

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: OSA
- 3. SECTION(S):
- 5. APPROVED BY:
DIRECTOR:
SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: A-310932 F7000
- 4. PUBLIC MEETING DATE:
00/00/00
- 7. DATE FILED: 04/21/03
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: VERIZON PENNSYLVANIA INC.

RESPONDENT/APPLICANT: BROADVIEW NETWORKS, INC

COMP/APP COUNTY: UTILITY CODE: 310932

ALLEGATION OR SUBJECT

JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.

DOCUMENT
FOLDER

DOCKETED
APR 25 2003

1. REPORT DATE: 00/00/00	:	
2. BUREAU: OSA	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 04/21/03
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PARTY/COMPLAINANT: VERIZON PENNSYLVANIA INC.

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COMP/APP COUNTY: UTILITY CODE: 310932

ALLEGATION OR SUBJECT

JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.....

..... 07/29/03 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF AMENDMENT NO. 1 TO THE INTERCONNECTION AGREEMENT UNDER SECTION 252(E) OF THE TELECOMMUNICATIONS ACT OF 1996.

DOCUMENT FOLDER

DOCKETED
AUG 01 2003

KJR

CAPTION SHEET

MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: OSA
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: A-310932 F7000
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 04/21/03
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: VERIZON PENNSYLVANIA INC.

RESPONDENT/APPLICANT: BROADVIEW NETWORKS, INC

COMP/APP COUNTY: UTILITY CODE: 310932

ALLEGATION OR SUBJECT

JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.

.... 07/29/03 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF AMENDMENT NO. 1 TO THE INTERCONNECTION AGREEMENT UNDER SECTION 252(E) OF THE TELECOMMUNICATIONS ACT OF 1996.

.... 01/10/05 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.

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JAN 13 2005

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- 1. REPORT DATE: 00/00/00
- 2. BUREAU: OSA
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: A-310932 F7000
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 04/21/03
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: VERIZON PENNSYLVANIA INC.

RESPONDENT/APPLICANT: BROADVIEW NETWORKS, INC

COMP/APP COUNTY: UTILITY CODE: 310932

ALLEGATION OR SUBJECT

JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.....

.... 07/29/03 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF AMENDMENT NO. 1 TO THE INTERCONNECTION AGREEMENT UNDER SECTION 252(E) OF THE TELECOMMUNICATIONS ACT OF 1996.....

.... 01/10/05 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.....

.... 04/26/07 JOINT PETITION OF VERIZON PENNSYLVANIA INC AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF AMENDMENT NO. 1 TO THE INTERCONNECTION AGREEMENT UNDER SECTION 252(E) OF THE TELECOMMUNICATIONS ACT OF 1996.

DOCUMENT FOLDER

DOCKETED
MAY 01 2007

- 1. REPORT DATE: 00/00/00 :
- 2. BUREAU: OSA :
- 3. SECTION(S) : 4. PUBLIC MEETING DATE:
- 5. APPROVED BY: : 00/00/00
- DIRECTOR: :
- SUPERVISOR: :
- 6. PERSON IN CHARGE: : 7. DATE FILED: 04/21/03
- 8. DOCKET NO: A-310932 F7000 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: VERIZON PENNSYLVANIA INC.

RESPONDENT/APPLICANT: BROADVIEW NETWORKS, INC

COMP/APP COUNTY: UTILITY CODE: 310932

ALLEGATION OR SUBJECT

JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.....

.... 07/29/03 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF AMENDMENT NO. 1 TO THE INTERCONNECTION AGREEMENT UNDER SECTION 252(E) OF THE TELECOMMUNICATIONS ACT OF 1996.....

.... 01/10/05 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF ADOPTION OF AN INTERCONNECTION AGREEMENT UNDER SECTION 252(I) OF THE TELECOMMUNICATIONS ACT OF 1996.....

.... 04/26/07 JOINT PETITION OF VERIZON PENNSYLVANIA INC AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF AMENDMENT NO. 1 TO THE INTERCONNECTION AGREEMENT UNDER SECTION 252(E) OF THE TELECOMMUNICATIONS ACT OF 1996.....

.... 11/13/07 JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND BROADVIEW NETWORKS, INC. FOR APPROVAL OF AMENDMENT NO. 2 TO THE INTERCONNECTION AGREEMENT UNDER SECTION 252(E) OF THE TELECOMMUNICATIONS ACT OF 1996.

DOCUMENT
FOLDER

Daniel E. Monagle
Assistant General Counsel
Pennsylvania

ORIGINAL



April 21, 2003

1717 Arch Street, 32NW
Philadelphia, PA 19103

Tel: (215) 963-6004
Fax: (215) 563-2658
Daniel.Monagle@Verizon.com

VIA UPS OVERNIGHT

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

DOCUMENT
FOLDER

RECEIVED

APR 21 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

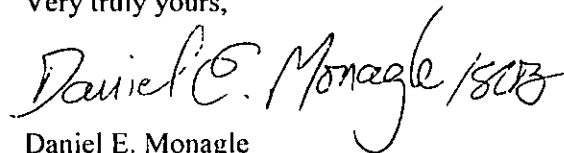
RE: Joint Filing of
Verizon Pennsylvania Inc. and Broadview Networks Inc.
of Adoption of an Interconnection Agreement
Docket No. A-310932 F 7060

Dear Mr. McNulty:

Enclosed please find an original and three (3) copies of the Joint Filing of Verizon Pennsylvania Inc. and Broadview Networks Inc., of Adoption of an Interconnection Agreement. The Interconnection Agreement adopted is the Interconnection Agreement between Verizon Pennsylvania Inc. and Level 3 Communications LLC, which the Commission approved on April 26, 2001 in Case No. A-310663F0002. This adopted Interconnection Agreement is intended as a replacement Interconnection Agreement, replacing the Agreement between Verizon Pennsylvania Inc. and Broadview Networks Inc. previously approved by the Commission by Order dated October 16, 2000 at Docket number A-310932F0002. Both the enclosed April 19, 2002 adoption letter and the May 6, 2002 response letter are enclosed for submission to the Commission. The parties recognize that the adoption has not been submitted to the Commission since its effective date, and file it now to cure that.

Please date stamp the enclosed additional copy and return it to me in the enclosed self-addressed, stamped envelope.

Very truly yours,


Daniel E. Monagle

DEM/slb

Enclosure

cc: Ms. Rebecca Sommi (Via UPS Overnight)
Attached Service List

116

ORIGINAL

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 21 2003

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

JOINT FILING OF VERIZON PENNSYLVANIA INC.)
AND BROADVIEW NETWORKS INC. OF ADOPTION)
OF AN INTERCONNECTION AGREEMENT UNDER)
SECTION 252(i) OF THE TELECOMMUNICATIONS)
ACT OF 1996)

PUC Docket No. A-310932F7000

DOCKETED
APR 25 2003

JOINT FILING

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APR 25 2003
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU~~

Verizon Pennsylvania Inc. ("Verizon PA") and Broadview Networks Inc. ("Broadview")

respectfully submit to the Commission, pursuant to Section 252(i) of the Telecommunications Act of 1996 (the "1996 Act")¹, the attached adoption letter dated as of May 3, 2002 (the "Adoption"). The Adoption provides for the interconnection of the two companies' networks and makes available to Broadview access to unbundled network elements, wholesale telecommunications services, and ancillary services offered by Verizon PA.

THE PARTIES

1. Verizon PA is an incumbent local exchange carrier authorized to provide local exchange telephone service in Pennsylvania.
2. Broadview is a competitive local exchange carrier that is authorized to provide local telephone service in Pennsylvania consistent with appropriate legal requirements established by the Commission.

THE ADOPTION

3. Broadview has exercised its right under Section 252(i) of the 1996 Act to opt into the Verizon PA/Level 3 Communications LLC ("Level 3") Interconnection Agreement which the Commission approved on April 26, 2001 in Case No. A-310633F0002. Under the Adoption,

¹Citations herein to the 1996 Act should be construed as references to sections of the Communications Act of 1934 as amended by the 1996 Act.

Broadview has agreed that it will be bound by the terms of the Verizon PA/Level 3 Interconnection Agreement as such agreement is in effect on the date hereof after giving effect to operation of law.

4. The Adoption sets forth the terms, conditions and prices under which Verizon PA and Broadview will offer and provide network interconnection, reciprocal call termination for local traffic, access to network elements, ancillary network services, and wholesale telecommunications services available for resale to each other within each Local Access and Transport Area ("LATA") in which they both operate in Pennsylvania.

5. Key provisions of the Adoption provide for:

- (i) Compensation for Reciprocal Compensation Traffic at rates of \$.001723 or \$.002814 per minute of use, depending on where traffic is terminated on the Verizon PA and Broadview networks;
- (ii) Unbundled loops -- providing Broadview access to existing Verizon PA customers -- based on a rate methodology specified in the Agreement;
- (iii) Customers to retain their telephone numbers when they switch to Broadview;
- (iv) Including Broadview customers' primary listings in the appropriate alphabetical directory ("White Pages") and, for business customers, in the appropriate classified directory ("Yellow Pages");
- (v) The resale of Verizon PA telecommunications services for a wholesale discount of 23.43% or 25.69% (depending upon whether Broadview provides its own operator services);
- (vi) The continued provision of 911 services to all customers; and
- (vii) Performance standards for services provided by Verizon PA to Broadview equal to the level of service provided by Verizon PA to its own end-user customers and other telecommunications carriers.

COMPLIANCE WITH THE 1996 ACT

6. If the Commission determines that it wishes to (or must) review the Adoption under the 1996 Act or otherwise, it is the parties' view that the Adoption satisfies the requirements for

Commission approval (to the extent that they would apply) pursuant to Section 252(e)(2)(A) of the 1996 Act, which provides as follows:

The State commission may only reject ... an agreement (or any portion thereof) adopted by negotiation under subsection (a) if it finds that--

(i) the agreement (or portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or

(ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity[.]

7. First, the Adoption does not discriminate against any other telecommunications carrier, as required by Section 252(e)(2)(a)(i). To the contrary, any other telecommunications carrier authorized to provide local telephone service in Pennsylvania may obtain the interconnection, unbundling and resale arrangement specified in the underlying interconnection agreement that is the subject of the Adoption on the same terms and conditions (assuming that none of the exclusions to opt-in rights under Section 252(i) of the 1996 Act would apply). Nonetheless, other carriers are not bound by the terms of such interconnection agreement and remain free to negotiate with Verizon PA pursuant to Section 252 of the 1996 Act.

8. Second, the Adoption is consistent with the public interest, convenience, and necessity, as required by Section 252(e)(2)(a)(ii). It is an important step towards allowing Broadview to compete with Verizon PA as a facilities-based local telephone service carrier for both residential and business customers.

APPROVAL OF THE AGREEMENT

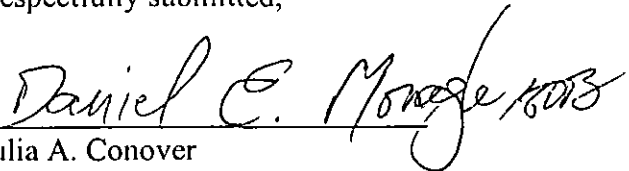
9. Verizon PA and Broadview respectfully request that, if the Commission chooses to review the Adoption, it expedite such review to facilitate implementation of competition in the local exchange market. Although under Section 252(e)(4) of the 1996 Act, the Commission has

90 days to approve or reject the Agreement, Verizon PA and Broadview request that the Commission act sooner than that date if at all possible, if it chooses to review the Adoption.

WHEREFORE, Verizon PA and Broadview respectfully submit the attached Adoption pursuant to Section 252(i) of the 1996 Act.

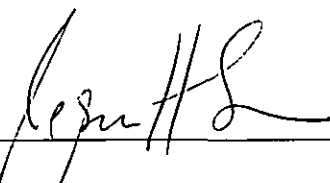
Of Counsel
Jack H. White

Respectfully submitted,



Julia A. Conover
Vice President and General Counsel
Verizon Pennsylvania Inc.
Daniel E. Monagle
Verizon Pennsylvania Inc.
1717 Arch Street, 32N
Philadelphia, PA 19103
Tel. (215) 963-6001
Fax (215) 563-2658

Attorneys For
Verizon Pennsylvania Inc.



Ms. Rebecca Sommi
Vice President – Operations Support
Broadview Networks Inc.
400 Horsham Road
Horsham, PA 19044
Tel. (215) 293-8715

Broadview Networks Inc.

DATED: April 21, 2003



Steven J. Pitterle
Director - Negotiations
Network Services

DOCUMENT
5/13/03

600 Hidden Ridge HQE03B67
P.O. Box 152092
Irving, Texas 75038

Phone 972/718-1333
Fax 972/718-1279
steve.pitterle@verizon.com

RECEIVED

APR 25 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RECEIVED
APR 25 2003

April 19, 2002

Mr. Eric G. Roden
Chief Operating Officer
Broadview Networks, Inc.
59 Maiden Lane, 27th Floor
New York, NY 10038

Re: Requested Adoption Under Section 252(i) of the TA96

Dear Mr. Roden:

Verizon Pennsylvania Inc., f/k/a Bell Atlantic - Pennsylvania, Inc. ("Verizon"), has received your letter stating that, under Section 252(i) of the Telecommunications Act of 1996 (the "Act"), Broadview Networks, Inc. ("Broadview") wishes to adopt the terms of the Interconnection Agreement between Level 3 Communications, LLC ("Level 3") and Verizon that was approved by the Pennsylvania Public Utility Commission (the "Commission") as an effective agreement in the Commonwealth of Pennsylvania, as such agreement exists on the date hereof after giving effect to operation of law (the "Terms"). I understand Broadview has a copy of the Terms. Please note the following with respect to Broadview's adoption of the Terms.

1. By Broadview's countersignature on this letter, Broadview hereby represents and agrees to the following three points:
 - (A) Broadview adopts (and agrees to be bound by) the Terms of the Level 3/Verizon agreement for interconnection as it is in effect on the date hereof after giving effect to operation of law, and in applying the Terms, agrees that Broadview shall be substituted in place of Level 3 Communications, LLC and Level 3 in the Terms wherever appropriate.

- (B) Notice to Broadview and Verizon as may be required under the Terms shall be provided as follows:

To: Ms. Rebecca Sommi, VP -- Operations Support
Attention: Broadview Networks, Inc.
400 Horsham Road
Horsham, PA 19044
Telephone number: 215-293-8715
FAX number: 215-293-8750

To Verizon:

Director-Contract Performance & Administration
Verizon Wholesale Markets
600 Hidden Ridge
HQEWMNOTICES
Irving, TX 75038
Telephone Number: 972-718-5988
Facsimile Number: 972-719-1519
Internet Address: wmnotices@verizon.com

with a copy to:

Vice President and Associate General Counsel
Verizon Wholesale Markets
1515 N. Court House Road
Suite 500
Arlington, VA 22201
Facsimile: 703-351-3664

- (C) Broadview represents and warrants that it is a certified provider of local telecommunications service in the Commonwealth of Pennsylvania, and that its adoption of the Terms will cover services in Verizon Pennsylvania's service territory in the Commonwealth of Pennsylvania only.
2. Broadview's adoption of the Level 3 Terms shall become effective on May 3, 2002. Verizon shall file this adoption letter with the Commission promptly upon receipt of an original of this letter countersigned by an authorized officer of Broadview. The term and termination provisions of the Level 3/Verizon agreement shall govern Broadview's adoption of the Terms. The adoption of the Terms is currently scheduled to expire on September 30, 2002.
 3. As the Terms are being adopted by you pursuant to your statutory rights under section 252(i), Verizon does not provide the Terms to you as either a voluntary or

negotiated agreement. The filing and performance by Verizon of the Terms does not in any way constitute a waiver by Verizon of any position as to the Terms or a portion thereof, nor does it constitute a waiver by Verizon of all rights and remedies it may have to seek review of the Terms, or to seek review in any way of any provisions included in these Terms as a result of Broadview's 252(i) election.

4. On January 25, 1999, the Supreme Court of the United States ("Court") issued its decision on the appeals of the Eighth Circuit's decision in *Iowa Utilities Board*. Specifically, the Supreme Court modified several of the FCC's and the Eighth Circuit's rulings regarding unbundled network elements and pricing requirements under the Act. *AT&T Corp. v. Iowa Utilities Board*, 119 S. Ct. 721 (1999). Certain provisions of the Terms may be void or unenforceable as a result of the Court's decision of January 25, 1999, the United States Eighth Circuit Court of Appeals' decision in Docket No. 96-3321 regarding the FCC's pricing rules, and the current appeal before the U.S. Supreme Court regarding the FCC's new UNE rules. Moreover, nothing herein shall be construed as or is intended to be a concession or admission by Verizon that any provision in the Terms complies with the rights and duties imposed by the Act, the decisions of the FCC and the Commissions, the decisions of the courts, or other law, and Verizon expressly reserves its full right to assert and pursue claims arising from or related to the Terms.
5. Verizon reserves the right to deny Broadview's adoption and/or application of the Terms, in whole or in part, at any time:
 - (a) when the costs of providing the Terms to Broadview are greater than the costs of providing them to Level 3;
 - (b) if the provision of the Terms to Broadview is not technically feasible; and/or
 - (c) to the extent that Verizon otherwise is not required to make the Terms available to Broadview under applicable law.
6. For avoidance of doubt, please note that adoption of the Terms will not result in reciprocal compensation payments for Internet traffic. Verizon has always taken the position that reciprocal compensation was not due to be paid for Internet traffic under section 251(b)(5) of the Act. Verizon's position that reciprocal compensation is not to be paid for Internet traffic was confirmed by the FCC in the Order on Remand and Report and Order adopted on April 18, 2001 ("*FCC Internet Order*"), which held that Internet traffic constitutes "information access" outside the scope of the reciprocal compensation obligations set forth in section 251(b)(5) of the Act.¹ Accordingly, any compensation to be paid for Internet traffic will be handled pursuant to the terms of the *FCC Internet Order*, not

¹ Order on Remand and Report and Order, In the Matters of: Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 and Intercarrier Compensation for ISP-Bound Traffic, CC Docket No. 99-68 (rel. April 27, 2001) ¶44.

pursuant to adoption of the Terms.² Moreover, in light of the *FCC Internet Order*, even if the Terms include provisions invoking an intercarrier compensation mechanism for Internet traffic, any reasonable amount of time permitted for adopting such provisions has expired under the FCC's rules implementing section 252(i) of the Act.³ In fact, the *FCC Internet Order* made clear that carriers may not adopt provisions of an existing interconnection agreement to the extent that such provisions provide compensation for Internet traffic.⁴

7. Should Broadview attempt to apply the Terms in a manner that conflicts with paragraphs 3-6 above, Verizon reserves its rights to seek appropriate legal and/or equitable relief.
8. In the event that a voluntary or involuntary petition has been or is in the future filed against Broadview under bankruptcy or insolvency laws, or any law relating to the relief of debtors, readjustment of indebtedness, debtor reorganization or composition or extension of debt (any such proceeding, an "Insolvency Proceeding"), then: (i) all rights of Verizon under such laws, including, without limitation, all rights of Verizon under 11 U.S.C. § 366, shall be preserved, and Broadview's adoption of the Verizon Terms shall in no way impair such rights of Verizon; and (ii) all rights of Broadview resulting from Broadview's adoption of the Verizon terms shall be subject to and modified by any Stipulations and Orders entered in the Insolvency Proceeding, including, without limitation, any Stipulation or Order providing adequate assurance of payment to Verizon pursuant to 11 U.S.C. § 366.

² For your convenience, an industry letter distributed by Verizon explaining its plans to implement the *FCC Internet Order* can be viewed at Verizon's Customer Support Website at URL www.verizon.com/wise (select Verizon East Customer Support, Resources, Industry Letters, CLEC).

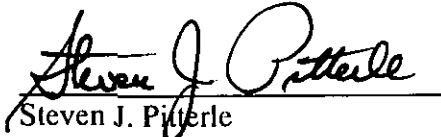
³ See, e.g., 47 C.F.R. Section 51.809(c).

⁴ *FCC Internet Order* ¶ 82.

Please arrange for a duly authorized representative of Broadview to sign this letter in the space provided below and return it to the undersigned.

Sincerely,

VERIZON PENNSYLVANIA INC.



Steven J. Pitterle
Director – Negotiations
Network Services

Reviewed and countersigned as to points A, B, and C of paragraph 1:

BROADVIEW NETWORKS, INC.

(SIGNATURE)

(PRINT NAME)

c: R. Ragsdale – Verizon



DOCKETED

APR 25 2003

DOCUMENT

May 6, 2002 FOLDER

VIA OVERNIGHT COURIER

Mr. Steven J. Pitterle
Director - Negotiations
Verizon
Network Services
600 Hidden Ridge HQE03B67
P.O. Box 152092
Irving, Texas 75038

RECEIVED

APR 25 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Broadview Networks Inc. Adoption of the Interconnection Agreement
Between Level 3 Communications, LLC and Verizon Pennsylvania
Incorporated Pursuant to the Provisions of the Telecommunications Act
of 1996 and Other Applicable Law

Dear Mr. Pitterle:

Broadview Networks, Inc. (Broadview) acknowledges receipt of Verizon Pennsylvania Incorporated's ("Verizon") letter, dated April 19, 2002 (the "April 19th adoption letter"), which purports to respond to Broadview's request for adoption of the interconnection agreement between Verizon and Level 3 Communications, LLC. ("Level 3"), including any and all relevant amendments (the "Verizon-Level 3 Interconnection Agreement").

The April 19, 2002 Adoption Letter contains, among other things, conclusions of law and reservations of rights, which appear to interpret, change, amend, or otherwise modify material provisions of the Interconnection Agreement in contravention of applicable law, and with which Broadview does not necessarily concur. In particular, Broadview takes issue with the inclusion of paragraphs 3, 4, 5, 6, 7, and 8 in the April 19 Adoption Letter. Consequently, Broadview will not countersign the April 19 Adoption Letter, as requested by Verizon. Broadview, however, authorizes Verizon to file *this* letter with the Pennsylvania Public Utility

VIA OVERNIGHT COURIER

Mr. Steven J. Pitterle
Director - Negotiations
May 6, 2002
Page Two

Commission (the "Commission"), together with the petition for approval and any other documents the Commission may deem appropriate.¹

For the purpose of Broadview's adoption of the Verizon-Level 3 Interconnection Agreement, Broadview represents and agrees as follows:

1. Broadview adopts (and agrees to be bound by) the Terms of the Verizon-Level 3 Interconnection Agreement as it is in effect on the date hereof, and in applying the Terms, agrees that "Broadview" shall be substituted in place of "Level 3 Telecom Services, Inc." and "Level 3" in the Terms wherever appropriate.
2. Notice to Broadview as may be required under the Terms shall be provided as follows:

To: Ms. Rebecca Sommi, VP – Operations Support
Attention: Broadview Networks, Inc.
400 HORSHAM ROAD

HORSHAM, PA 19044

Telephone number: 215-293-8715
FAX NUMBER: 215-293-8750

To Verizon:

¹ Verizon *may* file the April 19 Adoption Letter, without Broadview's countersignature, with the Commission together with *this* letter for the purpose of requesting Commission approval of the adoption. However, the April 19 Adoption Letter does not reflect, and may not be interpreted to reflect, Broadview's concurrence with respect to the substance of that letter.

VIA OVERNIGHT COURIER

Mr. Steven J. Pitterle
Director - Negotiations
May 6, 2002
Page Three

Director-Contract Performance & Administration
Verizon Wholesale Markets
600 Hidden Ridge
HQEWMNOTICES
Irving, TX 75038
Telephone Number: 972-718-5988
Facsimile Number: 972-719-1519
Internet Address: wmnotices@verizon.com

with a copy to:

Vice President and Associate General Counsel
Verizon Wholesale Markets
1515 N. Court House Road
Suite 500
Arlington, VA 22201
Facsimile: 703-351-3664

3. The Verizon-Broadview Interconnection Agreement shall become effective upon Verizon's filing of this letter with the Commission. The Verizon-Level 3 Interconnection Agreement is currently scheduled to expire on September 30, 2002.
4. Broadview represents and warrants that it is a certified provider of local telecommunications services in the State of Pennsylvania, and that its adoption of the Terms will cover services in the State of Pennsylvania only.
5. Broadview's adoption of the Verizon-Level 3 Interconnection Agreement and amendments thereto does not affect any rights Broadview may have to negotiate or arbitrate amendments to the agreement or successor agreements; or to adopt a replacement agreement. In adopting the Verizon-Level 3 Agreement, Broadview does not waive any of its rights or remedies under the Communications Act of 1934, as amended, and other relevant state and federal law, rules, regulations, and decisions.

By this letter, Broadview authorizes Verizon to file *immediately* all the necessary documents, including this letter, as may be required by the Commission, for the purpose of obtaining Commission approval of Broadview's adoption of the Verizon-Level 3 Interconnection Agreement. Kindly forward copies of any and all filings in connection with this matter to the

VIA OVERNIGHT COURIER

Mr. Steven J. Pitterle
Director - Negotiations
May 6, 2002
Page Four

that Verizon has filed the adoption documents with the Commission and that no further action from Broadview is required.

Please direct any questions regarding this letter to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Roden", with a long horizontal flourish extending to the right.

Eric G. Roden

cc: Rebecca Sommi (Broadview)
Renee Ragsdale (Verizon)
James Lennon (Broadview)
Lisa Korner-Butler (Broadview)

Attachment (Verizon's Adoption Letter, Dated April 19, 2002)

SERVICE LIST

J. G. Harrington
Dow, Lohnes and Albertson
1200 New Hampshire Ave, N.W.
Suite 800
Washington, D.C. 20036-6802

Irwin A. Popowsky
Office of Consumer Advocate
555 Walnut Street, 5th Floor
Harrisburg, PA 17101-1921

Office of the Attorney General
Bureau of Consumer Protection
Strawberry Square, 14th Floor
Harrisburg, PA 17120

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Telecommunications Resellers
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Brian Barno
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John Short, Esq.
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* Pennsylvania Telephone Association has requested not to receive hardcopies, so none has been sent

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DATE: April 25, 2003

SUBJECT: A-310932F7000

TO: Office of Special Assistants

FROM: James J. McNulty, Secretary *KB*

DOCUMENT
FOLDER

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APR 25 2003

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JOINT PETITION OF VERIZON PENNSYLVANIA INC. AND
BROADVIEW NETWORKS, INC. FOR APPROVAL OF ADOPTION OF AN
INTERCONNECTION AGREEMENT UNDER SECTION 252(i) OF THE
TELECOMMUNICATIONS ACT OF 1996.

Attached is a copy of a Joint Petition for Approval of
Adoption of an Interconnection Agreement filed in connection
with the above-docketed proceeding.

Enclosed is a copy of the notice that we provided to
the Pennsylvania Bulletin to be published on May 10, 2003.
Comments are due on or before 10 days after the publication
of this notice.

This matter is assigned to your Office for appropriate
action.

Attachment

cc: Bureau of Fixed Utility Services
Office of Administrative Law Judge-copy of memo only

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
ENCLOSURE

DOCKETED

APR 25 2003

NOTICE TO BE PUBLISHED

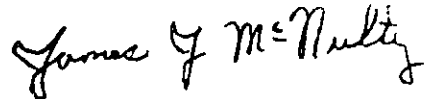
Joint Petition of Verizon Pennsylvania Inc. and Broadview Networks, Inc. for Approval of Adoption of an Interconnection Agreement Under Section 252(i) of The Telecommunications Act of 1996.
Docket Number: A-310932F7000.

Verizon Pennsylvania Inc. and Broadview Networks Inc., by its counsel, filed on April 21, 2003, at the Public Utility Commission, a Joint Petition for approval of Adoption of an Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. All such Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania Inc. and Broadview Networks Inc. Joint Petition are on file with the Pennsylvania Public Utility Commission and are available for public inspection.

Contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

BY THE COMMISSION



James J. McNulty
Secretary

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