

FCC MAIL ROOM

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

2002 AUG 16 P 4: 44

In the Matters of)
)
GTE Corporation, Transferor, and Bell Atlantic)
Corporation, Transferee, For Consent to Transfer)
Control of Domestic and International Sections)
214 and 310 Authorizations and Application to)
Transfer Control of a Submarine Cable Landing)
License)
)
And)
)
NYNEX Corporation, Transferor, and Bell)
Atlantic Corporation, Transferee, For Consent to)
Transfer Control of NYNEX Corporation and Its)
Subsidiaries)

RECEIVED
CC Docket No. 98-184

File No. NSD-L-96-10

ORDER

Adopted: August 10, 2001

Released: August 14, 2001

By the Commission:

I. INTRODUCTION AND BACKGROUND

1. In this Order, we grant Verizon Communications, Inc.'s ("Verizon") request to eliminate performance measurement reporting requirements under the *Bell Atlantic/NYNEX Merger Order*.¹ We find that Verizon's reporting obligations pursuant to the *Bell Atlantic/GTE Merger Order* obviate the need for continued reporting under the *Bell Atlantic/NYNEX Merger Order*.²

2. In the *Bell Atlantic/NYNEX Merger Order*, the Commission required the merged company, now Verizon, to report certain performance measurements designed to help the Commission and the public to assess Verizon's progress in opening its local network to competition.³ These

¹ Applications of NYNEX Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of NYNEX Cooperation and Its Subsidiaries, *Memorandum Opinion and Order*, NSD-L-96-10, 12 FCC Rcd 19985, 20107-08, 20113-23 (1997) ("*Bell Atlantic/NYNEX Merger Order*").

² Applications of GTE Corporation, Transferor, and Bell Atlantic Corporation, Transferee, For Consent to Transfer Control of Domestic and International Sections 214 and 310 Authorizations and Application to Transfer Control of a Submarine Cable Landing License, CC Docket No. 98-184, *Memorandum Opinion and Order*, 15 FCC Rcd 14032 at Appendix D, Attachment A ("*Bell Atlantic/GTE Merger Order*").

³ *Bell Atlantic/NYNEX Merger Order*, 12 FCC Rcd at 20107-08. We refer to the commitments contained in Appendices C and D of the *Bell Atlantic/NYNEX Merger Order* as the "*Bell Atlantic/NYNEX Merger Conditions*."

(continued....)

measurements cover elements of Verizon's operations and operations support systems that are integral to providing service to competitive local exchange carriers ("competitive LECs"), including pre-ordering, ordering, provisioning, maintenance and repair, network performance, and billing functions.⁴ Under the terms of the *Bell Atlantic/NYNEX Merger Order*, Verizon has filed these data with the Commission since the merger was completed and would continue to do so until November, 2001.⁵

3. On March 8, 2001, Verizon asked the Common Carrier Bureau to relieve the company of its reporting obligations under the *Bell Atlantic/NYNEX Merger Order*.⁶ On March 30, 2001, the Bureau sought comment on Verizon's request.⁷ Verizon and WorldCom, Inc. ("WorldCom") filed comments, and Verizon filed a reply.

II. DISCUSSION

4. In evaluating Verizon's request, we consider whether modifying the *Bell Atlantic/NYNEX Merger Conditions* would serve the public interest.⁸ Our goal in adopting the Bell Atlantic/NYNEX reporting requirements was to "assist in identifying discrimination in the provision of UNEs, resale and interconnection" by the merged company.⁹ Any change to the *Bell Atlantic/NYNEX Merger Conditions* must be tailored to affirmatively and identifiably promote the underlying purpose of the condition.¹⁰ We find that Verizon has demonstrated that modifying the *Bell Atlantic/NYNEX Merger Conditions'* performance reporting requirements serves the public interest.

5. In the *Bell Atlantic/GTE Merger Order*, the Commission required Verizon to report a set of performance measurements, similar to those required in the *Bell Atlantic/NYNEX Merger Order*,

(Continued from previous page) _____

The performance measurements reporting requirements are contained in paragraph 1 of Appendix C and all of Appendix D.

⁴ See *Bell Atlantic/NYNEX Merger Order* at Appendix D.

⁵ *Id.* at 20070, ¶ 181; see also Notice of Filing Schedule for Bell Atlantic Performance Monitoring Reports, *Public Notice*, 13 FCC Rcd 2229 (1998).

⁶ Letter from Gordon Evans, Vice President, Federal Regulatory, Verizon, to Dorothy Attwood, Chief, Common Carrier Bureau (Mar. 8, 2001).

⁷ Common Carrier Bureau Seeks Comment on Verizon's Request to Eliminate Reporting Requirements Under the Bell Atlantic/NYNEX Merger Order, *Public Notice*, DA 01-810 (Mar. 30, 2001). While considering the request, the Bureau extended Verizon's May 15, 2001 filing deadline to August 15, 2001. See Letter from Kenneth Moran, Chief, Accounting Safeguards Division, Common Carrier Bureau, to Mr. Gordon Evans, Vice President, Federal Regulatory, Verizon (July 13, 2001).

⁸ See 47 U.S.C. § 416(b); 47 C.F.R. § 1.3; Applications of Ameritech Corp., Transferor, and SBC Communications, Inc., Transferee, For Consent to Transfer Control of Corporations Holding Commission Licenses and Lines Pursuant to Sections 214 and 310(d) of the Communications Act and Parts 5, 22, 24, 25, 63, 90, 95, and 101 of the Commission's Rules, CC Docket 98-141, *Second Memorandum Opinion and Order*, 15 FCC Rcd 17521, 17532, ¶ 21 (2000) ("*SBC/Ameritech Merger Conditions Modification*") (finding SBC request to modify its merger conditions in the public interest); Application of GTE Corp. and Southern Pacific Company for Consent to Transfer Control of Southern Pacific Communications Company and Southern Pacific Satellite Company, *Memorandum Opinion and Order*, FCC 84-254 (rel. June 4, 1984).

⁹ *Bell Atlantic/NYNEX Merger Order*, 12 FCC Rcd at 20076, ¶ 193.

¹⁰ See *SBC/Ameritech Merger Conditions Modification*, 15 FCC Rcd at 17532, ¶ 21.

designed to provide information on Verizon's progress in opening its local network to competition.¹¹ We believe that the reporting requirements specified in the *Bell Atlantic/GTE Merger Order* represent efficient enhancements to those specified in the *Bell Atlantic/NYNEX Merger Order*. The *Bell Atlantic/GTE Merger Order* addresses reporting requirements in a more comprehensive fashion. For example, they require data on collocation performance not contained in the original requirements. Under the *Bell Atlantic/GTE Merger Order* requirements data are filed more timely, i.e., monthly rather than quarterly. Finally, the *Bell Atlantic/GTE Merger Order* creates financial incentives for Verizon to provide a high level of performance. If Verizon does not meet specified performance standards, it must make voluntary payments to the federal treasury. In summary, we believe the *Bell Atlantic/GTE Merger Order* requirements obviate the need for the prior *Bell Atlantic/NYNEX* reporting requirements. Therefore, the public interest will be served by eliminating the *Bell Atlantic/NYNEX Merger Order* reporting requirements altogether.

6. WorldCom argues that the Commission should modify the conditions in the *Bell Atlantic/GTE Merger Order* to add one of the measurements required by the *Bell Atlantic/NYNEX Merger Order*, i.e., common trunk blockage, and an additional measurement regarding billing completion notifications.¹² We disagree. Worldcom made the same request in the *Bell Atlantic/GTE* merger proceeding with respect to the billing notification measurement.¹³ WorldCom presents no evidence here to compel us to adopt such a measurement now. Nor do we believe it necessary to reopen the *Bell Atlantic/GTE Merger Order* to add a measurement for common trunk blockage. The *Bell Atlantic/GTE Merger Order* requires reporting on final trunk blockage, which provides regulators and interested parties another measure of Verizon's interconnection performance.¹⁴ In summary, we believe the requirements specified in the *Bell Atlantic/GTE Merger Order* are sufficient, and that the *Bell Atlantic/GTE Merger Order* should not be modified in this fashion.

7. For the foregoing reasons, we find it in the public interest to eliminate the performance measurements specified in the *Bell Atlantic/NYNEX Merger Order* and relieve Verizon of the time and effort necessary to compile and file these data. We are confident that the more comprehensive and more timely performance measurements enhancements specified in the *Bell Atlantic/GTE Merger Order* will "assist in identifying discrimination in the provision of UNEs, resale and interconnection" by Verizon.¹⁵

III. ORDERING CLAUSE

8. IT IS ORDERED, pursuant to sections 1-4, 201-205, 214, 251, 303(r), and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154, 201-205, 214, 251, 303(r), and 309, that Verizon's request IS GRANTED as described herein.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas
Secretary

¹¹ See *Bell Atlantic/GTE Merger Order* at Appendix D, Attachment A.

¹² WorldCom Comments at 2-4.

¹³ WorldCom March 1, 2000 Supplemental Comments in CC Docket No. 98-184 at 18; Verizon Reply at 4.

¹⁴ See *Bell Atlantic/GTE Merger Order* at Appendix D, Attachment A-1a.

¹⁵ *Bell Atlantic/NYNEX Merger Order*, 12 FCC Rcd at 20076, ¶ 193.