

EXHIBIT AA

October 15, 2004

Client No.: 1059

***Via Facsimile (703) 351-3664  
& U. S. Mail***

Nigel M. Atwell  
Verizon General Counsel  
Verizon, Inc.  
1515 North Courthouse Road  
Arlington, VA

Re: North County Communications: New York Dispute

Dear Mr. Atwell

After our last phone conversation, I thought it important to put in writing what I believe to be the salient points upon which our clients disagree. Given that our next move will necessarily include the New York PSC, and will affect how we proceed in other jurisdictions, I think it important that we each understand the other's position.

We have asked that we be able to interconnect in New York in the same manner that we have been allowed to interconnect in West Virginia and Illinois. In both of those jurisdictions, NCC was permitted to interconnect by using a Verizon mux and/or facilities at NCC's switch site. Verizon is paying for the T1 facilities from its tandems to NCC's switch for traffic that originates from Verizon's customers. NCC is paying Verizon for T1 facilities that are used for traffic that originates from NCC customers.

Given that the Telecom Act requires that Verizon allow NCC to interconnect at any technically feasible point on its network, we believe that NCC must be allowed to interconnect at a location such as 60 Hudson Street, without having to pay any T1 charges to carry Verizon's traffic to NCC's switch. You now insist that the interconnection point will only be at a Verizon central office and no longer at the CLEC's central office. Therefore, according to you, NCC has only three choices: 1) Pay Verizon to Collocate in their Central Office, 2) Pay Verizon for T1 facilities to NCC's switch location (no matter which customer originated the call) or 3) Pay another carrier who is currently co-located in a Verizon Central office for T1's between NCC's switch and Verizon's switch. In any event, you made it clear that CLECS no longer have the option of interconnecting in the method described above in West Virginia, Illinois, or Verizon territory.

Nigel M. Atwell  
October 15, 2004  
Page 2

Your reasoning and interpretation of the Telecom Act is that if NCC is not interconnecting at one of Verizon's central offices, it is not interconnecting at a technically feasible point on your network as required by the Act. Mr. DiAmico made it very clear, that Verizon will no longer interconnect with NCC in such a way as it did in Illinois and West Virginia. Verizon will no longer allow this type of interconnection whether NCC adopts an existing agreement, attempts to negotiate a new agreement or under an existing agreement. If NCC wishes to interconnect at an additional location in West Virginia, Illinois, or at a new location in another Verizon jurisdiction in any other state, NCC would not be able to get the same type of interconnection that it is currently receiving in West Virginia and Illinois. You also mentioned that Verizon is litigating this issue (a CLEC's right to interconnect in the manner described above in Illinois and West Virginia) in other jurisdictions and the only way Verizon would agree to this type of interconnection is by way of a ruling by that specific Commission.

If I do not hear from you with respect to the above within 10 days, I will presume that my account of Verizon's position is accurate. It is my sincere wish that we at least be on the same page and line on this issue before we present our positions to the PSC. If we are ever going to resolve our differences, we must at least understand each other.

Very truly yours,

LAW OFFICES OF JOSEPH G. DICKS, A.P.C.



Joseph G. Dicks

Enclosures

cc: Client

EXHIBIT BB

Joseph G. Dicks

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**From:** nigel.m.atwell@verizon.com  
**Sent:** Monday, November 08, 2004 11:10 AM  
**To:** Joseph G. Dicks  
**Cc:** richard\_roman@dps.state.ny.us; Todd@nccom.com  
**Subject:** RE: Response to 10-15 Letter Regarding Interconnection in NY

Joseph - we do not agree with your description of the parties' last discussion. I have had a number of urgent priorities to address since that call which, unfortunately, have delayed my response. However, the fact that I have not responded to your self serving summary of the call should not be construed to mean that Verizon agrees with NCC, nor does it change what the parties discussed on the call. I do intend to respond to your letter shortly. Moreover, I still do not believe that it is appropriate, necessary or required by either the parties' interconnection agreement or applicable law to record our conversations or to have New York PSC staff or representatives from any other regulatory body present during contractual negotiation sessions.

Nigel Atwell  
Assistant General Counsel  
Verizon  
1515 North Courthouse Rd.  
Arlington, VA 22201  
phone: 703.351.3180  
fax: 703.351.3664

"Joseph G. Dicks"  
<jdicks@jgdlaw.com>  
To: Nigel M. Atwell/EMPL/VA/Verizon@VZNotes  
cc: Todd@nccom.com, richard\_roman@dps.state.ny.us  
Subject: RE: Response to 10-15 Letter Regarding Interconnection in

NY

11/08/2004 01:34  
PM

Nigel,  
We still have not gotten a substantive response to my October

15, 2004 letter to you. I assume, therefore that you at least agree that I have described our differences accurately. This is, of course, why I had suggested that the representative from the NYPSC be involved in our conference call. I can't help but suspect that this is precisely why you and Verizon refuse to include the PSC in our dialogue, nor allow our conference calls to be recorded. You don't want us or the PSC to know precisely what your position is. Verizon will, of course, be required to put its position on the record when we are forced to litigate the issue. While I do recognize that this is precisely what Verizon wants (as it forces my client to spend more time and money on fighting as opposed to competing) it nonetheless remains a disturbing reality.

J. Dicks

-----Original Message-----

From: nigel.m.atwell@verizon.com [mailto:nigel.m.atwell@verizon.com]  
Sent: Friday, October 22, 2004 7:16 AM  
To: Joseph G. Dicks  
Cc: gary.r.librizzi@verizon.com; peter.j.damico@verizon.com  
Subject: Response to 10-15 Letter Regarding Interconnection in NY

Joseph

I am in receipt of your letter dated 10-15, attached below. I am working on a response and will get it to you toward the end of next week

Nigel Atwell  
Assistant General Counsel  
Verizon  
1515 North Courthouse Rd  
Arlington, VA 22201  
phone: 703.351.3180  
fax: 703.351.3664

(See attached file: North County Comm. - NY Dispute - 10-15-04.pdf)

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EXHIBIT P-001

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From charles.bartholomew@verizon.com Tue Dec 18 09:16:44 2001  
From: charles.bartholomew@verizon.com  
To: todd@sunray2.nccom.com  
Cc: dianne.m.mckernan@verizon.com  
Subject: Re: Illinois  
Date: Tue, 18 Dec 2001 09:10:24 -0800

Todd,

Please contact Larry Collier (813-273-2966 l.collier@verizon.com) regarding your collocation questions.

For interconnection, you would first submit a forecast, we would hold a conference call to discuss and revise the forecast if necessary. Once we have an agreed upon forecast, you can submit orders for trunking. It takes approximately 15 days from the receipt of a clean (no errors) order to establish trunking.

Best regards,  
Charles Bartholomew  
Verizon Wholesale Markets  
Northwest Technical Support  
425-261-6197  
charles.bartholomew@verizon.com

DIANNE M  
MCKERNAN To Charles G Bartholomew/E  
MPL/WA/Verizon@VZNotes cc  
12/17/01 06:15 Subject Illinois  
PM

Hi Charles,  
Would you be able to help me with these questions from Todd?  
I'm off for a few days & will be back on Thursday..  
Thanks so much for your help,  
Dianne

----- Forwarded by DIANNE M. MCKERNAN/EMPL/NJ/Bell-Atl on  
12/17/2001 09:11 PM -----

Todd Lesser <todd@nccom.com>@sunray2.nccom.com on 12/14/2001 10:13:22 PM

Sent by: Todd Lesser <todd@sunray2.nccom.com>

P-001

Re: Illinois

To: DIANNE M. MCKERNAN/EMPL/NJ/Bell-Atl@VZNotes  
cc:  
Subject Illinois

Is there co-locate space available at

SWITCHING ENTITY: DKLBIAXA50T  
D12 OCN 1036 (GTE NORTH, INC. - ILLINOIS in GT)  
225 E LOCUST ST  
DE KALB, IL 60115

How long does it take to establish co-location?

How long would it take to get interconnection trunks if we co-locate in the central office?

Thank you

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Todd Lesser  
Voice: +1 619 364 4750 Fax +1 619 364 4777  
E-Mail: todd@nccom.com

P-002

**Re: Illinois**

**EXHIBIT C-033**

From: [dianne.m.mckernan@verizon.com](mailto:dianne.m.mckernan@verizon.com)

Thu, 13 Dec 2001 17:00:16 -0500

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From: [dianne.m.mckernan@verizon.com](mailto:dianne.m.mckernan@verizon.com) Thu Dec 13 14:00:24 2001  
From: [dianne.m.mckernan@verizon.com](mailto:dianne.m.mckernan@verizon.com)  
To: [todd@nccom.com](mailto:todd@nccom.com)  
Subject: Re: Illinois  
Date: Thu, 13 Dec 2001 17:00:16 -0500

Hi Todd,

I'm sorry for the delay in responding...  
It took a bit of investigating to get to the Verizon West Policy on terminating Interconnection trunks on Enterprise Facilities. Unfortunately the West policy is the same as the east, as you can see in the message below.  
We will not terminate interconnection trunks on a retail/enterprise facility.  
I hope this information will assist you in making a decision on interconnecting in Illinois.

Take care,  
Dianne

----- Forwarded by DIANNE M. MCKERNAN/EMPL/NJ/Bell-Atl on 12/13/2001 04:54 PM -----

Charles G. Bartholomew  
12/13/2001 04:22 PM

To: DIANNE M. MCKERNAN/EMPL/NJ/Bell-Atl@VZNotes  
cc: Candy E. Thompson/EMPL/WA/Verizon@VZNotes, Denise G. Monte/EMPL/FL/Verizon@VZNotes, Kathryn J. Allison/EMPL/TX/Verizon@VZNotes  
Subject: Re: Illinois (Document link: DIANNE M. MCKERNAN)

Dianne,

We received word from Product Management that the Verizon West policy is the same as the east. The CLEC may not terminate interconnection facilities on a retail facility.

Regards,  
Charles Bartholomew  
Verizon Wholesale Markets  
Northwest Technical Support  
425-261-6197  
[charles.bartholomew@verizon.com](mailto:charles.bartholomew@verizon.com)

C-033

Re: Illinois