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November 21, 2008

EX PARTE

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition of Verizon For Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements, WC Docket No. 07-273; Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160, WC Docket No. 07-204; Amendment of the Commission's Rules Governing Pole Attachments, WC Docket No. 07-245

Dear Ms. Dortch:

Verizon and Qwest have demonstrated that the ARMIS financial reports, which remain in place following the reporting relief granted earlier this year by the Commission in its *Recordkeeping and Reporting Forbearance Order*,¹ serve no purpose and should be eliminated. Some parties argue that the Commission should retain ARMIS Report 43-01 because certain data points in this report are used by the Commission and third-parties to calculate pole attachment rates.² Pole attachment rates are largely the result of negotiated agreements, and the ARMIS reporting process does not determine whether such rates are just and reasonable. Moreover, the only information in ARMIS Report 43-01 that is relevant to pole attachments is data contained in Table III. It does not make sense to maintain the entire 43-01 report for pole attachment purposes. Much of the information in this report was effectively eliminated already by the

¹ *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements; Petition of Verizon For Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements, et al.*, Memorandum Opinion and Order and Notice of Proposed Rulemaking, WC Docket Nos. 01-139, 07-273 (rel. Sept. 6, 2008) ("*Recordkeeping and Reporting Forbearance Order*") (granting all carriers relief from certain ARMIS reports and extending forbearance from federal cost assignment rules granted earlier to AT&T to Verizon and Qwest).

² See Letter from Daniel L. Brenner, National Cable & Telecommunications Association, to Marlene H. Dortch, FCC, *Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160*, WC Docket No. 07-204, et al. (Sept. 25, 2008); Letter from Daniel L. Brenner, National Cable & Telecommunications Association, to Marlene H. Dortch, FCC, *Petition of Verizon For Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements, WC Docket No. 07-273*, WC Docket No. 07-273, et al. (Nov. 19, 2008).

Recordkeeping and Reporting Forbearance Order because cost assignment data is no longer required. In addition, this report and the other ARMIS financial reports are relics of a bygone rate-of-return regulatory era. They serve no purpose under the Commission's price cap regime. The ARMIS financial reports were only preserved as the Commission moved to price caps in the 1990s in order to monitor the transition and to compile sufficient data to conduct a subsequent review of the Commission's then-new regulatory regime.³

Nonetheless, last month Qwest voluntarily committed to continue to file data derived from ARMIS Report 43-01 that is used for pole attachment purposes.⁴ Verizon also voluntarily commits to annually file the limited information derived from this report that is used for pole attachment purposes on or before April 1 of each year. Verizon will continue to file the data so long as it is actually used by the Commission for pole attachment purposes.

It has now been nearly seven years since the Commission concluded that the right question was not *whether* historical reporting obligations such as the ARMIS financial reports should be eliminated – “but rather *when*.”⁵ The Commission should, therefore, grant forbearance from the remaining ARMIS reports as requested in the above-captioned Verizon and Qwest petitions in a single order issued by December 15, the extended deadline for a decision on Qwest's petition.

If you have any questions, please call.

Sincerely,



cc:	Amy Bender	Dana Shaffer	Albert Lewis	Don Stockdale
	Scott Deutchman	Darryl Cooper	Marcus Maher	Julie Veach
	Scott Bergmann	James Eisner	Jeremy Miller	Cathy Zima
	Greg Orlando	Alan Feldman	Alex Minard	
	Nick Alexander	Michael Goldstein	Christi Shewman	

³ *Policy and Rules Concerning Rates for Dominant Carriers*, Order on Reconsideration, 6 FCC Rcd 2637, ¶ 198 (1991).

⁴ See Letter from Melissa E. Newman, Qwest, to Marlene H. Dortch, FCC, *Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160*, WC Docket No. 07-204, et al. (Oct. 23, 2008).

⁵ *2000 Biennial Regulatory Review – Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase 2 Amendments to the Uniform System of Accounts for Interconnection Jurisdictional Separations Reform and Referral to the Federal-State Joint Board Local Competition and Broadband Reporting*, Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 19911, ¶ 206 (2001) (emphasis added).