

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

In the Matter of

Rules and Regulations Implementing the
Telephone Consumer Protection Act of 1991

CG Docket No. 02-278

CC Docket No. 92-90

VERIZON PETITION FOR LIMITED RECONSIDERATION

Verizon¹ asks the Commission to reconsider its order adopting a national do-not-call registry in one limited respect — that it not require that Verizon and other local exchange service providers give consumers repeated and costly notifications of the federal do-not-call (DNC) program, about which they are already well aware and for which millions have already registered.

Section 227(c)(3)(B) of the Act instructs that the Commission’s regulations for a national DNC registry “require each common carrier providing telephone exchange service, in accordance with regulations prescribed by the Commission, to inform subscribers for telephone exchange service of the opportunity to provide notification, in accordance with regulations established under this paragraph, that such subscriber objects to receiving telephone solicitations.” The regulations adopted pursuant to this directive, however, go beyond this requirement by prescribing that these carriers give notice annually. They also require that notice be given by a bill insert, rather than by a bill message, directory notice or some other means.² The Commission should reconsider and change this requirement.

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

² 47 C.F.R. § 64.1200(g).

While a one-time notification is required by the statute, an expensive annual notice is clearly not necessary. The national DNC registry has received substantial publicity since the FTC adopted its rules eight months ago. There have been articles in newspapers and magazines and stories on television and radio, and web sites have provided the public with large amounts of information. Significantly, according to the FTC, as of August 4, more than 30 million consumers had already signed up,³ eight weeks before the registry becomes operational and months before the effective date of the Commission's annual notification requirement. Little purpose would be served by LECs' spending millions of dollars to re-notify consumers year after year.

The order adopting this rule does not discuss the reasons for imposing an annual requirement, and it does not attempt to quantify the consumer benefits of annual notification. Nor does it consider the costs to carriers, and ultimately to consumers, of sending bill inserts every year, apparently forever.⁴ Any such analysis would have shown that the costs of this requirement outweigh the benefits of it.

Bill inserts are expensive, costing Verizon more than \$4.5 million to reach its residential customers. And under the Commission's rules, Verizon would have to spend this money every year, until the Commission got around to changing this regulation. It is unclear just what public benefit will result from this millions of dollars spent. The public knows about the national do-not-call registry — more than 30 million households have already signed up for it. There will certainly be even more publicity about it as the October 1 effective date approaches. At this rate, most American households will already have registered well before the Commission's notification requirement becomes effective next year. There is nothing in the record to suggest that people

³ <http://www.ftc.gov/opa/2003/08/dncnumbers.htm>, accessed on August 25, 2003.

⁴ The Commission's NPRM does not indicate that the Commission was considering requiring repeated notifications.

are not registering because they do not know about the program, or that a bill insert (or any notification from a LEC) will get through to people who have not been reached by all the publicity until that time. Thus, the rules require the expenditure of millions of dollars without any indication that any benefit at all will result.

There are other forms of notification that can satisfy the requirements of section 227(c)(3)(B) and at a much lower cost. For example, it costs much less to print messages onto telephone bills than it does to print, stuff and mail a separate bill insert page.⁵ Notices can generally be printed in telephone directories at little additional cost, and consumers know to consult their telephone books for information relating to telephone services and options. Either would be preferable to the current requirement of a bill insert.

Verizon, therefore, urges the Commission to reconsider this regulation and to require only a one-time notification, at any time within a year after October 1, 2003, by either bill insert, bill message or directory notice.

Respectfully submitted,

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⁵ In a predictable number of cases, an additional page for the insert requires the payment of additional postage.

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.