

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application 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

ORDER

Adopted: March 3, 2004

Released: March 3, 2004

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this order, the Wireline Competition Bureau (Bureau) approves Verizon Communications, Inc.'s (Verizon's) request to reschedule a previously-approved, temporary suspension of the reporting requirements in Condition V of the Bell Atlantic/GTE Merger Order to accommodate Verizon's implementation of OSS uniformity. We find that permitting Verizon to reschedule the temporary suspension discussed herein will avoid the filing of potentially inaccurate performance data and is therefore in the public interest.

II. BACKGROUND

2. To mitigate the harms of the Bell Atlantic/GTE merger, the Commission adopted the Carrier-to-Carrier Performance Plan (Performance Plan) as Condition V of the Bell Atlantic/GTE Merger Conditions. The Performance Plan requires Verizon to report monthly performance measurements that track the company's progress in opening its local markets to competition. Merger Condition VI requires Verizon, inter alia, to make uniform its operations support systems (OSS) in Pennsylvania and Virginia,

1 Letter from Ann D. Berkowitz, Project Manager-Federal Affairs, Verizon to Carol Matthey, Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, WC Docket No. 98-184 (filed October 17, 2003) (Verizon Oct. 17 Letter).

2 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 (2000) (Bell Atlantic/GTE Merger Order).

3 See Bell Atlantic/GTE Merger Order at Appendix D, Attach. A.

the two Verizon states that are home to both legacy Bell Atlantic and GTE operations. More specifically, Verizon must, within five years of merger close, “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.”<sup>4</sup>

3. On January 10, 2002, Verizon informed the Commission that it could not comply with Condition VI without affecting its compliance with Condition V.<sup>5</sup> Verizon represented that its three-month migration of customers in the former GTE region of Virginia and Pennsylvania from former GTE OSS to former Bell Atlantic OSS makes capturing performance data under a single set of business rules exceedingly difficult.<sup>6</sup> To mitigate performance data reporting problems associated with the migration, Verizon proposed a three-month suspension of performance data reporting from March through May 2002 for Virginia and March through May 2003 for Pennsylvania.<sup>7</sup> On April 11, 2002, the Commission granted Verizon’s request.<sup>8</sup>

4. On October 17, 2003, Verizon requested approval to change the time period in which the reporting requirements are suspended in Pennsylvania. Specifically, Verizon seeks to change the period of temporary suspension to May 2004.<sup>9</sup> Verizon states that in May 2004 it will begin converting a pilot area in the Erie, PA LATA and by the end of July 2004 it expects to convert the remaining former GTE service areas. Consistent with the prior Commission order, Verizon proposes to pay an amount equal to any payment obligation for the period immediately preceding the suspension of reporting.<sup>10</sup> Verizon explains that it will notify the Commission of the exact timing of the final conversion at the same time it notifies competitive LECs operating in those service areas.

### III. DISCUSSION

5. The Commission has already approved the temporary suspension of reporting performance measures. Therefore, the only issue before the Bureau is whether to permit Verizon to reschedule the suspension. We conclude that the same circumstances that existed when the Commission granted the temporary suspension remain present. No evidence in the record suggests that rescheduling the timing of when the reporting is suspended will harm the public interest. The reasoning underlying the Commission’s original grant of the suspension -- specifically, to avoid the filing of inaccurate performance data during the period when systems are transitioned -- remains equally valid in May 2004

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<sup>4</sup> *Bell Atlantic/GTE Merger Order* at Appendix D, para. 19(f).

<sup>5</sup> See Letter from Dee May, Assistant Vice President, Federal Regulatory, Verizon, to Dorothy Attwood, Chief, Common Carrier Bureau, Federal Communications Commission, at 1 (Jan. 10, 2002) (Verizon Jan. 10 Letter); see also *Bell Atlantic/GTE Merger Order*, 15 FCC Rcd at 14161, n.631 (requiring that Verizon measure performance for migrated lines using legacy Bell Atlantic performance measurements and business rules).

<sup>6</sup> Condition VI requires Verizon to convert legacy GTE OSS to legacy Bell Atlantic OSS and to use the legacy Bell Atlantic OSS to capture its performance after conversion. See *Bell Atlantic/GTE Merger Order*, 15 FCC Rcd at Appendix D, paras. 18-19.

<sup>7</sup> See *id.*

<sup>8</sup> *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, Order, 17 FCC Rcd 6982 (2002) (*First OSS Order*).

<sup>9</sup> Verizon requests suspension of performance measure reporting for only one month because Verizon’s reporting requirements for Condition V of the *Merger Conditions* for Pennsylvania will sunset with May 2004 data. *Bell Atlantic/GTE Merger Order* at Appendix D, para. 17; Verizon Oct. 17 Letter at 2.

<sup>10</sup> See Verizon Oct. 17 Letter at 2, Attach. A; see also *First OSS Order*, 17 FCC Rcd at 6983-85, paras. 5-8.

as compared to May 2003.

6. Based on the foregoing factors, we conclude that permitting Verizon to reschedule the temporary suspension of the timing of the reporting requirements in Condition V of the *Bell Atlantic/GTE Merger Order* to accommodate Verizon's implementation of OSS uniformity in Pennsylvania is consistent with the prior Commission order, and therefore, we grant Verizon's request.<sup>11</sup>

#### IV. ORDERING CLAUSE

7. IT IS ORDERED, pursuant to sections 1-4, 201-205, 214, 251, 303(r), and 309, 416(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201-205, 214, 251, 303(r), and 309, and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that Verizon's October 17, 2003 request IS GRANTED.

8. IT IS FURTHER ORDERED, pursuant to section 408 of the Communications Act of 1934, as amended, 47 U.S.C. § 408, that this Order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Matthey  
Deputy Chief, Wireline Competition Bureau

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<sup>11</sup> See *First OSS Order*, 17 FCC Rcd at 6982.