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October 31, 2003

VIA FAX AND UPS OVERNIGHT

Jeffrey A. Masoner  
Vice President Interconnection Services  
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2003 NOV - 3 AM 10:01  
IDAHO PUBLIC  
UTILITIES COMMISSION

Re: Verizon Notice of Discontinuance and Contract Amendment

Dear Mr. Masoner:

The undersigned Competitive Carriers hereby respond to Verizon's unreasonable, unacceptable and invalid "Notice of Discontinuation of Unbundled Network Elements" dated October 2, 2003 (the "Industry Notice"). First and foremost, the Verizon Industry Notice constitutes an impermissible attempt to unilaterally modify the terms of interconnection agreements existing between Verizon and the Competitive Carriers. While certain items contained in the Federal Communications Commission's Triennial Review Order are self-executing, such as the clarification that ILECs must perform routine network modifications to provision UNE orders, Verizon has attempted to label all changes that it apparently believes inure to its benefit as being subject to automatic implementation, while subjecting all other provisions of the Triennial Order to a negotiated amendment process. This is inappropriate and in violation of applicable law.

The FCC already has rejected the proposition advanced by Verizon's sister RBOCs that ILECs should be permitted to "override the Section 252 process and unilaterally change all interconnection agreements."<sup>1</sup> Instead, the FCC made clear that "individual carriers should be allowed the opportunity to negotiate specific terms and conditions necessary to translate our rules into the commercial environment, and to resolve disputes over any new

<sup>1</sup> TRO, ¶ 701.

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agreement language arising from differing interpretations of our rules.”<sup>2</sup> The Competitive Carriers will negotiate amendments to existing agreements and/or replacement agreements, subject to procedures agreed upon by the parties or specified in their interconnection agreements.

Furthermore, Verizon's position is contradicted by its own promulgation of a proposed amendment to the parties' interconnection agreements, which amendment purports to implement (among other holdings) the items that Verizon claims to be implementing through unilateral action. While each Competitive Carrier has its own interconnection agreement and specific relationship with Verizon, the Competitive Carriers are in agreement that Verizon may not discontinue the provisioning of any unbundled network elements based simply upon the distribution of an industry-wide form letter like the Industry Notice. Thus, Verizon is hereby provided with formal notice that it may take no action to cease the provisioning of unbundled network elements, nor any other action inconsistent with the terms of the parties' interconnection agreement, until such time as each agreement is duly amended or replaced.

By copy of this letter, we are requesting that each of the state commissions please take notice of this correspondence, and consider convening a mediation session and/or establishing procedures to address issues pertaining to the appropriate implementation of the Triennial Review Order as it relates to interconnection agreements.

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<sup>2</sup>

TRO, ¶ 700.

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Sincerely yours,



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Hawaii Public Utilities Commission  
Idaho Public Utilities Commission  
Illinois Commerce Commission  
Indiana Utility Regulatory Commission  
Maine Public Utilities Commission  
Maryland Public Service Commission  
Massachusetts Department of Telecommunications & Energy  
Michigan Public Service Commission  
Public Utilities Commission of Nevada  
New Hampshire Public Utilities Commission  
New Jersey Board of Public Utilities  
New York Public Service Commission  
North Carolina Utilities Commission  
Public Utilities Commission of Ohio  
Oregon Public Utility Commission  
Pennsylvania Public Utility Commission  
Rhode Island Public Utilities Commission  
South Carolina Public Service Commission  
Texas Public Utility Commission  
Vermont Public Service Board  
Virginia State Corporation Commission  
District of Columbia Public Service Commission  
Washington Utilities & Transportation Commission  
West Virginia Public Service Commission  
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