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State of New Jersey
DEPARTMENT OF THE PUBLIC ADVOCATE
DIVISION OF RATE COUNSEL
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JON S. CORZINE
Governor

RONALD K. CHEN
Public Advocate
SEEMA M. SINGH, ESQ.
Director

October 25, 2006

VIA U.S. EXPRESS MAIL

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Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

**RE: Application fore Review In the Matter Verizon's Petition for Waiver
of the Commission's Rules to Treat Unrecovered Local Number
Portability Costs as Exogenous Costs under Section 61.45(d)
CC Docket No. 95-116**

Dear Secretary Dortch:

The New Jersey Division of the Rate Counsel ("Rate Counsel") hereby files the enclosed
the Reply to Verizon's Opposition to New Jersey Public Advocate's Application for Review.

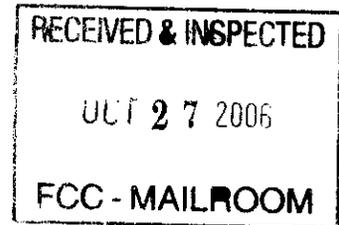
Very truly yours,

SEEMA M. SINGH, ESQ.
DIRECTOR, DIVISION OF RATE COUNSEL

By:

Christopher J. White, Esq.
Deputy Ratepayer Advocate

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**



In the Matter)	
Verizon's Petition for Waiver)	CC Docket
Of the Commission's Rules to Treat)	No. 95-116
Unrecovered Local Number Portability)	
Costs as Exogenous Costs under)	
Section 61.45(d))	

**REPLY TO VERIZON'S OPPOSITION TO THE
APPLICATION FOR REVIEW**

The New Jersey Division of Rate Counsel ("Rate Counsel") replies to Verizon's Opposition to Rate Counsel's Application for Review ("Application") and renews its request that the full Federal Communications Commission ("FCC") act on the Application expeditiously. As the FCC is aware, Rate Counsel has appealed the decision it reached in the AT&T Order¹ and the FCC has moved to dismiss that appeal on the grounds Rate Counsel lacks standing. Verizon, in its Opposition, presents as its primary argument that the Wireline Competition Bureau acted upon its authority by the precedent established by the FCC in its AT&T Order. The FCC, by its actions, has created a "Catch-22," for Rate Counsel in appealing its decision by arguing that it doesn't have standing to appeal the AT&T Order and because the Wireline Competition Bureau decided the Verizon Petition.² Such events have essentially precluded review of either

¹ *I/M/O Petition of AT&T Inc. for Waiver of the Commission's Rules to Treat Certain Local Number Portability costs as Exogenous Costs Under Section 61.45(d)*, CC Docket No. 95-116, Adopted June 30, 2006, Released July 10, 2006 (the "Order").

² *I/M/O Verizon's Petition for Waiver of the Commission's Rules to Treat Unrecovered Local Number Portability Costs as Exogenous Costs under Section 61.45(d)*, CC Docket No. 95-116, Order adopted September 14, 2006.

decision. The resulting effect of the procedure employed by the FCC will be to deny Rate Counsel its day in court.

To resolve the untenable situation that the FCC actions have created, the FCC should act on the Application expeditiously. If the FCC grants the relief in the Application, this will overrule the AT&T Order and lead to the dismissal of the Third Circuit Appeal, unless an appeal is filed by AT&T or Verizon. In the alternative, the FCC could deny the Application and Rate Counsel would appeal and ask the case be consolidated with the pending appeal before the Third Circuit. Rate Counsel had demonstrated valid arguments to set aside the Wireline Competition Bureau's decision. Rate Counsel renews the argument that the Verizon matter should have been decided by the full Commission. The relaxation of what is "an exogenous event" should have been done by rulemaking and not by a decision made by the Bureau. Rate Counsel also notes that Verizon has already made tariff changes effective on September 30 increasing the residential/single line business subscriber line charge to \$6.50 despite the fact that no determination has been made by the Bureau as to the amount of the so called under recovery. See Verizon Telephone Companies, Tariff F.C.C. No. 1 14th Revised page 4-12 and 14th Revised page 4-13, effective September 30, 2006.

Respectfully Submitted,

RONALD K. CHEN
PUBLIC ADVOCATE OF NEW JERSEY

SEEMA M. SINGH, ESQ.
Director, Division of Rate Counsel

By:



Christopher J. White, Esq.
Deputy Public Advocate

Dated: October 25, 2006

Certificate of Service

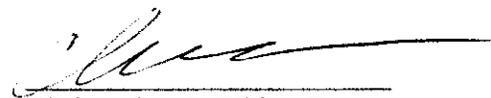
On this 25th day of October, I served a copy of the Reply to Verizon's Opposition to New Jersey Public Advocate's Application for Review on the following, by the means indicated:

Sam Feder
General Counsel
Federal Communications Commission
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US Express Mail

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