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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

JAN - 5 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Implementation of the Subscriber Changes )  
Provisions of the Telecommunications Act )  
of 1996 )  
)  
Indiana Bell Telephone Company d/b/a )  
Ameritech Indiana, Pacific Bell Telephone )  
Company, and Southwestern Bell )  
Telephone Company Petition for Waiver )

CC Docket No. 94-129

PETITION FOR WAIVER

Pursuant to section 1.3 of the Commission's Rules (47 C.F.R. § 1.3), Indiana Bell Telephone Company d/b/a Ameritech Indiana (Indiana Bell), Pacific Bell Telephone Company (Pacific Bell), and Southwestern Bell Telephone Company (Southwestern Bell) — collectively referred to as "Petitioners" — respectfully request that the Commission grant them a limited waiver of the Commission's carrier-change authorization and verification rules. In support of this Petition, Petitioners show the following:

FACTS<sup>1</sup>

Petitioners are each incumbent local exchange carriers. Indiana Bell operates in the State of Indiana; Pacific Bell operates in the State of California; and, Southwestern Bell operates in the States of Arkansas, Kansas, Missouri, Oklahoma, and Texas. Verizon Select Services, Inc. (Verizon) is a competitive local exchange carrier providing local exchange services in, among other states, the States of California, Indiana, and Texas. For its own business reasons, Verizon has decided to withdraw from providing local exchange services within the Petitioners' operating

<sup>1</sup> Petitioners make certain of these statements of fact on information and belief because the facts have been provided either directly by persons outside the Petitioners' employ (specifically, representatives of Verizon) or indirectly by means of documents provided by others. Petitioners reserve the right to supplement their petition should additional or different facts come to light.

service areas and has notified the state commissions in those states of this decision.<sup>2</sup> Additionally, Verizon has notified its customers of this decision. In Indiana, Verizon notified its customers that it was discontinuing providing local exchange services on January 8, 2001<sup>3</sup> and that, if the customer had not made alternative arrangements before then, the customer might lose his or her phone service. Verizon also explained that it was seeking to arrange for the automatic transfer of basic local service. In Texas, Verizon notified its customers that the transfer date would be February 6, 2001; in California, March 19, 2001. Attached as Exhibits 1, 2, and 3 are copies of these notification letters provided by Verizon.

In the State of Indiana, Mr. Michael Leppert, Executive Director, Indiana Utility Regulatory Commission, wrote Mr. William Kreutz of Verizon on December 29, 2000, directing Verizon “to transfer all customers who have not already made a choice to those underlying carriers [including Indiana Bell] with no interruption of service.” A copy of this letter is attached as Exhibit 4. Verizon is seeking permission from the state commissions in Texas and California, as well.

#### **ARGUMENT AND CITATION OF AUTHORITIES**

Pursuant to section 258 of the Communications Act, as amended, (Act), the Commission has promulgated certain regulations governing the change of telecommunications providers. Specifically, Commission Rules 64.1100 *et seq.* require that a change in a subscriber’s selection of a provider of telecommunications service shall not be made except in conformance with the procedures prescribed by the Commission.<sup>4</sup> In Indiana, Petitioners seek a limited waiver of those

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<sup>2</sup> Verizon may also be withdrawing from locations within the State of Illinois. As of the date of this Petition, Petitioners have no specific details about any such withdrawal. Petitioners will seek to supplement this petition if and when information about Illinois customers is made available.

<sup>3</sup> Exhibit 1 shows the deadline date as January 4, 2001. Petitioners understand on information and belief that Verizon changed the deadline to January 8, 2001, and that it notified its customers of this change.

<sup>4</sup> 47 C.F.R. § 64.1120(a).

rules to conform with the Indiana state commission's directive and to allow Verizon's customers to be transferred to Petitioners if those customers do not make alternative arrangements for local exchange service in time. In Texas and California, this request for a limited waiver is a precautionary measure in the event that the state commissions in Texas and California ultimately grant Verizon's request that its customers, who fail to make timely alternative arrangements, be transferred to Petitioners.

It is within the Commission's power to grant the requested waiver.<sup>5</sup> Petitioners contend that there is good cause to grant their request. First, the waiver is necessary in order to allow a seamless transition of the affected customers from Verizon to Petitioners, thereby avoiding unnecessary disruptions in such service. It is impossible to determine *a priori* which customers will not make timely arrangements and then contact each personally to verify their preferences in this matter. Second, because the state commissions will approve the process and because the affected customers will receive adequate pre-transfer and post-transfer notifications of their rights and options, the policy goals of the Commission's carrier-change rules will be fully addressed. Third, the Commission has granted waiver requests by other carriers in circumstances similar to these.<sup>6</sup>

#### CONCLUSION

Petitioners seek a limited waiver of the Commission's carrier-change rules in order to allow Verizon to transfer its customers to them if those customers do not make timely alternative arrangements for local exchange telephone service by the dates set out in Verizon's pre-transfer notification letters (*see* Exhibits 1, 2, and 3). In Indiana, this request will allow Indiana Bell to conform to the directive made by the Indiana state commission to effectuate the transfer "with no interruption of service." In Texas and California, this request is a precautionary measure in the

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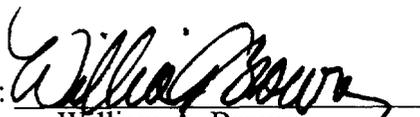
<sup>5</sup> *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 19169).

<sup>6</sup> *Bell Atlantic Communications, Inc.'s Petition for Waiver*, DA 00-2816 (rel. December 12, 2000); *McLeodUSA Petition for Waiver*, DA 00-2151 (rel. Sept. 21, 2000).

event that the state commissions in Texas and California ultimately grant Verizon's request that its customers, who fail to make timely alternative arrangements, be transferred to Petitioners. Petitioners have shown good cause to justify the requested waiver and respectfully request that the Commission grant this request as soon as possible so that preparations can be made in time to meet Verizon's deadlines.

Respectfully submitted,

INDIANA BELL TELEPHONE  
COMPANY d/b/a/ Ameritech  
Indiana, PACIFIC BELL  
TELEPHONE COMPANY, and  
SOUTHWESTERN BELL  
TELEPHONE COMPANY

By:   
William A. Brown

William A. Brown  
Davida Grant  
Roger K. Toppins  
Paul Mancini

1401 I Street, NW  
Suite 1100  
Washington, DC 20005  
(202) 326-8904 – Telephone  
(202) 408-8745 – Facsimile

Their Attorneys

January 5, 2001

Chris Owens  
President - Verizon Select Services Inc

Post-it Fax Note 7671		Date 1/5	# of pages 1
To: <i>Mel Alton</i>		From: <i>Chris Owens</i>	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # 408 4809		Fax #	

Services Inc.  
1-3236

Rodney/Sherr Tate  
700 E Rd.  
Waveland IN 47988

The Verizon OneSource package will no longer be provided in your area. Please make arrangements to change to a new service by January 4, 2001.

Dear Rodney/Sherr Tate:

We're contacting current customers to make them aware that as of January 4, 2001 Verizon Select Services will no longer be providing your Verizon OneSource *bundled* phone package. This package, which you may have purchased as GTE Unlimited, has allowed you to receive local, long distance and calling features on one bill for one rate. Our decision to discontinue this bundled package offering has no impact on services of other Verizon companies operating in your area.

Because Verizon OneSource will no longer be available, you'll need to choose a new company to provide your local phone service, including calling features like Caller ID or Call Waiting. You'll also need to select a new long distance calling plan, either from Verizon or another long distance company. *Please note: your local telephone number will not change.*

There are many telecommunications providers in your area to choose from and you have the option to select any one you like. One option is to call Ameritech at (900) 378-7024 to sign up for local service. As you may incur some tariffed switching charges as a result of having to change local services, Verizon Select Services will credit your account on your next bill to cover them, if applicable. Your initial deposit, if any, will be applied to your final bill and any credits will be refunded by check.

Please be aware that though we will no longer offer our Verizon OneSource bundled phone package in your area, you still can receive long distance service from Verizon. Choose from one of our many Verizon long distance calling plans available in your area by calling 1-800-483-3737.

**YOU MUST CHOOSE YOUR NEW SERVICES BY JANUARY 4, 2001 TO ENSURE THERE ARE NO SERVICE INTERRUPTIONS. IF YOU DO NOT CHOOSE A NEW LOCAL PROVIDER, YOU MAY LOSE YOUR PHONE SERVICE. TO AVOID THE LOSS OF PHONE SERVICE, WE ARE ATTEMPTING TO ARRANGE AN AUTOMATIC TRANSFER OF YOUR BASIC PHONE SERVICE TO ANOTHER LOCAL PHONE SERVICE PROVIDER IN YOUR AREA, BUT CANNOT GUARANTEE IT. EVEN IF WE ARE SUCCESSFUL IN ARRANGING A TRANSFER OF YOUR BASIC PHONE SERVICE, YOU WILL LOSE YOUR CALLING FEATURES, LIKE CALLER ID OR CALL WAITING, AND YOUR LONG DISTANCE WILL DEFAULT TO VERIZON BASIC LONG DISTANCE RATES. THEREFORE, IT'S IMPORTANT THAT YOU TAKE ACTION IMMEDIATELY.**

We're sorry for any inconvenience this change may cause you. You're an important customer to us and we appreciate your time and patience.

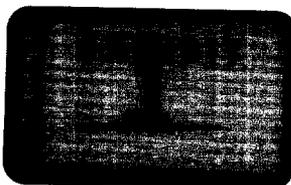
If you have any questions about the decision to discontinue your Verizon OneSource bundle, call us at 1-888-324-7908. However, you will still need to call Ameritech at (800) 378-7024, or a local carrier of your choice, to select new service or Verizon at 1-800-483-3737 to select long distance service.

We hope that you will allow the Verizon family to continue to serve you.

Sincerely,

Chris Owens  
President - Verizon Select Services

Establishment of new phone service contingent upon the credit policies and procedures of the local phone company selected.





JAN 25 2001 15:56 FR SBC  
Dec 14 00 02:47p Secretary

2102772030 TO 8-2024088745

P.05/07

12/14/2000 12:00 FAX 3123720682  
Dec 07 00 12:35p infini

ROBINSON & MATTHEW

(847) 952-0098

0003

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**SUCCESSFUL IN ARRANGING A TRANSFER OF YOUR BASIC PHONE SERVICE, YOU WILL LOSE YOUR CALLING FEATURES, LIKE CALLER ID OR CALL WAITING, AND YOUR LONG DISTANCE WILL DEFAULT TO BASIC LONG DISTANCE RATES. THEREFORE, IT'S IMPORTANT THAT YOU TAKE ACTION IMMEDIATELY.**

We're sorry for any inconvenience this change may cause you. You're an important customer to us and we appreciate your time and patience.

If you have any questions about the decision to discontinue your Verizon OneSource bundle, call us at 1-888-324-7908. However, you will still need to call Pacific Bell at (866) 224-3229 to select new local service or Verizon at 1-800-483-3757 to select long distance service.

We hope that you will allow the Verizon family to continue to serve you.

Sincerely,



Chris Owens  
President - Verizon Select Services Inc.

©2000, Verizon Communications. All rights reserved. Verizon OneSource service provided by Verizon Select Services Inc. Establishment of new phone service contingent upon the credit policies and procedures of the local phone company selected.

NOOF-11/00 CA

JAN 05 2001 17:06

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2102772030

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PAGE.05



Verizon Select Services Inc.  
P.O. Box 31236  
Tampa, FL 33631-3236

The Verizon OneSource package will no longer be provided in your area. Please make arrangements to change to a new service by February 8, 2001.

Terry Barnes  
Apt 17  
9110 Meadows St.  
Houston TX 77037-2356

688319

Dear Terry Barnes:

We're contacting current customers to make them aware that as of February 6, 2001 Verizon Select Services will no longer be providing your Verizon OneSource *bundled* phone package. This package, which you may have purchased as GTE Unlimited, has allowed you to receive local, long distance and calling features on one bill for one rate. Our decision to discontinue this bundled package offering has no impact on services of other Verizon companies operating in your area.

Because Verizon OneSource will no longer be available, you'll need to choose a new company to provide your local phone service, including calling features like Caller ID or Call Waiting. You'll also need to select a new long distance calling plan, either from Verizon or another long distance company. *Please note: your local telephone number will not change.*

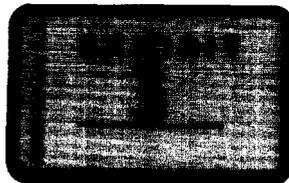
As you're aware, there are many telecommunications providers in your area to choose from and you have the option to select any one you like. One option is to call Southwestern Bell at (800) 645-7567 to sign up for local service. As you may incur some tariffed switching charges as a result of having to change local services, Verizon Select Services will credit your account on your next bill to cover them, if applicable. Your initial deposit, if any, will be applied to your final bill and any credits will be refunded by check.

Please be aware that though we will no longer offer our Verizon OneSource bundled phone package in your area, you still can receive long distance service from Verizon. Choose from one of our many Verizon long distance calling plans available in your area by calling 1-800-483-3737.

**YOU MUST CHOOSE YOUR NEW SERVICES BY FEBRUARY 6, 2001 TO ENSURE THERE ARE NO SERVICE INTERRUPTIONS. IF YOU DO NOT CHOOSE A NEW LOCAL PROVIDER, YOU MAY LOSE YOUR PHONE SERVICE. TO AVOID THE LOSS OF PHONE SERVICE, WE ARE ATTEMPTING TO ARRANGE AN AUTOMATIC TRANSFER OF YOUR BASIC PHONE SERVICE TO ANOTHER LOCAL PHONE SERVICES PROVIDER IN YOUR AREA, BUT CANNOT GUARANTEE IT. EVEN IF WE ARE SUCCESSFUL IN ARRANGING A TRANSFER OF YOUR BASIC PHONE SERVICE, YOU WILL LOSE YOUR CALLING FEATURES, LIKE CALLER ID OR CALL WAITING, AND YOUR LONG DISTANCE WILL DEFAULT TO BASIC LONG DISTANCE RATES. THEREFORE, IT'S IMPORTANT THAT YOU TAKE ACTION IMMEDIATELY.**

We're sorry for any inconvenience this change may cause you. You're an important customer to

2041400F



Robinson & Maltz  
Client: VER  
Job No: 20414  
Filename: 20414/SBC/NOOF 11/00 TX  
Trim Size: 8.5"x11"

Pre-press: 2 Color/1 Side  
Component: letter  
Revise Date: 12/0/00, 4:00 pm  
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us and we appreciate your time and patience.

If you have any questions about the decision to discontinue your Verizon OneSource bundle, call us at 1-888-324-7908. However, you will still need to call Southwestern Bell at (800) 645-7567, or a local carrier of your choice, to select new local service or Verizon at 1-800-483-3737 to select long distance service.

We hope that you will allow the Verizon family to continue to serve you.

Sincerely,



Chris Owens  
President - Verizon Select Services Inc.

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NOOF-11/05

Robinson & Maites  
Client: VER  
Job No: 20414  
Filename: 20414/SBC/NOOF 11/05 TX  
Trim Size: 8.5"x11"

Pre-press: 1 Color/1 Sided  
Component: letter  
Revised Date: 12/0/00: 4:00 pm  
Note: ZW//for PDF only

# STATE OF INDIANA



INDIANAPOLIS, 46204

INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, ROOM E308

December 29, 2000

Mr. William Kreuzt  
Verizon  
One N. Capitol Ave.  
Suite 515  
Indianapolis, Indiana 46204

Dear Mr. Kreuzt:

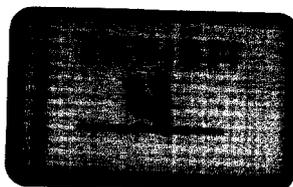
This responds to your letter of December 8, 2000, in which you described in some detail the plan of Verizon Select Services Inc. (VSSI) to withdraw its local exchange telephone service offerings.

Your transition plan satisfies the two objectives of proper notice to the customers and a seamless transfer to another local exchange carrier for those customers who make no choice. As you have described in your letter, upon elimination by VSSI of its local exchange services and bundled packages, those customers who have made no choice will be returned to the underlying incumbent local exchange carriers, Verizon and Ameritech. To ensure that the customers are protected, after the notice period described in your letter, VSSI is directed to transfer all customers who have not already made a choice to those underlying carriers with no interruption of service. Verizon and Ameritech are directed to act according to the Commission's Rules and Standards of Service in receiving those customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Leppert".

Michael Leppert  
Executive Director



[COMPANY] LOGO HERE

DATE

Dear Customer,

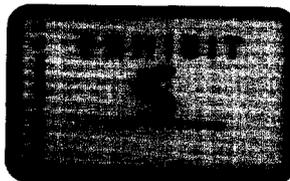
On \_\_\_\_\_ your local telephone service was transferred from VERIZON SELECT SERVICE, INC. to [COMPANY NAME] Telephone Company. It is our understanding that VERIZON SELECT SERVICE, INC. informed you of their decision to stop providing service in Texas and advised that you would need to select a new telephone service provider prior to a specified date. As approved by the [STATE COMMISSION] and the Federal Communications Commission, the transfer to [COMPANY NAME] occurred because no selection was made prior to the specified date.

Although [COMPANY NAME] is pleased to become your new local telephone service provider, you do have a choice in providers. You can choose either to remain with [COMPANY NAME] or to select any other telecommunications utility that offers local telephone service in your area. If you do decide to select another provider, you will need to contact the other provider to request the change.

As a service to our customers, and in compliance with requirements of the [STATE COMMISSION], we want to provide you with the following information concerning [COMPANY NAME]'s terms and conditions of service.

**TERMS AND CONDITIONS OF SERVICE**

- Your local telephone service will be billed at the monthly rate of \_\_\_\_\_. [IF APPLICABLE] Installation charges of \_\_\_\_\_ will also be billed.
- If you decide to order any additional services, a full description of each product or service you order will be identified on your bill. For additional information, you may reference the EasyOptions section of your [COMPANY NAME] Telephone directory or visit our Web site at [www.swbell.com](http://www.swbell.com)
- [STATE SPECIFIC INFORMATION ABOUT CHARGES FOR LATE PAYMENT AND RETURNED CHECKS — *e.g.*, A late payment charge of 5% is applicable and is referenced in the Payment Information section of the telephone bill. There is a \$25.00 charge for returned checks. If late payment or returned check charges are applicable, they can be found in the Other Charges section and Monthly Statement section of the telephone bill.]
- [STATE SPECIFIC INFORMATION ABOUT DEPOSITS AND ADVANCE PAYMENTS — *e.g.*, If a deposit or advance payment is later required to continue local telephone service with [COMPANY NAME], the advance payment will appear in the Monthly Statement section of your telephone bill and the deposit will appear in the Payment Information section of your telephone bill. Information on interest accrual and refund of deposit can be found in the "Your Rights as a Customer" section of the [COMPANY NAME] Telephone directory.]
- Telephone number assignment changes - Your correct telephone number will be reflected on your telephone bill.



- You may terminate your service at any time, subject to a minimum one-month's billing as set forth in our tariffs.

[COMPANY NAME] lists **Your Rights As A Customer** in the Help Guide of your [COMPANY NAME] Telephone directory. If you do not receive a copy of this directory within the next \_\_\_\_\_ days, please call [TOLL FREE NUMBER]. You will also find other helpful information in this guide and/or by using our Web site at [COMPANY WEB SITE INFORMATION].

We value and appreciate your business. We know you will be very satisfied with service from [COMPANY NAME]. If we can be of further assistance, please contact us at [TOLL FREE NUMBER].

Sincerely,

Your Service Representative

Note:

A Spanish language version of this letter can be obtained upon request by calling [TOLL FREE NUMBER].

Nota:

Una version de esta carta esta disponible en espanol a sus ordenes llamando a [TOLL FREE NUMBER].