

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

In the Matter of)	
)	
State of Tennessee Petition)	CC Docket Nos. 96-45, 97-21
to Change its Service Provider for)	
Schools and Libraries Universal Service)	
Support Mechanism Funding Year 2002)	

REPLY COMMENTS OF VERIZON¹

Regardless of the Commission’s decision on the merits of the State of Tennessee’s request for waiver of the rules regarding a change in service providers, the Commission should not use the specific facts of the Tennessee request as a vehicle for a larger policy change. As Sprint properly notes in its comments, “The Commission may waive its rules (and may direct USAC to waive its administrative procedures) if there is ‘good cause’ to do so.” Sprint Comments, at 3. The situation presented by the Tennessee request for a change in provider presents a unique set of circumstances that is appropriately addressed through the waiver process. There has been no showing that the concerns raised by the State of Tennessee have general applicability, or provide a basis to reconsider the additional rules. To the contrary, the rules limiting the circumstances in which an applicant can change its service provider (a procedure known as a “SPIN change”), are important to avoid disruptive changes that would be burdensome to the administrator and the parties.²

¹ The Verizon telephone companies (“Verizon”) are the local exchange carriers affiliated with Verizon Communications Inc., and are listed in Attachment A.

² *Request for Review of the Decision of the Universal Service Administrator by Copan Public Schools, Copan, Oklahoma*, Order, 00 FCC Rcd 100, ¶ 7 & n.22 (2000).

The Administrative Procedures Act requires sufficient notice – such as a notice of proposed rulemaking – before the Commission engages in any general rule changes. *See Sprint Corporation v. FCC*, 315 F.3d 369, 372-77 (D.C. Cir. 2003); 5 U.S.C. § 553(b) (2003). Any proposed changes to the rules regarding SPIN changes should not be made unless they are first put out for comment through a notice of proposed rulemaking.

Respectfully submitted,



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THE VERIZON TELEPHONE COMPANIES

The Verizon telephone companies are the local exchange carriers affiliated with Verizon Communications Inc. These are:

Contel of the South, Inc. d/b/a Verizon Mid-States
GTE Midwest Incorporated d/b/a Verizon Midwest
GTE Southwest Incorporated d/b/a Verizon Southwest
The Micronesian Telecommunications Corporation
Verizon California Inc.
Verizon Delaware Inc.
Verizon Florida Inc.
Verizon Hawaii Inc.
Verizon Maryland Inc.
Verizon New England Inc.
Verizon New Jersey Inc.
Verizon New York Inc.
Verizon North Inc.
Verizon Northwest Inc.
Verizon Pennsylvania Inc.
Verizon South Inc.
Verizon Virginia Inc.
Verizon Washington, DC Inc.
Verizon West Coast Inc.
Verizon West Virginia Inc.