

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

In the Matter of	)	
	)	
Investigation of Bell Atlantic's New Expanded Interconnection Offerings	)	CC Docket No. 96-165
	)	
Investigation of NYNEX Telephone Companies New Virtual Expanded Interconnection Offerings	)	CC Docket No. 98-240
	)	
Bell Atlantic Telephone Companies Revisions to Tariff F.C.C. No. 1 and Tariff F.C.C. No. 11	)	Transmittal No. 1132
	)	

**ORDER**

**Adopted: May 14, 1999**

**Released: May 14, 1999**

By the Chief, Competitive Pricing Division, Common Carrier Bureau:

1. On May 3, 1999, Bell Atlantic Telephone Companies ("Bell Atlantic") filed Transmittal No. 1132 to revise its Tariff F.C.C. No. 1 and Tariff F.C.C. No. 11.<sup>1</sup> The proposed revisions to Tariff F.C.C. No. 1 include the introduction of a flat rate Space and Facility Charge for Physical Collocation; the introduction of a flat rate Construction Charge for Secured Collocation Open Physical Environment ("SCOPE") Collocation; and an update of the list of central offices that are available for Physical, Virtual, or SCOPE Collocation. The proposed revisions to Tariff F.C.C. No. 11 include the addition of Equipment Installation Charges for Virtual Fiber Optic Interconnection, and the addition of Universal Service Order Codes ("USOCs") for Virtual Fiber Optic Expanded Interconnection Equipment Support and Spare Cabinet. The tariff revisions in Transmittal No. 1132 are currently scheduled to become effective on May 18, 1999. No petitions have been filed against this transmittal.

2. Transmittal No. 1132 raises the same issues regarding rate levels, rate structures, and terms and conditions of physical and virtual collocation services as those that are subject to the investigations of Bell Atlantic's new expanded interconnection offerings,<sup>2</sup> and of NYNEX's new virtual

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<sup>1</sup> Bell Atlantic Telephone Companies Tariff F.C.C. No. 11 was previously NYNEX Telephone Companies ("NYNEX") Tariff F.C.C. No. 1. This tariff was reissued as Bell Atlantic Tariff F.C.C. No. 11 on April 19, 1999 under Transmittal No. 1126.

<sup>2</sup> See *Investigation of Bell Atlantic's New Expanded Interconnection Offerings*, Order, 11 FCC Rcd 19790 (Com. Car. Bur. 1996) ("*Bell Atlantic Tariff Suspension Order*").

expanded interconnection offerings.<sup>3</sup> Therefore, Transmittal No. 1132 is suspended for one day and will be subject to the investigations initiated in the *Bell Atlantic Tariff Suspension Order* and the *NYNEX Tariff Suspension Order*. Any rates proposed in this transmittal will be subject to an accounting order to facilitate any refunds that may later prove to be necessary.

3. Accordingly, **IT IS ORDERED** that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and authority delegated under Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91 and 0.291, the revisions to Bell Atlantic Tariff F.C.C. No. 1 and Tariff F.C.C. No. 11, filed under Transmittal No. 1132, **ARE SUSPENDED** for one day from the effective date and included in the investigations.

4. **IT IS FURTHER ORDERED** that Bell Atlantic **SHALL FILE** tariff revisions within five business days of the release date of this Order to reflect this suspension. Bell Atlantic should cite the "DA" number of the instant Order as the authority for this filing.

5. **IT IS FURTHER ORDERED** that, for the above purposes, we waive Sections 61.58 and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.58 and 61.59.

6. **IT IS FURTHER ORDERED** that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), Bell Atlantic shall keep accurate account of all earnings, costs, and returns associated with the rates that are the subject of this investigation, and of all amounts paid thereunder and by whom such amounts were paid.

FEDERAL COMMUNICATIONS COMMISSION



Jane E. Jackson  
Chief, Competitive Pricing Division  
Common Carrier Bureau

<sup>3</sup> See *NYNEX Telephone Companies Revisions to Tariff F.C.C. No. 1*, Order, 13 FCC Rcd 7405 (Comp. Pric. Div. 1998) ("*NYNEX Tariff Suspension Order*").

for a waiver, the Petitioner filed two separate finder's preference requests targeting Stations KNJU834 and KNJE616.<sup>5</sup> In its requests, the petitioner alleged that the District had failed to construct and load the two stations. The Petitioner's finder's preference requests were dismissed on August 3, 1998, by the Division's Policy and Rules Branch (Branch), on the basis that Stations KNJU834 and KNJE616 were already the subject of compliance review at the time the finder's preference requests were filed.<sup>6</sup>

### III. DISCUSSION

3. We find that the Petition fails to address any new facts or changed circumstances warranting reconsideration or reversal of the Branch's action. The Petition, which was timely filed on September 2, 1998, simply stated: "Because this decision has adverse effects on Montgomery County, the County hereby Petitions for Reconsideration of this dismissal and requests the opportunity to demonstrate the validity of the original Request." No other information was provided in the instant Petition. Petitioner's argument rests entirely on its statement that the August 3, 1998, dismissal has "adverse effects on Montgomery County."<sup>8</sup> Petitioner fails to state the manner in which its interests are adversely affected. A petition for reconsideration must state, with particularity, the respect in which the petitioner believes the actions taken by the Commission or by the designated authority should be changed, and must specifically state the form of relief sought.<sup>9</sup> The Petition does not cite the findings of fact or conclusions of law which the Petitioner believes to be erroneous, nor does it state with particularity the respects in which the Petitioner believes such findings and conclusions should be changed.<sup>10</sup>

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<sup>5</sup> Two separate letters to the Federal Communications Commission, from Willem Van Aller, Montgomery County Government (dated July 28, 1995, and filed on July 31, 1995) (finder's preference requests).

<sup>6</sup> Letter to Joseph V. Gote, counsel to Montgomery County, Maryland, from John J. Borkowski, Federal Communication Commission (dated August 3, 1998).

<sup>7</sup> Petition at 1.

<sup>8</sup> *Id.*

<sup>9</sup> See 47 C.F.R. § 1.106(d)1).

<sup>10</sup> See 47 C.F.R. § 1.106(d)2). We further note that a certificate of service page reflecting proper service of the September 2, 1998, Petition on the District was not included with the Petition. Consequently, we have no evidence of whether the Petition was properly served upon the District, a party to this proceeding. In this connection, we note that a failure to serve a petition for reconsideration on the parties to a proceeding is a violation of 47 C.F.R. § 1.106. Because our decision in the instant matter did not require the reconsideration of the substance of the Branch's decision, we find it unnecessary in this particular context to further investigate this matter. We nonetheless reiterate the requirement that all parties to restricted proceedings be served copies of documents filed in such proceedings. 47 C.F.R. § 1.106(f).

**IV. CONCLUSION AND ORDERING CLAUSES**

4. For the reasons stated above, the dismissal of the finder's preference requests filed by Montgomery County, Maryland, against Stations KNJU834 and KNJE616 IS AFFIRMED.

5. IT IS ORDERED, pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405 and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, that the petition for reconsideration filed by Montgomery County, Maryland IS DENIED.

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry  
Chief, Public Safety and Private Wireless Division  
Wireless Telecommunications Bureau