

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

In the Matter of	)	
	)	
Promotion of Competitive Networks in Local Telecommunications Markets	)	WT Docket No. 99-217
	)	
_____	)	

**VERIZON’S<sup>1</sup> REPLY COMMENTS IN SUPPORT OF ITS PETITION FOR  
CLARIFICATION AND/OR RECONSIDERATION**

The Commission should conform its rules to reflect the substance of its order that the prohibition on exclusive access agreements for providers serving residential multi-tenant environments (MTEs) adopted in the recent *MTE Voice Exclusivity Order*<sup>2</sup> applies to all providers of voice services – including cable operators and VoIP providers – that interconnect with the public switched telephone network (PSTN), regardless of history, technology, or regulatory classification. As we explained in our petition, the Commission’s order on its face indicates that all such providers should be subject to the same rules, and indicates that no competitors should be permitted to enforce exclusive access agreements with MTE owners for voice services. Although the Commission’s holding is clear, the language in the accompanying rule uses the term “common carriers,” thus potentially leaving room – given the Commission’s previous decision to defer making a regulatory classification of some voice services – for cable or VoIP providers to argue that their services are

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<sup>1</sup> The Verizon companies participating in this filing (“Verizon”) are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

<sup>2</sup> Report and Order, *Promotion of Competitive Networks in Local Telecommunications Markets*, 23 FCC Rcd 5385 (2008) (“*MTE Voice Exclusivity Order*”).

not covered. In order to prevent regulatory gamesmanship, the Commission should conform the wording of its rules to the substance of its underlying order and should leave no doubt that the rules apply to all voice providers whose services interconnect with the PSTN.

No parties opposed Verizon's petition, nor could they consistent with law, policy, and logic of the order. The only party to weigh in on Verizon's petition agrees that the Commission should confirm that its rules apply to all providers of voice services interconnected with the PSTN. *See* Comments of the Texas Office of Public Utility Counsel ("TxOPC"), WT Docket No. 99-217 (Oct. 10, 2008). As the TxOPC notes, by confirming this interpretation of the *MDU Exclusivity Order*, the Commission will ensure that its new rules further, rather than undermine, the Commission's goals in pursuing "regulatory parity" and "competitive neutrality." TxOPC Comments at 3. Therefore, the Commission should grant Verizon's petition.

Respectfully submitted,



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