



# PUBLIC NOTICE

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DA 08-878  
April 15, 2008

## PLEADING CYCLE ESTABLISHED FOR COMMENTS ON THE VERIZON TELEPHONE COMPANIES PETITION FOR FORBEARANCE IN THE VIRGINIA BEACH METROPOLITAN STATISTICAL AREA

WC Docket No. 08-49

**Comments Due: May 13, 2008**

**Reply Comments Due: June 10, 2008**

On March 31, 2008, the Verizon Telephone Companies (Verizon) filed a petition<sup>1</sup> pursuant to section 10 of the Communications Act of 1934, as amended,<sup>2</sup> requesting that the Commission forbear from applying to Verizon certain obligations in the portion of Verizon's incumbent local service territory in the Virginia Beach Metropolitan Statistical Area (MSA) where Cox Communications, Inc. is the incumbent cable operator.<sup>3</sup> Verizon states that it seeks substantially the same regulatory relief the Commission granted in the *Qwest Omaha Forbearance Order*.<sup>4</sup> Specifically, Verizon seeks forbearance from loop and transport unbundling obligations pursuant to 47 U.S.C. § 251(c);<sup>5</sup> Part 61 dominant carrier tariffing requirements;<sup>6</sup> Part 61 price cap regulation;<sup>7</sup> *Computer III* requirements including CEI and ONA

<sup>1</sup> Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in Cox's Service Territory in the Virginia Beach Metropolitan Statistical Area, WC Docket No. 08-49 (filed Mar. 31, 2008) (Verizon Virginia Beach Petition). The Verizon companies participating in this filing are Verizon Virginia Inc. and Verizon South Inc. *Id.* at 1 n.1.

<sup>2</sup> *See* 47 U.S.C. § 160.

<sup>3</sup> Specifically, Verizon seeks forbearance in the following counties and independent cities located wholly within the Virginia Beach-Norfolk-Newport News, VA-NC MSA: Virginia Beach City; Norfolk City; Chesapeake City; Newport News City; Hampton City; Portsmouth City; York County; James City County; Gloucester County; Poquoson City; and Williamsburg City. *See* Verizon Virginia Beach Petition at 1 n.2.

<sup>4</sup> *See* Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area, Memorandum Opinion and Order, WC Docket No. 04-223, 20 FCC Rcd 19415 (2005) (*Qwest Omaha Forbearance Order*), *aff'd*, *Qwest Corp. v. FCC*, 482 F.3d 471 (D.C. Cir. 2007).

<sup>5</sup> Verizon Virginia Beach Petition at 3 n.5 (citing 47 C.F.R. § 51.319(a), (b), (e)).

<sup>6</sup> *Id.* (citing 47 C.F.R. §§ 61.32, 61.33, 61.38, 61.58, 61.59).

<sup>7</sup> *Id.* (citing 47 C.F.R. §§ 61.41-61.49).

requirements; and dominant carrier requirements arising under section 214 of the Act and Part 63 of the Commission's rules concerning the processes for acquiring lines, discontinuing services, assignment or transfers of control, and acquiring affiliations.<sup>8</sup> Verizon claims that throughout this area it faces extensive facilities-based competition for mass-market and enterprise customers.

Interested parties may file comments on the Verizon Virginia Beach Petition on or before **May 13, 2008** and reply comment on or before **June 10, 2008**. All pleadings should reference **WC Docket No. 08-49**.

All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Parties should also send a copy of their filings to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, or by e-mail to [CPDcopies@fcc.gov](mailto:CPDcopies@fcc.gov). Parties shall 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](mailto:fcc@bcpiweb.com). Pursuant to the *First Protective Order* and *Second Protective Order*, all parties should submit an electronic copy of filings containing Confidential and Highly Confidential Information to Tim Stelzig ([Tim.Stelzig@fcc.gov](mailto:Tim.Stelzig@fcc.gov)) and Denise Coca ([Denise.Coca@fcc.gov](mailto:Denise.Coca@fcc.gov)).<sup>9</sup>

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website 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](mailto:ecfs@fcc.gov) and include the following words in the body of the message: get form <your email address>. A sample form and directions will be sent in response.

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<sup>8</sup> *Id.* (citing 47 C.F.R. §§ 63.03, 63.04, 63.60-63.66).

<sup>9</sup> *Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160 in Cox's Service Territory in the Virginia Beach Metropolitan Statistical Area*, WC Docket No. 08-49, First Protective Order, DA 08-879 (WCB, rel. Apr. 15, 2008) (*First Protective Order*); *Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160 in Cox's Service Territory in the Virginia Beach Metropolitan Statistical Area*, WC Docket No. 08-49, Second Protective Order, DA 08-880 (WCB, rel. Apr. 15, 2008) (*Second Protective Order*).

- 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. **Parties are strongly encouraged to file comments electronically using the Commission's ECFS.**

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, Marlene H. Dortch, 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 a.m. to 7 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 12<sup>th</sup> Street, SW, Washington, DC 20554.

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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail at [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

This Public Notice establishes certain procedural requirements relating to consideration of the Verizon Virginia Beach Petition. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>10</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations 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.<sup>11</sup> 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.<sup>12</sup>

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<sup>10</sup> See 47 C.F.R. §§ 1.1200, 1.1206.

<sup>11</sup> See 47 C.F.R. § 1.1206(b).

<sup>12</sup> 47 C.F.R. § 1.1206(b).

For further information regarding this proceeding, contact Tim Stelzig, Competition Policy Division, Wireline Competition Bureau, 202-418-0942 or Denise Coca, Competition Policy Division, Wireline Competition Bureau, 202-418-0574.

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