



PUBLIC NOTICE

Federal Communications Commission
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DA 01-2746
November 26, 2001

**COMMENTS REQUESTED ON THE APPLICATION
BY VERIZON FOR AUTHORIZATION UNDER SECTION 271 OF THE
COMMUNICATIONS ACT TO PROVIDE IN-REGION, INTERLATA SERVICE IN
THE STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS**

CC DOCKET NO. 01-324

On November 26, 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), Verizon Global Networks Inc., and Verizon Select Services Inc. (collectively, Verizon) filed an application for authorization to provide in-region, interLATA service in the State of Rhode Island and Providence Plantations, 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 by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization To Provide In-Region, InterLATA Services in Rhode Island, Protective Order, DA 01-2747 (CCB rel. Nov. 26, 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.

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 **December 17, 2001**, and must be filed in conformance with the procedures set forth in the attached *March 23, 2001 Public Notice* and the Commission's recent Public Notices applying to all filings (*see* DA 01-2430, DA 01-2436, DA 01-2451). As in prior section 271 application proceedings, comments may not exceed 100 pages.²

¹ See *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, DA 01-734 (CCB rel. Mar. 23, 2001) (*Mar. 23, 2001 Public Notice*).

² Parties anticipating that they may require additional pages for comments or reply comments are asked to contact Gary Remondino at (202) 418-2298 as soon as possible.

An original and four copies of all comments must be filed with Magalie Roman Salas, Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-B204, Washington D.C. 20554. In addition, twelve copies of each comment must be delivered to Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C327, Washington, D.C., 20554, and one copy to Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington D.C., 20554. In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, hand-delivered or messenger-delivered filings must be delivered to 9300 East Hampton Drive, Capitol Heights, MD 20743.³ In addition to filing paper comments, parties **are encouraged also to file comments electronically** 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 the Internet e-mail. To receive instructions, send an email to ecfs@fcc.gov and 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. **Parties are also requested to send a courtesy copy of their comments via email to jveach@fcc.gov, gremondi@fcc.gov, kelly.trainor@usdoj.gov, and sfrias@gwia.ripuc.org.**

State Commission and Department of Justice Written Consultations. The Rhode Island Public Utilities Commission (Rhode Island Commission) must file any written consultation on or before **December 17, 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 **January 4, 2002**. Because the Rhode Island Commission and the Department of Justice are given roles by statute in a section 271 proceeding, copies of all pleadings, including comments and *ex partes*, should be filed with those parties.⁴

Replies. Any participant in the proceeding – the applicant, interested third parties, the Rhode Island Commission, and the Department of Justice – may file a reply to any comments filed by any other participant on or before **January 10, 2002**. Replies may not exceed 50 pages, unless parties request additional pages to address state-specific circumstances, as described above in footnote 2. An original and four copies of all reply comments must be filed with Magalie Roman Salas, Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-B204, Washington D.C. 20554. In addition, twelve copies of each reply must be delivered to Janice Myles, Common Carrier Bureau, 445 12th Street, S.W., Room 5-C327, Washington, D.C., 20554, and one copy to Qualex International, Portals II, 445 12th Street, S.W., Room CY-B402, Washington D.C., 20554. Hand-delivered or messenger-delivered filings will be

³ *See* Public Notice, FCC Announces Change in Filing Location for Paper Documents, DA 01-2436 (rel. Oct. 17, 2001).

⁴ Please forward copies to the attention of: (1) Steve Frias, Rhode Island Public Utilities Commission, Division of Public Utilities and Carriers, 89 Jefferson Boulevard, Warwick, RI 02888, and (2) Kelly Trainor, U.S. Department of Justice, Antitrust Division, Telecommunications Task Force, 1401 H St., N.W., Suite 8000, Washington, DC 20530.

accepted only at 9300 East Hampton Drive, Capitol Heights, MD 20743.⁵ As with comments, parties **are encouraged also to file replies electronically** using the Commission’s Electronic Comment Filing System (ECFS). **Parties are also requested to send a courtesy copy of any replies via email to jveach@fcc.gov, gremondi@fcc.gov, kelly.trainor@usdoj.gov, and sfrias@gwia.ripuc.org.**

Treatment of Confidential Information. To the extent a submission by any party (including the applicant, the Department of Justice, the Rhode Island Commission, or any commenter) 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 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 sent to Magalie Roman Salas, Secretary, 445 12th Street, S.W., Room TW-B204. Hand-delivered or messenger-delivered filings will be accepted only at 9300 East Hampton Drive, Capitol Heights, MD 20743.⁶ One set of the confidential and redacted submissions should also be sent to Gary Remondino, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, DC 20554. If the submission is a comment or reply, then twelve copies of the public version must be sent to Janice Myles at the address listed above in paragraphs addressing comments and replies.

All questions relating to access to confidential information submitted by Verizon should be directed to Steven McPherson, Verizon, 1515 North Courthouse Road, Arlington, VA 22201, (703) 351-3083.

Availability of Information. A wide range of information relating to Verizon’s section 271 application for Rhode Island may be retrieved from the Commission’s website at <http://www.fcc.gov>.⁷ 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. Moreover, Verizon has voluntarily agreed to post several documents,

⁵ See Public Notice, FCC Announces Change in Filing Location for Paper Documents, DA 01-2436 (rel. Oct. 17, 2001).

⁶ See Public Notice, FCC Announces Change in Filing Location for Paper Documents, DA 01-2436 (rel. Oct. 17, 2001).

⁷ 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.

including its application and supporting affidavits and substantive *ex parte* submissions, on the World Wide Web at <http://newscenter.verizon.com/policy>.

The application will be available for public inspection during regular business hours in the Reference Information Center of the Federal Communications Commission, Room CY-A257, 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.

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.⁸ Accordingly, *ex parte* presentations will be permitted, provided they are disclosed in conformance with the Commission's *ex parte* rules.⁹ 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 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 courtesy copies of any *ex parte* presentations made to any member of the Commission to Gary Remondino, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington D.C. 20554. **Parties are also requested to send a courtesy copy of any *ex parte* submissions via email to jveach@fcc.gov, gremondi@fcc.gov, kelly.trainor@usdoj.gov, and sfrias@gwia.ripuc.org.**

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 at its website: <http://newscenter.verizon.com/policy>. Likewise, 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.¹⁰

For purposes of this proceeding, any oral *ex parte* presentations from the Department of Justice and the Rhode Island Commission are deemed to be exempt *ex parte* presentations.¹¹ To

⁸ 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 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).

⁹ See 47 C.F.R. §§ 1.1202, 1.1206(b).

¹⁰ Copies of *ex parte* submissions delivered to Verizon shall be addressed to: Ann Berkowitz, 1300 Eye Street N.W., Suite 400 West, Washington, DC 20005. Fax (202) 336-7922, Telephone (202) 515-2539.

¹¹ See *id.* § 1.1200(a) ("Where the public interest so requires in a particular proceeding, the Commission and its staff

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 Rhode Island Commission – shall prepare a summary for inclusion in the record in accordance with Commission rules, unless such a summary is being prepared by Commission staff.¹² We also waive any page limits for written *ex parte* submissions by the Department of Justice or the Rhode Island Commission.¹³

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.¹⁴

Ex Parte Meeting Schedule. The Common Carrier Bureau will be available for meetings on December 12 and 13, 2001 and January 7 and 8, 2002, 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 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 Gary Remondino, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-2298.

Aside from the meetings listed above, *ex parte* meetings related to this proceeding will occur only at the request of Bureau 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).

¹² *See id.* § 1.1206(a).

¹³ *See id.* § 1.1200(a).

¹⁴ *See id.* §§ 1.1200, 1.1203.

Calendar

***Ex Parte* Meetings related to Comments: December 12 and 13, 2001**

Comments Due: December 17, 2001

State Commission Comments Due: December 17, 2001

U.S. Department of Justice Evaluation: January 4, 2002

***Ex Parte* Meetings related to Reply Comments: January 7-8, 2002**

Reply Comments Due: January 10, 2002

Statutory Deadline: February 24, 2002

By the Common Carrier Bureau.

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

Common Carrier Bureau contact: Julie Veach -- (202) 418-1558