

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

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| In the Matter of |) | |
| |) | |
| Implementation of the Subscriber Carrier |) | CC Docket No. 94-129 |
| Selection Changes Provisions of the |) | |
| Telecommunications Act of 1996 |) | |
| |) | |
| Policies and Rules Concerning Unauthorized |) | CC Docket No. 00-257 |
| Changes of Consumers Long Distance Carriers |) | |

**VERIZON'S PETITION FOR WAIVER OF THE ADVANCE
NOTIFICATION REQUIREMENTS OF 47 C.F.R. § 64.1120(E)**

To avoid disruption of local telephone service to New York customers of Econ-o-Call, Inc. ("Econ-o-Call"), a competitive local exchange carrier that has ceased providing service, the Commission should grant Verizon a waiver of the 30-day advance notice requirement in 47 C.F.R. § 64.1120(e). Verizon is the default carrier in New York and is therefore required to provide local exchange service to the former Econo-o-Call customers in New York. A waiver of the 30-day advance notification requirement will allow a "seamless transition of service from the original carrier to the acquiring carrier"¹ and is therefore in the public interest.

Until recently, Econo-o-Call had been providing local telephone service in New York, New Jersey, and Connecticut. Econo-o-Call was not able to pay its bills, and, in mid-January 2006, the New York Public Service Commission ("New York PSC") asked Verizon to become the local provider for the approximately 10 affected Econo-o-Call customers in New York. These Econo-o-Call customers are currently receiving dial tone but must be transferred to Verizon right away to avoid loss of local service.

¹ *Subscriber Carrier Selection Changes Order*, 16 FCC Rcd 11218, 11222, ¶ 10 (2001).

The Commission's streamlined procedures for acquiring part or all of another telecommunications carrier's subscriber base would require Verizon to notify both the Commission and the affected subscribers of the carrier change. *See* 47 C.F.R. § 64.1120(e). In relevant part, the regulations require at least 30 days' advance notice to both the Commission and the affected subscribers. *See id.* § 64.1120(e)(1), (e)(3). The notice must contain, among other things, information about the type of telecommunications services to be provided, the date of the transfer, and rate information. *See id.* § 64.1120(e)(1), (e)(3)(i)-(vii).

To comply with these requirements, Verizon would have to wait 30 days before defaulting former Econo-o-Call customers to Verizon. This is not possible. The New York PSC expects Verizon to begin switching these customers as quickly as possible, but Verizon cannot switch them until it receives a waiver of the 30-day advance notice requirement. Without a waiver, the earliest date by which Verizon could likely start service would be mid- to late-March 2006, and loss of local service for such a period of time is not in the public interest.

On nearly identical facts, the Consumer and Governmental Affairs Bureau ("the Bureau") previously granted Qwest's request for a waiver of the 30-day advance notification requirements.² The Bureau found that, because "compliance with the 30-day advance notice requirement could potentially result in the loss of local service for [the CLEC's] customers," a waiver served the public interest. *Qwest Order* ¶ 7. The Bureau also found it "unlikely that the affected subscribers will suffer harm from receiving less than 30 days notice of the transfer" and concluded that, in any event, "any such harms would be outweighed by the benefits of a seamless transfer of service." *Id.*

² *Qwest Corporation and Qwest Long Distance Corporation Petition for Waiver*, 19 FCC Rcd 8148 (2004) (*Qwest Order*).

Similarly, for Econo-o-Call's former customers in New York who have not selected a new local service provider, Verizon's compliance with the Commission's 30-day advance notification requirement would result in the loss of local telephone service for more than a month. As the Bureau found in the *Qwest Order, id.*, the benefit of Verizon's providing fewer than 30 days' notice to these subscribers greatly outweighs any burden of shorter notice.

CONCLUSION

For the foregoing reasons, the Commission should grant Verizon a waiver of its carrier change authorization and verification rules so that former Econo-o-Call customers in New York can be transferred to Verizon without disruption of local telephone service.

Respectfully submitted,

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