



PUBLIC NOTICE

Federal Communications Commission
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DA 01-106

January 16, 2001

**COMMENTS REQUESTED ON THE APPLICATION
BY VERIZON NEW ENGLAND INC.
FOR AUTHORIZATION UNDER SECTION 271 OF THE COMMUNICATIONS ACT
TO PROVIDE IN-REGION, INTERLATA SERVICE IN
THE STATE OF MASSACHUSETTS
(CC DOCKET NO. 01-9)**

On January 16, 2001, Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), and Verizon Global Networks Inc. filed an application for authorization to provide in-region, interLATA service in the State of Massachusetts, pursuant to section 271 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 271. This Public Notice establishes certain procedural requirements relating to consideration of Verizon's application. The Commission in a prior Public Notice adopted general procedural requirements that apply to the processing of this and all other applications for authorization under section 271 of the Act.¹ A copy of this earlier Public Notice is attached hereto. Also attached is a protective order adopted today, *Application of Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), and Verizon Global Networks Inc. for Authorization to Provide In-Region, InterLATA Services in Massachusetts*, Protective Order, DA-107 (CCB rel. January 16, 2001), that establishes the conditions under which access will be made available to confidential documents submitted in this proceeding by Verizon or any other party.

Record of Prior Proceeding. Verizon filed a section 271 application for Massachusetts on September 22, 2000 (CC Docket No. 00-176), which it subsequently withdrew.² Verizon has requested that we permit it to incorporate its filings in CC Docket 00-176 into its new Massachusetts application filed today. We grant this request. Commenting parties that seek to have any portion of their prior filings from CC Docket 00-176 incorporated into the record of this new docket should affirmatively so state in their comments.

¹ See *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 99-1994, 1999 WL 766282 (CCB rel. Sept. 28, 1999) (*September 28, 1999 Public Notice*).

² *Application of Verizon New England Inc., et al*, Order, DA 00-2851, CC Docket No. 00-176 (CCB rel. Dec. 18, 2000) (Order terminating docket).

Comments By Interested Third Parties. Comments by interested third parties in support of or in opposition to Verizon's application must be filed on or before February 6, 2001. An original and 1 copy of all comments must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., CY-B402, Washington, D.C. In addition, 12 copies of each comment must be delivered to Susan Pie, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C224, Washington, D.C. 20554 and 1 copy to International Transcription Service (ITS), 445 12th Street, S. W., Room CY-314, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Document in Rulemaking Proceedings*, 63 Fed. Reg. 24, 121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

State Commission and Department of Justice Written Consultations. The Department of Telecommunications and Energy of Massachusetts (Massachusetts DTE) must file any written consultation on or before February 6, 2001. Any written consultation by the U.S. Department of Justice, which by the Act's express terms must become part of the Commission's record, must be filed on or before February 21, 2001. Because the Massachusetts DTE and the Department of Justice are given roles by statute in a section 271 proceeding, copies of all filings, including comments and ex parte submissions, should be filed with those parties.³

Replies. All participants in the proceeding -- the applicant, interested third parties, the Massachusetts DTE, and the Department of Justice -- may file a reply to any comments filed by any other participant on or before February 28, 2001. An original and 1 copy of all replies must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., CY-B402, Washington, D.C. In addition, 12 copies of each reply must be delivered to Susan Pie, Common Carrier Bureau, 445 12th Street, S.W., Room 5-5-C224, Washington, D.C. 20554 and 1 copy to International Transcription Service (ITS), 445 12th Street, S.W., Room CY-314, Washington, D.C. 20554.

Treatment of Confidential Information. As set forth in the *September 28, 1999 Public Notice*, submissions by parties (including the applicant, the Department of Justice, and the relevant state commission) that contain no confidential information or that do not comment on any confidential information submitted by other participants in the proceeding shall be filed in conformance with the procedures set forth in the *September 28, 1999 Public Notice*. However, to the extent a submission includes confidential information or comments on confidential information that another participant has submitted, the party must file with the Office of the Secretary: (a) one copy of only the portion(s) of the submission that contain confidential information or comment on

³ Please forward copies to the attention of: (1) Cathy Carpino, Massachusetts Department of Telecommunications and Energy, One South Station, Boston, MA 02110 and (2) Josh Walls, U.S. Department of Justice, Antitrust Division, Telecommunications Task Force, 1401 H St., NW, Suite 8000, Washington, DC 20005.

confidential information that another participant has submitted, exclusive of the remainder of the submission; and (b) one original and two copies of the entire confidential submission in redacted form. Each of the submissions described in items (a) and (b) must be accompanied by a cover letter. The submission described in item (a) and accompanying cover letter should be stamped “Confidential—Not for Public Inspection.” The original and two copies of the redacted submission described in item (b) and their accompanying cover letters should be stamped “Redacted—For Public Inspection.” The cover letters accompanying both sets of submissions set forth in items (a) and (b) above should state that the party is filing a confidential portion of the submission and a redacted version of the entire submission. Other than bearing different stamps (i.e., “Confidential—Not for Public Inspection” or “Redacted—For Public Inspection”), the (a) and (b) cover letters should be identical. The submissions should be delivered in person to Magalie Roman Salas, Secretary, 445 12th Street, S.W., Room TW-B-204; or, in her absence, to William F. Caton, Deputy Secretary, at the same address. A set of each of the submissions should also be delivered to Susan Pié, Policy and Program Planning Division, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C224.

All questions relating to access to confidential information submitted by Verizon should be directed to Jonathan Rabkin, Kellogg & Huber, (202) 326-7922.

Availability of Information. A wide range of information relating to Verizon’s section 271 application for Massachusetts may be retrieved from the Commission’s World Wide Web site at <http://www.fcc.gov>.⁴ Moreover, Verizon has voluntarily agreed to post certain documents on the World Wide Web at its website, <http://newscenter.verizon.com/policy>. Specific information, such as comments and *ex parte* submissions, may be obtained from the Electronic Comment Filing System (ECFS), which is accessible through the Commission’s website. The application will be available for public inspection during regular business hours in the Reference Information Center of the Federal Communications Commission, Room CY-A-257, 445 12th Street, S.W., Washington, DC 20554. Paper copies of the application, and the record generated in response thereto, may be obtained from the Commission’s copy contractor, ITS, Inc., 1231 20th Street, N.W., Washington, DC 20036, (202) 857-3800.

Ex Parte Rules - Permit-but-Disclose Proceeding. Because of the broad policy issues involved, section 271 application proceedings initially are classified as permit-but-disclose proceedings.⁵ Accordingly, *ex parte* presentations will be permitted, provided they are disclosed in conformance with the Commission’s *ex parte* rules.⁶ Because of the 90-day statutory timeframe for decision, the Commission strongly encourages parties to set forth their views comprehensively in the formal filings specified above (e.g., written consultations, oppositions, supporting comments, etc.) and

⁴ The rules relating to public information and the inspection of records are set forth at sections 0.441 through 0.470 of the Commission’s Rules. 47 C.F.R. §§ 0.441-0.470.

⁵ See 47 C.F.R. § 1.1206(a)(13) (added by 64 FR 68946, 68946 (1999) (effective Jan. 10, 2000)); e.g., Comments Requested on Application by Bell Atlantic for Authorization under Section 271 of the Communications Act to Provide In-region, InterLATA Service in the State of New York (CC Docket No. 99-295), Public Notice, DA 99-2014, 1999 WL 770903 (CCB rel. Sept. 29, 1999).

⁶ See 47 C.F.R. §§ 1.1202, 1.1206(b). Interested parties are to file with the Secretary of the Commission and serve Susan Pié, Policy and Programming Planning Division, Common Carrier Bureau, Federal Communications Commission, Rm. 5-C224, 445 Twelfth St., S.W., Washington, DC 20554, and ITS, Inc., 2131 20th St., N.W., Washington, DC 20036, with copies of written *ex parte* presentations in these proceedings in accordance with the Commission’s *ex parte* rules. Copies should also be filed with the Department of Justice and the Massachusetts DTE, as noted above.

not to rely on subsequent *ex parte* presentations. In any event, parties may file no more than a total of 20 pages of written *ex parte* submissions. This 20-page limit does not include: (1) written *ex parte* submissions made solely to disclose an oral *ex parte* contact; (2) written material submitted at the time of an oral presentation to Commission staff that provides a brief outline of the presentation; (3) written material filed in response to direct requests from Commission staff; or (4) written factual exhibits. *Ex parte* submissions in excess of the 20-page limit will not be considered part of the record of this proceeding. In light of the statutory deadline for decision, parties are hereby requested to provide Susan Pié, Policy and Programming Planning Division, Common Carrier Bureau, Federal Communications Commission, Rm. 5-C224, 445 Twelfth St., S.W., Washington, DC 20554, with copies of any *ex parte* presentations made in this docket to any member of the Commission.

In recognition of the burden placed on all parties by the 90-day statutory timeframe, Verizon has voluntarily agreed to post (within 24 hours of filing) a copy of each *ex parte* submission it files with the Commission in this docket on the World Wide Web at its website: <http://newscenter.verizon.com/policy>. Parties filing *ex parte* submissions are requested to provide Verizon with a copy of each *ex parte* submission within 24 hours by fax, messenger, or overnight delivery.⁷

For purposes of this proceeding, any oral *ex parte* presentations from the Department of Justice and the Massachusetts DTE are deemed to be exempt *ex parte* presentations.⁸ To the extent that the Commission obtains through such oral *ex parte* presentations new factual information on which the Commission may rely in its decision-making process, the party submitting the information -- either the Department of Justice or the Massachusetts DTE -- shall prepare a summary for inclusion in the record in accordance with Commission rules, unless such a summary is being prepared by Commission staff.⁹ We also waive any page limits for written *ex parte* submissions by the Department of Justice or the Massachusetts DTE.¹⁰

Notwithstanding the above, the Commission may, by subsequent public notice, prohibit all presentations to its decision-making personnel regarding the application during a seven-day period preceding the anticipated release date of the Commission's order regarding the application.¹¹

Ex Parte Meeting Schedule. The Common Carrier Bureau will be available for meetings on January 30, 2001 and February 23, 2001 in case interested parties wish to discuss any issues that they intend to raise in comments or reply comments, as applicable, in support of or in opposition to Verizon's application. The purpose of these meetings is to give interested parties an opportunity to inform Bureau staff of such issues prior to filing their written comments or reply

⁷ Copies of *ex parte* submissions delivered to Verizon shall be addressed to: Ann Berkowitz, 1300 I Street, Suite 400W, Washington, DC 20005. Fax (202) 336-7922, Telephone: (202) 336-7888.

⁸ *See id.* § 1.1200(a) ("Where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice."); *id.* § 1204(a)(6), as amended by 64 FR 68946, 68946 (1999) (effective Jan. 10, 2000).

⁹ *See id.* § 1.1206(a).

¹⁰ *See id.* § 1.1200(a).

¹¹ *See id.* §§ 1.1200; 1.1203.

comments. The Bureau encourages interested parties to make joint presentations of common concerns to the extent feasible. Parties who wish to schedule meetings with the Bureau should call Susan Pié, Policy and Program Planning Division, at (202) 418-1443. Aside from the meetings listed above, *ex parte* meetings related to this proceeding will occur only at the request of Bureau staff.

Calendar

Ex Parte Meetings related to Comments:	Jan. 30, 2001
Comments Due (includes Massachusetts DTE):	Feb. 6, 2001
U.S. Department of Justice Evaluation:	Feb. 21, 2001
Ex Parte Meetings related to Reply Comments:	Feb. 23, 2001
Reply Comments Due:	Feb. 28, 2001

By the Common Carrier Bureau.

News Media contact: Michael Balmoris -- (202) 418-1500

Common Carrier Bureau contact: Eric Einhorn -- (202) 418-1580