

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of

Verizon's Request for Limited Modification  
of LATA Boundary To Provide Expanded  
Local Calling Service Between Certain  
Exchanges in Virginia

CC Docket No. 96-159

**REPLY OF VERIZON VIRGINIA**

Cavalier opposes Verizon Virginia's request for permission to implement extended area calling arrangements mandated by the Virginia commission for reasons wholly unrelated to that request. That opposition should be rejected, and Verizon should be allowed to do what the Virginia State Corporation Commission (SCC) has ordered.

First, these are requests for extended area calling in Northern Virginia. Cavalier's opposition is based on a disagreement with Verizon concerning Bethia, Virginia, just outside of Richmond. Cavalier's complaint, therefore, misses the mark by more than 120 miles.

Second, Cavalier says that "Verizon should not be allowed to alter LATA boundaries and expanded local calling service willy-nilly, wherever it chooses."<sup>1</sup> In this case, of course, it was the telephone users of Catocin, Virginia, who petitioned the Virginia SCC for these changes, and that commission approved them.<sup>2</sup> Verizon is merely trying to do what these customers want and what the Virginia SCC found to be in the public interest.

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<sup>1</sup> Cavalier at 2.

<sup>2</sup> *Petition of Catocin Exchange Customers for Extended Local Service From Verizon Virginia Inc.'s Catocin Exchange to Its Herndon, Fairfax-Vienna, Alexandria-*

Third, Cavalier's opposes, it says, "because Verizon has remained intransigently inflexible with the pricing of unbundled network elements ('UNEs') in Virginia."<sup>3</sup> What this has to do with giving callers in Catoctin local calling to neighboring communities is, to say the least, unclear. Moreover, Verizon has never understood that it was supposed to be "flexible" with respect to UNE pricing — rather, it understands that it is supposed to price UNEs according to the rules of the Commission and the Virginia SCC, and that is what Verizon has done.

Moreover, Verizon has done nothing wrong with respect to UNE pricing in Bethia. The Virginia SCC ordered that Verizon's UNE loop prices be deaveraged into the three groups, known as density cells one, two and three. The Bethia wire center is in density cell three. In January of this year, the SCC rejected Cavalier's request to reclassify Bethia from density cell three to density cell one. Granting that request would have had the effect of lowering UNE loop prices in that area. In that order, the SCC found "that Cavalier has failed to allege a legal or factual basis upon which this Commission should investigate the UNE loop rates for the Bethia wire center."<sup>4</sup> At the same time, the SCC "remind[ed] Cavalier that it may always pursue changes to the Bethia wire center UNE loop rate when it negotiates and/or requests arbitration of a new interconnection agreement with Verizon Virginia, pursuant to § 252 of the Act or under applicable state regulations."<sup>5</sup>

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*Arlington, and Falls Church-McLean Exchanges*, Final Order, Case No. Puc-2001-00139 (VA SCC April 30, 2002) available at <http://www.state.va.us/scc/caseinfo/puc/case/c010139a.pdf>.

<sup>3</sup> Cavalier at 1.

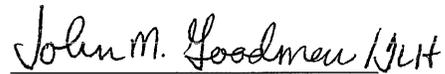
<sup>4</sup> *Application of Cavalier Telephone To Reclassify the Bethia Wire Center into Density Cell One*, Final Order at 5, Case No. PUC010213 (VA SCC Jan. 31, 2002) available at <http://www.state.va.us/scc/caseinfo/puc/case/c010213a.pdf>.

<sup>5</sup> *Id.* at 5.

Cavalier, however, apparently did not want to “pursue changes to the Bethia wire center UNE loop rate when it negotiates and/or requests arbitration of a new interconnection agreement with Verizon Virginia, pursuant to § 252 of the Act or under applicable state regulations,” as the SCC had indicated it could. Instead of seeking to negotiate, Cavalier instead sent Verizon a letter “seeking to take this matter directly to arbitration before the [state commission].”<sup>6</sup> If anyone is ignoring SCC direction, it is Cavalier not Verizon.

Cavalier is trying to use this proceeding to gain leverage in a completely unrelated dispute with Verizon. In doing so, it is also seeking to delay services that the Virginia SCC has required as in the public interest. The Commission should reject Cavalier’s tactics and promptly grant Verizon’s petitions.

Respectfully submitted,

  
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<sup>6</sup>

Cavalier at 2.