

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	

**COMMENTS OF VERIZON NEW JERSEY ON NEW JERSEY BOARD OF  
PUBLIC UTILITIES PETITION FOR WAIVER**

The Commission should grant the New Jersey Board’s petition for waiver to allow for retroactive recovery of universal service support.<sup>1</sup> The Commission had invited state Commissions to file for such waivers to accommodate exactly the situation here – a carrier filed a timely application that was not acted on by the state regulator prior to the deadline. Approval of the New Jersey Petition will serve the public interest goals of universal service without harm to any party.

The Commission has already recognized that “it is in the public interest to permit telecommunications carriers that were eligible to receive universal service support on January 1, 1998, but that were not designated as eligible by their state commission by that date, to be permitted to seek retroactive support.” *Federal-State Joint Board on Universal Service*, 13 FCC Rcd 5318, ¶ 23 (1997). That is exactly the situation here.

Verizon New Jersey (then called Bell Atlantic-New Jersey) had already met all of the eligibility requirements prior to the December 31, 1997 cut-off date. *See* Petition at 2.

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<sup>1</sup> Petition for Waiver of Section 214(e) and 254(e) of the Telecommunications Act of 1996 Filed By The New Jersey Board of Public Utilities (filed Dec. 28, 1998).

In particular, Verizon had filed for approval of its lifeline tariff on September 8, 1997. *Id.* Once that tariff was approved (and before the December 31, 1997 cut-off date), Verizon New Jersey filed for eligible telecommunications carrier (“ETC”) status. *Id.* Although the New Jersey Board was not able to act on that petition until after the cut-off date,<sup>2</sup> there is no question that Verizon New Jersey had met all the criteria for eligibility within the required time-frame.

### Conclusion

The Commission should grant the New Jersey Board Petition.

Respectfully submitted,

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<sup>2</sup> The New Jersey Board explains that the combination of the time of the filing and the “press of Board business” prevented the Board from acting before the end of the year. Petition at 4. In fact, among the proceedings that the New Jersey Board was in the midst of at the time was its establishment of Unbundled Network Element rates under the Telecommunications Act and its own state Universal Service proceeding in Docket No. TX95120631. Clearly it would be unjust to deprive consumers of the benefit of federal universal service support in New Jersey because the New Jersey Board was attempting to address key competitive and universal service issues on a state level.