

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

In the Matter of)	
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
All American Telephone Co., Inc., e.Pinnacle Communications, Inc, and ChaseCom)	EB 09-MDIC-0003
Petition for Declaratory Ruling)	

**OPPOSITION OF VERIZON¹ AND VERIZON WIRELESS
TO MOTION TO STRIKE**

The Commission should deny the Motion to Strike² AT&T and Verizon’s oppositions in this matter. Petitioners’ motion is equally as frivolous as their request to legalize fraudulent CLEC traffic-pumping scams.³

Petitioners suggest that the oppositions should be stricken because AT&T and Verizon filed the pleadings in the existing Commission traffic-pumping docket, which Petitioners allege constitutes a false statement to the Commission and a “purposeful” attempt to “confus[e]. . .both the public and Commission staff.” Motion to Strike at 1-2. These allegations are baseless – and just wrong.

¹ In addition to Verizon Wireless, the Verizon companies participating in this filing (“Verizon”) are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

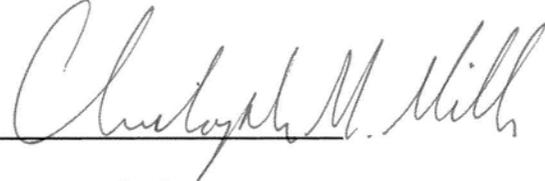
² *All American Telephone Co., Inc., e.Pinnacle Communications, Inc. and ChaseCom Petition for Declaratory Ruling*, Motion to Strike, File No. EB-09-MDIC-0003 (June 11, 2009) (“Motion to Strike” and “Petitioners”)

³ *All American Telephone Co., Inc., e.Pinnacle Communications, Inc. and ChaseCom Petition for Declaratory Ruling*, File No. EB-09-MDIC-0003 (May 20, 2009) (“CLEC Petition”).

Verizon filed its opposition in the traffic-pumping docket and captioned the pleading accordingly because Petitioners seek a declaratory ruling (absurd as it is) to “reconfirm” that CLEC traffic pumping is permissible. CLEC Petition at 2. It was certainly logical to file in the traffic-pumping docket since the Commission’s *Traffic-Pumping NPRM* specifically addresses traffic pumping by CLECs such as Petitioners. *See Establishing Just and Reasonable Rates for Local Exchange Carriers*, Notice of Proposed Rulemaking, 22 FCC Rcd 17989, ¶¶ 10, 14, 34-37 (2007) (“*Traffic-Pumping NPRM*”) (discussing how traffic-pumping scams are profitable for both incumbent LECs and CLECs and further discussing, in significant detail, how to eliminate CLEC traffic-pumping schemes going forward). The subject matter of the CLEC Petition is identical to issues raised in the *Traffic-Pumping NPRM*. Petitioners’ unsupported allegation that by filing in the traffic-pumping docket Verizon somehow usurped Commission authority and misled the public is false. Motion to Strike at 1.

Petitioners also suggest that Verizon’s opposition should be stricken because service copies of the pleading, including the copy mailed to counsel for Petitioners, were not postmarked on the day of filing (June 1) and instead were mailed on June 3. Motion to Strike at 2. The service postmark/ mailing date was a processing issue with Verizon’s outgoing mail on the day of the filing that has been addressed internally. Petitioners do not allege any delay – material or otherwise – in receiving Verizon’s opposition; nor do they allege any resulting prejudice. And they obviously got the filing. Verizon appreciates the importance of adhering to the Commission’s service rules. Petitioners’ suggestion that the Commission should strike Verizon’s opposition in its entirety based on these facts, however, is irrational.

Respectfully submitted,

By: 

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June 19, 2009

CERTIFICATE OF SERVICE

I, Jennifer Pelzman, hereby certify that, on behalf of Verizon and Verizon Wireless, I caused a copy of the foregoing Opposition to be mailed on June 19, 2009 via first-class postage prepaid mail to the following:

Ms. Marlene H. Dortch*
Secretary
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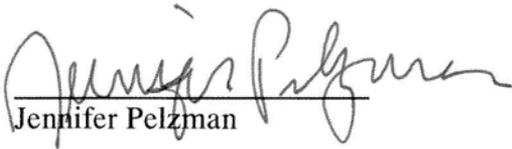
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