

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Policies and Rules Concerning)
Unauthorized Changes of Consumers')
Long Distance Carriers) CC Docket No. 94-129
)
Application for Review of Declaratory Ruling)
of the Consumer & Governmental Affairs)
Bureau Filed by Rural Local Exchange)
Carriers)

**REPLY COMMENTS OF VERIZON IN SUPPORT OF THE
JUNE 9, 2005 DECLARATORY RULING OF THE CONSUMER &
GOVERNMENTAL AFFAIRS BUREAU**

The Commission should reject the concerns of the two commenters that oppose the June 9, 2005 Declaratory Ruling of the Consumer & Governmental Affairs Bureau (“Bureau”).¹ These commenters present no logical or credible basis to change the flat prohibition in section 64.1120(a)(2) of the Commission’s rules against the practice of re-verifying carrier change requests. *See* 47 C.F.R. § 64.1120(a)(2) (“An executing carrier *shall not verify* the submission of a change in the subscriber’s selection of a provider of telecommunications service received from a submitting carrier.”).

One commenter argues that re-verification by an executing carrier “does not constitute a violation of the proscription against verification because it does not involve the customer.” Iowa Utils. Brd. Comments at 2. This argument is incorrect and irrelevant. The Commission’s rule prohibiting verification by executing carriers does not condition the applicability of the rule on any involvement of the customer. The task of

¹ *Declaratory Ruling Concerning LEC Coalition Request Regarding Carrier Change Verification*, 20 FCC Rcd 10599 (2005) (“Declaratory Ruling”).

verification falls squarely (and solely) on the submitting carrier using only specific, FCC-approved methods, as Verizon and other commenters have already noted. Verizon Comments at 5-6; AT&T Comments at 4. There is no basis to change the rule or those methods here.

The commenter also asks the Commission to issue a “clear statement of the responsibilities of the executing LECs” when the name on a carrier change request does not match the name in the Rural LECs’ records. Iowa Utils. Brd. Comments at 3. But the Commission’s rule is already clear -- an executing carrier *may not verify a carrier change request*. 47 C.F.R. § 64.1120(a)(2). The executing LECs’ responsibilities are already well defined, and no further Commission explanation or rulemaking is appropriate or required.

Some commenters and the Rural LECs attempt to present their practice of re-verification as an anti-slamming measure. Rural LECs Review App. at 2. *See also* Iowa Utils. Brd. Comments at 1-2; NASUCA Comments at 3. The Commission should not be misled. The Commission already vigorously enforces slamming violations, and such enforcement continues to be an effective deterrent against slamming. Sprint Nextel Opposition at 2-3. In any event, the Rural LECs’ self-help practices do not deter slamming so much as they inhibit consumer choice. *See* AT&T Opposition at 4-5. Such practices should not be tolerated.

Finally, the Commission should reject any request to waive the rule against verification set forth in 47 C.F.R. § 64.1120(a)(2). *See* NASUCA Comments at 3. NASUCA claims that granting such a waiver will allow an assessment of “whether the [Rural] LECs’ process maintains the proper balance of the public interest.” *Id.* Neither

NASUCA nor the Rural LECs has provided any basis to grant the extraordinary relief of a waiver of a clear Commission rule. In any event, this request overlooks the fact that, in establishing the regulation set forth at section 64.1120(a)(2) of the Commission's rules, the Commission already determined that the rule is indeed in the public interest, as the Bureau itself noted in its June 9 ruling. *See Declaratory Ruling ¶ 10.*

CONCLUSION

For the foregoing reasons, the Commission should reject the Rural LECs' Application for Review and affirm the Bureau's June 9, 2005 Declaratory Ruling in all respects.

Respectfully submitted,

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Date: February 16, 2006