10. Unbundled Dark Fiber
10.1 General

10.1.1	Description	
A.	For purposes of this Part B, Section 10, the terms "business line," "fiber-based collocator," and "wire center" shall have the meanings set forth in 47 C.F.R. § 51.5, as in effect on and after March 11, 2005.	(N)
B.	**Dark Fiber Loops -** This Part B, Section 10.1.1.B 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.	
1.	**Limitations on Unbundling Obligation -** Notwithstanding any other provision of this tariff, and subject to the transition plan described in Part B, Section 10.1.1.B.2, below, the Telephone Company will not provide requesting TCs with access to dark fiber loops on an unbundled basis. For purpose of this Part B, Section 10.1.1.B, "dark fiber" (as defined in 47 C.F.R. § 51.319(a)(6)(ii)), is fiber within an existing fiber optic cable that has not yet been activated through optronics to render it capable of carrying communications services.	
2.	**Transition Plan -** For an 18-month period beginning on March 11, 2005, any dark fiber loop UNEs that a TC leases from the Telephone Company as of that date, but which the Telephone Company is not obligated to unbundle pursuant to Part B, Section 10.1.1.B.1, above, shall be available for lease from the Telephone Company at a rate equal to the higher of (1) 115% of the rate the requesting TC paid for the loop element on June 15, 2004, or (2) 115% of the rate the Commission has established or establishes, if any, between June 16, 2004 and March 11, 2005 for that dark fiber loop element. Requesting TCs may not obtain new dark fiber loops as unbundled network elements on or after March 11, 2005.	
C.	**Dark Fiber Dedicated Transport -** This Part B, Section 10.1.1.C 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.	
1.	**Limitations on Unbundling Obligation -** Notwithstanding any other provision of this tariff, and subject to the transition plan set forth in Part B, Section 10.1.1.C.2, 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 47 C.F.R. §§ 51.319(e)(2)(iv)(A), as in effect on and after March 11, 2005.	
2.	**Transition Plan -** For a 18-month period beginning on March 11, 2005, any dark fiber dedicated transport UNE that a TC leases from the Telephone Company as of that date, but which the Telephone Company is not obligated to unbundle pursuant to Part B, Section 10.1.1.C.1, above, shall be available for lease from the Telephone Company at a rate equal to the higher of (1) 115 percent of the rate the requesting TC paid for the dedicated dark fiber transport element on June 15, 2004, or (2) 115 percent of the rate the Commission has established or establishes, if any, between June 16, 2004, and March 11, 2005, for dark fiber dedicated transport. Where the Telephone Company is not required to provide unbundled dark fiber dedicated transport pursuant to Part B, Section 10.1.1.C.1, above, requesting TCs may not obtain new dark fiber transport as unbundled network elements on or after March 11, 2005.	(N)

10. Unbundled Dark Fiber
10.1 General

10.1.1	Description	
D.	**Post-transition Arrangements -** TCs that have unbundled dark fiber loops or unbundled dark fiber dedicated transport arrangements in place at the end of the transition periods described in Part B, Sections 10.1.1.B.2 and 10.1.1.C.2, 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 should 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 TC places the order for conversion of such unbundled dark fiber loops or unbundled dark fiber transport prior to the end of the transition period, and the Telephone Company is not able to complete the order before the end of the transition period, the Telephone Company will continue to provide the service beyond the transition period until the order is completed at the applicable rates for analogous non-UNE services. If the TC does not place orders before the end of the transition period to discontinue or convert any such unbundled dark fiber loop or unbundled dedicated transport arrangements, the arrangements will be disconnected at the end of the transition period.	(T) (N) (N) (T)(N)
E.	Pursuant to 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 the regulations promulgated by the FCC pursuant to that order, a TC's submission to the Telephone Company of an order for unbundled dark fiber dedicated transport shall constitute a certification that, to the best of the TC's knowledge based on diligent inquiry, the order is consistent with the restrictions set forth in Part B, Section 10.1.1.C.1, above, and that the TC is entitled to unbundled access to the network element ordered. Such diligent inquiry shall include review of lists to be provided by the Telephone Company on its wholesale web site of the wire centers 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 TC was not entitled to unbundled access to such element, then the TC will be backbilled 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.	
1.	Part B, Section 13 of this tariff identifies the central offices in the Telephone Company's service area that as of the effective date of this tariff are either "Tier 1" or "Tier 2" wire centers, as defined in the *Triennial Review Remand Order*. Notwithstanding any other provision of this tariff, the Telephone Company is not required to provide, and will not process orders for unbundled dark fiber transport between any wire center that is marked "Yes" in either the Tier 1 column or the Tier 2 column contained in Part B, Section 13 of this tariff, and any other wire center that is marked "Yes" in either of such columns.	(N) (N)
2.	Dark fiber provides a TC with an unlit continuous fiber optic strand within an existing, in-place Telephone Company fiber optic cable sheath solely for use in the provision of telecommunications services.	(T)
3.	A strand is not considered continuous if splicing is required to provide fiber continuity between locations except as provided for in 10.2.1 following. A dark fiber UNE consists of two fiber strands.	(T) (T)
F.	In accordance with the Federal Communication Commission's Report and Order and Order on Remand and Further Notice of Proposed Rulemaking released on August 21, 2003 in CC Docket Nos. 01-338, 96-98, and 98-147 (the "Triennial Review Order"), beginning on April 29, 2004 Verizon will no longer provision new orders for IOF Dark Fiber between the TC collocation arrangements in the Telephone Company central offices and the TC's central office (Dark Fiber IOF Channel Terminations) as an unbundled network element under the terms and conditions of this tariff except as otherwise required under an effective interconnection agreement between the Telephone Company and the TC.	

10. Unbundled Dark Fiber
10.1 General

10.1.1	Description	
F.	(Continued) Existing Dark Fiber Channel Termination arrangements will be discontinued on April 29, 2004, except as otherwise required under an effective interconnection agreement between the Telephone Company and the TC.	(X) (X)
G.	The Telephone Company provides access to the following types of dark fiber.	
1.	**Loop Dark Fiber—** is provided between the TC's collocation arrangement in the Telephone Company's central office and the end user's premises in the same serving wire center.	
2.	**IOF Dark Fiber—** is provided between TC collocation arrangements in Telephone Company central offices or between such arrangements and the TC's central office.	
H.	Dark fiber is only available where in-place, spare facilities exist. The Telephone Company will not construct new or additional facilities and will not introduce additional splice points to accommodate dark fiber requests.	
I.	Dark fiber is provided subject to the availability of facilities on a first-come, first-served basis. Reservations for dark fiber are not accepted.	
J.	The Telephone Company reserves the right to petition for relief from its obligation to provide dark fiber if it believes that a TC request would strand an unreasonable amount of fiber capacity or would result in service disruption or degradation of service to other customers.	

10.1.2	Ordering Conditions
A.	Prior to ordering a dark fiber UNE, a TC must submit a dark fiber inquiry form to have the Telephone Company conduct a review of its existing cable records to determine whether spare dark fiber is available. Written inquiries for a dark fiber UNE must designate the two locations between which dark fiber is desired and the quantity of fiber pairs requested. Additional locations will require additional inquiries.
1.	If the records indicate that spare fiber exists, the Telephone Company will notify the TC and provide the estimated mileage. This does not constitute a reservation, and the Telephone Company does not guarantee that spare fiber will be available at the time the TC places an order.
2.	The TC may proceed to place an order for a dark fiber UNE via an ASR any time following completion of the inquiry.

10.1.3	Additional Engineering Services
A.	At the option of the TC, the following additional engineering services regarding dark fiber are available.
1.	**Fiber Layout Map—** A TC may request a fiber layout map for a wire center for preliminary design purposes only. Fiber layout maps are based upon the Telephone Company's existing records and are provided subject to a proprietary agreement. The map will show the streets within the wire center where there are existing Telephone Company fiber cable sheaths.
2.	**Cleaning Connectors—** A TC may request that the Telephone Company clean the connectors on an unbundled dark fiber network element in order to remove non-imbedded contaminants. The TC will be charged time and materials for all work performed related to cleaning connectors.
3.	**Retrofitting Connectors—** A TC may request the Telephone Company to retrofit older connectors on an unbundled dark fiber network element fiber with the Telephone Company's currently approved connectors in order to try to improve the transmission characteristics of the network element. The Telephone Company will not retrofit older connectors if there is a risk of disrupting existing fiber optic services in the same ribbon. As standard business practice calls for all connectors in a ribbon to be retrofitted at the same time, the TC will be charged time and materials to retrofit every connector on a ribbon and for all work performed related thereto.

10. Unbundled Dark Fiber
10.2 Responsibility of the Telephone Company

10.2.1	Description
A.	The Telephone Company does not guarantee or make any warranty with respect to the accuracy or completeness of its cable records.
B.	Dark fiber, where available, conformed to those Telephone Company standard transmission characteristics in place at the time the fiber was installed.
C.	The Telephone Company does not guarantee the transmission characteristics of dark fiber will remain constant over time.
D.	The Telephone Company will not re-terminate or re-splice fibers in order to improve transmission characteristics.
E.	Where dark fiber terminates in a location other than a Telephone Company wire center, the Telephone Company will place a jumper cable connecting the unbundled dark fiber on the Telephone Company's hard termination point to the TC's fiber patch panel.
F.	Where dark fiber terminates at a collocation arrangement, the Telephone Company will place a jumper cable connecting the unbundled dark fiber on the Telephone Company's fiber distribution frame to the TC's POT bay.
G.	The Telephone Company will not require collocation at an intermediate office if it can provide intermediate cross connections between fiber distribution frames or can splice fibers at any technically feasible point in the intermediate office(s).

10. Unbundled Dark Fiber
10.3 Responsibility of the TC

10.3.1	Description
A.	The TC is responsible for determining whether the transmission characteristics of the dark fiber provided by the Telephone Company will accommodate its requirements.
B.	The TC is responsible for obtaining any governmental or private property permit, easement or other authorization or approval required for access to dark fiber, such as to open manhole covers.
C.	Establishment of applicable fiber optic transmission equipment needed to power unbundled dark fiber in order to transmit information is the responsibility of the TC.
D.	The TC assumes all risks associated with the unforeseen introduction of future splices on dark fiber.
E.	The TC is responsible for establishing a fiber patch panel which will serve as the demarcation point when dark fiber terminates in a location other than a Telephone Company wire center.
F.	The TC is responsible for ensuring that appropriate cross connects and POT Bay terminations are in place prior to submitting an order for unbundled dark fiber.

10. Unbundled Dark Fiber
10.4 Application of Rates and Charges

10.4.1	NRCs
A.	The following NRCs apply (refer to Part A, Section 3).
1.	Service Order (on a standard basis or on an expedited basis, as appropriate)
2.	Service Connection-CO Wiring (on a standard basis or on an expedited basis, as appropriate)
3.	Service Connection-Other (on a standard basis or on an expedited basis, as appropriate)
4.	Installation Dispatch Out (on a standard basis or on an expedited basis, as appropriate)
5.	Service Date Change
B.	**Record Review Charge—** Applies per unbundled dark fiber ordered.

10.4.2	Monthly Rates
A.	**Mileage Measurement—** Mileage will be measured using the V&H coordinates method between the two locations as set forth in the NECA Tariff FCC No. 4. Any fractional unit will be rounded up to the next higher unit before applying rates.
B.	**Dark Fiber IOF Mileage—** Applies on a per mile basis, per fiber pair, when IOF dark fiber is between two Telephone Company offices. A minimum of one mile applies.
C.	**Dark Fiber Loop Mileage—** Applies on a fixed and a per quarter mile basis, per fiber pair. A minimum of one quarter mile applies.
D.	**Dark Fiber Channel Termination Rate—** Applies on a fixed and per quarter mile basis, per fiber pair, when IOF dark fiber is between a Telephone Company office and a TC office within the same serving wire center. A minimum of one quarter mile applies.
E.	**Serving Wire Center Rate—** Applies per fiber pair, for each end originating or terminating at a Telephone Company office.

10.4.3	Time and Materials
A.	Time and Materials rates and charges apply as follows.
1.	When a TC requests a fiber layout map.
2.	When a TC requests the Telephone Company to clean connectors, per connector cleaned.
3.	When a TC requests the Telephone Company to retrofit connectors, per connector upgraded.
4.	When A TC requests the Telephone Company to splice fibers at any technically feasible point in an intermediate office.