

September 19, 2001

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

*Re: Application of Verizon to Provide In-Region InterLATA Service in  
Pennsylvania, CC Docket No. 01-138*

Dear Ms. Salas:

Pursuant to Section 1.1206 of the Commission's Rules, the Competitive Telecommunications Association ("CompTel"), on behalf of its member company Metropolitan Telecommunications ("MetTel"), is submitting this letter to notify the Commission that MetTel was not able to respond to a Verizon substantive *ex parte* letter which was filed on September 7, 2001 due to extraordinary circumstances. Because MetTel has been an active participant in this proceeding, and would have responded to Verizon's submission of new information with respect to the accuracy of Verizon's wholesale bill had it been able to do so, CompTel requests that this *ex parte* be stricken from the record. For the Commission to rely on this *ex parte* in granting the above-referenced Application, would be unfair, given that CompTel and MetTel have not had a fair opportunity to react to this evidence. Thus, the Commission is required to strike from the record, or not rely on in granting this Application, any Verizon *ex parte* to which interested parties have not had a meaningful opportunity to respond.

The Verizon September 7 *ex parte* submitted confidential information into the record in the form of a report by Pricewaterhouse Coopers, LLP ("PwC"), which purports to demonstrate the accuracy of Verizon's electronic bills. CompTel understands that, in setting the parameters for this report, Verizon directed PwC to review bills generated from August 1, 2001 to August 15, 2001. While such evidence would appear to be a *per se* violation of the Commission's "complete when filed" rule, and, as such, completely irrelevant to the issue of whether Verizon was in compliance with Section 271 at the time of its Application, CompTel would have nevertheless responded to this information if requested to by its member company MetTel.

Thus, it is important to note that this *ex parte* was filed late in the day on September 7, 2001, which was a Friday. From September 11, 2001 through the end of the day on Monday, September 17, 2001 MetTel was unable to actively participate in this

docket. MetTel's offices are in lower Manhattan, and MetTel was without power, and/or telephone service throughout this time period. In addition, MetTel was forced to focus on a number of priority, customer-affecting issues related to the World Trade Center disaster during this time period. So, given the practical impossibility that MetTel could execute a protective agreement with Verizon, obtain this information, and respond to it—if a response was warranted—procedural fairness requires that the Commission not rely on this late-filed evidence in order to grant Verizon's pending 271 Application.<sup>1</sup>

Please contact the undersigned attorney with any questions regarding this filing.

Sincerely,

Jonathan Lee  
Vice President,  
Regulatory Affairs

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<sup>1</sup> CompTel notes, in the interest of full disclosure, that it too filed a substantive *ex parte* on September 7, 2001. However, in accord with the Commission's Public Notice in this proceeding, CompTel provided a complete copy of its filing to Verizon on September 10, 2001.