



PUBLIC NOTICE

Federal Communications Commission
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DA 01-1790
August 1, 2001

**COMMON CARRIER BUREAU SEEKS COMMENT ON PROPOSED CHANGE TO
VERIZON'S MERGER PERFORMANCE PLAN
CC Docket No. 98-184**

Comments Due: August 31, 2001
Reply Comments Due: September 15, 2001

The *Bell Atlantic/GTE Merger Order* requires Verizon Communications, Inc. (Verizon) to publicly file performance data demonstrating its progress in opening its local markets to competitors as part of the Carrier-to-Carrier Performance Plan.¹ Specifically, Verizon reports 17 performance measurements each month in the areas of operations support systems, provisioning, maintenance and repair, billing, and collocation.² If Verizon's performance falls below certain benchmarks, the company must make payments to the United States Treasury.³

Pursuant to the *Merger Conditions*, the Carrier-to-Carrier Performance Plan is effective in each state until the earlier of (i) 36 months after Verizon's obligation to make payments starts, (ii) the date on which Verizon receives section 271 authority in a state, or (iii) the effective date of a comprehensive performance plan adopted by a state commission.⁴ Under the *Merger Conditions*, the Chief of the Common Carrier Bureau shall determine whether a state-approved performance reporting requirement is "comprehensive" for purposes of the *Bell Atlantic/GTE Merger Order*.⁵

Verizon has requested the Common Carrier Bureau's approval to remove Illinois, Ohio, and

¹ Applications of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License, CC Docket No. 98-184, *Memorandum Opinion and Order*, 15 FCC Rcd 14032, Appendix D, Attachment A (2000) ("*Bell Atlantic/GTE Merger Order*" or "*Merger Order*").

² See *Bell Atlantic/GTE Merger Order* at Appendix D, Attachment A, ¶¶ 8-16.

³ See *Bell Atlantic/GTE Merger Order* at Appendix D, Attachment A, ¶ 14.

⁴ See *Bell Atlantic/GTE Merger Order* at Appendix D, ¶ 17.

⁵ See *Bell Atlantic/GTE Merger Order* at Appendix D, n.60.

Pennsylvania from the federal Carrier-to-Carrier Performance Plan.⁶ Specifically, Verizon states that the Illinois, Ohio, and Pennsylvania commissions have adopted performance reporting plans that are comprehensive. Under its proposal, Verizon would neither report performance data to the Commission nor make voluntary payments to the United States Treasury for performance in those states.

The Bureau seeks comment on Verizon's proposal. To the extent parties argue that a particular plan is not comprehensive under the *Merger Conditions*, they should identify with specificity which measurement or measurements are lacking in that state plan.

1. EX PARTE STATUS OF THIS PROCEEDING

This proceeding continues to be "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. Should circumstances warrant, the Bureau may designate this proceeding and all interrelated proceedings as restricted. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.⁷

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentations are set forth in Section 1.1206 (b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 445 12th Street S.W., Washington, D.C. 20554, and serve Debbi Byrd of the Accounting Safeguards Division, Common Carrier Bureau, 445 12th Street S.W., 6-C316, Washington D.C. 20554, and International Transcription Service, Inc., 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, with copies of any written *ex parte* presentations in these proceedings filed in the manner specified above.

2. FILING PROCEDURES

Interested parties may file comments regarding Verizon's request not later than August 31, 2001. Responses or oppositions to these comments and petitions may be filed not later than September 15, 2001. In accordance with Section 1.51(c) of the Commission's Rules, 47 C.F.R. §1.51(c), an original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554. In addition, copies of each pleading must be filed with other offices in the following manner: (1) one copy with International Transcription Service, Inc., the Commission's duplicating contractor, 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (2)

⁶ See Letters from Dee May, Executive Director, Federal Regulatory, Verizon, to Dorothy Attwood, Chief, Common Carrier Bureau, Federal Communications Commission (July 17 and 19, 2001). The letters and the accompanying state plans are too voluminous to attach to this Public Notice but are available in the Commission's Electronic Comment Filing System in CC Docket No. 98-184.

⁷ An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. § 1.1201.

857-3800; (2) one copy with Mark Stone, Accounting Safeguards Division, Common Carrier Bureau, 445 12th Street, S.W., Room 6-C365, Washington, D.C. 20554; and (3) six copies with Debbi Byrd, Accounting Safeguards Division, Common Carrier Bureau, 445 12th Street, S.W., Room 6-C316, Washington, D.C. 20554.

In addition to filing paper comments, parties may also file comments using Commission's Electronic Comment Filing System (ECFS).⁸ 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 Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. For filing instructions for e-mail comments, commenters should send an 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.

Copies of any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc., 445 12th Street, S.W., CY-B402, Washington, D.C. 20554, (202) 857-3800. Electronic versions are also available on the FCC's Internet Home Page (<http://www.fcc.gov>) and through the Commission's Electronic Comment Filing System. To the extent that parties file electronic versions of responsive pleadings, such filings also will be available on the FCC's Internet Home Page and through the Commission's Electronic Comment Filing System. Copies of the applications and documents are also available for public inspection and copying during normal reference room hours at the Commission's Reference Center, 445 12th Street, S.W., CY-A257, Washington, D.C. 20554.

For further information, contact Mark Stone at (202) 418-0816.

Action by the Chief, Accounting Safeguards Division, Common Carrier Bureau, FCC.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24,121 (1998).