

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	CC Docket No. 94-129
Telecommunications Act of 1996)	
)	CC Docket No. 00-257
Policies and Rules Concerning Unauthorized)	
Changes of Consumers Long Distance)	
Carriers)	

**PETITION OF VERIZON NEW YORK INC. FOR WAIVER OF THE ADVANCE
NOTIFICATION REQUIREMENTS OF 47 C.F.R. § 64.1120(e)**

The Commission should quickly grant Verizon New York Inc. (“Verizon”) a waiver of the 30-day advance notice requirement in 47 C.F.R. § 64.1120(e), so that Verizon may provide local service to those customers of Convergent Telesis LLC d/b/a Hamptons Telephone (“Convergent”) who will be defaulted to Verizon on April 30, 2009, when Convergent ceases providing local service in Long Island, New York. Convergent is a competitive local exchange service provider in Long Island, New York. Convergent is exiting the local and long distance market in Long Island, New York on April 30, 2009.

On February 27, 2009, Convergent mailed written notice to its local service customers in Long Island, New York explaining that they must select a new provider by April 30, 2009 or they will lose local and/or long distance service. *See* Attachment A. Despite this notice, some affected customers likely will not select a new provider by April 30. Under the New York Public Utilities Commission’s Mass Migration Guidelines, Verizon is the default carrier obligated to provide local service to exiting CLECs’ customers served by resale. *See* Mass Migration Guidelines of the New York Public Service Commission at 8 (2001). A waiver of the 30-day advance notification requirement will allow a “seamless transition of service”¹ from Convergent

¹ *Subscriber Carrier Selection Changes*, Order, 16 FCC Rcd 11218 ¶ 10 (2001).

to Verizon, so that Convergent's customers served by resale may be defaulted to Verizon without loss of local service or service disruption. For these reasons, granting this waiver is in the public interest.

The Commission's streamlined procedures for acquiring part or all of another carrier's subscriber base would require Verizon to notify both the Commission and the affected subscribers of the carrier change at least 30 days in advance. *See* 47 C.F.R. § 64.1120(e)(1); 47 C.F.R. § 64.1120(e)(3). The notice must contain, among other things, information about the type of telecommunications service to be provided, the date of transfer, and rate information. *See id.* 47 C.F.R. § 64.1120(e)(1); 47 C.F.R. § 64.1120(e)(3)(i-iii). Without a waiver of the advance notice period, the earliest date by which Verizon could start service would be several weeks after the April 30 cut-off date. Loss of local telephone service for such an extended period of time is not in the public interest.

On facts similar to this Petition, the Consumer and Governmental Affairs Bureau ("the Bureau") granted Verizon's request for waiver of the 30-day advance notification requirements. *Verizon California, Inc. Petition for Waiver*, Order, 22 FCC Rcd. 11218 (2007) ("*Verizon Waiver Order*"). The Bureau found that because "compliance with the 30-day advance notice requirement could potentially result in a loss of local service for [the CLEC's] customers during the 30-day period" a waiver would serve the public interest. *Verizon Waiver Order* ¶ 7. The Bureau also found that "the affected subscribers are unlikely to suffer harm from receiving less than 30 days' notice of the transfer, and that any such harms would be outweighed by the benefits of a seamless transfer of service..." *Id.*

Granting Verizon's waiver request is in the public interest because otherwise Verizon will have to comply with the 30-day advance notice requirement, and affected Convergent customers in Long Island, New York will likely lose dial tone or experience service disruptions

during that period. The Commission should therefore waive the 30-day advance notice requirement. As the Bureau found in the *Verizon Waiver Order*, the benefit of Verizon's providing fewer than 30 days' notice to these subscribers greatly outweighs any burden of shorter notice.

CONCLUSION

For the foregoing reasons, the Commission should quickly grant Verizon a waiver of the 30-day advance notice requirements in 47 C.F.R. § 64.1120(e), so that Convergent's customers served by resale in Long Island, New York can be defaulted to Verizon on April 30, 2009 without disruption or loss of local telephone service.

Respectfully submitted,

Of Counsel:

Michael E. Glover



Karen Zacharia
Rashann R. Duvall
1320 North Court House Road
Ninth Floor
Arlington, VA 22201
Tel: (703) 351-3179
Fax: (703) 351-3655

Date: April 13, 2009

Attorneys for Verizon

HAMPTONS TELEPHONE

P.O. Box 299 Southampton, NY 11969 phone 631-287-0010 fax 631-287-6650 hello@hamptons.com www.hamptonstelephone.com

ATTACHMENT A

February 27, 2009

NOTICE OF TELECOMMUNICATIONS SERVICE DISCONTINUANCE

**YOU MUST TAKE IMMEDIATE ACTION
TO PREVENT DISRUPTION OF YOUR SERVICE**

DO NOT DISREGARD THIS NOTICE

Dear Customer,

After careful consideration, Convergent Telesis LLC ("Convergent"), dba Hamptons Telephone has made the decision to terminate all telecommunications service offerings effective April 30th, 2009, subject to regulatory approval. As a result, **all telecommunications services (local, long distance and broadband)** provided to you by Convergent will be discontinued on or after April 30th, 2009, subject to regulatory approval.

YOUR IMMEDIATE ACTION IS REQUIRED! YOU MUST ELECT A NEW TELECOMMUNICATIONS SERVICE PROVIDER AS QUICKLY AS POSSIBLE OR YOU MAY LOSE ALL LOCAL, LONG DISTANCE AND BROADBAND SERVICES PROVIDED BY CONVERGENT.

If you choose a new service provider, do so as soon as possible to avoid any interruption of service. Please do not delay in arranging for a new service provider as some providers may require several weeks to install or connect new services. To help avoid service disruption, please check carefully that all Convergent local, long distance telecommunications and broadband services are moved to your new service provider.

We understand that switching to another carrier can be inconvenient, and we will help you with the transition. You can generally find a list of telephone service providers in your local telephone directory. Once you have chosen your new carrier, we will work closely with that company to provide your network and other customer information necessary to transfer your services.

Please be aware that you remain responsible for paying all bills rendered to you on behalf of Convergent through the transition. You may be subject to suspension or termination of your phone service in



HAMPTONS TELEPHONE

P.O. Box 299 Southampton, NY 11969 phone 631-287-0010 fax 631-287-6650 hello@hamptons.com www.hamptonstelephone.com

ATTACHMENT A

accordance with New York State Public Service Commission rules if you fail to pay your telephone bills. Any deposits or credits associated with your account will be applied to your final bill, and any remaining balance will be returned to you.

The Federal Communications Commission ("FCC") permits customers to object to discontinuance of their service by telecommunications provider. As provided in the FCC's rule 47 CFR 63.71:

"The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division Washington, D.C. 20554, and include in your comments a reference to the Section 63.71 Application of Convergent Telesis LLC. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service."

If you would like to contact your state regulatory about the discontinuance, please see the information provided below:

New York Contact

New York Public Service Commission
Empire State Plaza
Agency Building 3
Albany, NY 12223-1350
Toll Free: 1-800-342-3377

We appreciate having the opportunity to serve you and are committed to making the service transition as smooth as possible. If you have further questions regarding the discontinuance of our services, please contact our Customer Care Department at 866-210-1143 or 631-287-0010.

Sincerely,



Robert Florio
President
Convergent Telesis LLC