

**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 ENGLAND INC.
FOR WAIVER OF THE ADVANCE NOTIFICATION REQUIREMENTS OF 47 C.F.R. §
64.1120(e)**

The Commission should quickly grant Verizon New England 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 United Systems Access Telecom, Inc. (“USAT Inc.”) who will be defaulted to Verizon when USAT Inc. ceases providing local service in Rhode Island. USAT Inc. is a competitive local exchange service provider in Rhode Island. USAT Inc. will cease providing local and long distance service in Rhode Island on or after September 30, 2010.

On July 1, 2010, USAT Inc. filed its exit petition with the Rhode Island Public Utilities Commission.¹ According to USAT Inc.’s exit plan, on July 1, 2010 USAT Inc. notified customers of its intention to exit Rhode Island on September 30, 2010. Verizon received a copy of USAT Inc.’s exit plan on July 23, 2010.

USAT Inc. has about forty-five remaining resale customers in Rhode Island. Verizon anticipates that despite this advance notice, some of USAT Inc.’s remaining resale customers will not have selected a new provider by September 30, 2010. Pursuant to Verizon’s resale

tariff, Verizon will be the default provider for those USAT Inc. resale customers that do not selected a new provider by September 30, 2010.²

As soon as possible after USAT Inc.'s planned September 30 exit date, Verizon will notify USAT Inc.'s remaining resale customers that they have been defaulted to Verizon. Verizon is unable to provide advance notice because Verizon will not know the identities of USAT Inc.'s remaining resale customers until after USAT Inc. exits the market. A waiver of the 30-day advance notification requirement will allow a "seamless transition of service"³ from USAT Inc. to Verizon, so that USAT Inc.'s customers may be defaulted to Verizon without 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. 47 C.F.R. §§ 64.1120(e)(1), (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. 47 C.F.R. §§ 64.1120(e)(1), (e)(3)(i-iii). Without a waiver of the advance notice period, the earliest date by which Verizon could notify the impacted customers and set up Verizon accounts for the defaulted customers would be several weeks after September 30, 2010. In the meantime, the defaulted customers would not have Verizon accounts and would be unable to contact Verizon to resolve any potential service issues that may arise with their service. And, as the default provider, Verizon

¹ See United States Access Telecom, Inc. Exit Plan for Local Exchange Services (July 1, 2010), attached hereto as Exhibit A.

² See Verizon New England Inc. Rates and Charges Effective in the State of Rhode Island, PUC RI No. 22 § 3.3.4.

³ 2000 Biennial Review--Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers, Order, 16 FCC Rcd 11218 ¶ 10 (2001)

would be forced to continue providing service to the defaulted customers but would not receive payment until a Verizon account could be established.

On facts similar to this Petition, the Consumer and Governmental Affairs Bureau (“the Bureau”) recently granted Verizon’s request for waiver of the 30-day advance notification requirements in connection with USAT Inc.’s recent market exit from New York⁴. There, as is the case here, Verizon was the default provider for USAT Inc.’s resale customers and was unable to provide advance notice to the defaulted customers. In the *Verizon Waiver Order*, the Bureau concluded that granting Verizon’s request for a waiver of the 30-day advance notification requirement would serve the public interest because it would more effectively achieve the goal of permitting the affected subscribers to experience a “seamless transition of service from their original carrier to the acquiring carrier.”⁵ 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...”.⁶ *Id.*

Granting Verizon’s waiver request is in the public interest because it would effectuate a seamless customer transition for any USAT resale customers that may be defaulted to Verizon. 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.

⁴ *Verizon New York Inc. Petition for Waiver, Order*, 2010 FCC Lexis 4160 (2010) (“*Verizon Waiver Order*”).

⁵ *Id.* at ¶¶ 3, 7.

⁶ *Id.* at ¶ 7.

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 USAT Inc. remaining resale customers in Rhode Island can be transitioned seamlessly to Verizon as soon as possible after September 30, 2010.

Respectfully submitted,

Of Counsel:
Michael E. Glover

/s/ Rashann R. Duvall _____
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Arlington, VA 22201
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Date: September 2, 2010

Attorneys for Verizon

**Before the
Rhode Island Public Utilities Commission**

United Systems Access Telecom, Inc.

Case

Exit Plan for Local Exchange Service
_____)

**UNITED SYSTEMS ACCESS TELECOM, INC.
EXIT PLAN FOR LOCAL EXCHANGE SERVICES**

United Systems Access Telecom, Inc. (“USA”),

hereby files its Exit Plan to notify the Rhode Island Public Utilities Commission of USA’s proposal to discontinue local telephone service to customers in Rhode Island. USA plans to discontinue this service in Rhode Island as of September 30, 2010.

USA provides the following information:

1. Sample of initial letter to be sent to customers.

A sample discontinuance letter is attached hereto as Attachment 1. In accordance with the Commission’s requirements, this letter will be sent to customers by July 1, 2010, which is at least ninety (90) days in advance of the Proposed Discontinuance Date, with follow-up notification to be sent as set forth in item #2 below.

2. Plans for follow-up notification arrangements such as a second letter, phone calls, bill inserts, e-mails, etc.

USA will send a second notice to any customers that have not selected a new provider by August 1, 2010, which is sixty (60) days prior to the Proposed Discontinuance Date. USA also will send a final notice, to any customers that have not yet migrated to another carrier by September 15, 2010, which is fifteen (15) days prior to the Proposed Discontinuance Date. USA will inform customers that there is no guarantee that the customer will be able to retain its service or telephone number if it waits until the last day to select another provider.

3. A proposed final termination date.

USA anticipates that service to the affected customers will be discontinued on or about September 30, 2010 (“Proposed Discontinuance Date”).

4. A cut-off date when customers must select another provider.

USA will inform customers that they must select another provider by September 1, which is thirty (30) days prior to the Proposed Discontinuance Date.

5. Contact names and telephone numbers for the cutover coordinator, the regulatory contact, and any other pertinent contacts such as CSR and/or provisioning contacts.

All inquiries should be directed to the following:

Program Manager (responsible for managing customer migrations)

Paula Dupuis- Customer Service Supervisor
Phone: 207-467-8315
Fax: 207-467-8008
United Systems Access Telecom, Inc.
5 Bragdon Lane
Kennebunk, ME 04043
pdupuis@usacsp.com

Regulatory Contact

Pamela Hill
Phone: 207-467-8330
Fax: 207-467-9007
United Systems Access Telecom, Inc.
5 Bragdon Lane
Kennebunk, ME 04043
phill@usacsp.com

6. Any arrangements made for an acquiring carrier.

USA has not arranged for an acquiring carrier.

- 7. Steps to be taken with the number code and/or pooling administrator to transfer NXX codes or thousand number blocks (if applicable) while preserving number portability for numbers with the code.**

N/A

- 8. The current customer serving arrangements and the underlying service provider, e.g., UNE-P, resale, UNE-L or full facilities.**

The affected customers are served through the use of the facilities of the underlying service provider, Verizon.

- 9. Identification of customers where existing carrier is the only provider of facilities to a customer or group of customers.**

The affected customers are located in areas in which service from alternative providers is readily available, and all of the affected customers are located in the service territory of Verizon Rhode Island Inc.

- 10. The number of customers impacted.**

USA has approximately 119 customers in Rhode Island. USA anticipates that few, if any, customers will have service reduced by the Proposed Discontinuance Date due to the efforts of USA to notify its customers and aid in their transition to a new provider.

11. A summary of how (what format) the customer service records (CSRs) are being kept, a statement of what data elements are in these CSRs, and statement about how the CSRs will be made available to other carriers.

USA does not maintain the CSRs for its customers. The underlying carrier, maintains the CSRs. USA will work with Verizon to ensure that all CSRs will be made available to the new provider selected by an affected customer within forty-eight (48) hours of the request consistent with industry standard procedures.

12. Any transfer of assets or control that requires Department approval.

Not applicable.

13. Plans to modify/cancel tariffs.

Consistent with the timeframes established by the Department, USA will file tariff cancellations at least thirty (30) days prior to the Proposed Discontinuance Date.

14. Plans for handling customer deposits, credits and/or termination liabilities or penalties.

USA does not require its customers to provide deposits for service. There are no minimum contracts. Credits, if applicable, will be returned to affected customers after being applied to any outstanding account balances in accordance with Department requirements. USA will not impose any termination liabilities or penalties on the affected customers.

15. Plans for unlocking the E-911 database, including the letter detailed in Section VIII.

To the extent necessary, USA will unlock the E-911 database to allow the provider selected by an affected customer any necessary access. In effectuating the E-911 unlock procedure, USA will comply with the National Emergency Numbering Association's standards for local number portability. USA will be responsible for all costs associated with unlocking and updating the E-911 database. In addition, by September 1, 2010, which is thirty (30) days prior to the Proposed Discontinuance Date, USA will provide a letter to the appropriate E-911 service

provider authorizing the E-911 service provider to unlock any remaining E-911 records after USA has discontinued service.

16. Capability and plans to implement “soft dial tone.”

If certain customers have not selected a new carrier by the Proposed Discontinuance Date, USA understands that it may be appropriate to provide “soft dial tone” or an intercept message to warn the customer of the impending loss of service. USA will ask its underlying service provider, Verizon, to implement “soft dial tone” for at least fourteen (14) days after the Proposed Discontinuance Date. USA will discontinue the use of soft dial tone on or about October 14.

17. Customer Lists.

In accordance with the Department’s requirements, USA will provide Department staff with a customer list by September 1, 2010, which is thirty (30) days prior to the Proposed Discontinuance Date. The affected customers do not include any “priority” or “essential” customers. USA understands that its customer list will be subject to applicable laws and regulations relating to public disclosure of records, confidential trade secret status, and privacy protections.

18. Progress Reports.

USA will track the progress of the migrations and provide Department staff with periodic progress reports.

CONCLUSION

USA respectfully submits that the proposed discontinuance will not adversely affect the public interest in Rhode Island. As described herein, USA will provide affected customers with at least ninety (90) days notice, which affords these customers ample time and opportunity to switch their services to an alternative provider. USA also will work closely with Department staff to ensure that a substantial majority of the affected customers are migrated to another provider prior to complete discontinuance.

CONCLUSION

USA respectfully submits that the proposed discontinuance will not adversely affect the public interest in Rhode Island. As described herein, USA will provide affected customers with at least ninety (90) days notice, which affords these customers ample time and opportunity to switch their services to an alternative provider. USA also will work closely with Commission staff to ensure that a substantial majority of the affected customers are migrated to another provider prior to complete discontinuance.

Respectfully submitted,

**UNITED SYSTEMS ACCESS
TELECOM, INC.**

Dated: July 1, 2010

EXHIBIT A

Attachment 1

United Systems Access Telecom, Inc.
Exit Plan
Initial Customer Notice Letter



United Systems Access (USA)
Straight Talk. Great Rates.

July 1, 2010

VIA OVERNIGHT DELIVERY

Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

**Re: United Systems Access Telecom, Inc. - Exit Plan for Local Exchange Services
DOCKET # 3336**

Dear Luly Massaro :

Rhode Island Public Utilities Commission (“USA”) hereby files its Exit Plan to notify the Rhode Island Public Utilities Commission of USA’s plans to discontinue local exchange services in Rhode Island as of September 30, 2010.

Pursuant to the Department’s requirements, an original and four copies of this Exit Plan are enclosed.

Kindly date-stamp the extra copy of the Exit Plan and return it in the UPS envelope provided.

Please contact Pamela Hill, 207-467-8330 if you have any questions concerning this filing.

Respectfully submitted,

Stephen Gilbert, CEO
United Systems Access Telecom, Inc
207-467-8330

United Systems Access 5 Bragdon Lane Kennebunk, ME 04043 1-888-872-9400

CC: William Cummings, Verizon



United Systems Access (USA)
Straight Talk. Great Rates.

**IMPORTANT: YOU MUST CHOOSE A NEW TELEPHONE SERVICE PROVIDER BY
September 15, 2010**

July 1, 2010

John Sample
123 First Avenue
Anytown, Rhode Island 12345

Dear Customer:

We regret to inform you that as of September 30, 2010, United Systems Access Telecom, Inc. ("USA") will no longer be providing your local telephone service Rhode Island.

Your action is required! You must select a new local telephone provider as quickly as possible, no later than September 15, 2010 (15 days prior to planned departure) or you may lose your local telephone service.

Please be aware that you are responsible for paying all bills rendered to you by USA during this transition.

You may be subject to suspension or termination of your phone service in accordance with Public Service Commission rules if you fail to pay your telephone bill.

After selecting a new local telephone provider, you should also contact your current long distance provider to ensure that your current long distance calling plan is not changed as a result of your change in local service. If you do not contact your long distance provider, you may be charged basic rates (non-calling plan rates) for long distance.

Generally, you can find a list of most local telephone service providers in your local telephone directory. If you require assistance, please contact USA at 1-888-872-9400.

Sincerely,
Stephen Gilbert .CEO
United Systems Access Telecom, Inc
United Systems Access Telecom, Inc 5 Bragdon Lane Kennebunk, ME 04043 1-888-872-9400

This proposed discontinuance of your local telephone service is subject to regulatory approvals by the Federal Communications Commission ("FCC") and the Rhode Island Public Utilities Commission. The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service, or a reasonable substitute from another carrier is not available 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 FCC releases public notice of the proposed discontinuance.

Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the Section 63.71 Application of United Systems Access Telecom, Inc. Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitutable service.