

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

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	)	

**PETITION OF VERIZON CALIFORNIA INC. FOR WAIVER OF THE  
ADVANCE NOTIFICATION REQUIREMENTS OF 47 C.F.R. § 64.1120(e)**

The Commission should quickly grant Verizon California Inc. (“Verizon”) a waiver of the 30-day advance notice requirement in 47 C.F.R. § 64.1120(e), so that Verizon may offer to provide local telephone service to California customers of Vycera Communications, Inc. (“Vycera”), a competitive local exchange carrier that has ceased paying most of its Verizon wholesale bills and is apparently planning to cease providing service. Verizon has been informed that nearly all of the affected customers have Lifeline telephone service. At the request of the staff of the California Public Utilities Commission (“California PUC”), Verizon will be contacting affected Vycera customers as soon as possible, perhaps as early as the week of June 4, 2007. A waiver of the 30-day advance notification requirement will allow a “seamless transition of service”<sup>1</sup> from Vycera to Verizon, so that affected Vycera customers in California may be transferred to Verizon without loss of or service disruption. For these reasons, granting this waiver request is in the public interest.

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

Vycera is a competitive local exchange service provider in California. In March 2007, Vycera stopped paying its Verizon wholesale bills for “Wholesale Advantage” service, which is commercial service previously provided through unbundled network element (“UNE”)-platform. In April 2007, Verizon informed Vycera that it was in danger of being disconnected unless it paid the amount past due. Vycera has informed Verizon that it intends to file for Chapter 7 bankruptcy protection and will exit the market. Verizon has recently been discussing this matter with staff with the California PUC and has agreed that Verizon will offer to provide local telephone service to affected Vycera customers served through Wholesale Advantage in Verizon’s serving area in California.

The Commission’s streamlined procedures for acquiring part or all of another 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 switching affected Vycera customers in California to Verizon. This is not possible. The staff of the California PUC expects Verizon to begin switching these customers as quickly as possible, but Verizon cannot do so until it either complies with or receives a waiver of the 30-day advance notice requirement. Without a waiver, the earliest date by which Verizon could start service would be at the end of June or early July. Loss of local telephone service for such a lengthy period of time is not in the public interest.

On nearly identical facts, the Consumer and Governmental Affairs Bureau (“the Bureau”) previously granted Verizon’s request for a waiver of the 30-day advance notification requirements. *Verizon New York, Inc. Petition for Waiver Order*, 21 FCC Rcd 2457 (2006) (*Verizon Waiver Order*). 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 during the 30-day period,” a waiver served the public interest. *Verizon Waiver 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.* See also *Qwest Long Distance Corporation Petition for Waiver*, 19 FCC Rcd 8148 (2004) (granting waiver of 30-day advance notice requirement in 47 C.F.R. § 64.1120(e) so that Qwest could provide service to customers of exiting CLEC without loss of dial tone).

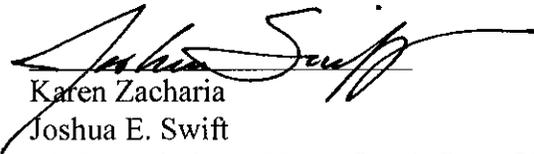
Granting this waiver request is in the public interest because otherwise Verizon will have to comply with the 30-day advance notice requirement, and affected Vycera customers in California will likely lose dial tone or experience service disruptions during that period. The Commission should therefore waive the 30-day advance notice requirement. As the Bureau found in the *Verizon Waiver Order*, 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 the 30-day advance notice requirements in 47 C.F.R. § 64.1120(e), so that affected Vycera end users served through Wholesale Advantage in California can be transferred to Verizon without loss of dial tone or disruption of local telephone service.

Respectfully submitted,

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