

Introduction

Fiber optic telecommunications networks are no longer the exclusive province of the major telecommunications carriers. In recent years there has been a great evolution and proliferation of privately owned fiber optic telecommunications networks. Much of this has been accomplished either by incumbent telephone companies or by competitive telecommunications carriers. Private users of telecommunications services, "enterprise customers," have also developed their own private fiber optic networks designed specifically to serve their unique needs.

This treatise is intended to explain the principal clauses of typical lit fiber services agreements. Very often a lit fiber services agreement consists of three essential components.

- First, there is a Master Services Agreement, or MSA, that contains general contract terms that are intended to apply to all services offered by the vendor. The model Master Services Agreement is in Part 1 of this volume.
- Second, there is a Service Description. A service description is a more detailed and technical explanation of a service that is offered by the vendor. Each service description will set out specific service features and terms and conditions that are unique to that service. The Model Service Agreement is in Part 2 of this volume.
- Third, there is the Service Order Form. This form sets out all of the commercial terms that are specific to a particular transaction and then integrates the commercial terms of this transaction into the service description and the contract terms and conditions. A sample Service Order Form is in Part 3 of this volume.
- In addition, there may be additional other forms and clauses. These are in Part 4 of this volume.

Sometimes the three primary elements are merged into a single document. However, where they are not, as in the sample form that accompanies this treatise, each contract element should be signed by the parties and specifically identified with a common Master Services Agreement.

While the chapters of this book follow the organization of a typical lit fiber services agreement and related exhibits and agreements, by adopting this approach I do not mean to imply that there is a single, universally accepted standard for such agreements. Lit fiber services agreements are as varied as the businesses of the companies utilizing them. With that in mind, I have offered numerous alternate clauses to cover the same topic of many articles, as well as commentary to provide rationale for different selections.

The services delivered by a provider over its network may consist of a measured volume of bandwidth or "lit fiber" services. The following is a schedule of common measurements of lit fiber capacity.

Bandwidth Schedule

DS-0	64 kilobits per second. This is a single voice circuit.
DS-1 (a.k.a. "T-1")	24 DS-0s 1.544 megabits per second

continued

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Bandwidth Schedule—*continued*

DS-3	28 DS-1s 45 Mbps
OC-1	54 Mbps
Designed to carry a DS-3	
OC-3	3 OC-1s 155 Mbps
OC-12	12 OC-1s 622 Mbps
OC-192	192 OC-1s