

## WAIVER REQUEST – EXPEDITED ACTION REQUESTED

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

|                                     |   |                 |
|-------------------------------------|---|-----------------|
| In the Matter of                    | ) |                 |
|                                     | ) |                 |
|                                     | ) |                 |
| Verizon Pennsylvania LLC Request    | ) | WC Docket _____ |
| For Waiver of Section 51.332 of the | ) |                 |
| Commission’s Rules                  | ) |                 |

### **Request of Verizon Pennsylvania LLC for Waiver of Section 51.332 of the Commission’s Rules**

Because of upcoming bridge work scheduled by Pennsylvania state and regional agencies, Verizon Pennsylvania LLC (“Verizon”) requests an expedited waiver of Section 51.332 of the Commission’s rules<sup>1</sup> to permit it to retire copper at approximately 900 addresses on less than 180 days’ public notice.

The Southeastern Pennsylvania Transportation Authority (“SEPTA”) and the Pennsylvania Department of Transportation (“PennDOT”) recently informed us that they will be replacing two bridges in the City of Philadelphia on April 1, 2018: 1) the Allens Lane Bridge in Verizon’s Chestnut Hill, PA wire center and 2) the Woodland Avenue Bridge in our Saratoga, PA wire center. The bridge replacement work will sever some of Verizon’s copper facilities in these areas. Rather than reinstall the severed copper facilities after the bridges are replaced, Verizon plans to serve customers at the affected addresses exclusively over its fiber network infrastructure. Because the municipal authorities have given Verizon less than 180 days’ notice of the bridge replacement dates, we ask the Commission to waive Section 51.332’s 180 days’ public notice requirement. Concurrent with this filing, we have notified

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<sup>1</sup> 47 C.F.R. § 51.332

interconnecting carriers and our customers and we plan to work with them to streamline their migration to fiber.

## **I. Waiver Standard**

The Commission may grant a petition to waive its rules “for good cause shown.”<sup>2</sup> More specifically, the Commission “may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest.”<sup>3</sup> The Commission can waive a rule “if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”<sup>4</sup>

Under the Commission’s November 29, 2017 *Report and Order*,<sup>5</sup> the copper retirement notice period will be reduced from 180 days to 90 days. The newly adopted rules also will permit an incumbent LEC to file for a reduced waiting period if “circumstances outside of the incumbent LEC’s control includ[ing] federal, state or local municipality mandates” necessitate a reduction in the regulatory waiting period.<sup>6</sup> Under the new rules, the incumbent LEC will be required to “include a brief explanation of the circumstances necessitating the reduced waiting period and how the incumbent LEC intends to minimize the impact of the reduced waiting period on directly interconnected telephone exchange service providers.”<sup>7</sup>

Because these new rules, although approved by the Commission, are not yet effective, we seek a waiver under the current rules to retire copper in the specified locations on less than 180 days’ public notice.

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<sup>2</sup> 47 C.F.R. §1.3.

<sup>3</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

<sup>4</sup> *Id.*, 897 F.2d at 1166.

<sup>5</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, WC Docket No. 17-84, FCC 17-154 (Nov. 29, 2017) (“*Report and Order*”).

<sup>6</sup> *See id.*, at App’x A, adding 47 C.F.R. § 51.333(g)(2)(iii).

<sup>7</sup> *See id.*, adding 47 C.F.R. § 51.333(g)(2)(ii).

## **II. The Commission Should Grant a Waiver in These Circumstances.**

Granting Verizon's waiver request is in the public interest. Verizon's request results from special circumstances that are outside of our control. SEPTA and PennDOT recently provided Verizon less than 180 days' notice that the bridge replacements will occur on April 1, 2018. The bridge replacement work will sever some of Verizon's copper facilities. Verizon has already deployed fiber facilities in these areas and we have decided to serve the impacted customers exclusively over our more advanced and reliable fiber facilities rather than reinstall the legacy copper facilities. The Commission recently concluded that in these types of circumstances it makes no sense to require providers to reinstall copper facilities only to retire them later.<sup>8</sup>

Verizon will work with our customers and with interconnecting entities to minimize the impact of the timing of the copper retirement. Concurrent with the filing of this waiver request, Verizon is filing a notice of copper retirement (a copy is provided as Attachment A) as required by Section 51.332(b)(1) of the Commission's rules and Verizon has sent notices required by Section 51.332(b)-(c) to: each entity within the affected service area that directly interconnects with Verizon's network; all affected retail customers; the Governor of Pennsylvania; the Pennsylvania Public Utility Commission; and the Secretary of Defense. Verizon has not provided notification to tribal entities as no tribal entity will be impacted by this copper retirement.

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<sup>8</sup> See *Report and Order* ¶ 72 (concluding that "when state or municipal authorities notify an incumbent LEC that due to an impending project, the incumbent LEC must move its copper lines within a shorter period of time than might allow the carrier to comply with the advance notice and waiting periods required by the Commission's rules," "it makes more sense to allow the prompt installation of replacement facilities than to require the incumbent LEC to first repair the damaged copper lines . . . only to subsequently expend additional resources to then retire and replace those facilities later").

Approximately 900 addresses with about 90 active circuits will be impacted by the copper retirements at the specified addresses in Verizon's Chestnut Hill, PA and Saratoga, PA wire centers. The majority of customers served by copper at these locations purchase "plain old telephone service," and we will migrate those customers to like-for-like services on fiber at the same or better price. We are also working with customers to ensure that services other than POTS are transferred to the fiber network or handled on a customer-by-customer basis to address their particular needs.

### **CONCLUSION**

For the foregoing reasons, Verizon requests that the Commission waive Section 51.332's 180-day waiting period for our concurrently-filed notice of copper retirement.

Respectfully submitted,

VERIZON

*Of Counsel:*  
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*Attorneys for Verizon*

January 12, 2018

# **ATTACHMENT A**



6929 N. Lakewood Avenue  
Tulsa, OK 74117

**PUBLIC NOTICE OF COPPER RETIREMENT UNDER RULE 51.332**  
**Copper Retirement ID No. 2018-01-A-PA**

January 12, 2018

**Carrier:** Verizon Pennsylvania LLC, 1717 Arch Street, Philadelphia, PA 19103

**Contact:** For additional information on these planned network changes, please contact:

Janet Gazlay Martin  
Director – Network Transformation  
Verizon Communications  
230 W. 36<sup>th</sup> Street, Room 802  
New York, NY 10018  
1-844-881-4693

**Implementation Date:** On or after, April 1, 2018

**Planned Network Change(s) will occur at the following wire center areas in Pennsylvania:**

| Wire Center       | Address  | CLLI     |
|-------------------|--|----------|
| CHESTNUT HILL, PA | 8318 Germantown Avenue, Philadelphia, PA 19108 | PHLAPACH |
| SARATOGA, PA      | 5400 Woodland Avenue, Philadelphia, PA 18143   | PHLAPASA |

**Exhibit A to this copper retirement notification provides information about the specific addresses at which the copper network facilities will be retired. Exhibit A addresses may also be viewed on Verizon’s website at <http://www.verizon.com/about/terms-conditions/network-disclosures>**

**Description of the planned network change(s):**

Verizon has been working with the Southeastern Pennsylvania Transportation Authority (“SEPTA”) and the Pennsylvania Department of Transportation (“PennDOT”) to develop a schedule to retire copper in connection with two bridge replacement projects in the City of Philadelphia: 1) for Allens Lane Bridge served by Verizon’s Chestnut Hill, PA wire centers and 2) for the Woodland Avenue Bridge served by the Saratoga, PA wire center. Verizon was recently notified by SEPTA and PennDOT that the bridge replacements will occur on April 1, 2018, which prevents Verizon from meeting the 180-day public notice period under the existing copper retirement rules. Therefore, Verizon has filed for a waiver of those rules. Verizon has deployed its fiber-to-the-home network in the Chestnut Hill and Saratoga, PA areas, and therefore, intends to retire a number of copper facilities in these two wire center serving locations listed in the attached Exhibit A and provide services over the fiber network infrastructure.

**Description of reasonably foreseeable impact(s) of the planned change(s):**

After the retirement of the copper facilities, Verizon will: (1) no longer offer services over copper facilities; and (2) cease maintaining the copper facilities.

**Description of any changes in prices, terms or conditions that will accompany the planned change(s):**

As a general matter, the retirement of copper facilities will not result in changes to rates, terms, and conditions in cases where the affected service is converted to a like-for-like service that is available on fiber facilities. Interconnecting entities, however, should review the applicable tariff or agreement for certain terms that may apply specifically in cases where the service is provisioned on fiber. In cases where interconnecting entities elect to replace the affected service with an alternative service that Verizon offers on fiber facilities, the rates, terms and conditions will be as set forth in the tariff or agreement under which Verizon offers the replacement service that the interconnecting entity selects. Verizon, separately from this notice, will provide interconnecting entities with further information regarding service migration options that Verizon offers.

**Exhibit A**  
**Copper Retirement ID No. 2018-01-A-PA**

The copper facilities associated with the following addresses served by Verizon's wire center located at  
8318 GERMANTOWN AVE, PHILADELPHIA PA 19108  
CLLI: PHLAPACH (CHESTNUT HILL)

| Community     | Street           | Building Number  |
|---------------|------------------|--|
| CHESTNUT HILL | ALLENS PL        | 7250, 7255, 7258, 7261, 7264, 7280   |
| CHESTNUT HILL | CHARLTON ST      | 7201, 7203, 7205, 7207, 7208, 7209, 7213, 7215   |
| CHESTNUT HILL | CRESHEIM RD      | 7300, 7302, 7401   |
| CHESTNUT HILL | ELBOW LN         | 7302, 7304, 7307, 7308, 7311, 7312, 7315, 7316, 7319, 7321   |
| CHESTNUT HILL | EMLN ST          | 7211, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7303, 7305, 7306, 7312, 7403   |
| CHESTNUT HILL | GATE LN          | 403, 407, 411, 415, 419  |
| CHESTNUT HILL | GLEN ECHO RD     | 600, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 630, 632   |
| CHESTNUT HILL | GREENE ST        | 7035, 7037, 7043, 7101, 7103, 7105, 7201, 7203   |
| CHESTNUT HILL | HURON ST         | 7300, 7301, 7309, 7360   |
| CHESTNUT HILL | LINCOLN DR       | 7101, 7107, 7111, 7113, 7115, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129, 7131, 7133, 7135, 7137, 7139, 7141, 7143, 7145, 7200, 7201, 7202, 7203, 7204, 7205, 7206, 7207, 7208, 7209, 7210, 7212, 7214, 7216, 7218, 7220, 7222   |
| CHESTNUT HILL | LIVEZEY LN       | 1000, 1001, 1003, 1007, 1010, 1020, 1040, 1050, 1100   |
| CHESTNUT HILL | MC CALLUM ST     | 7020, 7022, 7024, 7026, 7038, 7042, 7046, 7100, 7102, 7104, 7108, 7109, 7110, 7111, 7112, 7114, 7116, 7118, 7120, 7141, 7200, 7206, 7210, 7215, 7217, 7303, 7321, 7329   |
| CHESTNUT HILL | MT AIRY PL       | 7128, 7136, 7141, 7144, 7153, 7154, 7164, 7165   |
| CHESTNUT HILL | MT AIRY TERR     | 7111, 7116, 7121, 7130, 7131, 7143, 7144, 7153, 7162, 7163   |
| CHESTNUT HILL | N MT PLEASANT PL | 7101, 7115, 7116, 7125, 7126, 7133, 7137, 7138, 7149, 7150, 7157   |
| CHESTNUT HILL | N MT PLEASANT RD | 633, 645, 701, 707, 717, 725, 809, 815, 827, 845, 847  |
| CHESTNUT HILL | NIPPON ST        | 214, 216, 218, 220, 222, 224, 225, 229   |
| CHESTNUT HILL | ORWELL RD        | 7201, 7225, 7245   |
| CHESTNUT HILL | S MT PLEASANT RD | 608, 628   |
| CHESTNUT HILL | SHERMAN ST       | 7103, 7200, 7201   |
| CHESTNUT HILL | ST GEORGES RD    | 600, 601, 615, 620, 621, 627, 631, 636, 641, 701, 702, 707, 709, 711, 713, 714, 715, 718, 721, 736, 740, 748, 752, 756, 758, 815   |
| CHESTNUT HILL | W ALLENS LN      | 1001, 1007, 1011, 1015, 1019, 1022, 1027, 1030, 1031, 1035, 1039, 1070, 1100, 201, 210, 219, 220, 221, 222, 230, 233, 238, 239, 240, 241, 245, 247, 312, 315, 321, 323, 325, 326, 334, 336, 338, 340, 341, 342, 348, 350, 354, 356, 364, 400, 401, 412, 415, 420, 429, 430, 434, 435, 441, 501, 502, 504, 508, 512, 535, 537, 600, 601, 614, 624, 630, 700, 701, 702, 705, 706, 710, 714, 716, 737, 741, 747, 749, 751, 753, 755, 757, 759, 790, 911 |
| CHESTNUT HILL | W DURHAM ST      | 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341   |



|               |                  |   |
|---------------|------------------|---|
| CHESTNUT HILL | W ELLET ST       | 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545  |
| CHESTNUT HILL | W MT AIRY AV     | 214, 215, 216, 217, 218, 219, 221, 222, 223, 224, 225, 226, 228, 230, 317, 319, 321, 323, 325, 327, 329, 330, 331, 332, 333, 334, 336, 337, 338, 340, 341, 342, 344, 346, 347, 348, 349, 350, 352, 353, 354, 356, 357, 358, 359, 360, 362, 364, 366, 368, 370, 372, 374, 376, 401, 403, 405, 407, 409, 411, 413, 500, 502, 504, 506, 508, 510, 511, 512, 515, 517, 519, 520, 521, 523, 525, 600, 615, 617, 618, 620, 621, 622, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 712, 714, 716, 717, 723, 730, 731, 742, 814, 815, 823, 826, 831, 844, 852, 860, 900, 901, 902, 904, 905, 906 |
| CHESTNUT HILL | W MT PLEASANT AV | 275, 277, 633, 645  |
| CHESTNUT HILL | WAYNE AV         | 7100, 7101, 7110, 7200, 7201, 7216, 7219  |
| CHESTNUT HILL | WELLESLEY RD     | 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521   |
| CHESTNUT HILL | WISSAHICKON AV   | 6800, 7100, 7105, 7110, 7113, 7120, 7125, 7130, 7140, 7150, 7201, 7209, 7220, 7240, 7260, 7280  |

The copper facilities associated with the following addresses served by Verizon's wire center located at  
5400 WOODLAND AVE, PHILADELPHIA PA 18143;  
CLLI: PHLAPASA (SARATOGA)

| Community | Street       | Building Number  |
|-----------|--------------|--|
| SARATOGA  | GRAYS AVE    | 4800   |
| SARATOGA  | PASCHALL AVE | 4600, 4601, 4602, 4603, 4604, 4605, 4606, 4607, 4608, 4609, 4610, 4611, 4613, 4614, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4626, 4627, 4629, 4630, 4631, 4632, 4633, 4634, 4635, 4637, 4638, 4639, 4640, 4641, 4645 |
| SARATOGA  | REINHARD ST  | 4700, 4702, 4704, 4706, 4708, 4710, 4712, 4714, 4716, 4718   |
| SARATOGA  | S 47 ST      | 1226, 1228, 1230, 1242, 1250, 1310, 1312, 1314, 1413, 1417, 1419, 1421, 1423, 1425, 1427, 1429, 1431, 1433, 1435, 1437, 1439, 1441, 1443, 1501, 1505, 1509, 1511   |
| SARATOGA  | S 48 ST      | 1220, 1222, 1224, 1226, 1228   |
| SARATOGA  | UPLAND ST    | 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717, 4718, 4720, 4721, 4722, 4723, 4724, 4726, 4727, 4728, 4729, 4730, 4731, 4732, 4733, 4734, 4735, 4736, 4737, 4738, 4739, 4740, 4741, 4745, 4747, 4749, 4751                                     |
| SARATOGA  | WOODLAND AVE | 4700, 4702, 4704, 4708, 4712, 4714, 4716, 4718   |