

Recommended Conditions:

NECTA/Comcast Phone recommends that the following competitive conditions designed to prevent disruption to competition from voice providers that rely on Verizon's wholesale obligations today.

Costs

1. Merger-related expenses should not be passed through, directly or indirectly, in wholesale rates or other fees paid by competitive carriers (including but not limited to any costs incurred as a result of the transaction, Transition Agreement, Capgemini Agreement, systems design and implementation, testing and training). [Testimony pp. 16,17]

Rural Status and 251 (b) and (c) obligations.

1. FairPoint must be prohibited, *in perpetuity*, from seeking or receiving treatment as a rural telephone company or any exemptions, modifications or suspensions from interconnection under Sections 251(f)(1) or 251(f)(2) of the federal Telecommunications Act of 1996, as amended. Fairpoint has stated in testimony and in discovery that it does not intend to seek an exemption under 251(f)(1), but this should be extended to include 251(f)(2) in perpetuity, and should be made a condition of approval of this transaction. [Testimony pp. 15,30-32]

Interconnection Agreements, Rates and Facilities.

1. FairPoint should be required to permit requesting carriers to extend existing interconnection agreements, regardless of whether the initial or current term has expired, for a period of three years post closing. During this period, the interconnection agreement may be terminated only via the carrier's request. [Testimony p. 45]
2. Rates, including transit service, intrastate access, reciprocal compensation and TELRIC 252(c)(2) interconnection facilities should remain the same for a minimum of 3 years after the close date. [Testimony pp. 32-41]
3. FairPoint should be required to give the industry capacity notification when switches reach 70% capacity. [Testimony p. 47]
4. FairPoint must adopt at minimum, Verizon's standard business rules and intervals on trunk ordering. [Testimony pp. 48-50]

5. FairPoint should increase the threshold to define a “project” with respect to trunk ordering from 9 DS1s to 28 DS1s. [Testimony p. 49]

Operational Support Systems.

1. The TSA should remain in place, and Verizon should be required to maintain all back office systems available to FairPoint and competitive providers after cutover and until all parties report back to the Board the FairPoint systems are functioning in a manner that is, at minimum, at parity with the manner they were functioning prior to cutover. [Testimony p. 55]
2. To avoid the disruption and failure of back office systems that occurred in Hawaii, FairPoint should be required to present a complete and comprehensive Cutover Plan, including a project plan for training, testing, implementation at least 12 months prior to any planned cutover of Verizon systems to Fairpoint. [Testimony pp. 55,56]
3. FairPoint must commit to an agreed upon collaborative process with competitive carriers to inform carriers of changes and to test systems both in test and live environments, prior to implementation. [Testimony pp. 55, 56].
4. Cutover of all systems should not occur as a single flash event. Based on events in Hawaii, it is critical for systems to cut over one at a time to determine if the relevant system is functioning properly before other systems are permitted to cutover. [Testimony pp. 63,64]
5. Implementation of any systems changes must be restricted to weekends and during the maintenance window, in order to minimize impact to CLEC operations. [Testimony p. 63,64]
6. All back office interfaces should be required to be based upon industry standards and Verizon current system specifications and should be fully automated with electronic bonding in the manner in which Verizon’s systems are today. [Testimony p. 60]

Porting.

1. As a condition of approval, FairPoint must be required to commit to industry standard porting intervals. [Testimony p. 58]
 - a. FOC 24 hours
 - b. 3 business day interval for simple ports, which includes ports where the subscriber is canceling FairPoint DSL
 - c. Weekend porting

Training and Documentation.

1. FairPoint must commit to training, at minimum, in a manner that is at parity with what Verizon provides today at no cost to competitive providers. [Testimony pp. 60-62]
2. FairPoint must commit to a monthly CLEC User Forum (CUF) during which CLECs are notified of systems changes, and the changes are discussed, new issues from CLECs are addressed and tracked and feedback is given. [Testimony pp. 60-62]
3. FairPoint must commit to publishing a CLEC Handbook and wholesale business customer website that addresses specifications, timelines and intervals for various activities. FairPoint has indicated that they have not yet decided whether they will adopt the Verizon Handbook, change it or create a new one at all. The Handbook and current wholesale website provide certainty of processes and business rules and is important for CLECs. FairPoint must create a comparable resource for CLECs. [Testimony pp. 60-62]
4. FairPoint must commit to dedicated account managers that work with Comcast specifically to address not only day to day activities, but special orders and projects between the two companies. A FairPoint account representative should be required to continue to meet regularly, either bi-weekly or weekly as negotiated during the transition and for the first 12 months post Cutover to discuss ongoing projects. [Testimony pp. 60-62]

Poles

1. FairPoint must establish a license administration group that has adequate resources to meet is existing outside plant commitments to third party attachers. [Testimony p. 81]
2. FairPoint should maintain Verizon pole attachments rates, terms and conditions, including unit cost charges for make ready, through at least cutover [Testimony p. 81]
3. FairPoint should maintain use of Verizon's pole attachment administrative forms and procedures [Testimony p. 81]

Third Party Testing

1. FairPoint must retain an independent third party to test and audit the readiness of FairPoint's systems for cutover. [Testimony pp. 62-72]

2. FairPoint is solely responsible for paying the expense of the third party tester. [Testimony pp. 62-72]
3. The Commission must approve the testing process, including the selection of the tester and the methods used by the third party tester to verify the readiness of FairPoint's wholesale related OSS systems. [Testimony pp. 62-72]
4. Testing should involve FairPoint, Verizon, competitive carriers, the third-party tester, and Commission staff members. [Testimony pp. 62-72]
5. Testing must demonstrate the ability of OSS systems to operate at adequate flow levels and handle the typical range of problems encountered in a commercial setting. [Testimony pp. 62-72]