

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

In the Matter of:)	
)	FCC 00-407
2000 Biennial Regulatory Review)	IB Docket No. 00-231
)	
Amendment of Parts 43 and 63 of the)	
Commission's Rules)	
)	
To: The Commission		

COMMENTS OF VERIZON WIRELESS

Verizon Wireless hereby submits its comments in response to the Notice of Proposed Rule Making (“NPRM”) released by the Federal Communications Commission (“FCC” or “Commission”) on November 30, 2000, in the above-captioned proceeding. Verizon Wireless supports the Commission’s proposal to amend its rule concerning *pro forma* assignments and transfers of control of international Section 214 authorizations to more closely match those used for the assignment and transfer of control of Commercial Mobile Radio Service (“CMRS”) licenses. Verizon Wireless also supports the Commission’s proposal to clarify some rules and to eliminate certain rules that are no longer necessary. Finally, Verizon Wireless urges the Commission to eliminate the quarterly reporting requirement under Section 43.61(c) of the Commission’s rules.¹

¹ 47 C.F.R. § 43.61(c).

I. DISCUSSION

A. Verizon Wireless supports modifying Section 63.24

In the NPRM, the Commission proposes to modify Section 63.24 of its rule to provide greater flexibility and clarity regarding *pro forma* assignments and transfers of control. The Commission notes that the current regulatory structure may not be sufficiently flexible for authorized international carriers in that it does not explicitly apply the procedures of Section 63.24 to corporate transactions that do not fall into one of the six enumerated categories, but that nevertheless should be treated as *pro forma*.² In addition, the Commission states that because an increasing number of transactions involve authorizations for several different services and therefore require review by multiple Bureaus, it would ease the burden on carriers if the rules for assignments and transfers of control applicable to international services were similar to the CMRS rules.³

Verizon Wireless supports the Commission's proposals to modify and consolidate its current rules on assignments and transfers of control of international Section 214 authorizations so that the new rule more closely tracks the procedures applicable to CMRS.⁴ Specifically, Verizon Wireless agrees with the tentative conclusion that the Commission should adopt the CMRS case-by-case approach for determining whether transfers of control of international Section 214 authorizations are substantial or *pro forma*. In addition, Verizon Wireless supports the proposal that the six types of transactions that are currently listed in the

² See 47 C.F.R. § 63.24(a)(1)-(6).

³ NPRM at ¶¶ 8-10.

⁴ NPRM at ¶ 12 citing *Federal Communications Bar Association's Petition for Forbearance from Section 310(d) of the Communications Act Regarding Non-Substantial Assignments of Wireless licenses and Transfers of Control Involving Telecommunications Carriers*, Memorandum Opinion and Order, 13 FCC Rcd 6293, 6297-99, ¶¶ 7-9 (1988).

Commission's rules as *pro forma* should be considered illustrative, not comprehensive.

B. The Commission should also eliminate the Section 43.61(c) reporting requirement.

Verizon Wireless hereby urges the Commission to eliminate the requirement that a common carrier engaged in the resale of international switched services that is affiliated with a foreign carrier that has sufficient market power on the foreign end of an international route to affect competition adversely in the U.S. market and that collects settlements payments from U.S. carriers file a quarterly report.⁵ As it did in its previous comments on the annual reporting requirement,⁶ Verizon Wireless asserts that the quarterly reporting requirement should be eliminated because it is not necessary and does not justify the burden imposed. Preparing and filing the Section 43.61(c) report places a significant administrative burden on Verizon Wireless. Companies, like Verizon Wireless, that operate national networks with operations though out the country must expend substantial man-hours compiling and interpreting the required data.

Further, the information collected in the Section 43.61(c) report does not provide any significant regulatory benefit. As the Commission correctly noted in the *Staff Report*, both the CMRS and international markets have seen a substantial increase in competition.⁷ In light of this increased competition, Verizon Wireless does not believe it is necessary for the Commission to monitor the flow of traffic into each country from CMRS carriers engaged in resale. The Commission has already determined that non-dominant international carriers and resellers that

⁵ 47 C.F.R. § 43.61(c).

⁶ See Federal Communications Commission Biennial Review 2000, CC Docket No. 00-175, FCC 00-346, 2000 *Staff Report* (rel. Sept. 19, 2000) Comments of Verizon Wireless (filed Oct. 10, 2000) at 3-6; *see also* In the Matter of 2000 Biennial Regulatory Review Policy and Rules Concerning the International Interchange Marketplace, IB

resell services of a carrier that is regulated as non-dominant do not pose any threat of anti-competitive behavior.⁸ It stands to reason, therefore, that there is no need to collect and monitor international traffic data.

Finally, Verizon Wireless and other CMRS providers already report international revenues in the Telecommunications Reporting Worksheet, FCC Form 499A. Thus, to some extent, the information contained in the Section 43.61(c) report is duplicative.

Therefore, the Commission should also eliminate the burdensome and unnecessary requirement that common carriers engaged in the resale of international switched services that are affiliated with a foreign carrier that has sufficient market power on the foreign end of an international route to affect competition adversely in the U.S. market and that collects settlement payments from U.S. carriers file a quarterly report.

Docket No. 00-202, *NPRM* (rel. Oct. 18, 2000) Comments of Verizon Wireless (filed Nov. 17, 2000) at 4-6.

⁷ See generally Staff Report at 27 and 32.

⁸ Streamlining the International Section 214 Authorization Process and Tariff Requirements, *Report and Order*, IB Docket NO. 95-118, 11 FCC Rcd 12884 at 12895.

II. Conclusion

Verizon Wireless supports the Commission's proposal to amend its rule concerning *pro forma* assignments and transfers of control of international Section 214 authorizations to more closely match those used for the assignment and transfer of control of CMRS licenses. Verizon Wireless also supports the Commission's proposal to clarify some rules and to eliminate certain rules that are no longer necessary. Finally Verizon Wireless also urges the Commission to eliminate the quarterly reporting requirement of Section 43.61(c).

Respectfully submitted,

VERIZON WIRELESS

John T. Scott, III
Vice President and Deputy General
Counsel – Regulatory Law
Verizon Wireless
1300 I Street, N.W.
Suite 400 West
Washington, DC 20005
(202) 589-3760

By _____
Michael P. Samscock
Associate Director – Regulatory Matters
Verizon Wireless
1300 I Street, N.W.
Suite 400 West
Washington, DC 20005
(202) 589-3768

Its Attorneys

January 24, 2000.