

Before the
Federal Communications Commission
Washington, DC 20554

| | | |
|---|---|---------------------------------|
| In the Matter of |) | File Nos.: EB-TCD-12-00000304, |
| |) | EB-TCD-12-00000440 ¹ |
| Verizon |) | |
| |) | Account No.: 201232170009 |
| Compliance with the Commission’s Rules and |) | |
| Regulations Governing Customer Proprietary |) | FRN: 0016304214 |
| Network Information and Toll Free Numbering |) | |

ADOPTING ORDER

Adopted: July 26, 2012

Released: July 26, 2012

By the Chief, Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into between the Enforcement Bureau (Bureau) of the Federal Communications Commission and Verizon. The Consent Decree terminates the investigations initiated by the Bureau regarding Verizon’s compliance with Sections 201(b) and 222(c)(1) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 201(b), 222(c)(1) and Sections 52.105 and 64.2010(f) of the Commission’s rules, 47 C.F.R. §§ 52.105, 64.2010(f).

2. The Bureau and Verizon have negotiated the terms of the Consent Decree that resolves these matters. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigations.

4. In the absence of material new evidence relating to this matter, we conclude that our investigations raise no substantial or material questions of fact as to whether Verizon possesses the basic qualifications, including those related to character, to hold or obtain any Commission license or authorization.

5. Accordingly, **IT IS ORDERED**, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and the authority delegated by Sections 0.111 and 0.311 of the Commission’s rules, 47 C.F.R. §§ 0.111 and 0.311, that the attached Consent Decree **IS ADOPTED**.

¹ In January 2011, the Telecommunications Consumers Division transitioned pending cases to a new electronic case management system. As part of that transition, cases received new, electronically assigned file numbers. The investigation now numbered EB-TCD-12-00000304 was formerly numbered EB-10-TC-445. The investigation now numbered EB-TCD-12-00000440 was previously numbered EB-11-TC-011.

6. **IT IS FURTHER ORDERED** that the above-captioned investigations **ARE TERMINATED**.

7. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by First Class Mail and Certified Mail, Return Receipt Requested, to Tamara Preiss, Vice President, Federal Regulatory Affairs, 1300 I Street, NW, Suite 400 West, Washington, DC 20005.

FEDERAL COMMUNICATIONS COMMISSION

P. Michele Ellison
Chief, Enforcement Bureau

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| Regulations Governing Customer Proprietary |) | FRN: 0016304214 |
| Network Information and Toll Free Numbering |) | |

CONSENT DECREE

The Enforcement Bureau of the Federal Communications Commission and Verizon, by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau's investigations into potential violations by Verizon of Sections 201(b) and 222(c)(1) of the Communications Act of 1934, as amended,³ and Sections 52.105 and 64.2010(f) of the Commission's rules.⁴

I. DEFINITIONS

1. For the purposes of this Consent Decree, the following definitions shall apply:
 - (a) "Act" or "Communications Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
 - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Affiliate" shall have the same meaning defined in Section 153(1) of the Communications Act, 47 U.S.C. § 153(1).
 - (d) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (e) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.

² In January 2011, the Telecommunications Consumers Division transitioned pending cases to a new electronic case management system. As part of that transition, cases received new, electronically assigned file numbers. The investigation now numbered EB-TCD-12-00000304 was formerly numbered EB-10-TC-445. The investigation now numbered EB-TCD-12-00000440 was previously numbered EB-11-TC-011.

³ 47 U.S.C. §§ 201(b), 222(c)(1).

⁴ 47 C.F.R. §§ 52.105, 64.2010(f).

- (f) “Communications Laws” means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Verizon is subject by virtue of its business activities, including but not limited to Sections 201(b) and 222(c)(1) of the Act and Sections 52.105 and 64.2010(f) of the Rules.
- (g) “Compliance Plan” means the compliance obligations and compliance program described in this Consent Decree at paragraph 10.
- (h) “CPNI” shall have the meaning set forth at 47 C.F.R. § 222(h)(1).
- (i) “CPNI Investigation” means the investigation commenced by the Bureau’s LOI, dated May 3, 2011,⁵ regarding Verizon’s possible noncompliance with Section 222(c)(1) of the Act, 47 U.S.C. § 222(c)(1), and Section 64.2010(f) of the Commission’s rules, 47 C.F.R. § 64.2010(f).
- (j) “CPNI Rules” means the rules set forth at 47 C.F.R. § 64.2001 *et seq.* and any amendments or additions to those rules subsequent to the Effective Date.
- (k) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (l) “Investigations” means both the CPNI Investigation and the Toll Free Investigation.
- (m) “June 2010 Settlement” means the Consent Decree executed by and between the Bureau and Verizon, released on June 28, 2010, and set forth at 25 FCC Rcd 8019 (Enf. Bur. 2010).
- (n) “LOI” means letter of inquiry.
- (o) “Parties” means Verizon and the Bureau, each of which is a “Party.”
- (p) “RespOrg” or “Responsible Organization” shall have the meaning set forth at 47 C.F.R. § 52.101(b).
- (q) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (r) “Toll Free Number” shall have the meaning set forth at 47 C.F.R. § 52.101(f).
- (s) “Toll Free Number Investigation” means the investigation commenced by the Bureau’s LOI dated August 16, 2010, regarding Verizon’s possible noncompliance with Section 52.105 of the Rules.⁶

⁵ Letter from Richard A. Hindman, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to Tamara Preiss, Vice President, Federal Regulatory Affairs, Verizon (May 3, 2011) (on file in EB-11-TC-011).

⁶ Letter from Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to Verizon Select Services aka Verizon Business (Aug. 16, 2010) (on file in EB-10-TC-445).

- (t) “Toll Free Number Rules” means the rules set forth at 47 C.F.R. §§ 52.105–52.111 and any amendments or additions to those rules subsequent to the Effective Date.
- (u) “Verizon” or “Company” means the regulated, wholly owned subsidiaries of Verizon Communications Inc. and their successors and assigns.

II. BACKGROUND

2. Pursuant to Section 222 of the Act,⁷ the Commission has adopted rules to protect the confidentiality of customer proprietary network information (CPNI). Among other things, these rules generally require customer notification when a significant account change (SAC), such as a password change, occurs on a customer’s account.⁸

3. On June 28, 2010, Verizon entered into a consent decree with the Bureau that terminated another CPNI investigation.⁹ The compliance plan contained in the consent decree required Verizon to perform weekly checks for SAC transaction errors. Verizon was also required under the consent decree to report any noncompliance with the consent decree provisions to the Bureau. On March 9, 2011, Verizon informed the Bureau that its review had identified certain systems requiring modification to ensure that required SAC notices were timely sent to customers as required by the CPNI Rules.

4. The Bureau issued an LOI to Verizon on May 3, 2011.¹⁰ The Bureau met with Verizon on June 1, 2011, at which time Verizon detailed additional instances in which Verizon’s systems and processes required modification to ensure that SAC notices were sent to consumers. On June 10, 2011, Verizon submitted a letter detailing those additional issues.¹¹ Verizon submitted its response to the LOI on June 30, 2011.¹²

5. Section 52.105 of the Rules prohibits the warehousing of Toll Free Numbers. Warehousing, generally, is when a Responsible Organization reserves a Toll Free Number from the Toll Free Number database without having an actual subscriber for that Toll Free Number.¹³ To investigate potential violations by Verizon of the Toll Free Number Rules, on August 16, 2010, the Bureau issued an LOI to Verizon Select Services, Inc. (VSSI),¹⁴ and on September 29, 2010, a subpoena to

⁷ 47 U.S.C. § 222.

⁸ See 47 C.F.R. § 64.2010(f).

⁹ *Verizon*, Adopting Order and Consent Decree, 25 FCC Rcd 8019 (Enf. Bur. 2010).

¹⁰ See *supra* note 4.

¹¹ See Letter from Tamara Preiss, Vice President, Federal Regulatory Affairs, Verizon, to Richard A. Hindman, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (June 10, 2011) (on file in EB-11-TC-011).

¹² Letter from Edward Shakin and Mark Montano, Verizon, to Kimberly A. Wild, Assistant Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (June 30, 2011) (on file in EB-11-TC-011). On August 3, 2011, and August 5, 2011, Verizon provided supplemental responses regarding data on SACs prior to January 1, 2010, for the portals or call centers that were included in their June 30, 2011, response.

¹³ See 47 C.F.R. § 52.105(a).

¹⁴ Letter from Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to Verizon Select Services aka Verizon Business (Aug. 16, 2010) (on file in EB-10-TC-445).

VSSI.¹⁵ Verizon provided information in response to the LOI and the subpoena on various dates.¹⁶ On March 18, 2011, the Bureau issued a second LOI,¹⁷ and on April 6, 2011, a second subpoena to Verizon.¹⁸ Verizon provided information in response to the second LOI and subpoena on various dates.¹⁹ According to Verizon's May 16, 2011, subpoena response, Verizon had reserved toll free numbers in advance of a subscriber request from 2005 to 2011.²⁰

III. TERMS OF AGREEMENT

6. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be subject to final approval by the Bureau by incorporation of such provisions by reference in the Adopting Order.

7. **Jurisdiction.** Verizon agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree, and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Any violation of the Adopting Order or of the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to the enforcement of a Commission order.

9. **Termination of Investigations.** In express reliance on the covenants and representations in this Consent Decree, and to avoid further expenditure of public resources, the Bureau agrees to terminate the CPNI Investigation and the Toll Free Number Investigation. In consideration for the termination of the Investigations, Verizon agrees to the terms, conditions, and procedures contained herein. The Bureau agrees that absent new material evidence, it will not use the facts developed in the CPNI Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion, or refer to the Commission, any new proceeding, formal or informal, or to take, on its own motion, or refer to the Commission, any action against Verizon concerning the matters that were the subject of the investigation or with respect to Verizon's basic qualifications, including its character qualifications, to be a Commission licensee or hold Commission authorizations. The Bureau also agrees that absent new material evidence, it will not use the facts developed in the Toll Free Number Investigation through the

¹⁵ Letter from Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to Verizon Select Services aka Verizon Business (Sept. 29, 2010) (on file in EB-10-TC-445).

¹⁶ See Letter from Verizon to Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (Oct. 13, 2010) (on file in EB-10-TC-445); Letter from Verizon to Acting Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (Oct. 6, 2010) (on file in EB-10-TC-445); Letter from Verizon to Kurt Schroeder, Deputy Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (Sept. 22, 2010) (on file in EB-10-TC-445).

¹⁷ Letter from Richard A. Hindman, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau, to Verizon (Mar. 18, 2011) (on file in EB-10-TC-445).

¹⁸ Letter from Suzanne M. Tetreault, Deputy Chief, FCC Enforcement Bureau, to Verizon (Apr. 6, 2011) (on file in EB-10-TC-445).

¹⁹ See Letter from Verizon to Richard A. Hindman, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (May 16, 2011) (on file in EB-10-TC-445) (Supplemental Response); Letter from Verizon to Richard A. Hindman, Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (Apr. 18, 2011) (on file in EB-10-TC-445).

²⁰ See Supplemental Response at 3.

Effective Date, or the existence of this Consent Decree, to institute, on its own motion, or refer to the Commission, any new proceeding, formal or informal, or to take, on its own motion, or refer to the Commission, any action against Verizon concerning the matters that were the subject of the investigation or with respect to Verizon's basic qualifications, including its character qualifications, to be a Commission licensee or hold Commission authorizations.

10. **Compliance Plan.** For purposes of settling the matters set forth herein, Verizon shall within thirty (30) calendar days after the Effective Date, develop and implement a Compliance Plan relating to Verizon's future compliance with those portions of the Communications Laws relating to the CPNI Rules and Toll Free Number Rules, and with the terms and conditions of this Consent Decree. Verizon represents that it has one or more management employees in each of its business units who has responsibility for compliance with each of the Communications Laws that are relevant to its operations; that there are at least twenty (20) such management employees; and that, collectively, these management employees exercise responsibility for Verizon's compliance with all of the Communications Laws that are relevant to its operations. Verizon agrees that it will either maintain this compliance structure, or, if it makes changes, shall ensure that it maintains equivalent management oversight over compliance with all Communication Laws that are applicable to its operations. The Compliance Plan shall include, at a minimum, the following components:

- a) **Compliance Officer.** Within thirty (30) days of the Effective Date, Verizon shall designate two senior corporate managers to serve as the Compliance Officers for the CPNI Rules and Toll Free Number Rules issues, respectively. The Compliance Officers will be responsible for implementing and administering Verizon's Compliance Plan.
- b) **Notice of Consent Decree.** Within thirty (30) days after the Effective Date, Verizon shall notify all directors, officers (including the Compliance Officers), managers, and employees responsible for managing and overseeing Verizon's SAC notice procedures and toll free number reservation and assignment of the terms and conditions set forth herein.

CPNI

- c) **June 2010 Settlement Obligations.** Paragraph 9(B)-(E) of the June 2010 Settlement is hereby incorporated by reference and made a part of this Consent Decree, except for those portions of paragraph 9(B)-(E) that are unrelated to SAC notification.
- d) **SAC Compliance Review Prior to Material Changes.** Beginning sixty (60) days after the Effective Date, Verizon shall perform a monthly review of each of its mechanisms to disseminate SAC notices to its customers to ensure (1) that such mechanisms in fact are disseminating SAC notices as required by the CPNI Rules, and (2) that Verizon employees (including employees of Verizon Affiliates) responsible for managing and overseeing Verizon's SAC notice dissemination mechanisms are communicating effectively to all necessary personnel any changes to such mechanisms.
- e) **CPNI Training.** Within sixty (60) days after the Effective Date, Verizon shall reinforce its existing annual CPNI training and implement an SAC Notice Training Program for the Verizon employees (including employees of Verizon Affiliates) responsible for managing the process by which Verizon SAC notices are distributed to customers, as well as for any managers overseeing such employees. At a minimum, Verizon shall do the following:
 - i. Modify its training materials to place additional focus on the requirements of Section 64.2010(f).

- ii. Conduct training that
 1. Describes the requirements and prohibitions set forth in the CPNI Rules, in particular those set forth in Section 64.2010(f) and Section 64.2010(g); and
 2. Addresses the potential internal and regulatory consequences of failing to comply with the Commission's CPNI Rules and Verizon's methods and procedures concerning CPNI.
- iii. Provide the above-described training to new and reassigned employees responsible for developing or disseminating SAC notices within forty-five (45) days of when the employees assume such responsibilities, provided such date is no less than fifteen (15) days following the Effective Date.

Toll Free Numbers

- f) **Remedial Measures.** Within ten (10) days of the Effective Date, Verizon shall certify by letter to the Commission, directed to the Chief, Telecommunications Consumers Division, that as of April 18, 2011, Verizon has implemented changes to the process and procedures of Verizon's RespOrgs to ensure that none of Verizon's RespOrgs reserves or places in working status any Toll Free Number unless the Verizon RespOrg has a subscriber for whom it is reserving or placing the number in working status.
- g) **Toll Free Number Training.** Within sixty (60) days of the Effective Date, Verizon shall provide training to each Verizon employee (including employees of Verizon Affiliates) who is responsible for reserving any Toll Free Numbers or assigning any Toll Free Number to working status for Verizon RespOrgs. At a minimum, the training shall accomplish the following:
 - i. Describe the requirements and prohibitions set forth in the Toll Free Number Rules, in particular Section 52.105 and what it means for a RespOrg to have an "actual toll free subscriber" when reserving a toll free number or assigning it to working status.
 - ii. Address the potential internal and regulatory consequences of failing to comply with the Commission's Toll Free Rules and Verizon's methods and procedures concerning toll free numbers.
 - iii. Be provided to new and reassigned employees who are responsible for reserving any Toll Free Number or assigning any Toll Free Number to working status for Verizon RespOrg within forty-five (45) days of when the employees assume their Toll Free Numbering responsibilities, provided such date is no less than fifteen (15) days following the Effective Date.

Other Terms

- h) **Compliance Reports.** Verizon shall submit compliance reports to the Bureau six (6), twelve (12), eighteen (18), and twenty-four (24) months after the Effective Date (Compliance Reports).
 - i. Each Compliance Report shall include a certification by each Compliance Officer, as an agent of and on behalf of Verizon, stating that the Compliance Officer has personal knowledge that Verizon has established and implemented the Compliance Plan, and

after due inquiry is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 11.

- ii. The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and must comply with Section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.
 - iii. If the Compliance Officer is not able to so certify, the Compliance Officer, as an agent of and on behalf of Verizon, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully each instance of noncompliance; the steps Verizon has taken or will take to remedy such noncompliance, including the schedule on which Verizon will take the proposed remedial actions; and the steps Verizon has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which Verizon will take such preventive action.
 - iv. All Compliance Reports shall be in writing and directed to the Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Verizon shall also send an electronic copy of each Compliance Report to Donna.Cyrus@fcc.gov and Andra.Cunningham@fcc.gov.
- i) **Termination.** The requirements relating to the Compliance Plan shall expire twenty-four (24) months after the Effective Date, except where this Consent Decree specifies a different time period.

11. **Reporting Noncompliance.** Verizon shall report any noncompliance with the terms and conditions of this Consent Decree (including paragraph 9(B)-(E) in the June 2010 Settlement that is incorporated by reference in this Consent Decree as set forth in paragraph 10(c) above), any noncompliance with Section 64.2010(f) of the Rules to the extent that such noncompliance is more than an anomaly, or any noncompliance with the Toll Free Number Rules, within fifteen (15) business days after discovery of such noncompliance. Such reports shall include a detailed explanation of (i) each instance of noncompliance, (ii) the steps that Verizon has taken or will take to remedy such noncompliance, (iii) the schedule on which Verizon will take the proposed remedial actions, and (iv) the steps that Verizon has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Rm. 4-C224, Washington, DC 20554, with a copy submitted electronically to Donna.Cyrus@fcc.gov and Andra.Cunningham@fcc.gov. The reporting obligations set forth in this paragraph shall expire twenty-four (24) months after the Effective Date. In addition, beginning on the Effective Date, Verizon shall, at the request of the Bureau, meet with the Bureau once each 60-day period during the term of the Compliance Plan to discuss Verizon's adherence to the Compliance Plan and its performance under the CPNI Rules. Verizon agrees to provide the Bureau with information the Bureau requests concerning these topics.

12. **Voluntary Contribution.** Verizon agrees that it will make a voluntary contribution to the United States Treasury in the amount of nine hundred seventy thousand dollars (\$970,000) within thirty (30) calendar days after the Effective Date. Verizon shall also send electronic notification of payment to Johnny Drake at johnny.drake@fcc.gov on the date said payment is made. The payment must be made by check or similar instrument, wire transfer, or credit card, and must include the NAL/Account number and FRN referenced above. Regardless of the form of payment, a completed FCC Form 159 (Remittance

Advice) must be submitted.²¹ When completing the FCC Form 159, enter the Account Number in block number 23A (call sign/other ID) and enter the letters “FORF” in block number 24A (payment type code). Below are additional instructions you should follow based on the form of payment you select:

- Payment by check or money order must be made payable to the order of the Federal Communications Commission. Such payments (along with the completed Form 159) must be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.
- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. To complete the wire transfer and ensure appropriate crediting of the wired funds, a completed Form 159 must be faxed to U.S. Bank at (314) 418-4232 on the same business day the wire transfer is initiated.
- Payment by credit card must be made by providing the required credit card information on FCC Form 159 and signing and dating the Form 159 to authorize the credit card payment. The completed Form 159 must then be mailed to Federal Communications Commission, P.O. Box 979088, St. Louis, MO 63197-9000, or sent via overnight mail to U.S. Bank – Government Lockbox #979088, SL-MO-C2-GL, 1005 Convention Plaza, St. Louis, MO 63101.

If you have questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

13. **Waivers.** Verizon waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order, provided the Bureau issues an Adopting Order as defined herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Adopting Order or Consent Decree, neither Verizon nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Verizon shall waive any statutory right to a trial de novo. Verizon hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act, 5 U.S.C. § 504 and 47 C.F.R. § 1.1501 *et seq.*, relating to the matters addressed in this Consent Decree.

14. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Verizon does not expressly consent), such provision will be superseded by such Rule or order.

15. **Successors and Assigns.** Verizon agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

16. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties to the CPNI Investigation and the Toll Free Investigation.

17. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of both Parties.

²¹ An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

18. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

19. **Section 208 Complaints; Subsequent Investigations.** Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to Section 208, of the Act, 47 U.S.C. § 208, against Verizon or its affiliates for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaint will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating evidence of noncompliance by Verizon of the Act or the Rules.

20. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

21. **Authorized Representative.** The individual signing this Consent Decree on behalf of Verizon represents and warrants that he or she is authorized by Verizon to execute this Consent Decree and to bind Verizon to the obligations set forth herein. The FCC signatory represents that she is signing this Consent Decree in her official capacity and that she is authorized to execute this Consent Decree.

22. **Counterparts.** This Consent Decree may be signed in any number of counterparts (including by facsimile or scanned form), each of which, when executed and delivered, shall be an original, and all of which counterparts together shall constitute one and the same fully executed instrument.

For: Federal Communications Commission

P. Michele Ellison
Chief
Enforcement Bureau

Date

For: Verizon

Kathleen G. Ramsey
Associate General Counsel

Date