

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

In the Matter of)	
)	
Petition of Verizon New England for)	WC Docket No. 08-24
Forbearance Pursuant to)	
47 U.S.C. § 160(c) in Rhode Island)	
)	
)	

MOTION FOR EXTENSION OF TIME

The undersigned parties, pursuant to Section 1.46 of the Commission's rules, by undersigned counsel, request that the Commission extend the dates for filing Comments and Reply Comments in this proceeding from March 28, 2008 to May 16, 2008, and from April 28, 2008 to June 16, 2008, respectively.¹

The current due date for comments — approximately 30 days after issuance of the pleading cycle notice — is shorter than what the Commission has established for previous Section 251(c) forbearance petitions.² This is so even though Verizon's filing contains a 42 page

¹ *Pleading Cycle Established for Verizon New England's Petition for Forbearance in Rhode Island*, Public Notice, WC Docket No. 08-24, DA 08-469 (WCB rel. February 27, 2008).

² *Pleading Cycle Established for Comments on Qwest's Petition for Forbearance in the Omaha Metropolitan Statistical Area*, Public Notice, WC Docket No. 04-223, DA 04-1869 (WCB rel. June 25, 2004) (46 day initial comment period); *Pleading Cycle Established for Comments on ACS' Petition for Forbearance in the Anchorage, Alaska Local Exchange Carrier Study Area*, Public Notice, WC Docket No. 05-281, DA 05-2709 (WCB rel. October 14, 2005) (67 day initial comment period); *Pleading Cycle Established for Comments on Verizon's Petitions for Forbearance in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas*, Public Notice, WC Docket No. 06-172, Public Notice, DA 06-1869 (WCB rel. Sept. 14, 2006) (53 day initial comment period); *Pleading Cycle Established for Comments on Qwest's Petitions for Forbearance in the Denver, Minneapolis-St.*

expert witnesses declaration supported by 301 pages of exhibits and attachments including 21 pages of spreadsheets with supporting notes.

As explained in the Motion to Dismiss, or in the Alternative, Deny Petition for Forbearance filed jointly by the parties to this Motion for Extension of Time,³ the above-captioned petition should be dismissed or summarily denied because it is merely a repackaging of the same request and facts that the Commission has already determined do not justify forbearance.⁴ Despite the absence of new evidence, however, Verizon has proposed, contrary to Commission precedent, a number of new ways to look at those old facts: that the appropriate geographic market to measure residential line market share is an entire state⁵ or possibly rate centers;⁶ that its decline in residential lines is an independent basis for measuring residential line share;⁷ that cable "coverage" can be measured on a state or rate center basis;⁸ and that its own wireless customers should be counted as competitive lines, or excluded entirely from any consideration.⁹ The Petition also raises complex issues that the Commission has never analyzed regarding

Paul, Phoenix, and Seattle Metropolitan Statistical Areas, Public Notice, WC Docket No. 07-97, DA 07-2291 (WCB rel. June 1, 2007) (46 day initial comment period).

³ Motion to Dismiss, or in the Alternative, Deny Petition for Forbearance, WC Docket No. 08-24, Access Point, Inc. *et al.* March 17, 2008.

⁴ *Petitions of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160 in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, Memorandum Opinion and Order, FCC 07-212 (rel. Dec. 5, 2007), *appeal pending*, *Verizon v. FCC*, No. 08-1012 (D.C. Cir. filed Jan. 14, 2008).

⁵ Petition p. 4.

⁶ Petition n.7.

⁷ Petition p. 17.

⁸ Petition pp. 5-6.

⁹ Petition p. 14, 15.

whether regional or national Center for Disease Control estimates, if any, should be used to measure wireless substitution.¹⁰ Verizon also advances a new legal theory supporting forbearance based on Section 251(d)(2) impairment standards.¹¹

Verizon could have raised all of these new theories in the prior proceeding, and the Commission should dismiss or deny the instant petition on that ground. If the Commission does not dismiss the Petition, however, interested parties must evaluate and respond to all of Verizon's new theories to provide the Commission with an adequate record on which to base a decision. Commenters must examine the feasibility and impact of measuring competition on either a state wide or rate center approach; analyze the Center for Disease Control's methodologies and approaches; and evaluate Verizon's extensive supporting data which would include gathering and evaluating white pages information for the entire state of Rhode Island. Some of this will require outside expert consultants. Interested parties must also address the statutory standards for forbearance in light of the Commission's regulatory goals and policies, as well as Verizon's new legal theory of forbearance based on impairment.

In light of the number, complexity, novelty, and importance of the new theories raised by Verizon's Petition, if the Commission does not dismiss or summarily deny it, interested parties require additional time in which to prepare comments.

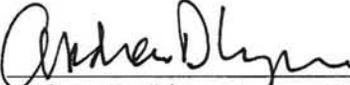
The requested adjusted comment period will promote a more complete record, while not unduly delaying the Commission's completion of this proceeding. The requested extension will

¹⁰ Petition pp. 12-13.

¹¹ Petition pp. 35-37.

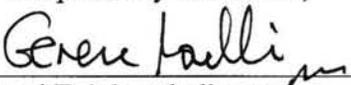
not undercut the Commission's policy that extensions of time are not routinely granted in light of the complexity and novelty of Verizon's Petition.¹²

Accordingly, the undersigned parties request that the Commission extend the time for filing comments and reply comments to May 16, 2008 and June 16, 2008, respectively.

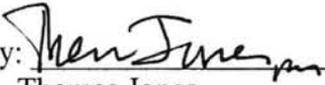
By: 
Andrew D. Lipman
Russell M. Blau
Patrick J. Donovan
Philip J. Macres
BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Washington, D.C. 20006

*Counsel for Access Point, Inc.,
Alpheus Communications,
L.P., ATX Communications, Inc.,
Bridgecom Intl, Inc., Broadview
Networks, Inc., Cavalier Telephone
Corp., CIMCO Communications, Inc.,
CloseCall America, Inc., CP Telecom,
Inc., Deltacom, Inc., DSLnet
Communications, LLC, Globalcom,
Inc., Lightyear Network Solutions,
LLC, Matrix Business Technologies,
McLeodUSA Telecom Services, Inc.,
MegaPath, Inc., PAETEC Holding
Corp., Penn Telecom, Inc., RCN
Telecom Services, Inc., RNK Inc.,
segTEL, Inc., Talk America Holdings,
Inc., TDS Metrocom, LLC, and U.S.
Telepacific Corp. and Mpower
Communications Corp., both d/b/a
Telepacific Communications*

Dated: March 17, 2008

Respectfully submitted,
By: 
Brad E. Mutschelknaus
Genevieve Morelli
KELLEY DRYE & WARREN LLP
3050 K St., N.W.
Suite 400
Washington, D.C. 20007

*Counsel to Covad Communications Group,
NuVox Communications, and XO
XO Communications, LLC*

By: 
Thomas Jones
WILLKIE FARR & GALLAGHER LLP
1875 K St., N.W.
Washington, D.C. 20006

*Counsel to Cbeyond Inc., Integra Telecom,
Inc., One Communications Corp., and
tw telecom inc. f/d/b/a Time Warner Telecom
Inc.*

¹² 47 C.F.R. § 1.46(a).

CERTIFICATE OF SERVICE

I, Sonja Sykes-Minor, hereby certify that on this 17th day of March, 2008, copies of the foregoing Motion for Extension of Time was served via First-Class mail, U.S. postage prepaid, to the following:

Jeremy Miller
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Sherry A. Ingram
Assistant General Counsel
Verizon
1515 North Courthouse Road
Arlington, VA 22201

Tim Stelzig
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Evan Leo
Kellogg, Huber, Hansen, Todd, Evans & Figel
1615 M Street, N.W.
Washington, DC 20036
Counsel to Verizon



Sonja Sykes-Minor