PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: http://www.fcc.gov
TTY: 1-888-835-5322

FEB 22 2007

DA 07-799
Released: February 21, 2007

COMMENTS SOUGHT ON VERIZON PETITION FOR WAIVER OF THE COMMISSION'S PRICE CAP RULES

WC Docket No. 07-31

COMMENTS DUE: March 13, 2007
REPLY COMMENTS DUE: March 23, 2007

On February 9, 2007, Verizon filed a petition requesting a waiver of section 61.42(g) of the Commission's rules in order to continue to exclude the services in FCC Tariff No. 20 from price cap indexes in annual access tariff filings.[1] According to Verizon, its request for a waiver includes services that were transferred to Verizon from its separate advanced services affiliate, Verizon Advanced Data, Inc. (VADI).[2] Verizon asserts that services in Tariff No. 20 have been excluded from price caps for the last five years through the grant of temporary waivers by the Commission "because of the significant uncertainty surrounding the regulation of these advanced services."[3] Verizon further asserts that uncertainty was removed for most of the services at issue – those with speeds of 200 kbps or greater – when the Commission adopted the *Wireline Broadband Internet Access Services Order* and the *Verizon Forbearance Petition* was deemed granted by operation of law.[4] Verizon requests "a waiver until such time as the services are detariffed and offered only under private carriage arrangements."[5] Also, Verizon

---

[1] Petition for Waiver of the Commission's Price Cap Rules for Services Transferred from VADI to the Verizon Telephone Companies at 1 (filed Feb. 9, 2007) (Petition).

[2] Petition at 3.

[3] Petition at 1 (orders cited therein).

[4] Petition at 1-2 (citing *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, CC Docket No. 02-33, Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 14853 (2005) (*Wireline Broadband Internet Access Services Order*), *petitions for review pending, Time Warner Telecom v. FCC*, No. 05-4769 (and consolidated cases) (3rd Cir. filed Oct. 26, 2005); *Petition of the Verizon Telephone Companies for Forbearance under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services*, WC Docket No. 04-440 (deemed granted by operation of law, effective March 19, 2006) (*Verizon Forbearance Petition*)).

[5] Petition at 2.

asserts that "uncertainty still remains as to the ultimate regulatory classification" of some other packetized services with speeds below 200 kbps and requests a waiver for these services until their final regulatory status is settled.[6]

Interested parties may file comments on or before **March 13, 2007**, and reply comments on or before **March 23, 2007**. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.[7]

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://www.fcc.gov/cgb/ecfs/ or the Federal eRulemaking Portal: http://www.regulations.gov. Filers should follow the instructions provided on the websites for submitting comments.

    - For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the subject line or body of the message: get form <your email address>. A sample form and directions will be sent in response.

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

    Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

    - The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

    - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

    - U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

---

[6] Petition at 2.

[7] *See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. Parties should also send a copy of their filings by e-mail to Pam Arluk and Marvin Sacks (pam.arluk@fcc.gov and marvin.sacks@fcc.gov) of the Pricing Policy Division, Wireline Competition Bureau at the Commission. Parties must also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to fcc@bcpiweb.com.

Documents in WC Docket No. 07-31 are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from BCPI, telephone (202) 488-5300, facsimile (202) 488-5563, TTY (202) 488-5562, e-mail fcc@bcpiweb.com. The documents also may be viewed on the Commission's website at http://www.fcc.gov/cgb/ecfs.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[8] Persons making oral *ex parte* presentations are reminded that memoranda summarizing presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required.[9] Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.[10]

For further information, contact Marvin Sacks of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520.

-FCC-

[8] 47 C.F.R. §§ 1.1200 *et seq.*

[9] *See* 47 C.F.R. § 1.1206(b)(2).

[10] 47 C.F.R. § 1.1206(b).