

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	INBOX-1.3
Verizon Petition for Limited Waiver of Rule 61.74(a)	)	WC Docket No. _____
To Allow a Verizon Tariff To Reference Another	)	

**PETITION FOR LIMITED WAIVER OF VERIZON<sup>1</sup>**

Verizon requests a limited waiver of the Commission’s rule prohibiting tariffs from referencing other tariff publications. Specifically, we request a waiver of Rule 61.74(a) when one of Verizon’s FCC tariffs references another.<sup>2</sup> Good cause for this waiver exists. The current rule unnecessarily requires us to obtain special permission in advance for filings related to tariffed discount plans, contract tariffs, and other offerings that span more than one tariff. This serves no public policy purpose and compels us to telegraph upcoming filings, which can impede and delay our ability to respond in the marketplace.

The structure of Verizon’s FCC tariffs reflects our corporate history. Verizon Tariff F.C.C. No. 1 applies to services (primarily access services) that Verizon Pennsylvania LLC, Verizon New Jersey Inc., Verizon Delaware LLC, Verizon Washington, D.C. Inc., Verizon Maryland LLC, and Verizon Virginia LLC provide. These companies were part of Bell Atlantic when it merged with NYNEX in 1997. Verizon New England Inc. and Verizon New York Inc. were part of NYNEX, and they provide services under Verizon Tariff F.C.C. No. 11. Verizon

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<sup>1</sup> The Verizon companies participating in this filing are Verizon New England Inc.; Verizon New York Inc.; Verizon Delaware LLC; Verizon Virginia LLC; Verizon Washington, D.C. Inc.; Verizon Pennsylvania LLC; Verizon Maryland LLC; Verizon New Jersey Inc.; Verizon North LLC; and Verizon South Inc. (collectively for purposes of this filing, “Verizon”).

<sup>2</sup> 47 C.F.R. § 61.74(a).

North LLC and Verizon South Inc. provide service under Verizon Tariff F.C.C. Nos. 14 and 16 in parts of North Carolina, Pennsylvania, and Virginia that once were within GTE's operating territory. Bell Atlantic and GTE merged in 2000 to form Verizon.

In general, we offer customers the same or very similar access services under each of these four tariffs, including special access services at DS3 speeds and below. And many of our customers choose to purchase those services under tariffed discount plans. These plans include the National Discount Plan (NDP). The NDP stretches across all four tariffs and offers customers discounts based on commitments to purchase special access throughout our footprint. Although it appears in four tariffs, it is a single, national plan, substantively identical in each of the tariffs.

Because the NDP applies to operating territories in more than one tariff, each tariff must cross-reference the other. For example, Verizon Tariff F.C.C. No. 11 describes the services that qualify for the NDP as those we provide "pursuant to this tariff, FCC1, FCC14, and FCC 16."<sup>3</sup> Verizon Tariff F.C.C. Nos. 1, 14, and 16 also cross-reference the other three tariffs in substantively identical language. The NDP includes many other cross references throughout the four tariffs.

Similar to the NDP, the Commitment Discount Plan (CDP) offers discounts based on commitments to purchase access services. It too is substantively identical in the two tariffs in which it appears—F.C.C. Tariff Nos. 1 and 11—and some of the provisions in each tariff cross-reference the other. For example, we offer customers that purchase CDP under each tariff the option of aligning their expiration dates, which requires one tariff to refer to the other.<sup>4</sup>

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<sup>3</sup> Verizon Tariff F.C.C. No. 11 Sec 25.2.3(B).

<sup>4</sup> *See, e.g.*, Verizon Tariff F.C.C. No. 1 Sec. 25.1.11(A).

These discount plans are just two examples of areas where our tariffs refer to other Verizon tariffs. Contract tariffs also regularly cover our entire operating territory, and they usually define “qualifying services” to include services set forth in all four tariffs.<sup>5</sup> Contract tariffs involve negotiations that usually are time-sensitive. The parties must reach agreement, conclude negotiations of contract terms, execute the contract, and then prepare the contract tariff for filing. The additional step requiring special permission further complicates the parties’ efforts in these situations.

Under the current rules, when we revise or introduce a tariff provision that includes a cross-reference, we must first obtain special permission.<sup>6</sup> For example, if a revision to Verizon F.C.C. Tariff No. 1 mentions Verizon F.C.C. Tariff No. 11, we would have to obtain permission from the Commission to file Tariff No. 1—and vice-versa. When applying for special permission, we must include a detailed description of the proposed tariff, a statement citing the specific rules and the grounds on which waiver is sought, a showing of good cause, and illustrative tariff pages.<sup>7</sup>

This process creates unnecessary administrative steps that the Commission no longer should require.<sup>8</sup> We should not be in a position where we must telegraph a planned tariff filing before we file it and risk potential delay. Instead, the Commission should permit us to file the tariffs, and it can review them in its regular course.

Waiver is in the public interest. Eliminating the extra administrative steps would allow us to respond quicker to marketplace developments and customer demand. While the Commission

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<sup>5</sup> See, e.g., Tariff F.C.C. No. 1 Sec 21.24(E)(1)(a).

<sup>6</sup> See 47 C.F.R. § 1.772.

<sup>7</sup> 47 C.F.R. § 61.17.

<sup>8</sup> Verizon also incurs an additional filing fee each time it files for special permission.

has decided to move away from tariffs in many markets—recently determining that in competitive markets tariffs are not necessary to ensure just and reasonable terms and conditions that are not unreasonably discriminatory for business data services<sup>9</sup>—our tariffed discount plans cover the relevant tariffs’ entire operating territories. This includes markets the Commission has found non-competitive, where detariffing is not on the horizon. As a result, even after detariffing in competitive areas, we still would have to seek special permission to make changes to the NDP or the CDP, because those territory-wide plans will remain tariffed in non-competitive areas. This means the special-permission process can slow our ability to respond to customer demand in competitive markets, even after they are detariffed.

Good cause for waiver exists. A prohibition against cross-referencing one’s own tariffs serves no public-policy purpose. The waiver we seek is limited to that scenario. We do not seek a waiver from the prohibition against referencing other documents. Nor do we seek a waiver that would allow us to reference other companies’ tariffs. Our waiver petition is limited only to filings that cross-reference our own tariffs already on file or pending with the Commission. Waiver therefore would not undermine the public policy served by the rule.

With the waiver, when we make tariff filings that cross-reference another of our tariffs, interested parties would still have the same time and opportunity to review them as today, as would the Commission. And the waiver we seek would not affect the Commission’s authority to suspend, reject, or further investigate tariff filings. We seek only to eliminate a process step that provides no benefit.

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<sup>9</sup> See *Business Data Services in an Internet Protocol Environment; et al.*, Report and Order, 32 FCC Rcd 3459, ¶ 161 (2017).

When we commented on the *2016 Biennial Review*,<sup>10</sup> we asked the Commission to modify Rule 61.74(a) to allow providers to cross-reference their own tariffs without obtaining permission.<sup>11</sup> No commenter objected to that request, and we continue to support revising the rule itself. While the Commission considers how the *2016 Biennial Review* will unfold, however, the Commission should grant the waiver from the rule we seek here.

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Respectfully submitted,

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<sup>10</sup> *Commission Seeks Public Comment in 2016 Biennial Review of Telecommunications Regulations*, Public Notice, 31 FCC Rcd 12,166 (2016) (“*2016 Biennial Review*”).

<sup>11</sup> See Comments of Verizon, *2016 Biennial Review of Telecommunications Regulations*, IB Docket No. 16-131, ET Docket No. 16-127, PS Docket No. 16-128, WT Docket No. 16-138, WC Docket No. 16-132, at 10 (Dec. 5, 2016).