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February 14, 2003

VIA ELECTRONIC FILING

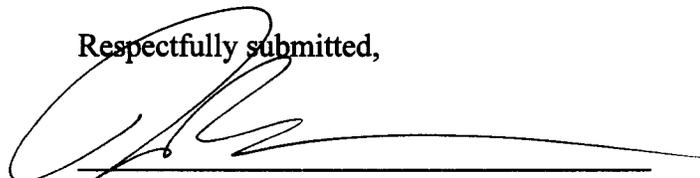
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-A325
Washington, DC 20554

Re: Motion of CloseCall America, Inc. to Accept as Timely Filed its Reply Comments on Verizon's 271 Application for Maryland, Washington, D.C. and West Virginia

Dear Ms. Dortch:

Enclosed for filing with the Federal Communications Commission, please find attached the Motion of Close Call America, Inc. to Accept as Timely Filed its Reply Comments on Verizon's 271 Application in Maryland, Washington, D.C. and West Virginia. Please do not hesitate to contact me at (202) 861-3445 should you have any questions concerning this matter.

Respectfully submitted,



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Counsel for CloseCall America, Inc.

VMP/db

cc: Service List

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

In the Matter of)

Application by Verizon Maryland, Inc., Verizon)
Washington, D.C., Inc., Verizon West Virginia,)
Inc., Bell Atlantic Communications, Inc. (d/b/a)
Verizon Long Distance), NYNEX Long Distance)
Company (d/b/a Verizon Enterprise Solutions),)
Verizon Global Networks, Inc., and Verizon Select)
Services, Inc. for Authorization to Provide In-)
Region, InterLATA Services in Maryland,)
Washington, D.C. and West Virginia)

WC Docket No. 02-384

To: The Commission

**MOTION OF CLOSECALL AMERICA, INC. TO ACCEPT AS TIMELY FILED ITS
REPLY COMMENTS ON VERIZON'S 271 APPLICATION**

Pursuant to section 1.46 of the Commission's Rules,¹ CloseCall America, Inc.

("CloseCall") hereby respectfully requests that the Federal Communications Commission ("Commission") grant this Motion to Accept as Timely Filed its Reply Comments on Verizon's 271 Application for Maryland, Washington, D.C., and West Virginia ("CloseCall's Reply").

On May 2, 2002, CloseCall filed with the Public Service Commission of Maryland (the "MD-PSC") a complaint requesting that the MD-PSC direct Verizon Maryland, Inc. ("Verizon") to provide wholesale access to voice messaging and line sharing DSL services (i.e., digital subscriber line services that can be provided on loops that are also used by competitive local

¹ 47 C.F.R. Sec. 1.46.

exchange carriers (“CLECs”) to provide local telephone service).² The MD-PSC thereafter undertook a proceeding, designated MD-PSC Case No. 8927, to resolve the issues raised by CloseCall’s complaint.

In its December 16, 2002 Conditional Order in Case No. 8921 (the MD-PSC’s review of Verizon’s compliance with 47 U.S.C. §271(c)), the MD-PSC directed Verizon to take certain actions to protect customer choice of line sharing DSL and telephone services.³ On December 17, 2002, Verizon filed with the MD-PSC a letter documenting its acceptance of this condition.⁴ On December 24, 2002, the MD-PSC staff notified the parties to Case No. 8927 that the “Line Sharing” conditions described in the Conditional Order correspond to certain issues raised in that proceeding.⁵ In this manner, the MD-PSC indicated that Verizon’s authority to provide in-region interLATA services in Maryland should be conditioned, in part, on Verizon’s resolution of the anti-competitive line sharing DSL issues relating to Case No. 8927.

On January 9, 2003, CloseCall submitted to the Commission its Comments on Verizon’s 271 Application for Maryland, Washington, D.C. and West Virginia. With its Comments, CloseCall also provided to the Commission, for its reference, convenience and use, a copy of its *Complaint* and the substantive pleadings and testimony (redacted to protect confidential

² Complaint of CloseCall America, Inc., MD Public Service Commission Case No. 8927, May 2, 2002 (the “*Complaint*”).

³ Letter to Mr. William R. Roberts, President, Verizon Maryland Inc., from Catherine I. Riley, Chairman, J. Joseph Curran, III, Commissioner, Gail C. McDonald, Commissioner, and Harold D. Williams, Commissioner, Maryland Public Service Commission, Dec. 16, 2002 (the “*Conditional Order*”).

⁴ Letter to Felicia L. Greer, Executive Secretary, Public Service Commission of Maryland, from William R. Roberts, President, Verizon Maryland Inc., Dec. 17, 2002 (the “*Verizon Acceptance*”).

⁵ Email from Michael A. Dean, Maryland Public Service Commission, to Carville Collins, Piper Rudnick LLP; David Hill, Verizon Maryland Inc.; Sean Lev, Kellog Huber Hansen Todd and Evans, P.L.L.C.; Vincent Paladini, Piper Rudnick LLP; Kimberly Wild, WorldCom, Inc.; Catherine Dowling and Sarah Lazarus, Maryland Public Service Commission; and Richard Miller, Office of People’s Counsel, Dec. 24, 2002.

information) that have been filed with the MD-PSC in Case No. 8927. These documents describe Verizon's policies regarding the provision of line sharing DSL to customers that choose to subscribe to competitive local telephone service providers, the competitive issues related to these policies and the positions of each party to the proceeding.

In its Comments, CloseCall noted that the parties to Case No. 8927 continue to undertake confidential discovery and were awaiting an order from the MD-PSC regarding the admission of additional testimony on behalf of CloseCall. The MD-PSC issued that order subsequent to CloseCall's submission of its Comments in this proceeding. Pursuant to the terms of the MD-PSC's order, on January 31, 2003, Thomas E. Mazerski, President and Chief Executive Officer of CloseCall submitted supplemental testimony and Robert W. McCausland, an independent Telecommunications Consultant, submitted direct testimony for inclusion in the public record for MD-PSC Case No. 8927. In its Reply Comments, CloseCall hereby provides to the Commission for its reference, convenience and use, public versions of the testimony submitted by Mr. Mazerski and Mr. McCausland to the MD-PSC on January 31, 2003, redacted to protect the confidentiality of certain information that remains proprietary to the parties to Case No. 8927.

CloseCall recognizes that the Commission does not routinely grant motions for the extension of time.⁶ However, the Commission may, for good cause, grant motions for acceptance of comments and reply comments made after the filing date.⁷ CloseCall respectfully submits that it is in the public interest to compile a complete record, and that acceptance of

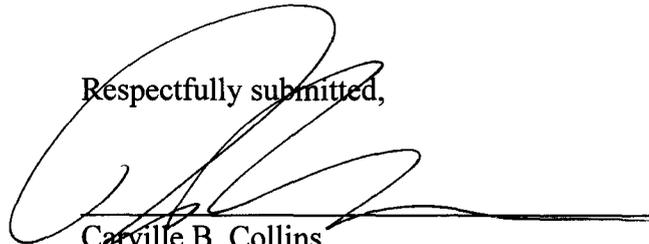
⁶ 47 C.F.R. § 1.46(a).

⁷ 47 C.F.R. § 1.46(b).

CloseCall's Reply Comments is essential for this task. Specifically, CloseCall's Reply Comments, and the testimony attached thereto, contains detailed information that will be helpful to the Commission's analysis of the MD-PSC's concerns regarding local competition in Maryland. Furthermore, the testimony contained in CloseCall's Reply Comments is already part of the MD-PSC's public record in Case 8927. Because this testimony has been available to the general public since January 31, 2003, the date that Reply Comments were due in the instant proceeding, inclusion of this information in the record for the instant proceeding will not disadvantage any interested party.

WHEREFORE, in the interest of building a complete record in this proceeding, and in recognition that no party to this proceeding would be prejudiced thereby, CloseCall respectfully requests that this Motion be granted. Pursuant to Sections 1.727(c) and 1.734(d) of the Commission's Rules, a proposed order for adoption is attached.

Respectfully submitted,



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Counsel for CloseCall America, Inc.

Dated: February 14, 2003

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

In the Matter of)

Application by Verizon Maryland, Inc., Verizon)
Washington, D.C., Inc., Verizon West Virginia,)
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Verizon Long Distance), NYNEX Long Distance)
Company (d/b/a Verizon Enterprise Solutions),)
Verizon Global Networks, Inc., and Verizon Select)
Services, Inc. for Authorization to Provide In-)
Region, InterLATA Services in Maryland,)
Washington, D.C. and West Virginia)

WC Docket No. 02-384

To: The Commission

PROPOSED ORDER

Upon consideration of the Motion of CloseCall America, Inc. ("CloseCall") to Accept as Timely Filed its Reply Comments on the Verizon 271 Application for Maryland, Washington, D.C. and West Virginia in the above captioned matter, and in response thereto, the Commission hereby finds and orders as follows:

CloseCall's Motion to Accept as Timely Filed its Reply Comments on Verizon's 271 Application should be granted because CloseCall represents the views of a significant entity potentially affected by this proceeding and exclusion of its Reply Comments would cause the record to be incomplete. It is in the public interest to compile a complete record. Furthermore, the testimony contained in CloseCall's Reply Comments is already part of the MD-PSC's public record in Case 8927. Because this testimony has been available to the general public since January 31, 2003, the date that Reply Comments were due in the instant proceeding, inclusion of this information in the record for the instant proceeding will not disadvantage any interested party.

Accordingly, IT IS ORDERED that the Motion to Accept as Timely Filed CloseCall's Reply Comments in the above-captioned matter is hereby GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

CERTIFICATE OF SERVICE

I, Evelyn Opany, hereby certify that, on this 14th day of February 2003, a copy of the foregoing *Motion of CloseCall America, Inc. to Accept as Timely Filed its Reply Comments on Verizon's 271 Application in Maryland, Washington, D.C. and West Virginia* was served to the following:

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/s/ Evelyn Opany

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