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

In the Matter of Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area	WC Docket No. 04-223
In the Matter of Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas	WC Docket No. 06-172
In the Matter of Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area	WC Docket No. 05-281
In the Matter of Petitions of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended (47 U.S.C. § 160(c)), for Forbearance from Certain Dominant Carrier Regulation of Its Interstate Access Services, and for Forbearance from Title II Regulation of Its Broadband Services, in the Anchorage, Alaska, Incumbent Local Exchange Carrier Study Area	WC Docket No. 06-109

COMMENTS OF THE VERIZON TELEPHONE COMPANIES IN SUPPORT OF MOTION TO MODIFY PROTECTIVE ORDER

All affected parties have now consented to the relief sought in the motion of the Verizon telephone companies ("Verizon").[1] Therefore, no justification remains for declining to grant that motion in full. As Verizon explained in its motion, counsel for Qwest authorized Verizon to state that Qwest consents to Verizon's request. In addition, after Verizon filed its motion, Cox submitted a letter consenting to a modification of the *Protective Order*[2] that would permit Verizon and other parties to the court proceeding on the *MSA Forbearance Order*[3] to use the unredacted version of the *Omaha Forbearance Order*[4] for purposes of that proceeding only, so long as any lawyer gaining access to the confidential information in that order first signs the *Protective Order*.[5] Now that Cox and Qwest have consented, the granting of Verizon's motion should be a purely ministerial act. *See, e.g.*, *MSA Forbearance Order* ¶ 13 n.42 (noting that "parties are free to consent to the public disclosure of certain confidential information").

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[1] The Verizon telephone companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

[2] Protective Order, *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, 19 FCC Rcd 11377 (Wireline Comp. Bur. 2004) ("*Protective Order*").

[3] Memorandum Opinion and Order, *Petitions of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, FCC 07-212 (rel. Dec. 5, 2007) ("*MSA Forbearance Order*"), *petition for review pending*, No. 08-1012 (D.C. Cir. filed Jan. 14, 2008).

[4] Memorandum Opinion and Order, *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, 20 FCC Rcd 19415 (2005) ("*Omaha Forbearance Order*"), *petition for review dismissed in part and denied in part, Qwest Corp. v. FCC*, 482 F.3d 471 (D.C. Cir. 2007).

[5] *See* Letter from J.G. Harrington, Counsel for Cox Communications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 04-223, 06-172 (Jan. 29, 2008).

Moreover, the group of CLECs that filed comments on Verizon's motion did not oppose the relief Verizon seeks.[6]

The CLECs seek quite different relief in their cross-motion, however. They contend (at 2) that the Commission should determine that the redacted information in the *Omaha Forbearance Order* no longer requires any confidential treatment, except for "company-specific subscribership numbers." The CLECs claim (at 2) that "Verizon is not likely to require use of the specific subscribership numbers in its appeal" and that granting the relief that they request therefore would render Verizon's motion moot.

Although Verizon takes no position on the CLECs' claim that certain information should be made public — as that is a matter for the parties that submitted the confidential data — the CLECs' are simply incorrect in their claims about what Verizon is likely to cite to the D.C. Circuit. As set forth in Verizon's motion, moreover, Verizon has a due process right fully and fairly to litigate its challenge to the *MSA Forbearance Order* by providing the D.C. Circuit with a complete version of the *Omaha Forbearance Order*, so that the court can review both orders in their entirety.

The CLECs request (at 12-13) that, if the Commission grants Verizon's motion as to the *Omaha Forbearance Order*, it should modify the protective orders in the *Anchorage*

[6] The CLECs state (at 12) that, if Verizon's motion is granted, the Commission should permit *all* parties to the court proceeding on the *MSA Forbearance Order* — not just Verizon — to use the unredacted version of the *Omaha Forbearance Order*. Verizon never intended the relief sought in its initial motion to be limited to Verizon only. To eliminate any doubt, Verizon agrees that all parties to the court proceeding on the *MSA Forbearance Order* should be permitted to use the unredacted version of the *Omaha Forbearance Order* in the same manner, and under the same conditions, as Verizon (and the affected parties — Qwest and Cox — have consented to that relief).

Forbearance Order[7] and the *Anchorage Non-Dominance Order*[8] proceedings in the same manner. Verizon has no objection to that alternative request, as the court reviewing the *MSA Forbearance Order* should be fully informed of all relevant Commission precedents.

To facilitate that relief, counsel for Verizon has contacted counsel for ACS of Anchorage, Inc., counsel for General Communication Inc., and counsel for AT&T Inc. — the parties whose confidential information appears in the *Anchorage Forbearance Order* and the *Anchorage Non-Dominance Order*. Counsel for each of those three parties has authorized us to state that its client consents to the modification of the protective orders in those proceedings to permit parties to the court proceeding on the *MSA Forbearance Order* to use the unredacted versions of the *Anchorage Forbearance Order* and the *Anchorage Non-Dominance Order* for purposes of that court proceeding only, and subject to the conditions described in Verizon's motion and Cox's letter.[9] Therefore, as with the modification to the *Protective Order* in the Omaha proceeding, modifying the Anchorage protective orders should be a ministerial matter for the Commission.[10]

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[7] Memorandum Opinion and Order, *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area*, 22 FCC Rcd 1958 (2007) ("*Anchorage Forbearance Order*").

[8] Memorandum Opinion and Order, *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended (47 U.S.C. § 160(c)), for Forbearance from Certain Dominant Carrier Regulation of Its Interstate Access Services, and for Forbearance from Title II Regulation of Its Broadband Services, in the Anchorage, Alaska, Incumbent Local Exchange Carrier Study Area*, 22 FCC Rcd 16304 (2007) ("*Anchorage Non-Dominance Order*").

[9] In addition, General Communication Inc. has filed a letter stating its consent. *See* Letter from John T. Nakahata, Counsel for General Communication Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 05-281, 06-109, 06-172 (Feb. 1, 2008).

[10] Verizon takes no position on the CLECs' request (at 10-11) to release to the public information redacted from the Anchorage orders, as the request implicates other parties' confidential information.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on this 1st day of February 2008, I caused copies of the foregoing Comments In Support Of Motion To Modify Protective Order to be served upon each of the following by first-class mail, postage prepaid:

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