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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of Petition of AT&T Communications of Virginia, Inc., Pursuant to Section 252(e)(5) of the Communications Act, for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc.	)	**CC Docket No. 00-** 251
In the Matter of Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Expedited Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc., and for Expedited Arbitration	)	**CC Docket No. 00-218**
In the Matter of Petition of Cox Virginia Telcom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc. and for Arbitration	)	**CC Docket No. 00-249**

MOTION TO CONSOLIDATE

AT&T Communications of Virginia, Inc. ("AT&T") respectfully moves that its Section 252(e)(5) petition be consolidated with the similar Section 252(e)(5) petitions that have been filed by WorldCom, Inc. and Cox Virginia Telcom, Inc.[1]

[1] *See* Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Expedited Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc. and for Expedited Arbitration, CC Docket No. 00-218; Petition of Cox Virginia Telcom, Inc.

Three parties – AT&T, WorldCom, and Cox – have now filed petitions under Section 252(e)(5) arising out of the Virginia State Corporation Commission's ("VSCC's") refusal to arbitrate interconnection disputes under federal law. Each petition asks this Commission to preempt the VSCC's jurisdiction and conduct the arbitration required by Section 252. As AT&T stated in its comments on the MCI Petition, AT&T believes the most efficient means for the Commission to conduct such proceedings would be as a "Mega-Arbitration" similar to that conducted by the Texas Public Utility Commission.[2] That would enable the Commission to conserve resources by arbitrating common issues together, while preserving each party's ability to raise non-common issues.

AT&T does not believe it necessary at this time to address in detail the precise procedures that should be employed in such a proceeding. Instead, if the pending petitions are granted, the Commission could then invite written submissions from all parties on their recommendations, or convene a status conference, in order to establish an appropriate set of procedures.

In order to preserve the Commission's ability to proceed in that fashion, however, the Commission should consolidate the AT&T, WorldCom, and Cox petitions and issue a single order preempting the VSCC. Since the relief requested is mandatory

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Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc. and for Arbitration, CC Docket No. 00-249.

[2] *See* Comments of AT&T Corp., In the Matter of Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Expedited Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon-Virginia, Inc. and for Expedited Arbitration, CC Docket No. 00-218, pp. 6-7.

under the Act, there is no benefit to be gained from placing these petitions on separate timetables for decision. Similarly, there is no reason why the Commission should have to choose between conducting three procedurally separate, but substantively overlapping, arbitration proceedings on different schedules, or delaying the start of the arbitration on the first-granted petition until all petitions have finally been granted.

Neither course would be appropriate. It would plainly serve the interest of efficiency to consolidate at least some aspects of these arbitration proceedings. And given the delay that has already been occasioned by the VSCC's failure to act – which has already deprived the parties of the expeditious treatment mandated by the specific deadlines in Section 252 – the proceedings before this Commission should not be further and artificially delayed. Granting all three petitions in a single order would thus serve the interests of both efficiency and expedition.[3]

[3] Because Section 252(e)(5) establishes a 90-day deadline for deciding whether to grant such petitions, consolidation would have the effect of requiring the Commission to decide all petitions within 90 days of the filing of the first petition (WorldCom's). Because each petition presents the same central issue – whether the VSCC's refusal to arbitrate interconnection disputes under federal law triggers the preemption requirements of Section 252(e)(5) – that requirement will create no additional burden for the Commission (and, as explained above, will make any subsequent arbitration proceedings less burdensome).

Conclusion

For the foregoing reasons, the Commission should consolidate this petition with the similar petitions filed by WorldCom and Cox.

Respectfully submitted,

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December 15, 2000

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December, 2000, I caused true and correct copies of AT&T Corp.'s Motion to Consolidate to be served on the following by first class mail, postage prepaid to the following addresses:

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