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 Telecom, 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

<u>REPLY OF VERIZON VIRGINIA, INC.</u>

The comments confirm that if the Commission grants more than one of the preemption petitions, consolidation of the arbitrations would be chaotic, inefficient, and far outside the bounds of the arbitration procedures established by the Commission's regulations. WorldCom, Inc. ("WorldCom"), Cox Communications, Inc. ("Cox") and AT&T Communications of Virginia Inc. ("AT&T") each purports to support consolidation of these arbitrations, yet each requests substantial procedural firewalls from the others' arbitrations that will require constant Commission attention and engender constant debate between the parties; collectively, the firewalls will confuse and delay rather than clarify and expedite the arbitrations.

Cox, for example, supports a "combined hearing" for "common" issues.[1] Just determining which issues are "common" to all arbitrations will be a time-consuming challenge: Cox specified only 10 issues for Commission review in its Petition for Preemption, AT&T specified 99 issues[2] to which Verizon Virginia, Inc. ("Verizon") responded by raising an additional 93 issues, and WorldCom specified its entire agreement for arbitration. Even if the common issues could be sorted out, Cox "reserves the right to put on its own case . . . for common issues."[3] Allowing each party to adjudicate "common issues" separately would eliminate any potential efficiencies from a combined arbitration. Obviously, there will be individual cases put on for non-common

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[1] Cox Comments at 4.

[2] AT&T notes that, through continuing negotiations, 37 of these issues may now be settled. *See* AT&T Petition, Declaration of G. Ridgely Loux at 3. For this reason, in its initial comments, Verizon urged the Commission either to deny AT&T's request for preemption or, if granted, to defer the proceeding to allow further issues to be resolved through negotiations by the parties.

[3] Cox Comments at 4.

issues, and Cox further insists on a "unique decision from the FCC"[4] on its specific issues. This would further delay a decision on any carrier's arbitration.

Notwithstanding these requested individual rights and the prodigious up-front task of parsing through hundreds of issues to determine which are common to two or three of the Petitioners, WorldCom insists that any consolidations "not delay WorldCom's preemption and arbitration requests" and "that the Commission should complete its arbitration proceedings 110 days from the date of its preemption order."[5] Even if WorldCom's preemption is granted, which it should not be for reasons stated in Verizon's November 20, 2000, comments, its proposed schedule for a consolidated arbitration is simply unachievable.

As the Petitioners' comments themselves demonstrate, a consolidated proceeding would be a sure-fire way to forestall the resolution of these issues and, as pointed out in Verizon's initial comments on these petitions, would be contrary to the Telecommunications Act of 1996 and the Commission's regulations limiting an arbitration to "the requesting telecommunications

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[4] *Id.*

[5] WorldCom Comments at 2-3.

carrier and the incumbent LEC."[6] Accordingly, even if the Commission grants the preemption petitions of two or more Petitioners, the arbitration proceedings should not be consolidated.

Respectfully submitted,

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[6] 47 C.F.R. § 51.807(g)

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2001, copies of the foregoing "Reply of Verizon Virginia, Inc." were sent by first class mail, postage prepaid, to the parties on the attached list.

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* Via hand delivery.

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