

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 provide local telephone service to the Lifeline customers of Fones4All, Inc. (“Fones4All”) who do not select a new provider before July 18, 2007, when Fones4All will cease to provide local telephone service in Verizon’s serving area in California. Fones4All recently mailed written notice to approximately 2,000 of its Lifeline customers in California explaining that they must select a new provider by July 18 or they will be automatically migrated to Verizon.¹ *See* Attach. A. Despite this notice, some affected customers will likely not select a new provider by July 18, and they will therefore lose local telephone service entirely unless the Commission grants a waiver of the 30-day advance notification requirement. A waiver of the 30-day advance notification requirement will allow a “seamless transition of service”² from Fones4All to Verizon, so that

¹ Fones4All selected this date independently and did not consult with Verizon about the date in advance.

² *Subscriber Carrier Selection Changes*, Order, 16 FCC Rcd 11218 ¶ 10 (2001).

affected Lifeline customers do not lose local telephone service on July 18. For these reasons, granting this waiver request is in the public interest.

Fones4All is a competitive local exchange service provider in California. In January 2007, Fones4All stopped paying its Verizon wholesale bills for Verizon's "Wholesale Advantage" service, which is commercial service previously provided through unbundled network element ("UNE")-platform. In April 2007, after several unsuccessful discussions between the companies, Verizon sent Fones4All a notice of default, informing Fones4All that it would be disconnected unless it paid the past due amounts. The California Public Utilities Commission ("PUC") received a copy of the default notice, and California PUC staff began discussing the matter with both Fones4All and Verizon. At the request of staff of the California PUC, Verizon agreed to provide local telephone service to affected Lifeline customers of Fones4All in Verizon's serving area in California so they would not lose service. Fones4All then informed its Lifeline customers by letter dated June 14, 2007 that they must select a new local provider by July 18 or they will be automatically transferred to Verizon. *See* Attach. A. Fones4All also informed the California PUC of this decision by letter dated June 21, 2007. *See* Attach. B. Fones4All has agreed to provide basic customer account information to Verizon's retail organization to ensure a smooth and swift transition for any Lifeline customers who do not select a new provider by July 18.

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 Fones4All Lifeline customers to Verizon. This is not possible. Even if Verizon could issue the customer notices required by 47 C.F.R. § 64.1120(e) today, Verizon could not provide telephone service by the cut-off date of July 18 because of the required 30-day notice period. Without a waiver of this advance notice period, the earliest date by which Verizon could start service would be several weeks after the July 18 cut-off date. Loss of local telephone service for such an extended period of time is not in the public interest.

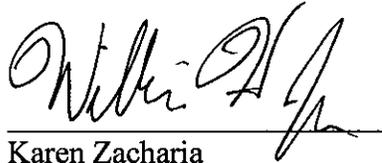
On facts similar to those in this Petition, the Consumer and Governmental Affairs Bureau (“the Bureau”) granted Verizon’s request for a waiver of the 30-day advance notification requirements. *Verizon New York Inc. Petition for Waiver*, Order, 21 FCC Rcd 2457 (2006) (“*Verizon Waiver Order*”). The Bureau 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 Verizon California Inc. Petition for Waiver*, Order, DA 07-2770 (June 22, 2007) (granting waiver of 30-day advance notice requirement in 47 C.F.R. § 64.1120(e) so that Verizon can provide service to customers of financially troubled CLEC without loss of dial tone); *Qwest Long Distance Corporation Petition for Waiver*, Order, 19 FCC Rcd 8148 (2004).

Granting Verizon's waiver request is in the public interest. Complying with the 30-day advance notice requirement before providing service to affected Fones4All Lifeline customers will mean that customers who do not select a new provider by July 18 will lose local telephone service. 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 Fones4All Lifeline customers who do not select another carrier by July 18, 2007 can be transferred to Verizon without losing local telephone service.

Respectfully submitted,



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Attorneys for Verizon

Of Counsel
Michael E. Glover

Date: June 28, 2007

ATTACHMENT A

June 14, 2007

Notice of Discontinuation of Service

Customer
Address

Dear Customer:

Thank you for being a Fones4All customer. We have appreciated your business. Due to regulatory changes and the increased cost we have incurred from our underlying supplier, Verizon California, we have no choice but to cease providing local telephone service to you. You will need to find a new provider of local telephone service within 30 days of this notice. Please understand that you may keep your existing telephone number and migrate it to a new carrier that provides service in your area. Since you are Universal Lifeline Telephone Service eligible customer, your rate, terms and conditions for service will not change. Rates for non-Lifeline optional services may change. If you have any questions about this change please call 877-FONES4ALL (877) 366-3742. If you do nothing, your telephone service provider will automatically be Verizon California as of July 18, 2007.

This decision was based on the fact that we lose money by providing you Lifeline Telephone Service. Your account has been in good standing and our decision has nothing to do with your payment history.

To be clear, your service with Fones4All will be transferred to Verizon California on July 18, 2007 if you do not take any action to change to an alternative carrier.

Sincerely,

Fones4All

ATTACHMENT B

505 Sansome Street
Suite 900
San Francisco
California 94111

GOODIN, MACBRIDE,
SQUERI, RITCHIE & DAY, LLP
Attorneys at Law

Telephone
415/392-7900
Facsimile
415/398-4321

June 21, 2007

John L. Clark

Writer's Direct Line
415/765-8443

Attn: PAL Coordinator
Telecommunications Division
Public Utilities Commission
Third Floor
505 Van Ness Avenue
San Francisco, CA 94102

Re: Advice Letter No. 18 of Fones4All Corporation (U-6338-C)

Fones4All Corporation ("Fones4All") hereby submits its Advice Letter No. 18. The purpose of this advice letter is to formally notify the Commission of Fones4All's termination of service to a certain customers due the economic infeasibility of continuing to serve them.

This action is being undertaken by Fones4All pursuant to Rule No. 2 of its tariff (Schedule Cal. P.U.C No. 2-T, Original Sheet 65), which provides that Fones4All's provision of service is subject to "the economic feasibility of providing such necessary service, equipment and facilities."

Due to excessive rates charged by Verizon California Inc., the underlying carrier for the subject customers, Fones4All is unable to continue to provide service to them. Indeed, Fones4All's provision of service to these customers can only be carried out at a significant loss.

Fones4All is not, however, exiting the Verizon California Inc. market. Fones4All will continue to offer and provide service to customers that can be served out of Verizon wire centers in which alternative competitive wholesale service providers can provide suitable arrangements to Fones4All.

Fones4All has notified all affected customers of this impending action and has advised them that they must make arrangements to obtain service from a new provider by July 18, 2007. In the event that any customer fails to do so, the customer's service will be defaulted to Verizon California Inc.

A copy of this advice letter is being served on all persons who have requested to be served with Fones4All's advice letters and will be served on any other persons upon request.

Anyone may protest this advice letter to the California Public Utilities Commission. The protest must set forth the specific grounds on which it is based. A protest must be made in writing and received within twenty (20) days of the date that this advice letter

Attn: PAL Coordinator
June 21, 2007
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was filed with the Commission, and must also be served on Fones4All at the same time. The address for mailing or delivering a protest to the Commission is:

Director, Communications Division
505 Van Ness Avenue, Room 3210
San Francisco, CA 94102

If you have e-mail capability, you must also e-mail a copy to the Communications Division at TD_PAL@cpuc.ca.gov.

The address for mailing or delivering a protest to Fones4All is:

John L. Clark
Goodin, MacBride, Squeri,
Day & Lamprey, LLP
505 Sansome Street, Suite 900
San Francisco, CA 94111
Fax: 415-398-4321
E-mail: jclark@gmssr.com

Fones4All requests that this advice letter be made effective on or before July 17, 2007. Thank you for your assistance in this matter.

Very truly yours,



John L. Clark

**CALIFORNIA PUBLIC UTILITIES
COMMISSION
Advice Letter Filing Summary Sheet
(PAL)**

(Date Filed / Received Stamp by CPUC Industry Division)

Date AL served on parties: _____

Company Name: Fones4All Corporation			CPUC Utility Number U – 6338 - C	
Address: 6320 Canoga Avenue, Suite 600			<input type="checkbox"/> LEC <input type="checkbox"/> IEC <input type="checkbox"/> IER	
City, State, ZIP:: Woodland Hills, CA 91367			<input checked="" type="checkbox"/> CLC <input type="checkbox"/> CLR <input type="checkbox"/> CMRS	
Filing AL #: 18 Requested Effective Date: on or before 7/17/07			NRF Category (if applicable): _____	
	Name:	Email Address:	Phone No.:	Fax No.:
Filer	John Clark	jclark@goodinmacbride.com	415-765-8443	415-398-4321
Certif.				No. Tariff Sheets: 0

(Name, email address & Phone and FAX numbers are Required for "Filer")

Annual Revenues: \$ _____ **Tariff Schedules:**

Keyword: Service Changes

(see keyword list on reverse)

Subject of filing: Notifies Commission of discontinuation of service to certain customer due to economic infeasibility (Service(s) included)

Authorization for filing:

(Resolution #, Decision #, etc.)

Related service:

(Other service, replacement AL filing)

Rate Element(s) affected and % change: _____

(Non-recurring and / or recurring)

Notes/Comments: _____

(Other information & reference to advice letter, etc.)

File Protest and/or Correspondence to:

Director, Telecommunications Division
505 Van Ness Ave., San Francisco, CA 94102

and if you have email capability, ALSO email protest to:

TD_PAL@cpuc.ca.gov

Protest also must be served on utility:

(see utility advice letter for more information)

LEC = Local Exchange Carrier

IEC = Interexchange Carrier

CLC = Competitive Local Carrier

IER = Interexchange Carrier Reseller

CLR = Competitive Local Carrier Reseller

CMRS = Commercial Mobile Radio Service

(FOR CPUC USE ONLY)

<input type="checkbox"/> WTS Required <input type="checkbox"/> Resolution Required <input type="checkbox"/> Executive Action Resolution Req'd. <input type="checkbox"/> TD Suspension on: ____ / ____ / ____ <input type="checkbox"/> Comm. Suspension on: ____ / ____ / ____ Resolution No.: T - _____ <i>Rev. 04/15/05</i>	Supv. / Analyst _____ / _____ Due Date to Supv.: _____ Analyst Completion Date: _____ Supervisor Approval Date: _____ AL / Tariff Effective Date: _____ Notes: _____
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CALIFORNIA PUBLIC UTILITIES COMMISSION

**KEYWORD LIST
FOR TELECOMMUNICATIONS UTILITY
ADVICE LETTER FILINGS**

(Revised April 15, 2005)