

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

Statement of Company's Reservation of Objections and/or Adjustment Provisions

The rates and changes are filed in accordance with the Federal Communications Commission's Order on Remand issued on February 4, 2005, in WC Docket No. 04-313 and CC Docket No. 01-338 (the "Triennial Review Remand Order"), and are without prejudice to any objections that the Company may interpose to the provisions of that order in any appropriate proceeding. The Company specifically reserves such objections, as well as its right to further modify this tariff based on subsequent changes in the governing law.

A. Implementation of Triennial Review Remand Order1) General

- (a) This Section 4 implements certain provisions of the Order on Remand issued by the Federal Communications Commission on February 4, 2005, in WC Docket No. 04-313 and CC Docket No. 01-338 (the "Triennial Review Remand Order"), and of the regulations promulgated by the FCC pursuant to that order. In some cases, this Section 4 also implements provisions of the FCC's August 2003 *Triennial Review Order* (and the regulations promulgated by the FCC pursuant to that Order) that were reaffirmed, clarified or extended in the *Triennial Review Remand Order*.
- (b) For purposes of this Section 4, the terms "business line," "mobile wireless service," "fiber-based collocater," and "wire center" shall have the meanings set forth in 47 C.F.R. § 51.5, as in effect on and after March 25, 2005.
- (c) To the extent that the Telephone Company is not required to provide any unbundled network element on a standalone basis pursuant to the Triennial Review Remand Order and 47 C.F.R. Part 51, as in effect on or after March 25, 2005, it will to the same extent not provide any such element as part of an unbundled element combination. By way of illustration and not limitation, the Telephone Company will not be required to provide UNE Platform Service as described in Section 3, B.1.j.1 under this tariff to the extent that it is not required to provide standalone UNE local circuit switching under federal law.

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IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)1) General (Cont'd)

- (d) An OTC's submission to the Telephone Company of an order for unbundled DS1 or DS3 loops, or unbundled DS1, DS3, or dark fiber dedicated transport, shall constitute a certification that, to the best of the OTC's knowledge based on diligent inquiry, the order is consistent with the restrictions set forth below in A.(2)(a)(i), A.(2)(b)(i), A.(2)(c)(i), A.(3)(b)(i), A.(3)(c)(i), and A.(3)(d)(i), and that the OTC is entitled to unbundled access to the network element or elements ordered. Such diligent inquiry shall include review of lists, to be provided by the Telephone Company, of the central offices that meet specified criteria relating to the number of business lines that are served and the number of fiber-based collocators that are present. If the Telephone Company challenges such certification, and if it is determined, after completion of the applicable dispute resolution process, that the OTC was not entitled to unbundled access to such element or elements, then the OTC will be back billed to the date on which the element was first provisioned, in the amount of the difference between the rate applicable to unbundled access to the network element in question and the rate that would otherwise be charged for the use of that element.

(2) Loops(a) DS1 Loops(i) Limitations on Unbundling Obligation

Notwithstanding any other provision of this tariff, and subject to the transition plan described in A.(2)(a)(ii), below, the Telephone Company will not provide unbundled access to DS1 loops to any extent beyond that required by 47 C.F.R. § 51.319(a)(4)(i), as in effect on and after March 25, 2005. Moreover, pursuant to id. § 51.319(a)(4)(ii), as in effect on and after such date, a requesting OTC may not obtain more than ten unbundled DS1 loops to any single building in which DS1 loops are available as unbundled loops.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(2) Loops (Cont'd)(a) DS1 Loops (Cont'd)(ii) Transition Plan

For the 12-month transition period beginning on March 25, 2005 and ending March 10, 2006, any DS1 loop UNEs that an OTC leases from the Telephone Company as of that date, but which the Telephone Company is not obligated to unbundle pursuant to federal law as described in A.(2)(a)(i), above, shall be available for lease from the Telephone Company at a rate equal to 115% of the rate the requesting OTC paid for the loop element on June 15, 2004. The rate in effect on June 15, 2004 is shown below. Where the Telephone Company is not required to provide unbundled DS1 loops pursuant to federal law as described in A.(2)(a)(i), above, requesting OTCs may not obtain new DS1 loops as unbundled network elements on or after March 25, 2005.

DS1 Rate in Effect June 15, 2004:Recurring

DS1 Loop, per loop, per month

Density Cell 1

\$117.90

(b) DS3 Loops(i) Limitations on Unbundling Obligation

Notwithstanding any other provision of this tariff, and subject to the transition plan described in A.(2)(b)(ii), below, the Telephone Company will not provide unbundled access to DS3 loops to any extent beyond that required by 47 C.F.R. § 51.319(a)(5)(i), as in effect on and after March 25, 2005. Moreover, pursuant to id. § 51.319(a)(5)(ii), as in effect on and after such date, a requesting OTC may not obtain more than a single unbundled DS3 loop to any single building in which DS3 loops are available as unbundled loops.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(2) Loops (Cont'd)(b) DS3 Loops (Cont'd)(ii) Transition Plan

For a 12-month transition period beginning on March 25, 2005 and ending March 10, 2006, any DS3 loop UNEs that an OTC leases from the Telephone Company as of that date, but which the Telephone Company is not obligated to unbundle pursuant to federal law as described in A.(2)(b)(i), above, shall be available for lease from the Telephone Company at a rate equal to 115% of the rate the requesting OTC paid for the loop element on June 15, 2004. The DS3 rate in effect as of June 15, 2004 is shown below. Where the Telephone Company is not required to provide unbundled DS3 loops pursuant to A.(2)(b)(i), above, requesting OTCs may not obtain new DS3 loops as unbundled network elements on or after March 25, 2005.

DS3 Rate in Effect June 15, 2004:Recurring

DS3 Loop, per loop,
per month

Density Cell 1

\$915.64

(c) Dark Fiber Loops(i) Limitations on Unbundling Obligation

Notwithstanding any other provision of this tariff, and subject to the transition plan described in A.(2)(c)(ii), below, the Telephone Company will not provide requesting OTCs with access to dark fiber loops on an unbundled basis. For purpose of this Section 4, A.(2)(c)(i), "dark fiber" is fiber within an existing fiber optic cable that has not yet been activated through optronics to render it capable of carrying communications services.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(2) Loops (Cont'd)(c) Dark Fiber Loops(ii) Transition Plan

For an 18-month transition period beginning on March 25, 2005 and ending September 10, 2006, any dark fiber loop UNEs that an OTC leases from the Telephone Company as of that date shall be available for lease from the Telephone Company at a rate equal to 115% of the rate in effect as of June 15, 2004, for that loop element. The dark fiber loop rates in effect as of June 15, 2004 are shown below. Requesting OTCs may not obtain new dark fiber loops as unbundled network elements on or after March 25, 2005.

DS3 Rate in Effect June 15, 2004:

	<u>Recurring</u>
Dark Fiber Loop Charge, Per Fiber Pair	
Density Cell 1	\$34.70
Density Cell 2	64.06
Density Cell 3	93.79
Density Cell 4	119.26

(d) Post-Transition Arrangements

OTCs that have unbundled UNE loop arrangements in place at the beginning of the transition periods described in A.(2)(a)(ii), (b)(ii), and (c)(ii), above, that would not be available as unbundled loops pursuant to federal law as described in A.(2)(a)(i), (b)(i), or (c)(i), above, must discontinue such arrangements, or else must convert them to alternative serving arrangements where such alternative arrangements are available from the Telephone Company. Orders for such discontinuance or conversion must be placed early enough, in light of the applicable provisioning intervals, to ensure that the orders can be fulfilled by the end of the transition period. If the OTC does not place timely orders to discontinue or convert any such unbundled loop arrangements, the arrangements will be disconnected at the end of the transition period.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(3) Dedicated Transport(a) Definition

For purposes of this Section 4, the term "route" is as defined in 47 C.F.R. § 51.319(e) (introductory paragraph) and the term "dedicated transport" is as defined in id. § 51.319(e)(1).

(b) DS1 Dedicated Transport(i) Limitations on Unbundling Obligations

Notwithstanding any other provision of this tariff, and subject to the transition plan set forth in A.(3)(b)(ii) below, the Telephone Company will not provide unbundled access to DS1 dedicated transport, as defined in the introductory paragraph of 47 C.F.R. § 51.319(e)(2)(ii), to an extent beyond that required by id. § 51.319(e)(2)(ii)(A), as in effect on and after March 25, 2005. Moreover, pursuant to id. § 51.319(e)(2)(ii)(B) as in effect on and after such date, a requesting OTC may not obtain more than ten unbundled DS1 dedicated transport circuits on each route where DS1 dedicated transport is available on an unbundled basis.

(ii) Transition Plan

For a 12-month transition period beginning on March 25, 2005 and ending March 10, 2006, any DS1 dedicated transport UNE that an OTC leases from the Telephone Company as of that date, but which the Telephone Company is not obligated to unbundle pursuant to federal law as described in A.(3)(b)(i), above, shall be available for lease from the Telephone Company at a rate equal to 115 percent of the rate set forth in Section 3, C.3.a. (the rate the Commission established between June 16, 2004, and March 11, 2005, for that dedicated transport element). Where the Telephone Company is not required to provide unbundled DS1 transport pursuant to federal law as described in (3)(b)(i), above, requesting OTCs may not obtain new DS1 transport as unbundled network elements on or after March 25, 2005.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(3) Dedicated Transport (Cont'd)(c) DS3 Dedicated Transport(i) Limitations on Unbundling Obligation

Notwithstanding any other provision of this tariff, and subject to the transition plan set forth in A.(3)(c)(ii) below, the Telephone Company will not provide unbundled access to DS3 dedicated transport, as defined in the introductory paragraph of 47 C.F.R. § 51.319(e)(2)(iii), to an extent beyond that required by id. §§ 51.319(e)(2)(iii)(A), as in effect on and after March 25, 2005. Moreover, pursuant to id. § 51.319(e)(2)(iii)(B) as in effect on and after such date, a requesting OTC may not obtain more than 12 unbundled DS3 dedicated transport circuits on each route where DS3 dedicated transport is available on an unbundled basis.

(ii) Transition Plan

For a 12-month transition period beginning on March 25, 2005 and ending March 10, 2006, any DS3 dedicated transport UNE that an OTC leases from the Telephone Company as of that date, but which the Telephone Company is not obligated to unbundle pursuant to federal law as described in A.(3)(c)(i), above, shall be available for lease from the Telephone Company at a rate equal to 115 percent of the rate set forth in Section 3, C.3.a. (the rate the Commission established between June 16, 2004, and March 11, 2005, for that dedicated transport element). Where the Telephone Company is not required to provide unbundled DS3 transport pursuant to federal law as described in A.(3)(c)(i), above, requesting OTCs may not obtain new DS3 transport as unbundled network elements on or after March 25, 2005.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(3) Dedicated Transport (Cont'd)(d) Dark Fiber Dedicated Transport(i) Limitations on Unbundling Obligation

Notwithstanding any other provision of this tariff, and subject to the transition plan set forth in A.(3)(d)(ii) below, the Telephone Company will not provide unbundled access to dark fiber dedicated transport, as defined in the introductory paragraph of 47 C.F.R. § 51.319(e)(2)(iv), to an extent beyond that required by id. §§ 51.319(e)(2)(iv)(A), as in effect on and after March 25, 2005.

(ii) Transition Plan

For an 18-month transition period beginning on March 25, 2005 and ending September 10, 2006, any dark fiber dedicated transport UNE that an OTC leases from the Telephone Company as of that date, but which the Telephone Company is not obligated to unbundle pursuant to federal law as described in A.(3)(d)(i), above, shall be available for lease from the Telephone Company at a rate equal to 115 percent of the rate set forth in Section 3, C.13 (the rate the Commission established between June 16, 2004, and March 11, 2005, for that dedicated transport element). Where the Telephone Company is not required to provide unbundled dark fiber transport pursuant to federal law as described in A.(3)(d)(i), above, requesting OTCs may not obtain new dark fiber transport as unbundled network elements on or after March 25, 2005.

(e) Post-Transition Arrangements

OTCs that have unbundled UNE DS1, DS3, or dark fiber dedicated transport arrangements in place at the beginning of the transition periods described in A.(3)(b)(ii), (c)(ii), and (d)(ii), above, that would not be available on an unbundled basis pursuant to federal law as described in A.(3)(b)(i), (c)(i), or (d)(i), above, must discontinue such arrangements or convert them to alternative serving arrangements, where such alternative arrangements are available from the Telephone Company. Orders for such discontinuance or conversion must be placed early enough, in light of the applicable provisioning intervals, to ensure that the orders can be fulfilled by the end of the transition period. If the OTC does not place timely orders to discontinue or convert any such unbundled dedicated transport arrangements, the arrangements will be disconnected at the end of the transition period.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(3) Dedicated Transport(f) Entrance Facilities

- (i) Notwithstanding any other provision of this tariff, the Telephone Company will not provide a requesting OTC with unbundled access to entrance facilities on or after October 1, 2005. Entrance facilities are dedicated transport facilities that do not connect a pair of Telephone Company wire centers or switches.
- (ii) OTCs that have unbundled entrance facilities in place as of the effective date of this tariff must discontinue such arrangements or convert them to alternative serving arrangements, where such alternative arrangements are available from the Telephone Company. Orders for such discontinuance or conversion must be placed early enough, in light of the applicable provisioning intervals, to ensure that the orders can be fulfilled by October 1, 2005. Any entrance facilities that are not disconnected or converted to alternative facilities by October 1, 2005 will be billed on and after such date at rates equivalent to the applicable month-to-month special access rates available under Verizon's tariffs, and will no longer be treated as unbundled facilities.
- (iii) Nothing in this Section A.3.f. shall repeal, limit, or impair in any way the provisions of Section 3 B.1.k.1 relating to the discontinuance of Dark Fiber Channel Terminations.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(4) Local Circuit Switching: In General(a) Limitations on Unbundling Obligation

Notwithstanding any other provision of this tariff – but subject to the transition plan described in A.(4)(b), below, the Telephone Company will not provide access to local circuit switching on an unbundled basis to requesting OTCs for the purpose of serving end-user customers using DS0 capacity loops ("DS0 Local Circuit Switching"), regardless of the number of such DS0-capacity loops provided at any given location or to any particular customer.

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(b) Transition Plan

(i) Each requesting OTC shall migrate its embedded base of end-user customers off of the unbundled DS0 Local Circuit Switching element to alternative arrangements by March 10, 2006.

(ii) Notwithstanding A.(4)(a), above, for a 12-month transition period from March 25, 2005 to March 10, 2006, the Telephone Company shall provide access to DS0 Local Circuit Switching on an unbundled basis for a requesting carrier to serve its embedded base of end-user customers. For purposes of this A.(4)(b)(ii), serving an OTC's embedded base does not include placing orders for new unbundled DS0 Local Circuit Switching arrangements, whether or not used to serve existing customers, nor does it include "moves" that involve the disconnection of an existing DS0 Local Circuit Switching arrangement and the re-establishment of such arrangement at a different location. The price for unbundled DS0 Local Circuit Switching in combination with unbundled DS0 capacity loops and shared transport obtained pursuant to this paragraph shall be the rates set forth in Section 3, C.2.b.,c. and d. (the rates the Commission established between June 16, 2004, and March 11, 2005) for that combination of network elements, plus one dollar. Requesting OTCs may not obtain new DS0 Local Circuit Switching as an unbundled network element on or after March 25, 2005.

IMPLEMENT TRIENNIAL REVIEW REMAND ORDER

A. Implementation of Triennial Review Remand Order (Cont'd)(4) Local Circuit Switching: In General (Cont'd)(c) Post-Transition Arrangements

OTCs that have unbundled DS0 Local Circuit Switching arrangements in place as of March 25, 2005 must discontinue such arrangements or convert them to alternative serving arrangements. Orders for such discontinuance or conversion must be placed early enough, in light of the applicable provisioning intervals, to ensure that the orders can be fulfilled by the end of the transition period. If the OTC does not place timely orders to discontinue or convert any such DS0 Local Circuit Switching arrangements, the arrangements will be discontinued by the Telephone Company at the end of the transition period.

(d) Related Elements

Notwithstanding any other provision of this tariff, the Telephone Company will not provide to a requesting OTC unbundled elements related to the unbundled DS0 Local Circuit Switching element, as described in 47 C.F.R. § 51.319(d)(4), to an extent beyond that required by such regulation, as in effect on and after March 25, 2005.

(e) Limitations Related to Enterprise Switching Preserved

Nothing in this A.(4) overrides or alters in any way the limitations on the Telephone Company's obligation to provide unbundled access to certain types of "enterprise" local switching and related elements, as set forth in 47 C.F.R. § 51.319(d)(3).

(5) Other Limitations on Unbundled Access

Notwithstanding any other provision of this tariff, a requesting OTC may not access an unbundled network element pursuant to this tariff for the exclusive provision of mobile wireless services or interexchange services.