

962-T-867

NOAFR 06-17

OFFICE OF THE PEOPLE'S COUNSEL
NOTICE OF AGENCY FUND REQUIREMENTS

FORMAL CASE NO. 962

OFFICIAL RECORD

RECEIVED
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OFFICE OF THE PEOPLE'S COUNSEL
DISTRICT OF COLUMBIA
U.S. SERVICE COMMISSION
Elizabeth A. Noël, Esq.
People's Counsel for
the District of Columbia

1133 15th Street, N.W.
Suite 500
Washington, D.C. 20005

December 8, 2006

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 - 1. Letters to Verizon Washington, D.C.; US Tel; InfoHighway; AT&T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; BTI; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services dated October 25, 2006, transmitting the Agency Administrator's preliminary Notice of Agency Fund Requirements.
 - 2. Agency Administrator's Recommended Notice of Agency Fund Requirements dated October 25, 2006
 - 3. Agency Administrator's proposed assessment order
 - 4. Case Manager's Statement of Need for Resources dated October 24, 2006
 - 5. Contract for the Formal Case No. 962 contractor
 - 6. Letter of objection from J. Henry Ambrose on behalf of Verizon and Verizon Access dated October 26, 2006
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Office of the People's Counsel District of Columbia



1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
202.727.3071 • FAX 202.727.1014 • TTY/TDD 202.727.2876

December 8, 2006

Elizabeth A. Noël
People's Counsel

Dorothy Wideman
Commission Secretary
Public Service Commission
of the District of Columbia
1333 H Street, NW
Washington, D.C. 20005

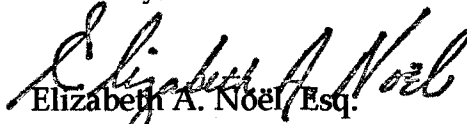
Formal Case No. 962
NOAFR 06-17

Dear Ms. Wideman:

Enclosed please find an original and eleven (11) copies of the Office of the People's Counsel's (the Office) Notice of Agency Fund Requirements (Notice) and proposed Public Service Commission Order (Proposed Order) in Formal Case No. 962 issuance of an order directing Verizon Washington, D.C.; US Tel; InfoHighway; AT&T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; One Communications; Cypress Communications Operating Company; Global Crossing Telemangement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services to make deposits to the Office's Agency Fund.

This Notice and Proposed Order are filed pursuant to D.C. Code, 2001 Ed. § 34-912 and D.C. Mun. Regs. tit. 15, § 2001.5 (1991) and are accompanied by the Official Record as compiled by the Office and relied upon by the People's Counsel in making the determination of need occasioning this Notice.

Sincerely,


Elizabeth A. Noël, Esq.
People's Counsel for
the District of Columbia

Enclosures

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OFFICE OF THE PEOPLE'S COUNSEL OF THE DISTRICT OF COLUMBIA
1133 15th STREET, N.W., SUITE 500, WASHINGTON, D.C. 20005-2710

NOTICE OF AGENCY FUND REQUIREMENTS

December 8, 2006

Formal Case No. 962

IN THE MATTER OF THE IMPLEMENTATION OF THE DISTRICT OF
COLUMBIA TELECOMMUNICATIONS COMPETITION ACT OF 1996 AND
IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996

PROCEDURAL HISTORY

On October 12, 2006, the Public Service Commission ("PSC" or "Commission") issued Order No. 14086 seeking input from the parties on issues remaining in Formal Case No. 962 after the release of PSC Order No. 14023 in Telephone Arbitration Case ("TAC") 19.

Pursuant to Order No. 14086, initial comments are due on October 27, and reply comments are due on November 13, 2006.

ASSESSMENT HISTORY

On October 25, 2006, the Agency Administrator for the Office of the People's Counsel ("OPC" or "Office") submitted the preliminary Notice of Agency Fund Requirements ("preliminary Notice") to Verizon Washington, D.C. ("Verizon") and the 22 other telecommunications carriers providing local service for "reasonable and necessary expenditures required to fully carry out"¹ OPC's statutory responsibilities "arising from any investigation, valuation, revaluation, or proceeding of any nature by the Commission."² The relevant alternative providers to which the preliminary Notice was sent were as follows:

1. 1-800 Reconnex, Inc. d/b/a US Tel
2. A.R.C. Networks d/b/a InfoHighway
3. AT&T Communications of Washington DC, LLC
4. ATX Licensing, Inc. d/b/a ATX Telecommunications Services

¹ D.C. Code, 2000 Ed. § 34-912(a)(2).

² *Id.* at § 34-912(a)(1).

5. Broadwing Communications, LLC f/k/a Focal Communications
6. Business Telecom, Inc. d/b/a BTI
7. CTC Communications Corp. d/b/a One Communications
8. Cypress Communications Operating Company
9. Global Crossing Telemanagement, Inc.
10. Lightwave Communications
11. Looking Glass Networks, Inc.
12. MCImetro Access Transmission Services, LLC d/b/a Verizon
Access Transmission Services
13. Metropolitan Telecommunications of DC d/b/a/ MetTel
14. NOS Communications
15. Paetec Communications, Inc.
16. Quantum Shift Communications, Inc.
17. Qwest Communications Corporation
18. Starpower Communications, LLC
19. Teleport Communications of Washington, DC, Inc.
20. US LEC of Virginia, LLC
21. VIC-RMTS-DC d/b/a Verizon Avenue
22. XO Communications Services, Inc.

In an October 30 letter AT&T objected to the preliminary Notice, questioning the equal allocation to all the parties. On October 26, Verizon and Verizon Access also provided a joint written objection, asserting they were unable to determine whether the contractor's work was reasonably related to the docket. In an October 31 letter, the attorney for Andre Temnorod asserted his client, who, according to the PSC's website is the Chief Operating Officer for Business Telecom, Inc., does not have and has never had any connection to Business Telecom. Finally, in a November 1 letter, MetTel concurred with AT&T and questioned the allocation.

On November 27, and December 1, OPC's Agency Administrator responded in writing to each of the objecting parties. Those responses acknowledged the objections, but finding them without merit. Further, the Agency Administrator advised that the objections as well as the Office's responses would be included in the official record.

ESTIMATED AGENCY FUND REQUIREMENTS

The Office of the People's Counsel ("OPC" or "Office") has statutory authority to assess Verizon Washington, D.C. ("Verizon") and the 21 other telecommunications carriers providing local service for "reasonable and necessary expenditures required to

fully carry out"³ its statutory responsibilities "arising from any investigation, valuation, revaluation, or proceeding of any nature by the Commission."⁴ The relevant alternative providers are as follows:

1. 1-800 Reconnex, Inc. d/b/a US Tel
2. A.R.C. Networks d/b/a InfoHighway
3. AT& T Communications of Washington DC, LLC
4. ATX Licensing, Inc. d/b/a ATX Telecommunications Services
5. Broadwing Communications, LLC f/k/a Focal Communications
6. Business Telecom, Inc. d/b/a BTI
7. CTC Communications Corp. d/b/a One Communications
8. Cypress Communications Operating Company
9. Global Crossing Telemanagement, Inc.
10. Lightwave Communications
11. Looking Glass Networks, Inc.
12. MCImetro Access Transmission Services, LLC d/b/a Verizon
Access Transmission Services
13. Metropolitan Telecommunications of DC d/b/a/ MetTel
14. NOS Communications
15. Paetec Communications, Inc.
16. Quantum Shift Communications, Inc.
17. Qwest Communications Corporation
18. Starpower Communications, LLC
19. Teleport Communications of Washington, DC, Inc.
20. US LEC of Virginia, LLC
21. VIC-RMTS-DC d/b/a Verizon Avenue
22. XO Communications Services, Inc.

OPC's participation in Formal Case No. 962 is consistent with its mandate to represent utility consumers.⁵ Pursuant to D.C. Code, 2001 Ed. §§ 34-804 and 34-2002(k)(8) and (m) and D.C. Mun. Regs. tit. 15, ch. 20. In light of the facts and circumstances detailed herein, the Office has determined the expenses incurred by it to be \$8,100.18 at this juncture of the proceeding, necessitating a deposit in this amount to the Office of the People's Counsel's Agency Fund. The Commission is respectfully requested to issue an order (a proposed draft of which is attached) directing Verizon; US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; One Communications; Cypress

³ D.C. Code, 2000 Ed. § 34-912(a)(2).

⁴ *Id.* at § 34-912(a)(1).

⁵ *Id.* at § 34-804.

Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services to deposit on or before December 22, 2006, the sum of \$368.19⁶ each for a total of \$8,100.18 in the Treasury of the District of Columbia, to the credit of the account, the "Office of the People's Counsel's Agency Fund."

SUPPORTING DATA

To discharge its statutory responsibilities in this matter effectively, the Office determined it required the technical services of J.W. Wilson & Associates. J.W. Wilson & Associates (Allen G. Buckalew).

Allen G. Buckalew is a telecommunications economist specializing in public utility regulation with particular interest in rate structure, cost of service, antitrust and industrial organization. Since joining J.W. Wilson & Associates in 1980, his research and analytic activities have included the areas of jurisdictional separations, license contracts, rate structure, rate base and competition in the telecommunications industry. Mr. Buckalew has previously provided services to the Office in a number of proceedings, including TT84-5, 87-5 and 91-3 and Formal Case Nos. 777, 850, 916, 920, 922 and 990.

The contract ceiling for J.W. Wilson & Associates is \$8,100 with out-of-pocket expenses to be specifically accounted. The contractor will be compensated at the hourly rate of \$200 for Allen G. Buckalew, the primary contractor. The total number of employees expected to be used is one.

MILLAGE LIMITS

The \$8,100.19 composite deposit required from Verizon and the 21 alternative telecommunications carriers providing local service is reasonable and well within the prescribed legal limits of D.C. Code, 2001 Ed. §§ 34-912 and 3-2002(m), which limits the Office's Agency Fund requests in matters relating to the regulation of local exchange carriers to a total of \$150,000. OPC's assessment of Verizon and the aforementioned alternative carriers is consistent with this statutory requirement. Accordingly, OPC's present Agency Fund Requirements of \$8,100.18 do not exceed the statutory limit.

⁶ In the preliminary Notice, the requested sum was \$352.17. Because of Business Telecom's objection that the named president on the PSC website had no relationship to the company, OPC has eliminated it as one of the parties, thereby necessitating the change in the amount to be paid by the parties.

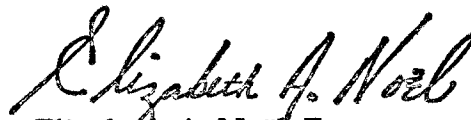
CONCLUSION

The determined Agency Fund Requirements of \$8,100.18 are necessary and appropriate to the mission of the Office, consistent with expenditures in similar cases, and reasonable in light of the complexity of the issues in this case. The contractor selection has been made in a manner that promotes both cost savings and efficiency while assuring effectiveness.

WHEREFORE: The Office of the People's Counsel has determined the estimated expenses that will be reasonably and necessarily incurred by it to discharge properly its statutory obligation in this proceeding, and hereby gives NOTICE OF OFFICE OF THE PEOPLE'S COUNSEL AGENCY FUND REQUIREMENTS to the Public Service Commission of the District of Columbia as indicated herein.

By this Notice, the Office of the People's Counsel requests the Commission to direct Verizon Washington, D.C.; US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; BTI; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services to deposit \$352.17 each for a total of \$8,100 into the Treasury of the District of Columbia, to the credit of the fiduciary fund account known as "Office of the People's Counsel Agency Fund" not later than five days following the Commission's order or ten days from the date this Notice is received by the Commission, whichever is first.

A TRUE COPY:



Elizabeth A. Noel, Esq.
PEOPLE'S COUNSEL, D.C.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., WASHINGTON, D.C. 20005**

ORDER

December __, 2006

FORMAL CASE NO. 962, IN THE MATTER OF THE IMPLEMENTATION OF THE DISTRICT OF COLUMBIA TELECOMMUNICATIONS COMPETITION ACT OF 1996 AND IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996,
Order No. ____

I. Introduction

On December 8, 2006, the Office of the People's Counsel "(OPC" or "Office") filed a Notice of Agency Fund Requirements in Formal Case No. 962. In its filing, the Office notified the Public Service Commission ("Commission") of the need for an order directing Verizon Washington, D.C. ("Verizon"); US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services to deposit \$368.19 each, the sum total of \$8,100.18, into the Treasury of the District of Columbia, to the credit of the fiduciary account known as the "Office of the People's Counsel Agency Fund" to meet expenses incurred by OPC in carrying out its statutory mandate to represent ratepayers in Formal Case No. 962.

The record reflects that on October 19, 2006, the Agency Administrator for the Office submitted a Preliminary Notice of Agency Fund Requirements ("preliminary Notice") to the 23 telecommunications carriers providing local service in the District, as well as copies of the Case Manager's written statement of need and the contract for the contractor retained by the Office in this proceeding.

In an October 25 letter AT&T objected to the preliminary Notice, questioning the equal allocation to all the parties. On October 26, Verizon and Verizon Access also provided a joint written objection, asserting it was unable to determine whether the contractor's work was reasonably related to the docket. In an October 31 letter, the attorney for Andre Temnorod asserted his client, who, according to the PSC's website is the Chief Operating Officer for Business Telecom, Inc., does not have and has never had any connection to Business Telecom. Finally, in a November 1 letter, MetTel concurred with AT&T and questioned the allocation.

On December 1, OPC's Agency Administrator responded in writing to each of the objecting parties. Those responses acknowledged the objections, but finding them without merit. Further, the Agency Administrator advised that the objections as well as the Office's responses would be included in the official record.

II. Discussion

To represent the ratepayers in Formal Case No. 962 before the Commission, OPC retained the technical services of J.W. Wilson & Associates.

Allen G. Buckalew is a telecommunications economist specializing in public utility regulation with particular interest in rate structure, cost of service, antitrust and industrial organization. Since joining **J.W. Wilson & Associates** in 1980, his research and analytic activities have included the areas of jurisdictional separations, license contracts, rate structure, rate base and competition in the telecommunications industry. Mr. Buckalew has previously provided services to the Office in a number of proceedings, including TT84-5, 87-5 and 91-3 and Formal Case Nos. 777, 850, 916, 920, 922 and 990.

The contract for J.W. Wilson & Associates is \$8,100 with out-of-pocket expenses to be specifically accounted. The contractor will be compensated at the hourly rate of \$200 for Allen G. Buckalew, the primary contractor.

III. Applicable Law

The Commission has reviewed the information submitted by the Office of the People's Counsel in support of this Notice. The Commission finds the Office as required by D.C. Mun. Regs. § 1405.2 has:

- (1) Provided the total amount sought from the utility and the alternative telecommunications carriers and the date on which payment is requested to be made by the utility;
- (2) Identified the contractor hired;
- (3) Described the qualifications of the contractor;
- (4) Described the work to be performed by the contractor;
- (5) Identified the number of persons to be employed by the contractor on the contract;
- (6) Provided the rate of compensation on an hourly basis for each person employed by the contractor; and

(7) Provided the ceiling for the contract.

The Commission is also required to determine whether the Office of the People's Counsel's Notice is consistent with relevant statutory authority. The statute provides that with respect to the regulation of local exchange carriers, OPC "shall expend no more than \$150,000 for the proceeding. . . ."¹ OPC's Agency Fund Requirements of \$8,100.18 do not exceed the statutory limit of \$150,000.

IV. Conclusion

In conclusion, the Commission finds this Notice of Agency Fund Requirements is:

- (1) consistent with the statutory authority of and rules issued by the Office;
- (2) supported by findings, which findings are sustained by substantial evidence in the record submitted with the Notice; and
- (3) is within the limitations enumerated in D.C. Code, 2001 Ed. §§ 34-912(a)(3) and 34-2002(m).

THEREFORE, IT IS ORDERED THAT:

No later than December __, 2006, Verizon Washington, D.C.; US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services are directed to deposit \$368.19 each, the sum total of \$8,100.18, in the Treasury of the District of Columbia, to the credit of the account known as the "Office of the People's Counsel Agency Fund."

A TRUE COPY:

BY DIRECTION OF THE COMMISSION

COMMISSION SECRETARY

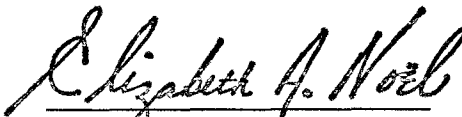
DOROTHY WIDEMAN

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¹ D.C. Code, 2001 Ed. § 34-2002(m).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 8th day of December 2006, an original and eleven (11) copies of the foregoing Office of the People's Counsel's Notice of Agency Fund Requirements in Formal Case No. 962 were hand-delivered to Dorothy Wideman, Commission Secretary, District of Columbia Public Service Commission, 1333 H Street, N.W., Washington, D.C. 20005, and that a copy was also served to the parties named on the attached list.

A handwritten signature in cursive script, reading "Elizabeth A. Noel". The signature is written in dark ink and is positioned above a horizontal line.

Elizabeth A. Noel, Esq.
People's Counsel, D.C.

SERVICE LIST
OFFICE OF THE PEOPLE'S COUNSEL'S
NOAFR 06-17

J. Henry Ambrose
Vice President, State Public Policy
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Washington, DC 20036

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AT&T Communications of
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Washington, DC 20036

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Director, Regulatory Affairs
Broadwing Communications
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Vice President, State Public Policy
Verizon Access Transmission Services
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Washington, D.C. 20036



Office of the People's Counsel District of Columbia

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Elizabeth A. Noël
People's Counsel

MEMORANDUM

December 6, 2006

TO: Elizabeth A. Noël
People's Counsel

FROM: Derryl Stewart King *ds*
Agency Administrator

SUBJECT: Formal Case No. 962 Agency Fund Determination

Pursuant to D.C. Mun. Regs., tit. 15, § 2001.7 (1991), I hereby submit for your consideration my recommended determination of the Office of the People's Counsel's Notice of Agency Fund Requirements in Formal Case No. 962. This record includes the following:

Letters to Verizon Washington, D.C.; US Tel; InfoHighway; AT&T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; BTI; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services dated October 19, 2006, transmitting the Agency Administrator's preliminary Notice of Agency Fund Requirements. This includes the following:

1. Agency Administrator's Recommended Notice of Agency Fund Requirements dated October 25, 2006
2. Agency Administrator's proposed assessment order
3. Case Manager's Statement of Need for Resources dated October 24, 2006

4. Contract for the Formal Case No. 962 contractor

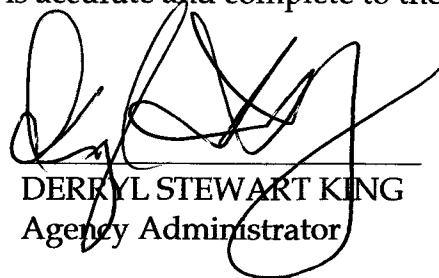
Letters of objection from the following:

1. Letter from J. Henry Ambrose on behalf of Verizon and Verizon Access dated October 26, 2006
2. Letter from Phillip S. Shapiro, Esq. on behalf of AT&T dated October 30, 2006
3. Letter from Alexander Gertsburg, Esq. on behalf of Andre Temnorod dated October 31, 2006
4. Letter from David Aronow on behalf of MetTel dated November 1, 2006

Responses of the Agency Administrator to the following:

1. Letter to Alexander Gertsburg, Esq. dated November 27, 2006
2. Letter to Phillip S. Shapiro, Esq. of AT&T dated December 1, 2006
2. Letter to J. Henry Ambrose of Verizon and Verizon Access dated December 1, 2006
3. Letter to David Aronow MetTel dated December 1, 2006

I hereby certify the record as herein above-described is accurate and complete to the best of my knowledge, information and belief.



DERRYL STEWART KING
Agency Administrator

Attachments



**Office of the People's Counsel
District of Columbia**

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
202.727.3071 • FAX 202.727.1014 • TTY/TDD 202.727.2876



October 25, 2006

Elizabeth A. Noël
People's Counsel

J. Henry Ambrose
Vice President, State Public Policy
Verizon Access Transmission Services
2055 L Street, 5th Floor
Washington, DC 20036

OVERNIGHT DELIVERY

Formal Case No. 962

Dear Mr. Ambrose:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Verizon Access Transmission Services, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), Verizon Access Transmission Services has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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Office of the People's Counsel District of Columbia

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
202.727.3071 • FAX 202.727.1014 • TTY/TDD 202.727.2876



October 25, 2006

Elizabeth A. Noël
People's Counsel

Lydia Pulley
Vice President and General Counsel
Verizon Washington, D.C., Inc.
2055 L Street, N.W.
Fifth Floor
Washington, D.C. 20036

OVERNIGHT DELIVERY

Formal Case No. 962

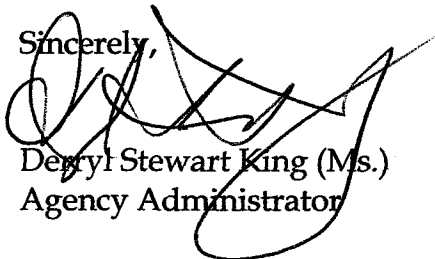
Dear Ms. Pulley:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Verizon, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), Verizon has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

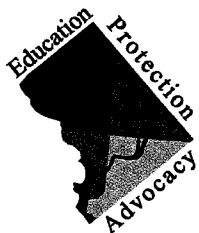
Sincerely,



Deryl Stewart King (Ms.)
Agency Administrator

Enclosures

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Office of the People's Counsel District of Columbia

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Timothy O'Hara
Manager
AT&T Communications of
Washington DC, LLC
1120 20th Street, NW, Suite 1000
Washington, DC 20036

OVERNIGHT DELIVERY

Formal Case No. 962

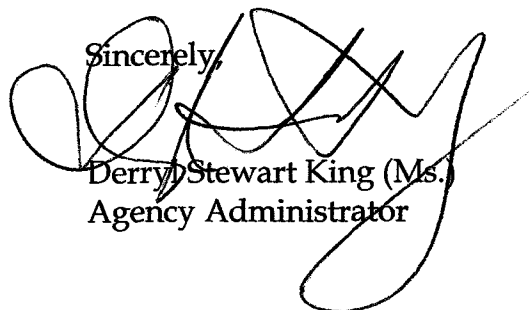
Dear Mr. O'Hara:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from AT&T, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), AT&T has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derry Stewart King (Ms.)
Agency Administrator

Enclosures

H:\Formal Cases\Teleco\Formal Case 962\NOAFR transmittal.wpd



**Office of the People's Counsel
District of Columbia**

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
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October 25, 2006

Elizabeth A. Noël
People's Counsel

Timothy O'Hara
Manager
Teleport Communications of
Washington DC, Inc.
1120 20th Street, NW, Suite 1000
Washington, D.C. 20036

OVERNIGHT DELIVERY

Formal Case No. 962


Dear Mr. O'Hara:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Teleport Communications of Washington DC, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), Teleport Communications of Washington DC has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Doreen Flash
Manager, External Affairs
ATX Licensing, Inc. d/b/a
ATX Telecommunications
3094 Village Green Drive
Westlake, OH 44145

OVERNIGHT DELIVERY

Formal Case No. 962

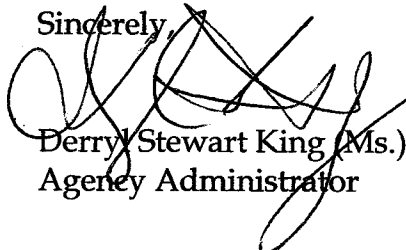
Dear Ms. Flash:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from ATX Telecommunications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), ATX Telecommunications has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

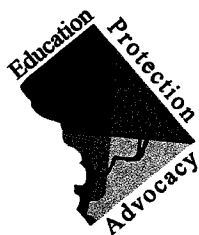
Sincerely,



Derry Stewart King (Ms.)
Agency Administrator

Enclosures

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Office of the People's Counsel District of Columbia

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Diane Peters
Director of Regulatory Affairs
Global Crossings Telemanagement, Inc.
1080 Pittsford Victor Road
Pittsford, NY 14534

OVERNIGHT DELIVERY

Formal Case No. 962

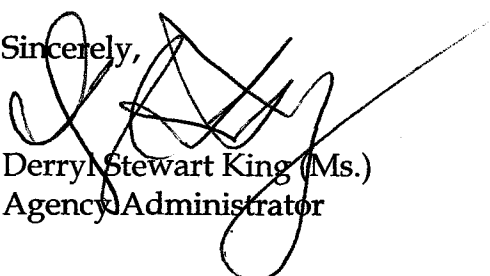
Dear Ms. Peters:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Global Crossings Telemanagement, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), Global Crossings Telemanagement has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Nicole Browne
Regulatory Analyst
Cypress Communications
15 Piedmont Center
3575 Piedmont Road, Suite 610
Atlanta, GA 30305

OVERNIGHT DELIVERY

Formal Case No. 962

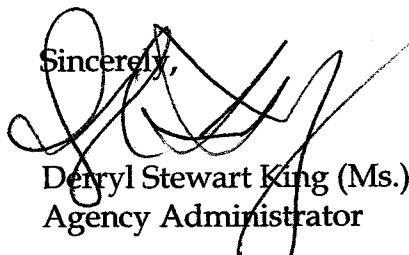
Dear Ms. Browne:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Cypress Communications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), Cypress Communications has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures



**Office of the People's Counsel
District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Jie Cui
Regulatory Reporting Analyst
CTC Communications Corporation
220 Bear Hill Road
Waltham, MA 02451

OVERNIGHT DELIVERY

Formal Case No. 962

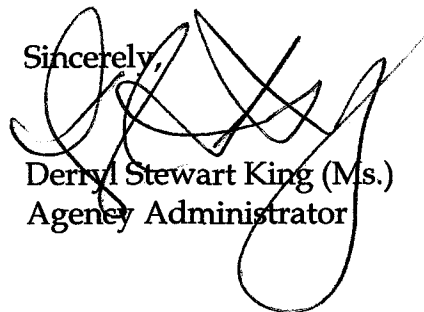
Dear Jie Cui:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from CTC Communications Corporation, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), CTC Communications Corporation has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Tadas Vaitkus
Comptroller
ARC Networks
d/b/a InfoHighway Communications
39 Broadway, 19th Floor
New York, NY 10006

OVERNIGHT DELIVERY

Formal Case No. 962

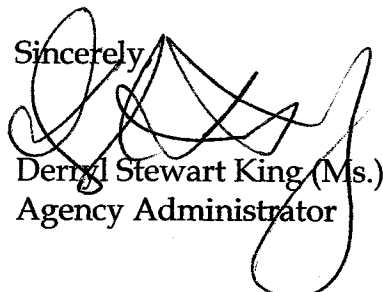
Dear Tadas Vaitkus:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from ARC Networks, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), ARC Networks has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures



Office of the People's Counsel District of Columbia

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
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October 25, 2006

Elizabeth A. Noël
People's Counsel

Andre Temnorod
Chief Operating Officer
Business Telecom, Inc.
1228 Euclid Avenue, Suite 390
Cleveland, OH 44115

OVERNIGHT DELIVERY

Formal Case No. 962

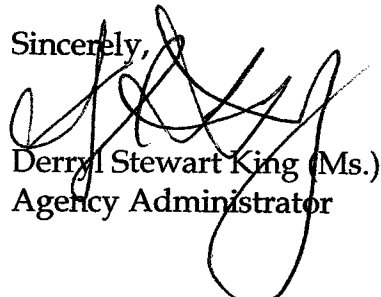
Dear Mr. Temnorod:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Business Telecom, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), Business Telecom has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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**Office of the People's Counsel
District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Dennis Kelley
Director of Operations
1-800-Reconex, Inc.
2500 Industrial Avenue
Hubbard, OR 97032

OVERNIGHT DELIVERY

Formal Case No. 962

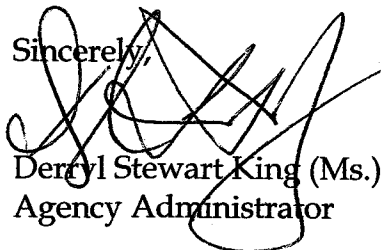
Dear Mr. Kelley:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from 1-800-Reconex, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), 1-800-Reconex has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Daniel E. Meldazis
Director, Regulatory Affairs
Broadwing Communications
200 LaSalle Street, Suite 1000
Chicago, IL 60601

OVERNIGHT DELIVERY

Formal Case No. 962

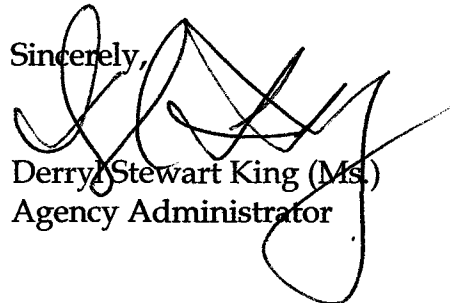
Dear Mr. Meldazis:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Broadwing Communications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), Broadwing Communications five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derry Stewart King (Ms.)
Agency Administrator

Enclosures

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**Office of the People's Counsel
District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Mark Ricigliano
Chief Executive Officer
LightWave Communications
14504 Greenview Drive, Suite 302
Laurel, MD 20708

OVERNIGHT DELIVERY

Formal Case No. 962

Dear Mr. Ricigliano:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from LightWave Communications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), LightWave Communications five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

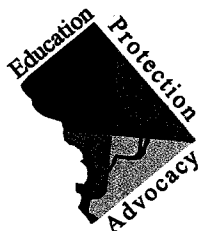
Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,

Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Jodi J. Caro
Vice President & General Counsel
Looking Glass Networks, Inc.
1111 W. 22nd Street, Suite 600
Oak Brook, IL 60523

OVERNIGHT DELIVERY

Formal Case No. 962

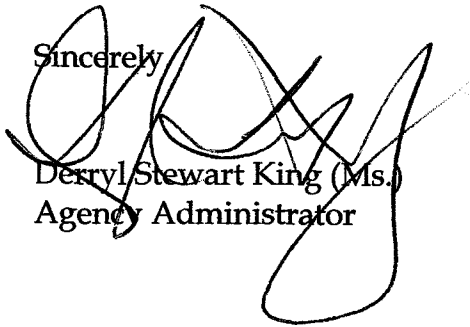
Dear Jodi Caro:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Looking Glass Networks, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), Looking Glass Networks has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

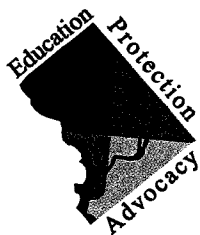
Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Andoni Economou
Vice President
Metropolitan Telecommunications of DC
44 Wall Street, 14th Floor
New York, NY 10005

OVERNIGHT DELIVERY

Formal Case No. 962

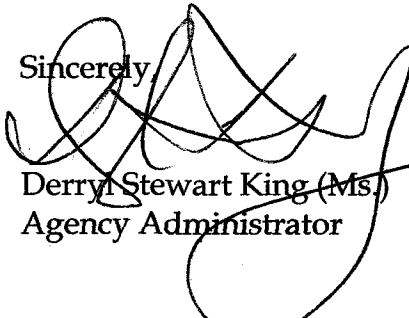
Dear Andoni Economou:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Metropolitan Telecommunications of DC, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), Metropolitan Telecommunications of DC has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryn Stewart King (Ms.)
Agency Administrator

Enclosures

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**Office of the People's Counsel
District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Rowena Hardin
Deputy Director - Compliance
NOS Communications
4380 Boulder Highway
Las Vegas, NV 89121

OVERNIGHT DELIVERY

Formal Case No. 962

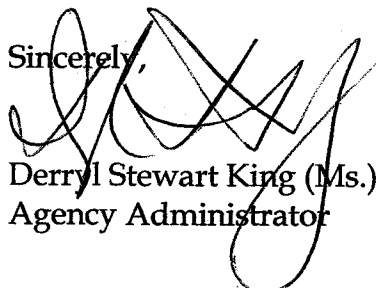
Dear Ms. Hardin:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from NOS Communications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), NOS Communications has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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**Office of the People's Counsel
District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Ed Griffin
Regulatory Manager
US LEC of Virginia, LLC
6801 Morrison Blvd.
Charlotte, NC 28211

OVERNIGHT DELIVERY

Formal Case No. 962

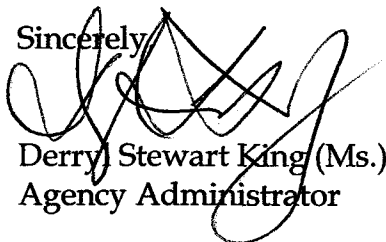
Dear Mr. Griffin:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from US LEC of Virginia, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), US LEC of Virginia has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derry Stewart King (Ms.)
Agency Administrator

Enclosures

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Office of the People's Counsel District of Columbia

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October 25, 2006

Elizabeth A. Noël
People's Counsel

J.T. Ambrosi
Vice President Carrier and Government Relations
Paetec Communications, Inc.
600 Willowbrook Office Park
Fairport, NY 14450

OVERNIGHT DELIVERY

Formal Case No. 962

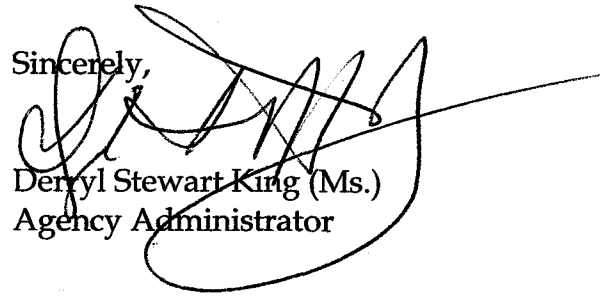
Dear J.T. Ambrosi:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Paetec Communications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), Paetec Communications has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

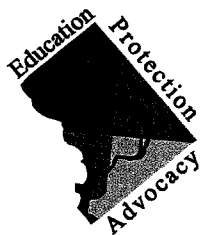
Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

H:\Formal Cases\Teleco\Formal Case 962\NOAFR transmittal.wpd



**Office of the People's Counsel
District of Columbia**

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
202.727.3071 • FAX 202.727.1014 • TTY/TDD 202.727.2876



October 25, 2006

Elizabeth A. Noël
People's Counsel

Ingrid Weaver
Specialist
VIC-RMTS-DC d/b/a Verizon Avenue
600 Hidden Ridge
MC E01E54
Irving, TX 75038

OVERNIGHT DELIVERY

Formal Case No. 962

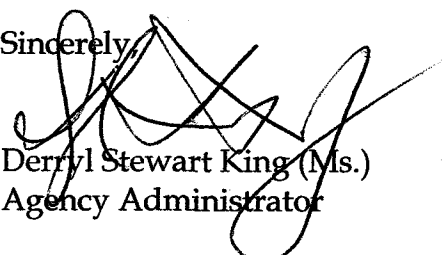
Dear Ms. Weaver:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from VIC-RMTS-DC, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), VIC-RMTS-DC has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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District of Columbia**

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October 25, 2006

Elizabeth A. Noël
People's Counsel

Jenna Brown
Manager, Regulatory Affairs
Quantum Shift Communications, Inc.
12657 Alcosta Blvd., Suite 418
San Ramon, CA 94583

OVERNIGHT DELIVERY

Formal Case No. 962

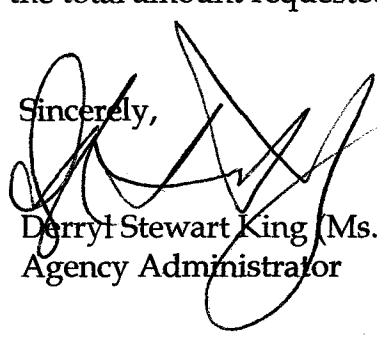
Dear Ms. Brown:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Quantum Shift Communications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun Regs. tit. 15, § 2002.1(1991), Quantum Shift Communications has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

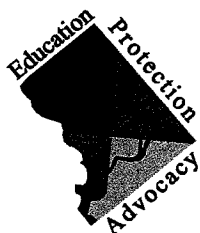
Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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**Office of the People's Counsel
District of Columbia**

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
202.727.3071 • FAX 202.727.1014 • TTY/TDD 202.727.2876



October 25, 2006

Elizabeth A. Noël
People's Counsel

Karen Potkul
Vice President, Regulatory Affairs
XO Communications Services, Inc.
1601 Trapelo Road
Waltham, MA 02451

OVERNIGHT DELIVERY

Formal Case No. 962

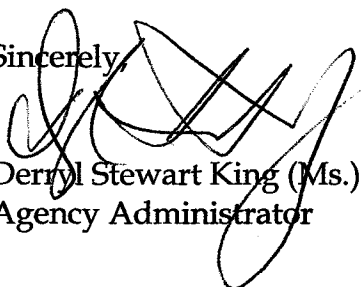
Dear Ms. Potkul:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from XO Communications Services, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), XO Communications Services has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

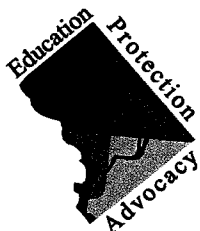
Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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**Office of the People's Counsel
District of Columbia**

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
202.727.3071 • FAX 202.727.1014 • TTY/TDD 202.727.2876



October 25, 2006

Elizabeth A. Noël
People's Counsel

Randy Burns
Sr. Finance Analyst
Qwest Communications Corporation
1314 Douglas, 13th Floor
Omaha, NE 68102

OVERNIGHT DELIVERY

Formal Case No. 962

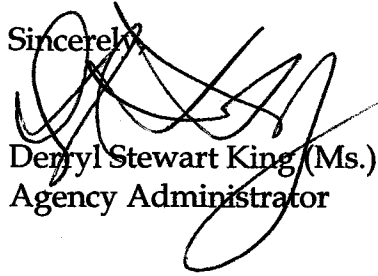
Dear Randy Burns:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Qwest Communications Corporation, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), Qwest Communications Corporation has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

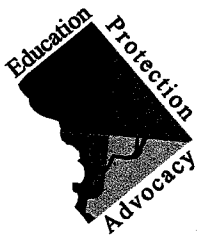
Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,


Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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**Office of the People's Counsel
District of Columbia**

1133 15th Street, NW • Suite 500 • Washington, DC 20005-2710
202.727.3071 • FAX 202.727.1014 • TTY/TDD 202.727.2876



October 25, 2006

Elizabeth A. Noël
People's Counsel

Abebi Wolfe
Regulatory Affairs
Starpower Communications, LLC
10000 Derekwood Lane
Lanham, MD 20706

OVERNIGHT DELIVERY

Formal Case No. 962

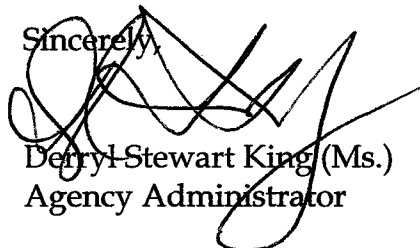
Dear Abebi Wolfe:

Pursuant to D.C. Mun. Regs. tit. 15, § 2001.5 (1991), I hereby submit my recommended determination of the Office of the People's Counsel's Agency Fund Requirements and a proposed Commission order for Formal Case No. 962 for your review and comment.

The enclosed recommended determination of Agency Fund Requirements contains the amount sought from Starpower Communications, information on the contractor, including a copy of the contract, retained to assist the Office, and the date on which payment is requested to be made. Pursuant to D.C. Mun. Regs. tit. 15, § 2002.1(1991), Starpower Communications has five business days, exclusive of the date of receipt, within which to file any opposition or comments to the recommended determination and proposed order.

Comments or opposition must be in writing and may be based on, but are not limited to the following grounds: (a) whether the rate of compensation for any contractor is unreasonable; (b) whether the work to be performed is not reasonably connected to the proceedings; and (c) whether the total amount requested by the Office exceeds the statutory limit.

Sincerely,



Derryl Stewart King (Ms.)
Agency Administrator

Enclosures

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OFFICE OF THE PEOPLE'S COUNSEL OF THE DISTRICT OF COLUMBIA
1133 15th STREET, N.W., SUITE 500, WASHINGTON, D.C. 20005-2710

NOTICE OF AGENCY FUND REQUIREMENTS

October 25, 2006

Formal Case No. 962

**IN THE MATTER OF THE IMPLEMENTATION OF THE DISTRICT OF
COLUMBIA TELECOMMUNICATIONS COMPETITION ACT OF 1996 AND
IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996**

PROCEDURAL HISTORY

On October 12, 2006, the Public Service Commission ("PSC" or "Commission") issued Order No. 14086 seeking input from the parties on issues remaining in Formal Case No. 962 after the release of PSC Order No. 14023 in Telephone Arbitration Case ("TAC") 19.

Pursuant to Order No. 14086, initial comments are due on October 27, and reply comments are due on November 13, 2006.

ESTIMATED AGENCY FUND REQUIREMENTS

The Office of the People's Counsel ("OPC" or "Office") has statutory authority to assess Verizon Washington, D.C. ("Verizon") and the 22 other telecommunications carriers providing local service for "reasonable and necessary expenditures required to fully carry out"¹ its statutory responsibilities "arising from any investigation, valuation, revaluation, or proceeding of any nature by the Commission."² The relevant alternative providers are as follows:

1. 1-800 Reconnex, Inc. d/b/a US Tel
2. A.R.C. Networks d/b/a InfoHighway
3. AT& T Communications of Washington DC, LLC
4. ATX Licensing, Inc. d/b/a ATX Telecommunications Services
5. Broadwing Communications, LLC f/k/a Focal Communications
6. Business Telecom, Inc. d/b/a BTI

¹ D.C. Code, 2000 Ed. § 34-912(a)(2).

² *Id.* at § 34-912(a)(1).

7. CTC Communications Corp. d/b/a One Communications
8. Cypress Communications Operating Company
9. Global Crossing Telemanagement, Inc.
10. Lightwave Communications
11. Looking Glass Networks, Inc.
12. MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services
13. Metropolitan Telecommunications of DC d/b/a/ MetTel
14. NOS Communications
15. Paetec Communications, Inc.
16. Quantum Shift Communications, Inc.
17. Qwest Communications Corporation
18. Starpower Communications, LLC
19. Teleport Communications of Washington, DC, Inc.
20. US LEC of Virginia, LLC
21. VIC-RMTS-DC d/b/a Verizon Avenue
22. XO Communications Services, Inc.

OPC's participation in Formal Case No. 962 is consistent with its mandate to represent utility consumers.³ Pursuant to D.C. Code, 2001 Ed. §§ 34-804 and 34-2002(k)(8) and (m) and D.C. Mun. Regs. tit. 15, ch. 20. In light of the facts and circumstances detailed herein, the Office has determined the expenses incurred by it to be \$8,100 at this juncture of the proceeding, necessitating a deposit in this amount to the Office of the People's Counsel's Agency Fund. The Commission is respectfully requested to issue an order (a proposed draft of which is attached) directing Verizon; US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; BTI; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services to deposit on or before November __, 2006, the sum of \$352.17 each for a total of \$8,100⁴ in the Treasury of the District of Columbia, to the credit of the account, the "Office of the People's Counsel's Agency Fund."

³ *Id.* at § 34-804.

⁴ The actual total will be \$8,099.91.

SUPPORTING DATA

To discharge its statutory responsibilities in this matter effectively, the Office determined it required the technical services of J.W. Wilson & Associates. **J.W. Wilson & Associates** (Allen G. Buckalew).

Allen G. Buckalew is a telecommunications economist specializing in public utility regulation with particular interest in rate structure, cost of service, antitrust and industrial organization. Since joining J.W. Wilson & Associates in 1980, his research and analytic activities have included the areas of jurisdictional separations, license contracts, rate structure, rate base and competition in the telecommunications industry. Mr. Buckalew has previously provided services to the Office in a number of proceedings, including TT84-5, 87-5 and 91-3 and Formal Case Nos. 777, 850, 916, 920, 922 and 990.

The contract ceiling for J.W. Wilson & Associates is \$8,100 with out-of-pocket expenses to be specifically accounted. The contractor will be compensated at the hourly rate of \$200 for Allen G. Buckalew, the primary contractor. The total number of employees expected to be used is one.

MILLAGE LIMITS

The \$8,100 composite deposit required from Verizon and the 22 alternative telecommunications carriers providing local service is reasonable and well within the prescribed legal limits of D.C. Code, 2001 Ed. §§ 34-912 and 3-2002(m), which limits the Office's Agency Fund requests in matters relating to the regulation of local exchange carriers to a total of \$150,000. OPC's assessment of Verizon and the aforementioned alternative carriers is consistent with this statutory requirement. Accordingly, OPC's present Agency Fund Requirements of \$8,100 do not exceed the statutory limit.

CONCLUSION

The determined Agency Fund Requirements of \$8,100 are necessary and appropriate to the mission of the Office, consistent with expenditures in similar cases, and reasonable in light of the complexity of the issues in this case. The contractor selection has been made in a manner that promotes both cost savings and efficiency while assuring effectiveness.

WHEREFORE: The Office of the People's Counsel has determined the estimated expenses that will be reasonably and necessarily incurred by it to discharge properly its statutory obligation in this proceeding, and hereby gives NOTICE OF OFFICE OF THE PEOPLE'S COUNSEL AGENCY FUND REQUIREMENTS to the Public Service Commission of the District of Columbia as indicated herein.

By this Notice, the Office of the People's Counsel requests the Commission to direct Verizon Washington, D.C.; US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; BTI; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services to deposit \$352.17 each for a total of \$8,100 into the Treasury of the District of Columbia, to the credit of the fiduciary fund account known as "Office of the People's Counsel Agency Fund" not later than five days following the Commission's order or ten days from the date this Notice is received by the Commission, whichever is first.

A TRUE COPY:

Elizabeth A. Noël, Esq.
PEOPLE'S COUNSEL, D.C.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., WASHINGTON, D.C. 20005**

ORDER

November __, 2006

FORMAL CASE NO. 962, IN THE MATTER OF THE IMPLEMENTATION OF THE DISTRICT OF COLUMBIA TELECOMMUNICATIONS COMPETITION ACT OF 1996 AND IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996,
Order No. ____

I. Introduction

On November __, 2006, the Office of the People's Counsel ("OPC" or "Office") filed a Notice of Agency Fund Requirements in Formal Case No. 962. In its filing, the Office notified the Public Service Commission ("Commission") of the need for an order directing Verizon Washington, D.C. ("Verizon"); US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; BTI; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services to deposit \$352.17 each, the sum total of \$8,100¹, into the Treasury of the District of Columbia, to the credit of the fiduciary account known as the "Office of the People's Counsel Agency Fund" to meet expenses incurred by OPC in carrying out its statutory mandate to represent ratepayers in Formal Case No. 962.

The record reflects that on October 25, 2006, the Agency Administrator for the Office submitted a Recommended Notice of Agency Fund Requirements ("Notice") to the 23 telecommunications carriers providing local service in the District, as well as copies of the Case Manager's written statement of need and the contract for the contractor retained by the Office in this proceeding. The record also reflects no objections were filed to the Notice within the five-day period provided in D.C. Mun. Regs. tit. 15, ch. 20.

II. Discussion

To represent the ratepayers in Formal Case No. 962 before the Commission, OPC retained the technical services of J.W. Wilson & Associates.

¹ The actual total will be \$8,099.91.

Allen G. Buckalew is a telecommunications economist specializing in public utility regulation with particular interest in rate structure, cost of service, antitrust and industrial organization. Since joining **J.W. Wilson & Associates** in 1980, his research and analytic activities have included the areas of jurisdictional separations, license contracts, rate structure, rate base and competition in the telecommunications industry. Mr. Buckalew has previously provided services to the Office in a number of proceedings, including TT84-5, 87-5 and 91-3 and Formal Case Nos. 777, 850, 916, 920, 922 and 990.

The contract for J.W. Wilson & Associates is \$8,100 with out-of-pocket expenses to be specifically accounted. The contractor will be compensated at the hourly rate of \$200 for Allen G. Buckalew, the primary contractor.

III. Applicable Law

The Commission has reviewed the information submitted by the Office of the People's Counsel in support of this Notice. The Commission finds the Office as required by D.C. Mun. Regs. § 1405.2 has:

- (1) Provided the total amount sought from the utility and the alternative telecommunications carriers and the date on which payment is requested to be made by the utility;
- (2) Identified the contractor hired;
- (3) Described the qualifications of the contractor;
- (4) Described the work to be performed by the contractor;
- (5) Identified the number of persons to be employed by the contractor on the contract;
- (6) Provided the rate of compensation on an hourly basis for each person employed by the contractor; and
- (7) Provided the ceiling for the contract.

The Commission is also required to determine whether the Office of the People's Counsel's Notice is consistent with relevant statutory authority. The statute provides that with respect to the regulation of local exchange carriers, OPC "shall expend no more than \$150,000 for the proceeding. . . ." ² OPC's Agency Fund Requirements of

² D.C. Code, 2001 Ed. § 34-2002(m).

\$8,100 do not exceed the statutory limit of \$150,000.

IV. Conclusion

In conclusion, the Commission finds this Notice of Agency Fund Requirements is:

- (1) consistent with the statutory authority of and rules issued by the Office;
- (2) supported by findings, which findings are sustained by substantial evidence in the record submitted with the Notice; and
- (3) is within the limitations enumerated in D.C. Code, 2001 Ed. §§ 34-912(a)(3) and 34-2002(m).

THEREFORE, IT IS ORDERED THAT:

No later than November __, 2006, Verizon Washington, D.C.; US Tel; InfoHighway; AT& T Communications of Washington DC; ATX Telecommunications Services; Focal Communications; BTI; One Communications; Cypress Communications Operating Company; Global Crossing Telemanagement; Lightwave Communications; Looking Glass Networks; Verizon Access Transmission Services; MetTel; NOS Communications; Paetec Communications; Quantum Shift Communications; Qwest Communications Corporation; Starpower Communications; Teleport Communications of Washington, DC; US LEC of Virginia, LLC; Verizon Avenue; and XO Communications Services are directed to deposit \$352.17 each, the sum total of \$8,100, in the Treasury of the District of Columbia, to the credit of the account known as the "Office of the People's Counsel Agency Fund."

A TRUE COPY:

BY DIRECTION OF THE COMMISSION

COMMISSION SECRETARY

DOROTHY WIDEMAN

**OFFICE OF THE PEOPLE'S COUNSEL
FOR THE DISTRICT OF COLUMBIA**

1133 15th Street, NW, Suite 500 Washington, D.C. 20005
(202) 727-3071 (Voice) (202) 727-1014 (Fax)

MEMORANDUM

October 24, 2006

TO: Derryl Stewart King
Agency Administrator

Sandra Mattavous-Frye
Deputy People's Counsel



FROM: Brenda K. Pennington
Assistant People's Counsel



SUBJECT: Formal Case No. 962, In the Matter of the Implementation of the District of Columbia Telecommunications Competition Act of 1996 and Implementation of the Telecommunications Act of 1996

STATEMENT OF NEED FOR RESOURCES

I. INTRODUCTION

The Office of the People's Counsel ("OPC" or "Office") has concluded that resources are needed for Formal Case No. 962 which necessitates a determination of Agency Fund requirements.

This statement is intended to document the need for reasonable and necessary expenditures as set forth in D.C. Code Ann. § 34-912(b)(5) and (6) (2006) and the District of Columbia Telecommunications Competition Act of 1996, as codified in D.C. Code Ann. § 34-2002 (k) and (m) for purposes of requesting a Commission Order directing a deposit into the Office of the People's Counsel Agency Fund ("Agency Fund") by Verizon - Washington, D.C. and competitive local exchange carriers who have been certified to provide local exchange service by September 9, 2001, and are currently providing service in the District of Columbia to pay expenses associated with such determined needs in Formal Case No. 988.¹

Under OPC's agency funds procedures, as set forth in D.C. Mun. Regs. tit. 15, § 2001.3 (2006):

Whenever the Case manager concludes that resources are required

¹ Attached is a list of local exchange carriers that can be assessed pursuant to D.C. Code Ann. § 34-912(b)(5) and (6) (2006).

that necessitate the preparation of a recommended determination of Agency Fund requirements, he or she shall submit to the Agency Administrator a written statement of need which shall be made a part of the official record and which shall include the following information:

- (a) The number and type of contractors needed;
- (b) The names of the contractors required, noting the category of services to be provided and the matters to be addressed by each contractor; and
- (c) A narrative, based upon the consideration required in Sec. 2001.2, supporting the need for the resources requested.

Pursuant to Section 2001.3 of the regulations promulgated pursuant to the Act, a written Statement of Need is hereby submitted to the Agency Administrator by the Case Manager for purposes of Formal Case No. 988.

II. PROCEDURAL HISTORY

On October 12, 2006, the Public Service Commission ("PSC" or "Commission") issued Order No. 14086 seeking input from the parties on issues remaining in Formal Case No. 962 after the release of PSC Order No. 14023 in Telephone Arbitration Case ("TAC") 19.

Pursuant to Order No. 14086, initial comments are due on October 27, and reply comments are due on November 13, 2006.

III. THE CONTRACTORS, SERVICES TO BE PROVIDED AND MATTERS TO BE ADDRESSED

A. Number and Type of Contractors Needed

The Office will need technical assistance in resolving these issues in this proceeding. At this time, a technical consultant skilled and experienced in the area of public utility regulation and economic policy is needed to review, analyze and assist OPC with preparing comments for submission to the Commission.

B. Name of Contractor Required, Category of Services to Be Provided and Matters to Be Addressed

Allen G. Buckalew
J.W. Wilson & Associates, Inc.
1601 North Kent Street
Suite 1104
Arlington, VA 22209
(703) 243-1049

Matters to be addressed: Under the direction and control of the People's Counsel, the technical consultant will provide expert technical assistance to the Office on all issues in this

proceeding and will also be responsible for providing assistance in the filing of comments on behalf of the Office. In addition, the technical consultant must be sufficiently familiar with and advise the Office on all technical and policy aspects of the issues, as well as overlapping and related issues under consideration in this proceeding.

Experience: Mr. Allen Buckalew assisted and provided technical assistance in Formal Case Nos. 814, Phase IV, 990, 1035, 1036, and 1040, and assisted in drafting comments in many formal proceedings before the Commission. In addition, Mr. Buckalew has experience handling economic policy issues and preparing testimony on behalf of OPC in Formal Case Nos. 814, 962, 1035, and 1036.

IV. THE NAME, TITLE, AND ADDRESS OF THE COMPANY CONTACT (FOR SERVICE OF ASSESSMENT MATERIALS) FOR EACH AFFECTED AUTHORIZED CARRIER

Lydia Pulley, Esq., Vice President and General Counsel
J. Henry Ambrose, Vice President, Public Policy
Verizon Washington, D.C, Inc.
2055 L Street, N.W., 5th Floor
Washington, D.C. 20036
(202) 392-5455

The alternate carriers as specified on Attachment 1.

V. FUNDING OF EXPENSES FOR THE OFFICE OF THE PEOPLE'S COUNSEL

OPC's authority to assess incumbent and competitive local exchange carriers in Formal Case No. 988 is established by D.C. Code §§ 34-912 (b)(5-6) and 34-2002. Section (m) of D.C. Code § 34-2002 provides that OPC may expend no more than \$150,000 for the proceeding required by subsections (k) and (l) of D.C. Code § 34-2002, unless OPC submits a request to increase the spending level and that request is approved by the Council of the District of Columbia.

VI. NEED FOR RESOURCES REQUESTED

A review of the Commission's orders filed in this case underscores the Office's need for technical assistance in this proceeding. By Order No. 14086, the Commission seeks comments from interested parties on the impact its approval of arbitrated interconnection agreement amendments in TAC 19 will have on remaining issues in FC 962. Certain issues continue to remain open in FC 962 due to Commission Order No. 13435, issued on November 4, 2004, in which the PSC held in abeyance its consideration of petitions for consideration of the PSC's UNE Order. I propose the Office request one technical expert to assist in the review and analysis of issues in this proceeding. I propose the Office retain the services of Mr. Al Buckalew, J.W. Wilson & Associates.

BKP

Attachment 1

Local Exchange Carriers That Can Be Assessed Pursuant to D.C. Code Ann. § 34-912(b)(5) and (6) (2006).

Dennis Kelley
Director of Operations
1-800-Reconex, Inc.
2500 Industrial Avenue
Hubbard, OR 97032

Tadas Vaitkus
Comptroller
ARC Networks
d/b/a
InfoHighway Communications
39 Broadway, 19th Floor
New York, NY 10006

Timothy O'Hara
Manager
AT&T Communications of
Washington DC, LLC
1120 20th Street, NW, Suite 1000
Washington, DC 20036

Doreen Flash
Manager, External Affairs
ATX Licensing, Inc d/b/a
ATX Telecommunications
3094 Village Green Drive
Westlake, OH 44145

Daniel E. Meldazis
Director, Regulatory Affairs
Broadwing Communications
200 LaSalle Street, Suite 1000
Chicago, IL 60601

Andre Temnorod
Chief Operating Officer
Business Telecom, Inc.
1228 Euclid Avenue, Suite 390
Cleveland, OH 44115

Jie Cui
Regulatory Reporting Analyst
CTC Communications Corporation
220 Bear Hill Road
Waltham, MA 02451

Nicole Browne
Regulatory Analyst
Cypress Communications
15 Piedmont Center
3575 Piedmont Road, Suite 610
Atlanta, GA 30305

Diane Peters
Director of Regulatory Affairs
Global Crossings Telemanagement, Inc.
1080 Pittsford Victor Road
Pittsford, NY 14534

Mark Ricigliano
Chief Executive Officer
LightWave Communications
14504 Greenview Drive, Suite 302
Laurel, MD 20708

Jodi J. Caro
Vice President & General Counsel
Looking Glass Networks, Inc.
1111 W. 22nd Street, Suite 600
Oak Brook, IL 60523

Andoni Economou
Vice President
Metropolitan Telecommunications of DC
44 Wall Street, 14th Floor
New York, NY 10005

Rowena Hardin
Deputy Director - Compliance
NOS Communications
4380 Boulder Highway
Las Vegas, NV 89121

JT Ambrosi
Vice President Carrier and Government
Relations
Paetec Communications, Inc.
600 Willowbrook Office Park
Fairport, NY 14450

Jenna Brown
Manager, Regulatory Affairs
Quantum Shift Communications, Inc.
12657 Alcosta Blvd., Suite 418
San Ramon, CA 94583

Randy Burns
Sr. Finance Analyst
Qwest Communications Corporation
1314 Douglas, 13th Floor
Omaha, NE 68102

Abebi Wolfe
Regulatory Affairs
Starpower Communications, LLC
10000 Derekwood Lane
Lanham, MD 20706

Timothy O'Hara
Manager
Teleport Communications of
Washington DC, Inc.
1120 20th Street, NW, Suite 1000
Washington, D.C. 20036

Ed Griffin
Regulatory Manager
US LEC of Virginia, LLC
6801 Morrison Blvd.
Charlotte, NC 28211

J. Henry Ambrose
Vice President, State Public Policy
Verizon Access Transmission Services
2055 L Street, 5th Floor
Washington, DC 20036

Ingrid Weaver
Specialist
VIC-RMTS-DC d/b/a
Verizon Avenue
600 Hidden Ridge
MC E01E54
Irving, TX 75038

Karen Potkul
Vice President, Regulatory Affairs
XO Communications Services, Inc.
1601 Trapelo Road
Waltham, MA 02451

10/24/06

J.W. WILSON & ASSOCIATES, INC.

ECONOMIC COUNSEL

ROSSLYN PLAZA C • SUITE 1104

1601 NORTH KENT STREET • ARLINGTON, VA 22209

(202) 333 - 7442 • (703) 243 - 1049

FAX (703) 243 - 3389

info@jwwa.com

ALLEN G. BUCKALEW
GEORGE L. DONKIN
ROGER R. RODRIGUEZ
JOHN W. WILSON

UTILITY REGULATION
ANTITRUST ECONOMICS
TELECOMMUNICATIONS
NATURAL GAS
INSURANCE RATES
INTERNATIONAL TRADE
VALUATION & DAMAGES
ACCOUNTING

REF: PROP

September 20, 2006

Ms. Derryl Stewart King
Associate People's Counsel
Office of the People's Counsel
1133 15th Street, N.W., Suite 500
Washington, D.C. 20005

**RE: *In the Matter of the Implementation of the District of Columbia
Telecommunications Competition Act of 1996 and Implementation
of the Telecommunications Act of 1996.
Order No. 14086***

Dear Ms. Stewart King:

The firm of J.W. Wilson & Associates, Inc. is pleased to respond to the People's Counsel for the District of Columbia to assist in their comments to the Columbia Public Service Commission's request for inputs on the next steps to be taken to revise the UNE rates set forth in Order No. 12610

I possess the experience required to assist the District of Columbia PSC in this matter. My staff and I have reviewed similar filings in different jurisdictions the country. As such, we have the expertise and experience necessary for a prompt and thorough review on behalf of the Peoples Counsel for the District of Columbia.

In addition, unlike many of the economic consulting firms I only participate before regulatory commission on behalf of consumer groups, attorney's general and commission staff, not telecommunications companies. I have no relationship with

any utility operating in the District of Columbia.

We will assist the OPC in their analysis of the issues of Order No. 14086. In Order No. 12610 the PSC adopted total element long run incremental cost ("TELRIC") for based UNE rates. These TELRIC rules were vacated by the DC Circuit or eliminated or altered by the TRO and TRRO. The issues that will be addressed include:

- Do the UNE rates established in Order No. 12610 need to be revised to be consistent with the TOR and TRRO?
- Does the PSC have the information necessary to be able to revise or set new UNE rates?
- Is the analysis of the information previously filed in other Commission proceedings or in the Formal Case 962 useful to revise the UNE rates?
- Are new cost studies needed?

Budget:

I estimate that in order to review and comment on the issues in this matter, it would require a maximum of 40 hours of my time. We will only bill for work actually performed, plus expense. A proposed budget is presented below:

Labor

Personnel	Position	Hours	Rate Per Hour	Total Cost
Allen G. Buckalew	Project Manager	40	\$200.00	\$8,000.00
Total Labor Costs				\$8,000.00

Other Cost

Copies, Telephone, Shipping, Transportation	\$100.00
---	-----------------

TOTAL	\$8,100.00
--------------	-------------------

Thank you for the opportunity to submit this proposal. We look forward to the prospect of working with the Public Service Commission of the District of Columbia in this important matter.

Sincerely,

Allen G. Buckalew

CONTRACT FOR PROFESSIONAL SERVICES

THIS CONTRACT is entered into this 24th day of October 2006, by the Office of the People's Counsel of the District of Columbia ("Office") (pursuant to authorization under the provisions of D.C Code, 2001 Ed. §§ 34-804 and 34-912) and Allen G. Buckalew on behalf of J.W. Wilson & Associates, Rosslyn Plaza C, Suite 1104, 1601 North Kent Street, Arlington, Virginia 22209 ("Contractor").

WITNESSETH:

In consideration of the covenants, terms, and conditions hereinafter stated, the parties to this Contract agree as follows:

1. The Office of the People's Counsel (hereinafter referred to as the "Office") hereby hires the Contractor as a consultant to the Office and the Contractor hereby accepts such hiring and agrees to perform the duties required by the terms and conditions of the Contract in a professional manner and to the best of its ability.

2. The Contractor shall provide technical services to the Office in matters relating to Formal Case No. 962, a proceeding currently pending before the Public Service Commission of the District of Columbia (hereinafter referred to as the "Commission") entitled IN THE MATTER OF THE IMPLEMENTATION OF THE DISTRICT OF COLUMBIA TELECOMMUNICATIONS ACT OF 1996 AND IMPLEMENTATION OF THE TELECOMMUNICATIONS ACT OF 1996.

Specifically, under the direction of the People's Counsel or her designee(s), Contractor will:

(a) as needed and directed, assist the Office with respect to the development of discovery, including preparing and responding to data requests;

(b) prepare relevant issue analyses for input into the preparation of memoranda and/or comments to be filed before the Commission;

(c) attend all necessary hearings, meetings and conferences with the Office, the Commission and other parties; and

(d) provide such other technical advice and assistance for purposes of this proceeding as directed by the People's Counsel or her designee(s).

The Contractor shall coordinate with any other contractors retained by the Office in this proceeding so as to assure consistency and coherence.

3. The total amount for expert services for all work performed by Contractor under this Contract shall not exceed \$8,100, including out-of-pocket expenses. Contractor will be compensated for the work to be performed hereunder at the hourly rate of \$200 for Allen G. Buckalew. Allen G. Buckalew shall be the primary contractor.

4. No subcontracts entered into pursuant to this Contract create any obligation on behalf of the Office unless such contract is specifically provided for herein and appended hereto, or incorporated in a written amendment to this Contract. The amounts provided for in this Contract and any authorized subcontractor's contracts represent the maximum amount available under the Contract and not a fixed contract price.

Notwithstanding the requirements and limitations imposed by this Section (4), the Contractor shall notify the Office of any and all subcontract arrangements made which are related to the Contractor's performance of this Contract.

5. Contractor shall submit, on a monthly basis, vouchers for services rendered and costs incurred. Contractor shall be responsible for forwarding such vouchers in a timely manner. The vouchers shall separately detail requests for services and for reimbursable items. The vouchers shall identify specific work accomplished during the period for which payment is being requested.

Vouchers for reimbursement shall conform to the Office's billing guidelines. The Office, upon notice to the contractor, reserves the right to withhold or deny payment if vouchers do not conform to the guidelines. Contractor is responsible for ensuring the adequacy of the billing report in compliance with the Office's billing policies and with this Contract.

Vouchers will be certified for payment by the Office upon submission of the appropriate documentation by the Contractor. Said vouchers shall detail the work performed under this Contract, the time devoted to the work performed, and the rate applicable under the Contract to the person(s) performing the work, and shall be accompanied by original contemporaneous time sheets or detailed billing records. Contractor shall also provide other appropriate invoices, bills, and relevant documents supporting the request for payment as may be requested by the Office.

6. The Contractor shall provide its own secretarial, lay assistance, overhead, and other support factors with the exception of "out-of-pocket" costs. Out-of-pocket costs are those expenditures made by the Contractor, other than employee salary costs, which are directly chargeable to the work to be performed under this Contract and which should not otherwise have been incurred. (Such expenditures shall not include

meals, but may include necessary, reasonable and authorized travel, word processing fees if Contractor has no such capability, copying, special mailings, long distance telephone calls and delivery service costs.)

Reimbursement of out-of-pocket expenses shall be limited to an amount equal to the costs thereof.

7. It is understood and agreed to by the parties that the Office shall control the direction and scope of the work to be performed under this Contract. The People's Counsel or her designee(s) shall be the reviewing and approving authority for all reports and analyses delivered under the provisions of this Contract, and may direct modifications or adjustments in the work to be performed within the Contract period based upon the requirements of the Office.

The People's Counsel or her designee(s) shall review and approve all pleadings, briefs, or other documents, and shall sign all official submissions to the Commission or the Court of Appeals for the District of Columbia, unless otherwise explicitly excepted by the People's Counsel.

The Contractor must provide an original signed affidavit to accompany pre-filed testimony or other documents where appropriate and submit it with all accompanying attachments at least one day prior to OPC's internal deadline for filing with the Commission.

The Contractor shall perform all services required for completion of the contract by providing deliverables by the dates specified by the Office for each assignment. The Office may, on its own or upon request from the Contractor, extend any internal completion date when said date is delayed due to causes beyond the control of the Contractor. If the Contractor fails to provide deliverables in the time specified for each assignment or within the time granted for an extension, the Office has the discretion to reduce the Contractor's payment in accordance with the following penalty schedule:

Contracts up to \$10,000: \$50 per day past the due date
Contracts up to \$50,000: \$75 per day past the due date
Contracts up to \$100,000: \$100 per day past the due date
Contracts up to \$150,000: \$150 per day past the due date

The maximum penalty is 10 percent of the contract or \$10,000, whichever is less.

8. This Contract may be terminated by either party on thirty days written notice to the other, and may be terminated immediately by the People's Counsel for cause, as

determined by the People's Counsel. Cause for immediate termination may include, but is not limited to, such action as violations of the conflicts provisions in Sections 17-20 and unauthorized disclosure of information as specified in Section 10 herein.

9. All files, documents and other materials held or developed by the Contractor to meet the duties under this Contract are the property of the Office and shall be delivered to the Office by the Contractor in not less than seven (7) days from the date of expiration or other termination of this Contract. Except as otherwise expressly provided herein, this Contract automatically expires upon conclusion of this proceeding and the expiration of all opportunities for appeal.

10. Contractor shall not disclose any information obtained in the conduct of the work under this Contract, or supply any reports regarding the work, to outside sources except as directed or authorized in writing by the People's Counsel her designee(s). All originals and copies of working papers, charts, tables, exhibits, pleadings, briefs, data requests and responses, and documents and reports prepared by the Contractor during the course of the work under this Contract are the property of the Office. The Contractor may retain copies of such papers as may be deemed necessary to maintain an orderly record of work performed under this Contract.

11. The Government of the District of Columbia is exempt from, and will not pay, federal excise tax or D.C. sales and use tax.

12. Contractor shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, or national origin. Contractor shall take affirmative action to ensure that applicants are employed without regard to their race, creed, color, sex, age, or national origin. Such action shall include, but is not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff, or other forms of compensation and selection for training including apprenticeship. The Contractor agrees to post, in conspicuous places available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. Such notices will be provided by the Office.

13. Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, age, or national origin. Contractor shall also provide for professional development opportunities for minorities and women consistent with the Office's affirmative action policies and program.

14. Contractor shall permit access by the People's Counsel or her designee(s) to its books, records, and accounts for purposes of investigation to ascertain compliance with this provision.

15. In the event of the Contractor's noncompliance with the nondiscrimination provisions of this Contract, this Contract may be cancelled in whole or in part and the Contractor may be declared ineligible for further District contracts.

16. Contractor shall include the provisions of Sections 12, 13, 14, and 15 in every subcontract unless excepted by rules, regulations, or orders of the District, so that such will be binding upon each subcontractor or vendor.

17. During the performance of this Contract, the Contractor shall not: use its contractor position or status for private gain; have direct or indirect financial interests that conflict substantially, or appear to conflict substantially, with its duties and responsibilities under this Contract; lose its independence or impartiality with respect to its duties and responsibilities under this Contract; use information gained from performing under this Contract which is not generally available to the public for its private benefit, or make it available for the private benefit of any person or organization; or represent any party in dealings with the Office in any matter.

18. Subsequent to this Contract, Contractor shall not represent any private party in dealings with the Office on any matter with which it was directly involved during the term of this Contract.

19. In every case during the term of this Contract where the Contractor is retained by a private party concerning a matter involving the responsibilities of the Office or the Commission, the Contractor shall notify the Office in writing of such immediately and provide full disclosure of the retainer.

20. Contractor shall also comply with the conflict of interest provisions of the appropriate professional ethical requirements (such as the Canons of Ethics), applicable District of Columbia and federal laws, as well as relevant judicial and administrative decisions, in carrying out its duties and responsibilities under this Contract.

21. This Contract shall be executed in triplicate, each of which when so executed shall constitute an original.

22. This Contract will be governed by the laws of the District of Columbia.

23. This Contract may be amended only by written instrument executed by both parties.

IN WITNESS WHEREOF Allen G. Buckalew on behalf of J. W. Wilson & Associates and Derryl Stewart King on behalf of the Office of the People's Counsel have executed this Contract.

By: _____

Allen G. Buckalew
J.W. Wilson & Associates

By: _____

Derryl Stewart King
Office of the People's Counsel

J. Henry Ambrose
Vice President
State Public Policy

OFFICE OF THE
PEOPLE'S COUNSEL
DISTRICT GOVERNMENT

2006 OCT 26 P 5:09

RECEIVED



2055 L Street, NW, 5th Floor
Washington, DC 20036

Phone 202 392-5455
Fax 202 659-4948
j.henry.ambrose@verizon.com

October 26, 2006

Ms. Derryl Stewart King
Agency Administrator
Office of the People's Counsel
of the District of Columbia
1133 15th Street, NW, Suite 500
Washington, DC 20005-2710

Dear. Ms. King:

The purpose of this letter is to lodge the opposition and comments of Verizon Washington, DC Inc. and Verizon Access Transmission Services ("Verizon") to the October 19, 2006 Office of the People's Counsel's ("OPC") Agency Fund determination and proposed Order in accordance with 15 DCMR 2000 *et seq.* According to your letter, OPC has "incurred" \$18,400 related to FC 988 and as a result Verizon should deposit \$800.00 into the Office of the People's Counsel's Agency Fund."¹ Your October 19, 2006 submission did not include any information to enable Verizon to be able to conclude if the work to be performed by the contractor is reasonably connected to the proceeding. *See*, 15 DCMR 2002.2.

In the Memorandum which was attached to your letter, OPC explained:

[t]he Office will need technical assistance in resolving ... issues in [FC 988]. At this time, a technical consultant skilled and experienced in the area of public utility regulation and economic policy is needed to review, analyze and assist OPC with preparing comments for submission to the Commission.²

Given that the Memorandum is dated October 16, 2006, and was filed three days after OPC submitted its comments in FC 988, Verizon is not aware of there being any reason for OPC to require these funds. Verizon is unable to determine the reason for the funds and specifically what work is to be performed, and if it is reasonably connected to the proceeding. *See*, 15 DCMR 2002.2.

Sincerely,

¹ Notice of Agency Fund Requirements at 2.

² Memorandum at 2.



OFFICE OF THE
PEOPLE'S COUNSEL
DISTRICT GOVERNMENT

2006 OCT 31 P 12:54

Phillip S. Shapiro
Senior Attorney

RECEIVED

15105 Wetherburn Drive
Centreville, Virginia 20120
Tel: 703-830-8965
E-Mail: psshapiro@att.com

October 30, 2006

**By Overnight Express Delivery
and First-Class U.S. Mail**

Ms. Derryl Stewart King
Agency Administrator
Office of the People's Counsel
of the District of Columbia
Suite 500
1133 15th Street, N.W.
Washington, D.C. 20005-2710

Re: D.C. P.S.C. Formal Case No. 962, Request of Office of People's Counsel for
\$8,100 in Consultant Expenses.

Dear Ms. King:

This letter responds to your letters dated October 25, 2006, addressed to AT&T Communications of Washington, DC, LLC, and to Teleport Communications of Washington DC, Inc., (together, "AT&T"), which, among other things, inform AT&T that the Office of People's Counsel ("OPC") intends to request that the Public Service Commission ("Commission") issue an order directing 23 telephone companies to each pay \$352.17 into the OPC's Agency Fund so that the OPC will thereby realize a total of \$8,100 for use in defraying the costs of a consultant that the OPC will retain to assist it in connection with the above-referenced proceeding, which will consider the next steps to be taken to revise the UNE rates set forth in Order No. 12610.

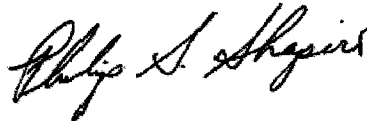
AT&T does not object to the terms of the consultant contract. However, AT&T does object to the proposed allocation of the \$8,100 in aliquots to each subject company. Instead, the \$8,100 should be apportioned on the basis of each provider's relative share of the aggregate jurisdictional revenues the subject companies.

The subject matter of this proceeding is unbundled network element ("UNE") rates and the issue of whether they need to be revised. The amount of revenue which each telephone company in the District has at stake in this proceeding is by no means equal. An allocation of the consultant costs in proportion to the relative revenues of each stakeholder telephone company is would result in the burden being assigned in a manner that fall most evenly on customers in the District and thereby ensures that the cost is distributed in a competitively neutral manner. Accordingly, the expense amount should be distributed on the basis of relative revenues.

In this regard, AT&T would note that the overall operational costs of the OPC and the Commission are recovered not on the basis of per-utility aliquots but rather on the basis of relative jurisdictional revenues.¹ We would also note that the October 25, 2006, Notice of Agency Fund Requirements that accompanied the letters of the same date uses, on page 3, the caption "**MILLAGE LIMITS.**" A millage is a fee or tax which is derived by applying a fraction to dollars of valuation.² The term "millage" is derived from the word "mill," which means one-tenth of a cent (*i.e.*, one-thousandth of a dollar),³ and is commonly associated with the practice of apportioning governmental costs among property owners on the basis of the relative value of the property of each owner relative to the aggregate value of property that is subject to the tax. In this instance, it is most appropriate to apportion the OPC's \$8,100 expense on a millage approach applied to the relative jurisdictional revenues of the 23 subject companies.

For these reasons, AT&T respectfully requests that the OPC recommend that the \$8,100 expense be apportioned among the subject telephone companies on the basis of each company's share of their aggregate jurisdictional revenues.

Respectfully,



Philip S. Shapiro
D.C Bar No. 933689

cc: All Parties (by First-Class U.S. Mail)

¹ D.C. Code, 2001 Ed. §34-912(b)(3) ("The amount of the reimbursement fee to be paid by each public utility other than a local exchange carrier subject to paragraph (2) of this subsection shall be equal to the product of the amounts appropriated, less the amount to be reimbursed by the providers subject to paragraph (2) of this subsection, multiplied by the fraction, as determined by the Mayor, represented by the revenues of such public utility derived from utility operations in the District of Columbia that are regulated by the Public Service Commission during the immediately preceding fiscal year (or other 12-month period as the Mayor may designate), divided by the gross revenues of all public utilities from utility operations in the District of Columbia during such period. ...")

² *Webster's New World Dictionary of the American Language, Second College Ed.* (1970), p. 902.

³ *Ibid*; *Black's Law Dictionary, Revised Fourth Ed.*(1968), p. 1145.

FORMAL CASE NO. 962

<p>Dennis Kelly Director of Operations 1-800-Reconex, Inc. 2500 Industrial Avenue Hubbard, OR 97032</p>	<p>Andoni Economou Vice President Metropolitan Telecommunications of DC 44 Wall Street, 14th Floor New York, NY 10005</p>
<p>Tadas Vaitkus Comptroller ARC Networks d/b/a InfoHighway Communications 39 Broadway, 19th Floor New York, NY 10006</p>	<p>Rowena Hardin Deputy Director – Compliance NOS Communicatins 4380 Boulder Highway Las Vegas, NV 89121</p>
<p>Timothy O'Hara Manager AT&T Communications of Washington DC, LLC 1120 20th St., NW, Suite 1000 Washington, DC 20036</p>	<p>JT Ambrosi Vice President Carrier and Govt. Relations Paetec Communications, Inc. 600 Willowbrook Office Park Fairport, NY 14450</p>
<p>Doreen Flash Manager, External Affairs ATX Licensing, Inc. d/b/a ATX Telecommunications 3094 Village Green Drive Westlake, OH 44145</p>	<p>Jenna Brown Manager, Regulatory Affairs Quantum Shift Communications, Inc. 12657 Alcosta Blvd., Suite 418 San Ramon, CA 94583</p>
<p>Daniel E. Meldazis Director, Regulatory Affairs Broadwing Communications 200 LaSalle Street, Suite 1000 Chicago, IL 60601</p>	<p>Randy Burns Sr. Finance Analyst Qwest Communications Corporation 1314 Douglas, 13th Floor Omaha, NE 68102</p>
<p>Andre Temnorod Chief Operating Officer Business Telecom, Inc. 1228 Euclide Avenue, Suite 390 Cleveland, OH 44115</p>	<p>Abebi Wolfe Regulatory Affairs Starpower Communications, LLC 10000 Derekwood Lane Lanham, MD 20706</p>
<p>Jie Cui Regulatory Reporting Analyst CTC Communications Corporation 220 Bear Hill Road Waltham, MA 02451</p>	<p>Timothy O'Hara Manager Teleport Communications of Washington DC, Inc. 1120 20th St., NW, Suite 1000 Washington, DC 20036</p>

<p>Nicole Brown Regulatory Analyst Cypress Communications 15 Piedmon Center 3575 Piedmont Road, Suite 610 Atlanta, GA 30305</p>	<p>Ed Griffin Regulatory Manager US LEC of Virginia, LLC 6801 Morrison Blvd. Charlotte, NC 28211</p>
<p>Diane Peters Director of Regulatory Affairs Global Crossing Telemanagement, Inc. 1080 Pittsford Victor Road Pittsford, NY 14534</p>	<p>J. Henry Ambrose Vice President, State Public Policy Verizon Access Transmission Services 2055 L Street, 5th Floor Washington, DC 20036</p>
<p>Mark Ricigliano Chief Executive Officer LightWave Communications 14504 Greenview Drive, Suite 302 Laurel, MD 20708</p>	<p>J. Henry Ambrose Vice President, State Public Policy Verizon Washington DC Inc. 2055 L Street, 5th Floor Washington, DC 20036</p>
<p>Jodi J. Caro Vice President and General Counsel Looking Glass Networks, Inc. 1111 W. 22nd Street, Suite 600 Oak Brook, IL 60523</p>	<p>Ingrid Weaver Specialist VIC-RMTS-DC d/b/a Verizon Avenue 600 Hidden Ridge MC E01E54 Irving, TX 75038</p>
<p>Karen Potkul Vice President, Regulatory Affairs XO Communications Services, Inc. 1601 Trapelo Road Waltham, MA 02451</p>	

Alexander E. Gertsburg, Esq.

1228 Euclid Avenue, Suite 390
Cleveland, Ohio 44115-1800
216-373-4811 phone -- 216-373-4812 fax
agertsburg@broadvox.net

OFFICE OF THE
PEOPLE'S COUNSEL
DISTRICT GOVERNMENT

2006 NOV -2 P 4: 45

October 31, 2006

RECEIVED

SENT VIA FACSIMILE (202) 727-1014 AND USPS

Ms. Derryl Stewart King
Agency Administrator
Office of the People's Counsel
District of Columbia
1133 15th St., N.W., Suite 500
Washington, D.C. 20005-2710

Dear Ms. King:

I represent Andre Temnorod with respect to the letter you sent to him on October 25, 2006. In that letter you addressed Mr. Temnorod as the Chief Operating Officer of Business Telecom, Inc. You also listed his business address as the address for Business Telecom, Inc. Please be advised that Mr. Temnorod is not the Chief Operating Officer of Business Telecom, Inc., nor any other kind of employee for that company. Mr. Temnorod has never served in any capacity with that company, does not do business with that company, and has barely even heard of it. I wanted to bring this to your attention so that you may correct your records and correct your office's understanding of the proper parties and there contact information.

Should you have any questions, please do not hesitate to call me at the above phone number. Thank you.

Sincerely,


Alexander E. Gertsburg, Esq.

AEG:cak

CC: Mr. Andre Temnorod

44 Wall Street, 6th Floor
New York, NY 10005

TEL: 212.607.2153
FAX: 212.635.5074
www.mettel.net



Metropolitan Telecommunications

Via Fed Ex Delivery

November 1, 2006

Ms. Deryl King
Agency Administrator
Office of the People's Counsel
Of the District of Columbia
Suite 500
1133 15th Street
Washington, D.C., 2005-2710

RECEIVED
2006 NOV -2 A 9:56
OFFICE OF THE
PEOPLE'S COUNSEL
DISTRICT GOVERNMENT

Re: Formal case No. 962 and case No. 988

Dear Ms. King,

I would like to concur with the objection stated by AT&T. Furthermore, as you may not be aware, we are a small carrier with an even smaller presence in the District. The amounts requested actually impact our ability to continue to provide service in the District. Moreover, the D.C. Code limits our liability for such type of expenses. In each of the above cases, your office (Office of the People's Counsel, "OPC"), seeks an order to impose reimbursement for expenses for an outside consultant. The OPC refers to D.C. Code § 34-912 (a) (2) as authority. However, as stated in D.C. Code § 34-912 (a) (3), the OPC may not assess more than one quarter of one percent of the Jurisdictional Valuation of the Utility in a rate or valuation case. In other types of cases, it is one twentieth of one percent. Jurisdictional Valuation has been defined as the value of the property used by the utility for the provision of services in the Jurisdiction. See Washington Gas & Light v. Public Service Commission, 455 A.2d 384 (1982).

As can be noted from our filed reports with the Public Service Commission, we do very little business in the jurisdiction. As a percentage of our company wide total sales, it is approximately 0.05 %. Our total fixed property for the entire company is only seven million dollars. Accordingly, the amount of property used by MetTel for the provision of services in the jurisdiction is only \$3,500.00. Therefore, the OPC can only bill us for up to one quarter of one percent of \$3,500 for costs which is \$8.75. We will remit no more than that amount towards any expense in any case. If you have any questions, please do not hesitate to contact us.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "David Aronow".

David Aronow
President

