order No, 24,189 at 3 (July 3, 2003). Since the CLECs' "motion merely repackages evidence and argument" in support of a different conclusion, *Petition for Approval of Statement of Generally Available Terms Pursuant to the Telecommunications Act of 1996*, DE 97-171, Order No. 24,392 at 6 (Oct. 29, 2004), their request should be denied.

I. APPLICABLE STANDARD

Motions for rehearing and/or reconsideration of a Commission order are governed by RSA 541. RSA 541:3 provides that the Commission may grant a motion for rehearing if "good reason for the rehearing is stated in the motion." *See Connecticut Valley Electric Company Public Service Co. of New Hampshire,* DE 03-030, Order No. 24,189 dated July 3, 2003 at 2. RSA 541:4 requires that a motion for rehearing "set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable." As stated in *Dumais v. State,* 118 N.H. 309, 312, 386 A.2d

1269 (1978), the purpose of a rehearing is to provide consideration of matters that were either overlooked or "mistakenly conceived" in the original decision. *See also, Investigation as to Whether Certain Calls are Local,* DT 00-223/00-054, Order No. 24,218 dated October 17, 2003 at 8 ("Motions for rehearing direct attention to matters 'overlooked or mistakenly conceived' in the original decision and require an examination of the record already before the fact finder.").

In reviewing any motion for rehearing, the Commission thus analyzes each and every ground that is claimed to be unlawful or unreasonable to determine if there is a basis to grant the request, *i.e.*, if there is "good reason" shown. *In re Wilton Telephone Company and Hollis Telephone Company,* DT 00-294/DT 00-295, Order No. 23,790 dated September 28, 2001; *see also, Petition for Approval of Statement of Generally Available Terms Pursuant to the Telecommunications Act of 1996,* DT 97-171, Order No. 23,847 dated November 21, 2001 at 1112.[2]

II. VERIZON NH REQUESTS FOR REHEARING, RECONSIDERATION AND/OR CLARIFICATION

A. CLECs that Lease Fiber from Other CLECs Through Traditional Collocation Arrangements or from Competitive Fiber Providers Through CATT Collocation Arrangements Should Count as Fiber-Based Collocators for Purposes of Establishing Non-impairment at a Wire Center.

In the *Order*, the Commission considered the various collocation arrangements depicted in the diagrams attached to Staff's Affidavit to determine which satisfied the FCC's definition of fiber-based collocation. The diagrams showed, *inter alia*, the following arrangements: (1) CLECs that self-provision fiber-optic cable to a traditional,

[2] By way of illustration, the Commission has found good reason for rehearing when rulings were made without sufficient opportunity for an affected party to comment. *Verizon New Hampshire Tariff Filing Introducing Charges for Busy Line Verification,* DT 01-008, Order No. 23,676 dated April 12, 2001.

actively powered, collocation arrangement; (2) CLECs that operate as a competitive fiber provider ("CFP") that maintain a competitive alternate transport terminal ("CATT")[3] collocation arrangement in addition to a traditional collocation arrangement where the fiber-optic cable terminates at the CATT; (3) CLECs that operate as a CFP that maintain a stand-alone CATT arrangement without having a traditional collocation arrangement; (4) CLECs that lease dark fiber from another CLEC's traditional collocation arrangement through the use of dedicated transit service ("DTS") or dedicated cable support ("DCS")[4] service provided by Verizon NH; and (5) CLECs that lease dark fiber from another CLEC operating a CATT collocation arrangement.

The Commission concluded that arrangements (1), (2) and (3), above, satisfy the FCC's definition of fiber-based collocation and therefore count for purposes of determining impairment at any particular wire center. *Order* at 39-40. The Commission, however, improperly excluded arrangements (4) and (5) from the FCC's definition, *i.e.*, where a CLEC leases dark fiber owned by another CLEC operating a traditional or CATT collocation arrangement.[5] The Commission determined that such arrangements did not

[3] A CATT is an interstate, tariffed arrangement that "provides a shared, alternate splice point within a Telephone Company central office at which a third party competitive fiber provider (CFP) can terminate its facilities" for interconnection within a central office. *See* Tariff FCC No. 11, Section 28.11.1(B).

[4] DTS and DCS enable CLECs to use the fiber cable facilities of another CLEC as an alternative to self-provisioning their own fiber cables or relying solely on Verizon's transport facilities to connect their collocation arrangements to the rest of their networks. DCS service is grandfathered and thus only furnished to CLECs with existing DCS arrangements. Terms and conditions for DCS are set forth in Part E, Section 5.1 of Verizon's NH PUC No. 84 Tariff. DTS service is offered pursuant to the terms and conditions set forth in Verizon's NH PUC No. 84 Tariff, Part E, Section 5.1 and F.C.C. No. 11, Section 27.1.

[5]After reviewing the diagrams attached to Staff's Affidavit, the Commission concluded that "[w]e do not find that the other CLECs identified on the diagrams [*i.e.*, those CLECs who lease dark fiber from a CFP at a CATT or traditional collocation arrangement] operate fiber-optic cable." *Order* at 41. *See also id.* at 38 ("[W]e consider only those collocators that employ CLEC operated, self deployed fiber optic cable in our analysis.").

satisfy the FCC's definition of fiber-based collocation because the CLECs leasing the fiber did not "operate a fiber-optic cable."

The issue of whether arrangements (4) and (5) satisfy the FCC's definition of fiber-based collocator was never specifically briefed by the parties.[6] Because Verizon NH did not have an opportunity to present its position concerning the status of leased dark fiber facilities, the Commission should grant rehearing on this issue and consider Verizon NH's arguments herein. *See Verizon New Hampshire Tariff Filing Introducing Charges for Busy Line Verification*, DT 01-008, Order No. 23,676 dated April 12, 2001.

Some of the CLECs identified in the diagrams attached to Staff's Affidavit lease dark fiber facilities from a CFP through a CATT collocation arrangement. The CATT arrangement allows for the splicing of a CFP's facilities at or near the cable vault within a Verizon wire center for the sole purpose of distributing such facilities to other CLECs collocated in the wire center. The CFP may splice a maximum of 864 and a minimum of 72 fibers at the CATT. The CLEC that leases fiber from the CFP must provide a minimum 12-fiber cable between the CATT and the CLEC's collocation arrangement. *See* Tariff FCC No. 11, Section 28.11.

Other CLECs lease fiber from a CFP from the CFP's traditional collocation arrangement. In such circumstances, the CLECs utilize DTS or DCS to connect their collocation arrangement to the dark fiber in the CFP's collocation arrangement. These

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[6] Staff, in its preliminary analysis of the New Hampshire wire centers, agreed that dark fiber leased from a CFP and connected to a CLEC (through the use of DCS) qualified as fiber-based collocation. *See Staff Memorandum Re: Analysis of Wire Centers*, dated January 18, 2006, at 7. In addition, the preliminary analysis determined that at the Dover wire center, a CLEC that leased dark fiber from a CFP under a 20-year lease where the fiber was provided through a CATT arrangement counted as a fiber-based collocator *Id.* at 7-8.

services enable a CLEC to access a CFP's dark or lit fiber facilities that operate as alternatives to ILEC provided transport services.

In either the CATT or DTS/DCS arrangements, it is undisputed that these CLECs: (1) maintain a collocation arrangement in the respective wire center; (2) that each of the collocation arrangements are supplied with active power; and (3) that each CLEC has fiber terminating at its collocation arrangement that connects directly or indirectly to fiber provided by a CFP that exits the wire center. *See* Staff Aff. ¶¶ 8-54 and attached diagrams. Despite such CLECs meeting the required criteria for fiber-based collocators, the Commission nonetheless determined that they cannot count because they do not "operate a fiber optic cable." *Order* at 41.

1. CLECs leasing fiber from another CLEC acting as a CFP "operate" fiber for purposes of the FCC's definition.

In the *Order* the Commission determined that:

> In our view, the plain meaning of "operate" in the context of Rule 51.5 requires the transitive sense of the verb, as well as a definition that indicates some level of control over the functioning of the property in question. We find that to operate a cable, a CLEC must be able to control not only the lighting of the fiber within it, but a broader range of functions, such as the placement, capacity and configuration of the cable itself.

Id. at 37. The Commission's definition is overly broad. The only entity that possibly can be deemed to "operate" a fiber facility for purposes of determining non-impairment under the PUC's test would be a CLEC that entirely self provisions a fiber optic cable to an actively powered, traditional collocation arrangement. In no other situation could a collocator have the ability to do all that is required under the Commission's unreasonably restrictive definition, *i.e.*, control the lighting, placement, capacity and configuration of the cable itself.

However, despite the definition, the Commission did not limit fiber-based collocators to those that self-provision using an actively powered, traditional collocation arrangement. It also included situations where a CLEC operating as a CFP maintains a CATT arrangement and a traditional, actively powered collocation arrangement, with the fiber optic cable spliced at the CATT. *Id.* at 39. Moreover, the Commission included situations where a CLEC solely maintains a stand-alone CATT collocation arrangement (without an actively powered traditional collocation arrangement) within the FCC's definition of a fiber-based collocator. Though the PUC's conclusion that both scenarios qualify as fiber-based collocation is correct, a plain reading of the *Order* establishes that these two situations may not satisfy the Commission's own definition of "operate."

The Commission determined that, while a CATT itself does not require an active power supply, the FCC's definition of fiber-based collocator is satisfied so long as: (1) in addition to the CATT, the CLEC maintains a traditional, actively powered collocation arrangement; or (2) if the CATT provider does not maintain a traditional collocation arrangement, the fiber optic cable has access to an active power supply provided by other CLECs with traditional actively powered collocation arrangements that lease fiber from the CATT provider. With respect to the latter scenario, the Commission specifically held that:

> To exclude stand-alone CATT collocations, that in and of themselves do not have an active power supply, but that facilitate cross connections with other CLECs that use active power from within the wire center would be an unfairly restrictive interpretation of the rule in light of the passive technology specific to a CATT arrangement. Therefore, we will include CATT arrangements that have access to and make use of active electrical power supply within a wire center in our qualification of fiber-based collocators under the FCC definition.

Id. at 41.

In each of the circumstances involving a CATT arrangement, the Commission determined that the CFP was a fiber-based collocator despite the lack of active power in the non-traditional collocation arrangement containing the fiber optic cable. Yet, under the Commission's very definition of "operate," because of the lack of active power (including the lack of optical multiplexers, *etc.*), the CLEC maintaining the CATT arrangement cannot "control the lighting or the capacity of the cable."

On the contrary, the CLECs identified in the diagrams attached to Staff's Affidavit that lease fiber from a CFP do maintain their own power supply, do have dedicated fiber facilities that terminate in their collocation arrangements and which ultimately leave the wire center, and do directly control the lighting and transmission capacity of the dark fiber cable. Accordingly, the Commission's definition of operate is unfounded and should be amended. The Commission should modify the *Order* and determine that CLECs leasing a fiber-optic facility from a CFP are deemed to "operate" a cable under the FCC's definition of fiber-based collocator.

2. Fiber optic strands leased from a CATT provider or from a CFP's collocation arrangement in a wire center constitute fiber-optic cables for purposes of the definition of fiber-based collocator.

In order for a CLEC to satisfy the FCC's definition of fiber-optic collocator, the CLEC, *inter alia*, must operate a "fiber-optic cable" that (1) terminates at a collocation arrangement within the wire center and (2) exits the ILEC's wire center. The Commission determined that to qualify as a fiber-optic cable for purposes of the FCC's definition, the fiber-optic cable had to be "self-deployed" and did not include strands of

fiber leased by CLECs from CFPs.[7] *See Order* at 37-38. The Commission further determined that the only exception to this rule was for dark fiber strands obtained by a CLEC from an incumbent LEC on an IRU basis. *Id.*

Verizon NH is unclear as to the meaning of the Commission's ruling that only fiber-optic cables count toward the definition of fiber-based collocation. The Commission specifically rejected BayRing and segTEL's argument that the "essential structure of a fiber optic cable must be unchanged from its termination in the collocation arrangement to its exit from the wire center," stating that such a position would exclude spliced cables or other configurations that would satisfy the FCC's rule. *Order* at 37. In addition, the Commission rejected any argument that fiber-optic strands leased by CLECs that make use of a CFP's fiber optic facility satisfy the definition because such an interpretation of the FCC's rule would be "too loose," such "that it may include CLEC collocators that do not, in fact rise to the level of self-deployed facilities-based competitors." *Id.*

If the Commission's ruling contemplated instances of individual fiber optic strands (not contained in an actual cable) being terminated in a CLEC collocation arrangement, the Commission's understanding is misplaced. In the instances of a CATT arrangement, the CLEC is required to install a minimum 12-strand fiber cable to connect its traditional collocation arrangement to the CATT, irrespective of the actual number of fibers the CLEC actually leases from the CFP. In the case of DTS, Verizon installs a minimum 12-strand fiber cable cross connection facility to each CLEC's collocation arrangement. Similarly, in circumstances where a CFP self-provisions a fiber optic cable

[7] In addition, the Commission fails to note how many fibers must be included to constitute a fiber-optic cable. There are varying sizes of fiber-optic cables.

to its own collocation arrangement and subsequently leases spare fiber to other CLECs in the wire center, there are no instances where single fiber strands (not contained in an actual cable) are provisioned to the CLEC collocation arrangements. Accordingly, fiber cables (and not individual strands) are terminated into CLEC collocation arrangements and fiber cables (not individual strands) exit the wire center consistent with the FCC's requirement.

Even if a situation existed (which it does not), where a single fiber strand was terminated to a collocation arrangement, the Commission has pointed to no evidence that a single fiber strand cannot constitute a fiber-optic cable. The Commission merely relies on its determination that the "plain meaning of the term" fiber-optic cable excludes fiber strands. *Order* at 37. Verizon submits that the appropriate definition of fiber-optic cable includes fiber strands. According to the United States Federal Standard 1037C *Telecommunications: Glossary of Telecommunication Terms (2000)* issued by the General Services Administration Information Technology Service, a fiber optic cable is defined as:

> A telecommunications cable in which *one or more optical fibers are used as the propagation medium. Note 1:* The optical fibers are surrounded by buffers, strength members, and jackets for protection, stiffness, and strength. *Note 2:* A fiber-optic cable may be an all-fiber cable, or contain both optical fibers and metallic conductors. [Emphasis added.]

A "cable" in turn is defined as:

> An assembly of one or more insulated conductors, or optical fibers, or a combination of both, with an enveloping jacket: *a cable is constructed so that the* conductors or *fibers may be used sing*ly or in groups. [Emphasis added.]

Accordingly, the federal government's own definition of fiber-optic cable includes a single fiber strand.

Alternatively, if the Commission's ruling was intended to exclude from the definition of fiber-based collocation all collocation arrangements where a CLEC leases less than the full fiber-optic cable provisioned by the CFP, such determination is unfounded and has no support in the FCC's rule. Such scenario would necessarily mean that fiber-based collocation is found in only four instances: (1) where a CLEC self provisions a fiber-optic cable to a traditional collocation arrangement; (2) where a CFP provisions a dedicated fiber-optic cable directly to a CLEC's traditional collocation arrangement; (3) where a CFP self provisions a fiber-optic cable to a CATT collocation arrangement; and (4) where a CLEC obtains dark fiber from an ILEC or another CLEC on an IRU basis.

This strained interpretation of what constitutes a fiber-optic cable for purposes of fiber-based collocation contravenes the FCC's underlying rationale for using fiber-based collocation as a means of establishing non-impairment. For example, if ten CLECs self provision fiber-optic cables (irrespective of the number of fiber strands in the cable) to their ten separate traditional collocation arrangements in a central office, all ten CLECs would be counted as fiber-based collocators for purposes of determining non-impairment at that wire center.[8] In addition, if an ILEC leased a single fiber strand (which is then spliced into a larger fiber cable) to ten separate CLECs on an IRU basis, each of the CLECs would count as a fiber-based collocator. If, however, a CFP provisions a 144 fiber facility to a CATT arrangement, and ten CLECs each lease 10 fiber optic strands which are terminated to each CLEC's traditional collocation arrangement (as part of a minimum 12-fiber cable required under tariff), none of the ten CLECs count as fiber-

[8] This example assumes the CLEC collocation arrangements satisfy the FCC's other requirements concerning fiber-based collocation (*e.g.*, the presence of an active power supply).

based collocators pursuant to the *Order*. The Commission's ruling is incorrect on several grounds.

First, the ruling runs counter to the FCC's stated intention for using fiber-based collocation as a measure of the existence of competitive transport facilities for establishing non-impairment:

> We use fiber-based collocation as a key factor in determining where competing carriers already have deployed fiber transport facilities because a sufficient degree of such collocation indicates the duplicability of these network elements and, thus, a lack of impairment. The Commission previously has used fiber-based collocation as a key indicator of competitive fiber deployment, and the D.C. Circuit has affirmed this use as reasonable. Fiber-based collocation in a wire center very clearly indicates the presence of competitive transport facilities in that wire center and signals that significant revenues are available from customers served by that wire center sufficient to justify the deployment of transport facilities.

TRRO ¶ 96 (internal footnotes omitted).

Whether ten CLEC's self provision fiber to their own collocation arrangements or whether a single CFP provides fiber-based transport to ten CLEC's collocating in a wire center is not relevant to the FCC's ruling. What is relevant is whether CLECs have developed their transport networks through viable alternatives to ILEC-provided unbundled transport. Thus, whether ten CLECs provide their own transport alternatives, or a single CFP provides ten CLECs with access to transport alternatives, the result is the same – the FCC's non-impairment standard based on fiber-based collocation has been satisfied.

Second, there is no basis for the Commission's determination limiting the "exception" to the fiber-optic cable rule to ILECs that provision dark fiber strands to CLECs on an IRU basis (where each CLEC leasing a strand counts as a fiber-based

collocator). The Commission accurately recognizes that when Verizon provisions dark fiber on an IRU basis to CLECs, the entire fiber optic cable is not dedicated to the CLEC. Verizon's dark fiber sheaths exiting a wire center contain, at a minimum, 48 strands of fiber. In any one cable, there can be multiple carriers using the individual strands. Under the FCC's definition, each CLEC that leases dark fiber from an ILEC on an IRU basis in a specific wire center is counted toward the fiber-based collocator threshold, irrespective of the fact that more than one carrier is leasing fiber from the same fiber optic cable. However, despite the Commission's recognition of how ILECs provision dark fiber, the Commission fails to acknowledge that nothing in the FCC's rule remotely suggests that individual strands of fiber only count in instances where the ILEC (versus a CFP) is the provider of dark fiber.

The Commission's ruling, that the ILEC represents an exception to the rule that fiber-optic cable and not strands are counted, misconstrues the application of the "exception" set forth in 47 C.F.R. § 51.5. The rule simply requires that the fiber optic cable be owned by a party "other than an incumbent LEC," except in instances of dark fiber provided by the ILEC on an IRU basis. In instances of ILEC-provided dark fiber on an IRU basis, a non-ILEC is deemed to own and operate the fiber-optic cable. Therefore, the "exception" solely deals with ownership of the dark fiber cable and has nothing to do with the definition of fiber-optic cable.

In summary, the Commission's ruling excluding from the definition of fiber-based collocators those CLECs that lease fiber facilities from CFPs fails to "account[] for the different ways that competitive LECs deploy their own transport networks" and is inconsistent with the FCC's stated intent to "assess where competitors successfully have

deployed or could deploy on both a wire center basis and route-specific basis, without being limited to individual carrier decisions about network planning."[9] Accordingly, the *Order* leads to flawed findings of impairment for DS1, DS3 and dark fiber transport in wire centers where alternative transport is significantly deployed on a competitive basis. The Commission's determinations thus require continued unbundling in wire centers where no impairment exists: for example, in wire centers where three or more CLECs have active collocation facilities and have deployed "a non-incumbent LEC fiber-optic cable" or have unrestricted access to "non-incumbent LEC fiber-optic cable" on an exclusive and dedicated basis from one or more wholesale fiber transport providers. The Commission should reconsider its determinations in this regard.

B. The Commission Erred as a Matter of Law in Concluding that CLECs that Obtain Fiber from a CFP Must Obtain the Fiber on an IRU basis to Count as Fiber-Based Collocators.

In the *Order*, the Commission stated that the Staff's Affidavit did not indicate the existence of CLECs operating fiber-optic cable obtained from a CFP on an IRU basis, except for one instance where the CLEC obtaining the dark fiber on an IRU basis also self-deployed a fiber-optic cable. *Order* at 38 and n.18.[10] The Commission concluded that: "We need not address, therefore, how IRUs between the ILEC and CLECs or between CLECs are to be evaluated." *Id.* at 38. In doing so, the Commission determined without reference to any FCC rules, and perhaps inadvertently, that dark fiber leased from a CFP must be on an IRU basis in order to count as fiber-based collocation.

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[9] *TRRO* ¶ 89.

[10] "[B]ecause CLEC 2 also operates its own self-deployed fiber-optic cable, the dark fiber it has obtained under an IRU is redundant to this analysis and is not relevant here." *Id.*

The Commission's determination is contrary to federal law. Nowhere in the *TRRO's* definition of "fiber-based collocator" does the FCC limit countable fiber-optic cable obtained from CLECs that are not affiliated with the ILEC to those that are subject to an IRU. The rule is entirely clear. It simply states that the collocator must operate a fiber-optic cable, owned by a party other than the ILEC. Only where the dark fiber is obtained from an ILEC is an IRU required. *See* 47 C.F.R. § 51.5. Accordingly, the Commission should reconsider its decision and count as fiber-based collocators any CLECs that lease dark fiber from a CFP, whether or not on an IRU basis.

C. The Commission's Determination that the Effective Date of Future Wire Center Classification Changes Apply Prospectively Should Not Apply to the Wire Center Classifications Verizon Announced on November 17, 2005.

On November 17, 2005, Verizon NH notified CLECs of classification changes to wire centers in Concord, Dover and Salem.[11] The Commission established a separate docket (DT 06-020) to review these changes and specifically excluded such changes from consideration in the *Order*. *See Order* at 6, n.3. However, later in the *Order*, the Commission determined that on a going forward basis, for the purposes of Tariff 84 revisions, the reclassification of any wire center should be effective on the date tariff revisions reflecting such reclassifications are approved. The *Order* suggests that Verizon may file its tariff revisions concurrently with future notices to the CLEC industry of changes to wire center classifications. *Order* at 48.

Although Verizon NH does not take issue with the Commission's determination concerning the effective date of future classifications, Verizon is concerned about the potential impact of such ruling on the proceeding in Docket 06-020. When Verizon

[11] A copy of Verizon's Supplemental Wire Center Classification Industry Notice is attached as Exhibit A. The Notice Effective Date was February 15, 2006 for new orders and March 11, 2006 for the embedded base of unbundled transport routes implicated in the notice.

published the industry notice to CLECs on November 17, 2005, Verizon NH did not have the obligation to tariff the list of non-impaired wire centers. Consequently, the effective date of wire center classifications in DT 06-020 should not be based on the approval of any future tariff filing after the Commission determines the status of the wire centers in that docket. Rather, consistent with its findings in this proceeding as to the initial list of non-impaired wire centers, the Commission should find that the wire center classifications that Verizon NH announced on November 17, 2005 shall be effective retroactive to March 11, 2006. The Commission should clarify the *Order* in this regard.

D. The Commission Should Clarify that There Is No Consensus Among the Parties that Dark Fiber Is Required Under Section 271 of the Telecommunications Act.

In the *Order*, the Commission concluded that "[t]he Parties are in agreement that access to the high-capacity loops and dedicated transport *at issue in this docket* are required by section 271." *Order* at 46. (italics added). Verizon NH, however, disagrees that dark fiber transport or dark fiber loops are required by Section 271 of the Telecommunications Act. Accordingly, Verizon NH requests the Commission clarify that its observation as to the parties' concurrence is limited to high capacity DS1 and DS3 loops and transport and not to dark fiber loops or transport. Alternatively, the Commission should acknowledge that Verizon's brief merely states that high capacity DS1 and DS3 loops and transport "fall within the scope of § 271's 14-point 'competitive checklist'" and that nothing in Verizon's brief states or otherwise suggests that Verizon concurs with any determination that dark fiber loops or dark fiber transport facilities are Section 271 elements.

III. OPPOSITION TO THE MOVING CLECS' MOTION FOR REHEARING AND/OR RECONSIDERATION

A. The Commission Appropriately Ruled that Stand-Alone CATT Arrangements Satisfy the FCC's Definition of Fiber-Based Collocation.

The Moving CLECs maintain that the Commission's holding, that stand-alone CATT arrangements constitute fiber-based collocation under the *TRRO*, contravenes the requirement that fiber-based collocators maintain an active power supply. The CLECs further assert that the Commission's ruling is "unreasonable" because it contradicts other determinations made by the Commission in the *Order*. *CLEC Motion* at 3.[12] The CLECs merely reassert prior arguments seeking a different conclusion, and their claims are without merit. The Commission should deny their motion.

1. The FCC's definition of fiber-based collocator does not require that the "collocation arrangement itself have an active electrical power supply."

The CLECs argue that a stand-alone CATT arrangement "fails an essential element of the definition established by federal law, that the ***collocation itself*** have [sic] an active electrical power supply." *CLEC Motion* at 3 (emphasis added). The CLECs are wrong. The FCC does not mandate that the specific collocation arrangement itself provide or require active power, but rather that the arrangement has access to a supply of electrical power.

The FCC defined fiber-based collocation as a competitive carrier collocation arrangement, with active power supply, that has a non-incumbent LEC fiber-optic cable that terminates at the collocation facility and leaves the wire center.[13] The FCC

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[12] The CLECs agree with the Commission's ruling that a CLEC maintaining an actively powered collocation arrangement in addition to a CATT is a fiber-based collocator where all the other elements of the definition of fiber-based collocation are satisfied. *CLEC Motion* at 1, n.1.

[13] *TRRO* ¶ 102.

specifically ***included*** in its qualifying test less traditional collocation arrangements such as Verizon's CATT fiber termination arrangements.[14]

The FCC included CATT arrangements in the text of its *TRRO* deliberately and not by accident. Moreover, it did not exclude CATTs from the scope of its rule by virtue of the "active electrical power supply" requirement. A close reading of the *TRRO's* ¶ 102 – ***in immediately adjacent sentences*** – establishes that the FCC expressly provided for both to apply:

> We define fiber-based collocation simply. For purposes of our analysis, we define fiber-based collocation as a competitive carrier collocation arrangement, ***with active power supply***, that has a non-incumbent LEC fiber-optic cable that both terminates at the collocation facility and leaves the wire center. We find that the collocation arrangement may be obtained by the competing carrier either pursuant to contract, tariff or, where appropriate, section 251(c)(6) of the Act, ***including less traditional collocation arrangements such as Verizon's CATT*** fiber termination arrangements [emphasis added, footnotes omitted].

The FCC's reasoning is elementary: it intended that a collocation arrangement be "operationally ready" to qualify. While an active power supply is a necessary ingredient for traditional collocation arrangements, the condition has no application to a CATT that, as a form of cross-connect, simply does not require power. As the FCC explained in *TRO* ¶ 406, to which it cited approvingly in *TRRO* ¶ 102:

> Each counted self-provisioned facility along a route must be ***operationally ready*** to provide transport into or out of an incumbent LEC central office. We find that the competitive transport facilities counted to satisfy this trigger must terminate in a collocation arrangement which may be arranged either pursuant to contract, tariff or, where appropriate, section 251(c)(6) of the Act. We find it beneficial to count for purposes of this test all types of collocation arrangements, ***including those that may not qualify for collocation under section 251(c)(6).*** This provides an

[14] The FCC explained that a competing carrier's collocation arrangement shall count toward the qualification of a wire center "irrespective of the services that the competing carrier offers because the fiber-based collocation indicates an ability to deploy facilities and because it would exponentially complicate the process of counting such collocation arrangements." *Id.*

> incentive to incumbent LECs to enable competitive LEC, including the "carrier-agnostic" wholesale transport providers, identified by incumbent LECs, to develop their transport networks by developing viable alternatives to unbundled transport[15] [emphasis added, certain footnotes omitted].[16]

The inclusion of CATT arrangements also is consistent with the FCC's stated intention to account for potential as well as actual deployment of fiber-based collocation facilities by multiple competitive LECs in its impairment determinations. *TRRO* ¶ 102, n.295 (where the FCC states "although we refer to our indicia as 'fiber-based collocation,' our test is actually agnostic as to the medium used to deploy an alternative transmission facility, because we find that a technologically neutral test better helps to capture the actual and ***potential deployment*** in the marketplace ...." (emphasis added)). Additionally, the FCC stated (*TRRO* ¶ 102) that "a competing carrier's collocation facilities shall count toward the qualification of a wire center for a particular tier irrespective of the services that the competing carrier offers because the fiber-based collocation ***indicates an ability to deploy facilities*** ..." (emphasis added).

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[15] In two of the accompanying footnotes (nn. 1256 and 1257), the FCC further explained:

> This requirement is intended to preclude counting competitive facilities before the facility is capable of operation on that route. For example, the incumbent LEC must have fully provisioned the collocation arrangement (*e.g.,* provided space and power) before the route could be considered complete. In this same regard, states should not review the financial stability of alternative transport provisioners, except to the extent the carrier remains in operation. See infra para. 415 [n.1256].
>
> Collocation may be in a more traditional collocation space or fiber can be terminated on a fiber distribution frame, or the like, to which any other competing carrier collocated in that central office **can obtain a cross-connect** under nondiscriminatory terms. See MFN Riordan Aff. at paras. 6-13 (describing Verizon's CATT arrangement for terminating transport fibers). Our impairment analysis recognizes alternatives outside the incumbent LEC's network regardless of the authority under which they came to exist [emphasis added, n.1257].

[16] *See also TRO* ¶ 414 ("Additionally, the competitive transport providers must be operationally ready and willing to provide the particular capacity transport on a wholesale basis along the specific route. This safeguards against counting alternative fiber providers that may offer service, but do not yet have their facilities terminated or collocated in the incumbent LEC central office, or are otherwise unable immediately to provision service along the route" (footnotes omitted).

The FCC included CATT splice points as instances of qualifying, non-traditional collocation arrangements because they facilitate interconnection with competitive fiber providers. The Commission heeded the FCC's findings and appropriately ruled that stand-alone CATT arrangements qualify as fiber-based collocation under the FCC's definition:

> We find that arrangements such as that of CLEC 3 in Portsmouth [maintaining an unpowered CATT collocation] meet the requirements for a fiber-based collocator because the overall collocation arrangement maintained by the CLEC operating the fiber-optic cable includes *access to active electrical power supply* within the wire center to enable the provision of fiber-based services to other CLECs. To exclude stand-alone CATT collocations, that in and of themselves do not have an active power supply, but that facilitate cross connections with other CLECs that use active power from within the wire center would be an unfairly restrictive interpretation of the rule in light of the passive technology specific to a CATT arrangement. Therefore, we will include CATT arrangements that have access to and make use of an active electrical power supply within a wire center in our qualification of fiber-based collocators under the FCC definition.

Order at 40-41 (emphasis added).

The Moving CLECs ignore the FCC's specific findings on the matter of CATT collocation in rearguing their case. Consistent with the FCC's direction, the *Order* appropriately classifies stand-alone CATT arrangements as a form of fiber–based collocation. The Commission should reject the CLECs' motion.

2. The Commission's ruling that stand-alone CATT arrangements qualify as fiber-based collocation does not contradict other findings made in the *Order*.

In their motion, the CLECs reiterate the Commission's conclusion that stand-alone CATT arrangements qualify for purposes of fiber-based collocation: "'Therefore, we will include CATT arrangements that have access to *and make use of* an active electrical supply within a wire center in our qualification of fiber-based collocators under

the FCC definition' (emphasis added)." *CLEC Motion* at 5 (citing *Order* at 41). Without any textual support in the *Order*, the CLECs then go on to state that "the Commission *expressly found* [elsewhere in the *Order*], [that] a CATT . . . *does not make use* of electrical power." *Id.* at 5 (emphasis added).

Nowhere in the *Order* does the Commission make such a finding, as the CLECs would have the Commission believe. The only statement by the Commission that the CLECs point to in support of their claim is the following:

> A CATT does not include an active power supply per se because one is not needed for the proper functioning of the CATT, which serves as a termination and splice case for the CLEC operating a fiber optic cable leaving the wire center.

Order at 40. The Commission's statement is nothing more than a recitation of undisputed fact, *i.e.*, that CATT arrangements themselves do not require an active power supply. Nothing in this statement, however, contradicts the Commission's determination that CATT arrangements have access to and "make use of" electrical power:

> We find that arrangements such as that of CLEC 3 in Portsmouth meet the requirements of fiber-based collocator because the overall [CATT] collocation arrangement maintained by the CLEC operating the fiber-optic cable includes access to active electrical power supply within the wire center to enable the provision of fiber-based services to other CLECs."

Id. In permitting access to an "active electrical power supply" within the wire center, the CATT collocation arrangement qualifies as fiber-based collocation under the FCC's definition.

Accordingly, the CLECs' assertion that the *Order* is internally inconsistent is without merit and should be rejected.

IV. CONCLUSION

For the foregoing reasons, the Commission should reconsider, rehear and/or clarify Order No. 24,598, as set forth above, and deny the Moving CLECs' motion for rehearing/reconsideration.

Respectfully submitted,

VERIZON NEW HAMPSHIRE

By its attorney,

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Dated: April 4, 2006

EXHIBIT A

Interconnection Services Policy & Planning
Wholesale Markets

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wmnotices@verizon.com

November 17, 2005

«Contact_Name»
«Contact_Title»
«Contact_Company»
«Contact_Address_Line_1» «Contact_Address_Line_2»
«Contact_City», «Contact_State» «Contact_ZIP»

Subject: **NOTICE OF UPDATES TO VERIZON WIRE CENTER CLASSIFICATIONS**

In connection with its implementation of the FCC's Order on Remand in WC Docket No. 04-313 and CC Docket No. 01-338, released on February 4, 2005 (the "*TRO Remand Order*"), Verizon filed with the FCC a list of Verizon's Tier 1 and Tier 2 Wire Centers.[1] The *TRO Remand Order* requires these wire center classifications to allow parties to identify the interoffice routes on which the FCC has determined that competitive LECs ("CLECs") are not impaired without access to Dedicated DS1 Transport, Dedicated DS3 Transport, and Dark Fiber Transport.[2] In addition, Verizon's filing included a list of wire centers that satisfy the FCC's non-impairment criteria for DS1 and DS3 Loops.[3] Verizon also provided this information to CLECs directly, and published it on its wholesale website in an Industry Letter dated March 2, 2005.[4]

Pursuant to the rules adopted in the *TRO Remand Order*, Verizon has recently identified additional wire centers that meet the *Order*'s non-impairment criteria. A list of those additional wire centers is attached

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[1] As set forth in Section 51.319(e)(3) of the FCC's implementing regulations, Tier 1 wire centers are those incumbent LEC wire centers that contain at least four fiber-based collocators, at least 38,000 business lines, or both. Tier 1 wire centers also include those incumbent LEC tandem switching locations that have no line-side switching facilities, but nevertheless serve as a point of traffic aggregation accessible by CLECs. Tier 2 wire centers are those incumbent LEC wire centers that are not Tier 1 wire centers, but contain at least three fiber-based collocators, at least 24,000 business lines, or both.

[2] As explained with more specificity in Verizon's industry notice of February 10, 2005: (i) CLECs are not impaired without unbundled access to Dedicated DS1 Transport between any pair of Verizon Wire Centers that are both Tier 1 Wire Centers (and in no event may any CLEC obtain more than ten unbundled Dedicated DS1 Transport circuits on any route where Dedicated DS1 Transport remains available on an unbundled basis); (ii) CLECs are not impaired without unbundled access to Dedicated DS3 Transport between any pair of Verizon wire centers that are both either Tier 1 or Tier 2 Wire Centers (and in no event may any CLEC obtain more than twelve unbundled Dedicated DS3 Transport circuits on any route where Dedicated DS3 Transport remains available on an unbundled basis); and (iii) CLECs are not impaired without unbundled access to Dark Fiber Transport between any pair of Verizon wire centers that are both either Tier 1 or Tier 2 wire centers.

[3] As explained with more specificity in Verizon's industry notice of February 10, 2005: (i) CLECs are not impaired without unbundled access to DS1 Loops at any building location that is served by a Wire Center with at least 60,000 Business Lines and four Fiber-Based Collocators (and in no event may any CLEC obtain more than ten DS1 Loops at any building location where DS1 Loops remain available on an unbundled basis); (ii) CLECs are not impaired without unbundled access to DS3 Loops at any building location that is served by a Wire Center with at least 38,000 Business Lines and four Fiber-Based Collocators (and in no event may any CLEC obtain more than one DS3 Loop at any building location where DS3 Loops remain available on an unbundled basis).

[4] Verizon subsequently updated its wire center list as of April 15, 2005 and October 12, 2005. A list of "Verizon Wire Centers Exempt from UNE Hi-Cap Loop and Dedicated Transport Ordering" as updated on April 15, 2005, is available on the Ordering Local Service page of Verizon's Wholesale Web-site at: http://www22.verizon.com/wholesale/local/order/1,19410,,00.html

as Exhibit A. The list in Exhibit A will supplement Verizon's currently effective wire center classifications, effective 90 days from the date of this letter, on and after February 15, 2006 (the "Notice Effective Date").[5]

The *TRO Remand Order* requires requesting carriers to undertake a reasonably diligent inquiry before ordering high-capacity loops and dedicated transport, in order to certify that they are entitled to unbundled access to the facilities they seek. You are hereby placed on notice of the additional exempt wire center classifications in Exhibit A. Review of this updated wire center list is necessarily part of any reasonably diligent inquiry. Therefore, you are deemed to have actual or constructive knowledge that you are not entitled to unbundled access to elements that fall within the wire center classifications described in footnotes 2 and 3 here and reflected in Exhibit A. Such network elements are no longer subject to mandatory unbundling under Section 251 of the Act, and may not be ordered as UNEs on and after the Notice Effective Date.

CLECs that have obtained high-capacity UNE loops and UNE dedicated transport facilities out of offices listed as exempt from unbundling in Exhibit A ("Newly De-listed Embedded Base") must transition those facilities to alternative arrangements. Verizon has determined that, although it is not required by the *TRO Remand Order* to do so, it will defer full enforcement of this notice during the period from the Notice Effective Date to March 11, 2006 (September 11, 2006 in the case of Dark Fiber Transport) with respect to any such Newly De-listed Embedded Base, so that the date by which CLECs must have completed transition of their Newly De-listed Embedded Base under this notice shall be the same date that applies to CLECs' embedded base of UNEs that became "de-listed" as of the March 11, 2005 effective date of the *TRO Remand Order*, except where the relevant state commission has determined that a different transition period for any such Newly De-listed Embedded Base will apply.[6] Verizon may, subject to any different requirements that may apply in certain states, charge transition rates under the *TRO Remand Order* for any such Newly De-Listed Embedded Base during the period from the Notice Effective Date to March 11, 2006 (September 11, 2006 in the case of Dark Fiber Transport). To the extent a CLEC has not transitioned any de-listed loops or transport by March 11, 2006, or by the end of any applicable state commission transition period, this embedded base of facilities will be priced at Verizon's corresponding tariffed special access rates (month-to-month) for those facilities. These access charges will be charged retroactively as necessary to apply them as of March 11, 2006. CLECs that have obtained Dark Fiber Transport facilities between offices where these facilities are no longer available as UNEs must migrate them to alternative arrangements (*e.g.,* through self-provisioning, or by obtaining replacement arrangements from Verizon under commercial agreements or Verizon tariffs) by September 11, 2006, or by the end of any applicable state commission transition period. If a CLEC has not transitioned any de-listed Dark Fiber Transport by September 11, 2006, or by the end of any applicable state commission transition period (and given that Verizon does not offer an analogous dark fiber service under its access tariffs), Verizon, in its sole discretion, will either disconnect the subject facilities or reprice them at a commercial rate that Verizon determines in its sole discretion.

Verizon's supplemental wire center classifications rely upon data sources available as of November 10, 2005 as specified by the FCC in the *TRO Remand Order*, including ARMIS data. As the FCC found in the *TRO Remand Order*, the ARMIS filings are "an objective set of data that incumbent LECs already have created for other regulatory purposes.... [W]e can be confident in the accuracy of the thresholds, and a simplified ability to obtain the necessary information." *TRO Remand Order*, at para. 105. The supplemental wire centers also reflect affiliate relationships created since Verizon filed its initial wire center classifications, including those created as a result of the Verizon/MCI merger.[7] Additionally, all

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5 In states where the *TRO Remand Order* is being implemented via tariff (such as New York and Rhode Island), the wire center classifications reflected in Exhibit A will take effect on the effective date of any tariff revisions made by Verizon to reflect the updated wire center classifications.

6 Verizon reserves its right to challenge any determinations addressing this issue. Verizon also reserves its right to apply a different transition period where necessary to conform to the requirements of any subsequent order of a state commission, FCC, or court of competent jurisdiction addressing the issues that are the subject of this Notice.

7 In accordance with voluntary commitments made by Verizon in connection the FCC-approved Verizon/MCI Merger, within thirty days of the Merger Closing Date, Verizon will issue an update to its initial wire center list (*i.e.*, the list that remains effective 3/11/05)

fiber-based collocation arrangements relied upon were validated through physical inspections. If you nevertheless have questions about Verizon's wire center list, please submit them to Michael D. Tinyk at michael.d.tinyk@verizon.com. Under an appropriate nondisclosure agreement, Verizon will provide to you backup data that it used to develop its updated wire center list. If you have actual, verifiable data that you believe demonstrate that any wire center identified as exempt from unbundling requirements in Exhibit A should not be included on that list, please provide such data to your Verizon account manager as soon as possible and no later than the Notice Effective Date.

Sincerely,

Jeffrey A. Masoner
Vice President – Interconnection Services Policy & Planning

VIA «Delivery_Method»

that, in applying the criteria established by the FCC in the *TRO Remand Order,* excludes fiber-based collocation arrangements established by MCI or its affiliates from *all* of Verizon's wire centers. The supplemental list attached to this notification already excludes fiber-based collocation arrangements established by MCI or its affiliates, therefore, no update to the supplemental list will be required 30 days after the Merger Closing Date.

EXHIBIT A

Verizon's Supplemental Wire Centers Exempt from UNE Hi-Cap Loop and Dedicated Transport Ordering - (Post March 11, 2005) **Effective November 10, 2005**

Reflects Additional Wire Centers or 3/11/05 Effective Wire Centers with Exemption Status Change

This list is a supplement to, not a replacement of, the 3/11/05 Effective Wire Center Exemption List

Transport (Unbundled Dedicated Transport + Unbundled Dedicated Transport portion of a Loop-Transport combination)

DS1 Unbundled Transport will not be offered between Wire Center CLLIs marked "Yes" in the Tier 1 column.

DS3 Unbundled Transport and Dark Fiber will not be offered between Wire Center CLLIs marked "Yes" in either the Tier 1 or Tier 2 columns.

Loop (Unbundled Loop + Unbundled Loop portion of a Loop-Transport combination)

DS1 Unbundled Loop Services will not be offered from Wire Centers marked "Yes" in the DS1 Loop column.

DS3 Unbundled Loop Services will not be offered from Wire Centers marked "Yes" in the DS3 Loop column.

			Wire Center Qualified - Yes or No							
	State	**Wire Center**	**Tier 1**		**Tier 2**		**DS1 Loop**		**DS3 Loop**	
	CA	LAPNCAXG	No		Yes		No		No	
		LNBHCAXG	No		Yes		No		No	
		ONTRCAXP	No		Yes		No		No	
		SNMNCAXP	Yes		No		No		No	
	DE	WLMGDEWL	Yes	Note 1	No		No		Yes	
	FL	TAMPFLXX	Yes	Note 1	No		No		Yes	
	IN	FTWYINXA	Yes		No		No		No	
		FTWYINXF	No		Yes		No		No	
		FTWYINXL	No		Yes		No		No	
	MA	BSTNMABO	Yes	Note 1	No		Yes		Yes	Note 1
		BURLMABE	Yes		No		No		No	
		CHCPMARI	Yes		No		No		No	
		HLYKMAMA	Yes		No		No		No	
		LYNNMACH	No		Yes		No		No	
		MLFRMAWA	No		Yes		No		No	
		NATNMAMA	Yes		No		No		No	
		NDHMMAPI	No		Yes		No		No	
		NRBOMASC	Yes		No		No		No	
		RKLDMAWE	No		Yes		No		No	
		WNCHMAMA	No		Yes		No		No	
		WSBOMASU	No		Yes		No		No	
	ME	BNGRMEPA	Yes		No		No		No	
		LSTNMEAS	Yes		No		No		No	
	NC	DRHMNCXB	No		Yes		No		No	
		DRHMNCXH	Yes		No		No		No	
	NH	CNCRNHSO	No		Yes		No		No	
		DOVRNHTH	Yes		No		No		No	
		SALMNHNB	Yes		No		No		No	
			Wire Center Qualified - Yes or No							

	State	Wire Center	Tier 1		Tier 2		DS1 Loop		DS3 Loop	
	NJ	EDSNNJED	Yes		No		No		No	
		RTFRNJRU	Yes	Note 1	No		No		Yes	
	NY	FRDLNYFM	Yes		No		No		No	
		HMPSNYHS	No		Yes		No		No	
		HNSTNYHU	No		Yes		No		No	
		NYCMNYMN	No		Yes		No		No	
		NYCQNYAS	No		Yes		No		No	
		NYCQNYLI	Yes	Note 1	No		No		Yes	
		RSLNNYRO	No		Yes		No		No	
		TNWNNYTW	No		Yes		No		No	
	PA	BGVLPABR	Yes		No		No		No	
		PITBPAEL	Yes		No		No		No	
		PTTWPAPT	No		Yes		No		No	
		RDNGPARE	Yes		No		No		No	
		WLPTPAWI	Yes		No		No		No	
	RI	CNTNRIPH	Yes		No		No		No	
		EGRNRICH	No		Yes		No		No	
		PWTCRIHI	Yes		No		No		No	
		WWWKRIMA	No		Yes		No		No	
	VA	FLCHVAMF	Yes		No		No		No	
		MNSSVAXA	Yes		No		No		No	
		NWNWVAHU	No		Yes		No		No	
		NWNWVAHV	No		Yes		No		No	
		RONKVALK	Yes		No		No		No	
	WV	CLBGWVMA	No		Yes		No		No	
	Total Supplemental Qualifying WCs		23		25		1		4	

Note 1:
These exemptions are unchanged from the 3/11/05 Effective Exemption List, and are reproduced here because of other classification changes for the same wire center; reproduced exemptions are excluded from the count of "Total Supplemental Qualifying WCs".