



PUBLIC NOTICE

Federal Communications Commission
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COMMENTS SOUGHT ON VERIZON PETITION FOR WAIVER TO TREAT CERTAIN LOCAL NUMBER PORTABILITY COSTS AS EXOGENOUS COSTS

CC Docket No. 95-116

COMMENTS DUE: July 21, 2006
REPLY COMMENTS DUE: July 25, 2006

On July 6, 2006, Verizon filed a petition requesting that the Commission “waive certain rules in order to permit Verizon the opportunity to recover the remainder of its approved carrier-specific costs for implementing local number portability (“LNP”).”¹ Specifically, Verizon seeks authority to treat these costs as exogenous costs under section 61.45(d) of the Commission’s rules “and to recover those costs through a small addition to its end-user common line charge (“EUCL”).”² Verizon asserts that it satisfies the Commission’s standard for exogenous cost relief “because the unrecovered LNP costs are the result of a government mandate, were beyond Verizon’s control, and are not accounted for in Verizon’s price cap formula.”³ We note that AT&T Inc. (AT&T) filed a petition seeking similar relief on March 31, 2006, and an order granting the petition was released on July 10, 2006.⁴ Verizon asserts that “AT&T and Verizon are similarly situated with respect to under-recovery of their respective LNP cost estimates” and that there is good cause for a waiver because unforeseeable and unprecedented changes in the telecommunications marketplace prevented Verizon from a full reasonable recovery of its LNP costs.⁵

Interested parties may file comments on or before **July 21, 2006**, and reply comments on or before **July 25, 2006**. Filings in this proceeding should be captioned “In the Matter of Verizon’s Petition

¹ Verizon’s Petition for Waiver of the Commission’s Rules to Treat Unrecovered Local Number Portability Costs as Exogenous Costs under Section 61.45(d), CC Docket No. 95-116, at 1 (filed July 6, 2006) (Petition) (citing 47 C.F.R. § 61.45(d)). Verizon seeks relief on behalf of “the regulated, wholly owned subsidiaries of Verizon Communications Inc.” Petition at 1 n.1.

² Petition at 1-2.

³ Petition at 4.

⁴ *Petition of AT&T Inc. for Waiver of the Commission’s Rules to Treat Certain Local Number Portability Costs as Exogenous Costs under Section 61.45(d)*, CC Docket No. 95-116, Order, FCC 06-97 (rel. July 10, 2006).

⁵ Petition at 4, 17-18.

for Waiver of the Commission's Rules to Treat Unrecovered Local Number Portability Costs as Exogenous Costs under Section 61.45(d)," and filed in CC Docket No. 95-116. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶ Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed.⁷ In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number, in this case **CC Docket No. 95-116**. Parties may also submit electronic comments by Internet e-mail. To get 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. Parties who choose to file by paper must file an original and four copies of each filing.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002.

- The filing hours at this location are 8 a.m. to 7 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, DC 20554.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 12th Street, SW, Washington, DC 20554. Parties should also send a copy of their filings by e-mail to Deena Shetler and Marvin Sacks (deena.shetler@fcc.gov and mavin.sacks@fcc.gov). Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in CC Docket No. 95-116, including Verizon's petition, are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Red 11322 (1998).

⁷ If multiple docket or rulemaking numbers appear in the caption of a proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. Similarly, commenters filing paper copies must submit two additional copies for each additional docket or rulemaking number.

BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, or by e-mail at fcc@bcpiweb.com. These documents may also be viewed on the Commission's Home Page at <http://www.fcc.gov/cgb/ecfs>. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁸ 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 generally is required.⁹ Other requirements pertaining to oral and written *ex parte* presentations are set forth in section 1.1206(b) of the Commission’s rules.¹⁰

For further information, contact Marvin Sacks of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520, or marvin.sacks@fcc.gov.

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⁸ See 47 C.F.R. §§ 1.1200, 1.1206.

⁹ 47 C.F.R. § 1.1206(b)(2).

¹⁰ 47 C.F.R. § 1.1206(b).