

FCC MAIL ROOM

FCC MAIL ROOM

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

2001 JUN 29 P 5: 25

In the Matter of)
)
Application of Verizon New England Inc., Bell)
Atlantic Communications, Inc. (d/b/a Verizon)
Long Distance), NYNEX Long Distance)
Company (d/b/a Verizon Enterprise Solutions))
And Verizon Global Networks Inc.,)
For Authorization to Provide In-Region,)
InterLATA Services in Massachusetts)

RECEIVED
CC Docket No. 01-9

ORDER

Adopted: June 26, 2001

Released: June 26, 2001

By the Chief, Common Carrier Bureau:

1. On April 25, 2001, WorldCom, Inc. filed a motion for an administrative stay of the Commission's order authorizing Verizon to provide in-region interLATA service in Massachusetts pursuant to section 271 of the Communications Act.¹ WorldCom's motion presents no new evidence or information that would justify a stay in this case. Moreover, in our judgment, a stay would harm the public interest. Now that Verizon has entered the long distance market in Massachusetts, suspension of Verizon's section 271 authorization would cause unnecessary consumer confusion and inconvenience. For these reasons, we deny WorldCom's motion for stay.²

2. We note that on May 16, 2001, an Administrative Law Judge of the New York State Public Service Commission recommended reductions in Verizon's switching rates for New York. This recommendation, which is not a final decision, and which is subject to review by the New York Commission, does not alter our view that a stay of Verizon's section 271 authorization in Massachusetts is unwarranted. In the *Order*, the Commission found that Verizon's Massachusetts switching rates satisfied the section 271 checklist because they were equivalent to Verizon's New York switching rates, which the Commission had previously found to be in compliance with the checklist, and because Verizon's switching costs in Massachusetts were at least equal to its New

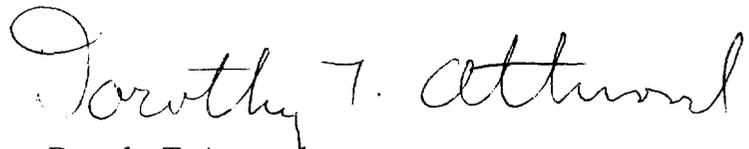
¹ *Application of Verizon New England, Inc. For Authorization to Provide In-Region, InterLATA Services in Massachusetts*, CC Docket No. 01-9, Memorandum Opinion and Order, FCC 01-130 (rel. Apr. 16, 2001) ("*Order*").

² See *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841, 843 (D.C. Cir. 1977). WorldCom alternatively moved for a delay of the *Order's* implementation date. The *Order* took effect on April 26, 2001, the day after WorldCom filed its motion. Consequently, we dismiss as moot WorldCom's motion to delay the *Order's* implementation date.

York switching costs.³ At the same time, the Commission recognized the possibility that the New York Commission might adjust Verizon's New York switching rates; and the Commission further acknowledged that such rate modifications could "undermine Verizon's reliance on those rates in Massachusetts and its compliance with the requirements of section 271, depending on the New York Commission's conclusions."⁴ If and when the New York Commission modifies New York switching rates in a manner that raises questions about Verizon's continued section 271 compliance in Massachusetts, the Commission stands ready "to take appropriate enforcement action, including action pursuant to section 271(d)(6)."⁵

3. Accordingly, IT IS ORDERED that WorldCom's motion for stay is DENIED. WorldCom's alternative motion for delay of the implementation date is DISMISSED AS MOOT.

FEDERAL COMMUNICATIONS COMMISSION



Dorothy T. Attwood
Chief, Common Carrier Bureau

³ Order paras. 22-28.

⁴ Order para. 30.

⁵ *Id.*