



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

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DA 02-419

Released: February 22, 2002

## COMMON CARRIER BUREAU SEEKS COMMENT ON VERIZON'S REQUEST FOR A TEMPORARY SUSPENSION OF TWO MERGER CONDITIONS

CC Docket No. 98-184

Comments Due By: March 1, 2002

Reply Comments Due By: March 6, 2002

On January 10, 2002, Verizon Communications, Inc. (Verizon) submitted a letter to the Common Carrier Bureau (Bureau) requesting a temporary suspension of Condition V (Carrier-to-Carrier Performance Plan) and Condition XIX (Additional Service Quality Reporting) of the *Bell Atlantic/GTE Merger Conditions*.<sup>1</sup> Condition V requires Verizon to report monthly performance measurement data on its local wholesale operations, and to make voluntary payments for sub-standard performance. Condition XIX requires Verizon to report performance measurement data for its retail and long distance customers. Verizon seeks a three-month temporary suspension of the Condition V and XIX performance data reporting requirements for the legacy GTE portions of Pennsylvania and Virginia while it implements the OSS uniformity condition set forth in Merger Condition VI.<sup>2</sup> Verizon plans to implement OSS uniformity in Virginia in March 2002 and Pennsylvania in March 2003. Verizon proposes to make voluntary payments related to Condition V during this limited period based on its performance in the immediately preceding three months.

The Bureau seeks comment on Verizon's request, which is attached to this Public Notice. Pursuant to the instructions below, interested parties should submit comments no later than **March 1, 2002**. Reply comments should be submitted no later than **March 6, 2002**.

This is a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>3</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations 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

<sup>1</sup> See Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Magalie Roman Salas, Secretary, Federal Communications Commission, CC Docket No. 98-184, at 1 (filed Jan. 10, 2002); 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 (*Bell Atlantic/GTE Merger Order*).

<sup>2</sup> *Bell Atlantic/GTE Merger Order* at Appendix D, ¶ 19(f).

<sup>3</sup> 47 C.F.R. §§ 1.200 *et seq.*

required.<sup>4</sup> Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules.

Interested parties may file comments by March 1, 2002 and reply comments by March 6, 2002. All filings should refer to CC Docket No. 98-184. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>5</sup> Comments filed through 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 number, which in this instance is CC Docket No. 98-184. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto: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.

Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Ernestine Creech, Accounting Safeguards Division, Common Carrier Bureau, Federal Communications Commission, 445 12<sup>th</sup> Street S.W., Washington, D.C. 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Microsoft Word or compatible software. The diskette should be accompanied by a cover letter and should be submitted in "read only" mode. The diskette should be clearly labeled with the commenter's name, proceeding (including the docket number, in this case, CC Docket No. 98-184), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase: "Disk Copy—Not and Original." Each diskette should contain only one party's pleading, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street S.W., CY-B402, Washington, D.C. 20554.

Regardless of whether parties choose to file electronically or by paper, parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, Qualex International, Portals II, 445 12<sup>th</sup> Street S.W., CY-B402, Washington, D.C. 20554 (telephone 202-863-2893; facsimile 202-863-2898) or via e-mail at [qualexint@aol.com](mailto:qualexint@aol.com).

Comments and reply comments must include a short and concise summary of the substantive arguments raised in the pleading. Comments and reply comments must also comply with section 1.48 and all other applicable sections of the Commission's rules.<sup>6</sup> We direct all interested parties to include the name of the filing party and the date of the filing on each page of their comments and reply comments. All parties are encouraged to utilize a table of contents, regardless of the length of their submission.

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

Action by the Deputy Chief, Common Carrier Bureau.

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<sup>4</sup> See 47 C.F.R. § 1.1206(b)(2).

<sup>5</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

<sup>6</sup> See 47 C.F.R. § 1.49.

Dee May  
Assistant Vice President  
Federal Regulatory



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January 10, 2002

Dorothy Attwood  
Chief, Common Carrier Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW- Room 5C-450  
Washington, D.C. 20554

*Re: Merger Condition for Carrier-Carrier Performance Assurance Plan*

Dear Ms. Attwood:

I am writing to request your approval to suspend temporarily the reporting of performance data and other quality data for the fGTE service areas in Virginia and Pennsylvania, as required under conditions 5 and 19 of the Merger Order. Verizon would continue to report performance data and other quality data for the fBA service areas in Virginia and Pennsylvania. I request this temporary suspension for the three month period of March to May, 2002 for Virginia and March to May, 2003 for Pennsylvania. It is during these respective three-month transition periods that Verizon will implement OSS uniformity as required under condition 6<sup>1</sup>. During these respective transition periods, Verizon will transfer Company and customer records from the fGTE systems to the fBA systems, making reporting of data imprecise and extraordinarily complex. The allowance of the requested suspensions will help Verizon achieve an orderly transition from the reporting of these data for these two states under the business rules specified for the fGTE service areas to the business rules specified for the fBA service areas, and avoid reporting potentially garbled or misleading data resulting from the transition period<sup>2</sup>.

Furthermore, Verizon does not request any suspension of its obligation to make payments under the Merger performance plan. Instead, Verizon proposes that the performance for the three months preceding the temporary suspension be used to calculate any payments that would be due during the suspension period. Verizon believes that this substitute payment calculation will avoid any credible claim that Verizon is avoiding its obligations under the merger conditions. Once the transition is complete, the use of transitioned business rules and systems would begin immediately, phasing in the new data over three months. Attachment A provides further details of Verizon's proposal.

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<sup>1</sup> Within 5 years after the Merger Closing Date, Bell Atlantic/GTE will implement uniform, electronic OSS interfaces and business rules (including for pre-ordering and ordering components used to provide digital subscriber line ("xDSL") and other Advanced Services) between the Bell Atlantic and GTE Service Areas in Pennsylvania and Virginia. (CC Docket No. 98-184, Conditions for Bell Atlantic/GTE Merger, Condition VI, paragraph 19(f)).

<sup>2</sup> Ibid.

There will be no harm to the market or CLECs if Verizon's request is granted. The fGTE service areas of Virginia and Pennsylvania represent only 15.50% and 9.86% of the lines in those states served by Verizon. The performance data and other service quality data for the remaining portions of the states will continue to be reported and is expected to be unaffected by the transition.<sup>3</sup> Performance data over the last 17 months for those fGTE service areas demonstrate Verizon has consistently provided excellent service. During the period of 2001, only one voluntary payment in the amount of \$2489.00 has been required as a result of the wholesale performance plan specified in the merger order for performance in for the fGTE service area of Pennsylvania. Verizon made no payments with respect to the fGTE service territory in Virginia. In addition, there are only 33 CLECs with approximately 27,171 lines in service in those fGTE Virginia and Pennsylvania service areas.

This temporary suspension will allow Verizon to make an orderly transition from the reporting of these data under the current business rules to the new business rules required by the Merger Order. Because the number of metrics and the types of metrics reported differ between the fGTE service areas and fBA service areas, there will be a necessary difference before and after the transition to the new uniform OSS. Additionally, transactions in a given central office, initiated prior to conversion may be completed in a different suite of systems and therefore the calculated results would be misleading and incomplete during the transition. The temporary suspension eliminates the mis-matches between different metrics from different systems that would make the meaningful quantification of any payment obligations difficult, if not impossible.

Verizon will begin its transition during March 2002 for the fGTE Virginia access lines and therefore request expeditious handling of this request.

Please do not hesitate to call me if you have any questions.

Sincerely,



Attachments

cc: Carol Matthey  
Tony Dale  
Mark Stone

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<sup>3</sup> If approval for this suspension is granted, Verizon intends to exclude all performance data relating to the fGTE service territory in Virginia and Pennsylvania during the suspension period. In some cases, such as pre-order transactions, exclusion may be difficult. Verizon proposes to include any such items as part of the fBA results.

Dee May  
Assistant Vice President  
Federal Regulatory



1300 I Street, NW, Floor 400W  
Washington, DC 20005

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dolores.a.may@verizon.com

January 10, 2002

**Ex Parte**

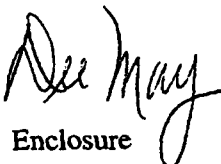
Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., S.W. – Portals  
Washington, DC 20554

Re: Bell Atlantic Corp. and GTE Corp., CC Docket No. 98-184

Dear Ms. Salas:

In response to requests from the Common Carrier Bureau, Verizon is providing the enclosed. Please let me know if you have any questions.

Sincerely,

  
Enclosure

cc: T. Dale  
C. Matthey  
M. Stone  
D. Attwood

**Verizon**  
**FGTE Virginia and Pennsylvania\* Areas**  
**Transition Payment Obligations Schedule for Condition 5**

<b>Payment Due Date</b>	<b>Data Months and Business Rules</b>	<b>Recommended Data Months and Business Rules</b>
April 25, 2002	12/01-fGTE 01/02-fGTE 02/02-fGTE	No Change
May 25, 2002	01/01-fGTE 02/02-fGTE 03/02-?	12/01-fGTE 01/02-fGTE 02/02-fGTE
June 25, 2002	02/02-fGTE 03/02-? 04/02-?	12/01-fGTE 01/02-fGTE 02/02-fGTE
July 25, 2002	03/02-? 04/02-? 05/02-?	12/01-fGTE 01/02-fGTE 02/02-fGTE
August 25, 2002	04/02-? 05/02-? 06/02-fBA	06/02-fBA 06/02-fBA 06/02-fBA
September 25, 2002	05/02-? 06/02-fBA 07/02-fBA	06/02-fBA 06/02-fBA 07/02-fBA
October 25, 2002	06/02-fBA 07/02-fBA 08/02-fBA	No Change

\* Note: These dates are for the Virginia transition. The dates for Pennsylvania transition would be 2003 and fall during the same months and timeframes.



**Federal Communications Commission  
Washington, D.C. 20554**

DA 02-420  
February 22, 2002

Edward S. O'Neill  
Raymond J. Quianzon  
Fletcher Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209

Dear Mr. O'Neill and Mr. Quianzon:

This letter is in response to your letter of February 12, 2002, requesting that the Federal Communications Commission ("Commission") re-evaluate the basic qualifications and "new entrant" status awarded to the Auction No. 82 bidder, Roberts Broadcasting, USA, LLC ("Roberts").<sup>1</sup> You allege that Roberts has failed to fully disclose its attributable media interests as required by the Commission's rules, which may effect Robert's new entrant status. Auction No. 82 closed on February 13, 2002.<sup>2</sup>

The Commission takes allegations of wrongdoing very seriously. However, we are also sensitive to the fact that any action we take during the course of an ongoing auction, or before the long-form applications are filed, could harm the integrity of the auction process. Upon receipt of the short-form applications, the Commission carefully scrutinized each application to ensure compliance with the Commission's rules. Absent substantiated evidence of wrongdoing, we believe it is more prudent to address such allegations after the winning bidders have submitted their long-form applications (FCC Form 301).<sup>3</sup> Long-form applications of winning bidders in Auction No. 82 are due by March 20, 2002.<sup>4</sup> Please note that interested parties will have ten days to file petitions to deny after the Commission releases a public notice announcing that an FCC Form 301 has been accepted for filing.<sup>5</sup>

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<sup>1</sup> Letter from Edward S. O'Neill and Raymond J. Quianzon, Fletcher Heald & Hildreth, P.L.C., Counsel for Knoxville Channel 25, LLC to William F. Caton, Acting Secretary, Federal Communications Commission, dated February 12, 2002.

<sup>2</sup> "New Analog Television Stations Auction Closes: Winning Bidders Announced," *Public Notice*, DA 02-355 (rel. February 15, 2002) ("Auction No. 82 Closing Public Notice").

<sup>3</sup> See Baker Creek Communications, L.P., For Authority to Construct and Operate Local Multipoint Distribution Services In Multiple Basic Trading Areas, DA 98-1921, *Memorandum Opinion and Order*, 13 FCC Rcd 18709 (1998); Letter from Margaret W. Wiener, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, to Steven R. Sixberry, Nevada Wireless, DA 00-1949 (rel. August 24, 2000).

<sup>4</sup> *Auction No. 82 Closing Public Notice* at 4.

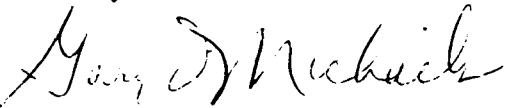
<sup>5</sup> 47 C.F.R. § 73.5006.

Edward S. O'Neill  
Raymond J. Quianzon  
February 22, 2002

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Accordingly, we believe that your request for an investigation is not ripe and it is denied.

Sincerely,

  
for

Margaret W. Wiener  
Chief, Auctions and Industry Analysis Division  
Wireless Telecommunications Bureau