

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

In the Matter of)	CG Docket No. 10-266
)	
2010 Biennial Review of)	EB Docket No. 10-267
Telecommunications Regulations)	
)	IB Docket No. 10-268
)	
)	ET Docket No. 10-269
)	
)	PS Docket No. 10-270
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)	WT Docket No. 10-271
)	
)	WC Docket No. 10-272

COMMENTS OF VERIZON AND VERIZON WIRELESS

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January 31, 2011

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I. INTRODUCTION AND SUMMARY.

Consistent with President Obama’s recent commitment to “root out regulations that conflict, that are not worth the cost, or that are just plain dumb,” in this biennial review proceeding the Commission should scrub its regulations and repeal or change those rules that are unnecessary or no longer make sense.² In the past, the biennial review has not resulted in significant changes to Commission rules. The Commission’s ongoing data collection initiative and its announced intention to likewise focus on repealing or modifying reporting requirements

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 President Barak Obama, “Toward a 21st-Century Regulatory System; If the FDA Deems Saccharin Safe Enough for Coffee, Then the EPA Should Not Treat It As Hazardous Waste,” *Wall Street Journal* (Jan. 18, 2011). The President’s new executive order does not itself apply to independent agencies, but the Commission has similar statutory obligations to eliminate unnecessary regulations and has specifically committed to revamping its data collection practices. See Improving Regulation and Regulatory Review – Executive Order, § 3.7, <http://www.whitehouse.gov/the-press-office/2011/01/18/improving-regulation-and-regulatory-review-executive-order> (Jan. 18, 2011).

in this proceeding presents a good opportunity to give new meaning to the biennial review process, which fits well with the President's agenda and Commission reform efforts.³ Outdated reporting requirements should come off the books. Such rules drain scarce Commission and industry resources and distract from important national priorities.

In this proceeding the Commission should repeal or modify several rules. Specifically, the Commission should discontinue its open network architecture and comparably efficient interconnection requirements; continuing property records requirements; international traffic reports (wireline and wireless); prepaid calling card traffic and revenue certifications; cable price surveys, operator reports, and cable system public inspection file requirements; reports of complaints concerning equal employment laws for public mobile service providers; and Section 214 international service authorizations for CMRS providers. These data requirements have either outlived their usefulness or never had a public policy value that outweighed their costs. In addition, the Commission should take the following steps with respect to other data collections: streamline the FCC Form 477 broadband data gathering process; clarify that wholly owned wireless subsidiary licensees do not need to file a redundant FCC Form 602 containing licensee ownership data; permit electronic filing of FCC Form 608 for spectrum subleases; eliminate the requirement on FCC Form 603 that wireless applicants for assignments or transfers of control identify constructed call signs; and limit 120-minute network service disruption notifications to

³ See Public Notice, *Commission Seeks Public Comment in the 2010 Biennial Review of Telecommunications Regulations: Announces Particular Focus on Data Collection Requirements*, CG Docket No. 10-266, EB Docket No. 10-267, IB Docket No. 10-268, ET Docket No. 10-269, PS Docket No. 10-270, WT Docket No. 10-271, WC Docket No. 10-272 (Dec. 30, 2010); see also Public Notice, *Pleading Cycle Established for Comments on Review of Wireline Competition Bureau Data Practices*, 25 FCC Rcd 8213 (2010); Public Notice, *Pleading Cycle Established for Comments on Review of Media Bureau Data Practices*, 25 FCC Rcd 8236 (2010); Public Notice, *Pleading Cycle Established for Comments on Review of Wireless Telecommunications Bureau Data Practices*, 25 FCC Rcd 8337 (2010).

outages that impact 9-1-1 call completion.

Finally, even though the Commission intends to focus on data collection requirements in this proceeding it should not lose sight of the broader deregulatory objectives in the Communications Act, which—among other things—require relief from dominant carrier rules in competitive markets. In particular, the Commission has affirmative obligations under Section 10 and Section 11 of the Act to repeal legacy requirements (involving data collections or otherwise), such as unbundling and other obligations, as market conditions evolve and technology advances.

II. THE COMMISSION SHOULD DISCONTINUE SEVERAL OUTDATED AND UNNECESSARY DATA COLLECTIONS.

The following data collections should be repealed as indicated:

A. ONA and CEI Requirements.

The Commission’s remaining open network architecture (ONA) and comparably efficient interconnection (CEI) requirements derive from the *Computer Inquiry* proceedings, which began decades ago when the communications landscape looked nothing like the marketplace that now exists.⁴ At that time, the ILECs’ telephone networks were the “primary, if not sole, facilities-based platform available for the provision of ‘information services’ to customers,” and the CEI and ONA requirements were based on the “implicit, if not explicit, assumption that the incumbent LEC wireline platform would remain the only network platform available to enhanced service providers.”⁵

⁴ *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, Report and Order, 20 FCC Rcd 14853, ¶ 21 (2005); *see also id.* ¶ 1 (“Those regulations were created over the past three decades under technological and marketplace conditions that differed greatly from those of today.”).

⁵ *Id.* ¶ 3; *see also id.* ¶ 47 (the *Computer Inquiry* rules were premised on the presence of a “single platform capable of delivering [enhanced] services ... and only a single facilities-based provider of that platform.”). For an extended discussion of the ONA and

Among other things, the ONA rules require ILECs (in particular the former Bell Operating Companies and former GTE entities) to develop and maintain detailed plans for unbundling and making available to enhanced service providers the basic components of their networks irrespective of whether their enhanced services operations utilize those components.⁶ For purposes of the present inquiry, the ONA rules also subject the former Bell Operating Companies (BOCs) and former GTE entities to detailed and extensive annual, semi-annual, and quarterly reporting requirements, as well as an obligation to file annual sworn declarations relating to those requirements.⁷

All of the remaining CEI and ONA rules (which have already been eliminated for broadband services) should be eliminated once and for all. Many separate and different technologies offered by the widest possible array of providers—including wireline, wireless, IP, and other intermodal providers—now compete for the same residential and business customers. Yet only BOCs and former GTE entities are subject to the last vestiges of the anachronistic CEI and ONA requirements, which can increase these carriers' costs of providing information services and inhibit competition. There is no reason for any of these requirements (reporting or otherwise) to continue.

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CEI requirements, and the history of these rules, *see* Comments of Verizon, *Biennial Regulatory Review of Regulations Administered by the Wireline Competition Bureau*, WC Docket No. 08-183 (Oct. 6, 2008).

⁶ *Amendment of Section 64.702 of the Commission's Rules and Regulations (Third Computer Inquiry)*, Report and Order, 104 F.C.C.2d 958, ¶ 28 (1986) (“*Computer III*”). Among many other things, the CEI rules also require former Bell Operating Companies' enhanced services operations to obtain the basic services it uses to offer enhanced service pursuant to tariff, and to offer those basic services to unaffiliated enhanced service providers under the same tariffs and on an unbundled and functionally equal basis. *Id.* ¶ 27.

⁷ *Filing and Review of Open Network Architecture Plans*, Memorandum Opinion and Order on Reconsideration, 5 FCC Rcd 3084, ¶ 26 (1990).

The open meeting agenda for the Commission’s February 2011 meeting indicates that the Commission will consider a notice of rulemaking proposing to eliminate the CEI and ONA requirements. *See* News Release, *FCC Announces Tentative Agenda for February 8th Open Meeting* (Jan. 18, 2011) (“*February Open Meeting News Release*”). This is certainly welcome news. Carriers began urging the Commission to reform the ONA and CEI requirements as part of the Commission’s biennial review proceedings at least as far back as 2004.⁸

B. Continuing Property Records.

Like the remaining CEI and ONA rules, the Commission retains anachronistic rules that require incumbent LECs to generate unnecessary, detailed information for all plant accounts such as descriptions of property, location information, date of placement into service, and original cost data. *See* 47 C.F.R. § 32.2000. Under the Commission’s current price cap regulatory regime, which governs providers serving the vast majority of all consumers nationwide, cost data and property information such as this is irrelevant. Price caps are cost agnostic, and these continuing property record requirements go well beyond the detail required by modern accounting procedures such as GAAP. The Commission concluded nearly a decade ago that continuing property records rules and reports should be eliminated, yet these requirements persist. *See 2000 Biennial Regulatory Review – Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers: Phase 2, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 19911, ¶ 212 (2001) (“[W]e tentatively conclude that we should eliminate our detailed

⁸ *See, e.g.*, Comments of the Verizon Telephone Companies, *Biennial Regulatory Review of Regulations Administered by the Wireline Competition Bureau*, WC Docket No. 04-179, at 6 (July 12, 2004); *see also* Comments of Verizon, *Biennial Regulatory Review of Regulations Administered by the Wireline Competition Bureau*, WC Docket No. 06-157, at 32 (Sept. 1, 2006) (“The Commission should eliminate its Computer III requirements, including CEI and ONA requirements.”).

[continuing property records] rules in three years.”).

C. International Traffic Reporting.

The Commission continues to collect a substantial amount of useless international data from certain common carriers regarding (among other things) international circuits, traffic volumes, revenue, and billings. *See, e.g.*, 47 C.F.R. §§ 43.61 (wireline and wireless traffic reports), and 43.82 (international circuit status reports). These reports and requirements are meaningless as industry markers given the substantial growth in competition on international routes and competitive alternatives to placing a traditional international calls—including VoIP-based intermodal services such as Skype. This conclusion was already confirmed by the International Bureau as part of the Commission’s last biennial review conducted pursuant to Section 11 of the Act. “[T]he reporting requirements for international services in Part 43 may no longer be necessary in the public interest, and [the Bureau] recommended that the Commission should consider whether to repeal or modify those requirements.”⁹

D. Prepaid Calling Card Reports.

In 2006, responding to the uncertainty regarding the classification of certain prepaid calling card services and related obligations, the Commission adopted a quarterly reporting and certification filing requirement whereby prepaid calling card providers must submit certain percentage of use and revenue information to the Commission. 47 C.F.R. § 64.5001; *see also Regulation of Prepaid Calling Card Services*, Declaratory Ruling and Report and Order, 21 FCC Rcd 7290, ¶¶ 38-39 (2006). The filing requirement was adopted out of an abundance of caution “to reduce further the incentive for carriers to report false or misleading information” amongst

⁹ Public Notice, *Commission Releases 2008 Biennial Review of Telecommunications Regulations*, 25 FCC Rcd 9041, at 2 (2010) (“2008 Biennial Review Public Notice”).

themselves. *Id.* Carriers have now been exchanging required prepaid calling card data for five years, and the prepaid calling card marketplace itself has substantially eroded in that time because of competitive alternatives. It has also never been clear what, if anything, the Commission itself actually does with this information.

E. Cable Survey, Operator, and Public Inspection File Requirements.

Selected cable systems must report various information that is not used by consumers such as channel line-ups, prices, service offerings, and technical details in response to annual cable price surveys (assigned Form 333) and Form 325. These forms were designed for traditional monopoly cable systems. The forms do not fit competitive video providers such as Verizon and the way these companies market their services. Cable providers themselves—as well as popular media sources—also publish, on their websites and elsewhere, information that is more relevant to video products and consumer purchasing decisions. In addition, the Commission requires that cable systems collect and retain for public inspection in offices around the country a range for information such as leased access policies and political files. *See* 47 C.F.R. § 76.1700, *et seq.* As a practical matter, very few people ever access this information, and in a competitive marketplace for video services such haphazard “public file” requirements have outlived their usefulness.

F. Reporting of Equal Employment Opportunity Complaints.

The Commission should eliminate the Section 22.321(c) requirement that each public mobile service licensee submit an annual report to the Commission regarding all alleged violations of federal or state equal employment opportunity law filed against the licensee. 47 C.F.R. § 22.321(c).¹⁰ The report must contain information about the parties involved, the forum

¹⁰ In addition, common carriers have various other (or in some cases the same) equal

in which the complaint is filed, the file number, and the disposition or status of the complaint.

Id. This report, unique to certain classes of wireless licensees, requires substantial time and effort to compile, and it is not apparent what, if anything, the Commission does with the information. In the ten years that Verizon Wireless has been submitting these reports, it has never heard from the Commission regarding the reports or any complaint noted therein. It is not clear why the Commission itself needs to collect any of the equal employment opportunity information on FCC Form 395. The Equal Employment Opportunity Commission, and federal and state courts, have jurisdiction over these matters. But at a minimum, the complaint reporting requirements should be eliminated.

G. Section 214 International Service Authorizations for CMRS Carriers.

The Commission requires CMRS providers to apply for Section 214 authority to provide international service. 47 U.S.C. § 214(a).¹¹ CMRS carriers, however, are already required to receive federal wireless licenses prior to commencement of service,¹² and for this reason (among others) the Commission previously eliminated the requirement that CMRS providers obtain separate *domestic* Section 214 authorizations.¹³ The Commission should similarly eliminate the requirement that CMRS providers obtain separate international Section 214 authorizations.

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employment opportunity reporting requirements of questionable utility. *See, e.g.,* 47 C.F.R. §§ 1.815, 101.311; *see also* FCC Form 395, at 2; 47 C.F.R. §§ 23.55(d), 90.168(c).

¹¹ A number of Commission regulations in Part 63 pertain to international service authorizations under Section 214. *See, e.g.,* 47 C.F.R. §§ 63.09-63.25 (in whole or in part). The Commission should also make clear that the relevant parts of these rules do not apply to CMRS carriers.

¹² *See, e.g., Implementation of Sections 3(n) and 332 of the Communications Act, Regulatory Treatment of Mobile Services, Second Report and Order, 9 FCC Rcd 1411, ¶ 182 (1994).*

¹³ *Id.*

In 2004, the Commission released an NPRM seeking comment on exempting CMRS carriers that only provide resold international services (as most CMRS carriers do) from the requirement to file an application for international Section 214 authority prior to providing service.¹⁴ Multiple commenters supported the proposal because the requirement is unnecessary,¹⁵ particularly because the Commission’s previous concerns about foreign affiliate marketplace leverage and national security and other law enforcement issues were unfounded.¹⁶ In response, the Commission indicated that it would initiate another proceeding to develop a fuller record on ways to streamline the Section 214 authorization for CMRS carriers.¹⁷ More

¹⁴ *Amendment of Parts 1 and 63 of the Commission’s Rules*, Notice of Proposed Rulemaking, 19 FCC Rcd 4231, ¶ 15 (2004).

¹⁵ See Comments of the Cellular Telecommunications and Internet Association, *Amendment of Parts 1 and 63 of the Commission’s Rules*, IB Docket No. 04-47, at 2-7 (May 6, 2004) (“CTIA Comments”); Reply Comments of Cellular Telecommunications & Internet Association, *Amendment of Parts 1 and 63 of the Commission’s Rules*, IB Docket No. 04-47 (June 7, 2004) (“CTIA Reply Comments”); Comments of Cingular Wireless LLC, *Amendment of Parts 1 and 63 of the Commission’s Rules*, IB Docket No. 04-47, at 2-5 (May 6, 2004) (“Cingular Comments”); Comments of Nextel Communications, Inc., *Amendment of Parts 1 and 63 of the Commission’s Rules*, IB Docket No. 04-47 (May 6, 2004) (“Nextel Comments”); Reply Comments of Verizon Wireless, *Amendment of Parts 1 and 63 of the Commission’s Rules* IB Docket No. 04-47, at 1-3 (June 7, 2004) (“Verizon Wireless Reply Comments”).

¹⁶ See, e.g., CTIA Comments at 3-4 (citing the FCC’s prior conclusion that “CMRS carriers offering resold international service are unlikely to be able to distort traffic” and noting that “the Commission’s various ‘law enforcement and national security concerns’ . . . make[] little sense due to the fact that there is no Section 214 requirement for the resale of domestic services, and that foreign companies ‘can even provide facilities-based domestic interstate, interexchange service in the United States without obtaining a Section 214 authorization.’”) (internal citations omitted); Cingular Comments at 3, 4-5 (noting that the FCC’s “concern for anticompetitive conduct on U.S. international routes has long related principally to arrangements between facilities-based U.S. carriers and foreign carriers with market power at the foreign end of the route” and that “Executive Branch concerns for international facilities relate to foreign ownership of ‘domestic communications infrastructure’ and, when significant foreign ownership of a CMRS carrier is proposed, the Commission and the Executive Branch already consider national security and other issues pursuant to Section 310(b)(4) of the Act.”) (internatl citations omitted).

¹⁷ *Amendment of Parts 1 and 63 of the Commission’s Rules*, Report and Order, 22 FCC Rcd

than three years later, the Commission still has not initiated a further proceeding.

Requiring CMRS carriers to obtain a separate Section 214 international authorization, in addition to their wireless licenses issued by the Commission and other procedural safeguards, continues to make no sense. For the most part, “CMRS carriers provide international service on a resale basis, and most do so only as an ancillary service intended to provide additional options and convenience for wireless consumers.”¹⁸ In addition, “[t]he Commission’s own review of the legislative history of Section 214 observes that ‘Section 214 was enacted to ensure the provision of nation-wide service and to stem inflated rate bases resulting from imprudent or wasteful duplication of facilities.’ None of these concerns are applicable to the current CMRS marketplace, which features competitive rates that are unregulated and a wide variety of service plans and packages to match customer demands.”¹⁹ Similarly, as the Commission has previously determined, “CMRS carriers offering resold international service are unlikely to be able to distort traffic.”²⁰

Moreover, the Commission’s reluctance to eliminate Section 214’s application to CMRS due to concerns over law enforcement and national security is illogical because foreign companies are permitted to provide facilities-based domestic interstate, interexchange service in

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11398, ¶ 34 (2007). In 2007, the International Bureau also recommended the initiation of a comprehensive proceeding to review the requirements of Part 63 and noted that “the Part 63 rules, in their current version, may no longer be necessary in the public interest.” *Federal Communications Commission 2006 Biennial Regulatory Review*, International Bureau Staff Report, 22 FCC Rcd 3138, 3174-3175 (2007).

¹⁸ CTIA Comments at 2-3. *See also* Comments of Cingular Wireless LLC, 2002 *Biennial Regulatory Review*, IB Docket No. 02-209, at 5 (Oct. 18, 2002) (“Cingular 2002 Comments”).

¹⁹ Nextel Comments at 3.

²⁰ CTIA Comments at 3 (citing 2000 *Biennial Regulatory Review*, Report and Order, 17 FCC Rcd 11416, ¶ 30 (2002)). *See also* Cingular 2002 Comments at 5-6.

the United States without obtaining a Section 214 authorization.²¹ And “Title III of the Act and the Commission’s rules already afford the Executive Branch with the ability and the opportunity to address national security and law enforcement concerns.”²²

III. THE COMMISSION SHOULD MODIFY OTHER REPORTING REQUIREMENTS TO REFLECT THE MODERN COMMUNICATIONS MARKETPLACE.

The following data collections requirements should be modified as indicated:

A. Form 477 Broadband Data Gathering Process.

The Commission has an important and continuing interest in collecting data regarding broadband deployment. In particular, implementing the National Broadband Plan will require access to various broadband metrics for the foreseeable future. The Commission’s Form 477 process, however, should still be as streamlined as possible and should not duplicate data that the Commission can obtain from other sources. For example, each state is now collecting data from broadband providers on broadband coverage and offered speeds under grants from the National Telecommunications and Information Administration (NTIA) through the Broadband Data Improvement Act (BDIA).²³ Once this initial data gathering effort is finished, the state grantees will be obligated to update this information on broadband providers twice a year.²⁴ Each state is also required to make available to consumers interactive broadband maps,²⁵ and, some of these

²¹ Verizon Wireless Reply Comments at 2; *see also* Cingular Comments at 10.

²² CTIA Reply Comments at 3.

²³ *See* Department of Commerce, National Telecommunications and Information Administration, “State Broadband Data and Development Grant Program; Notice of funds availability (Notice) and solicitation of applications,” 74 FR 32545 (2009) (“NTIA Mapping NOFA”).

²⁴ *Id.* at 32552.

²⁵ *Id.* at 32546.

maps are already available.²⁶

Pursuant to the NTIA grant program, the state grantees will make the state maps and broadband data available to NTIA and the Commission, and the NTIA and the Commission will compile national broadband coverage maps from the state efforts under the BDIA.²⁷

Accordingly, much of the information that is being collected on geographic coverage and transfer rates on the Form 477 may soon be available to the Commission in even more detail through the BDIA state broadband mapping program. At that point, the Commission should consider to what extent the census-track level data on the Form 477 is still necessary.

More immediately, facilities-based providers of broadband services must populate certain Form 477 fields related to the number of subscribers, devices and coverage areas on a state-by-state basis. Files for each state are then uploaded to the Commission's Form 477 interface. As a result, providers that cover multiple states must complete and upload multiple Form 477 data files—and broadband providers with nationwide coverage (such as national wireless carriers) end up filing 50 or so separate files.

Verizon recommends that the Form 477 interface be redesigned so that each filer has the option to fill in the information for all parts of all applicable states and then upload the information as one data file. Such a redesign would substantially reduce the time necessary to complete the process of filing the Form 477 for many broadband providers. The same information would be available to the Commission. For many Form 477 filers, significant time is indeed required to complete the form because of the number of states covered. Also, the

²⁶ See, e.g., Connected Texas, www.connectedtx.org.

²⁷ See NTIA Mapping NOFA at 32546 [“In addition, the awardees will submit all of their collected data to NTIA for use by NTIA and the Federal Communications Commission (FCC) in developing and maintaining the national broadband map, which will be displayed on an NTIA Web page before February 17, 2011.”].

information must be frequently gathered and compiled from various sources, imposing additional burdens and time requirements. Allowing a combined “all-state” filing for all parts of Form 477 would help reduce the burden without limiting the information received by the Commission.

Like the ONA and CEI rules, the open meeting agenda for the Commission’s February 2011 meeting indicates that the Commission will consider a notice of rulemaking proposing to modify certain Form 477 requirements. *See February Open Meeting News Release*. It is not yet clear what those modifications will entail. Verizon recommends that the form be modified as discussed above.

B. Wireless Telecommunications Ownership Reporting.

The Commission should clarify that wholly owned wireless subsidiaries do not need to file a separate FCC Form 602 reporting ownership where the wholly owned subsidiary is listed on its parent company’s Form 602 and the parent company’s ownership report is current. Neither the rules nor the instructions to Form 602 address this issue. A clarification would ensure that all licensees are satisfying the Commission’s data collection requirement in the same manner. Such a change would greatly reduce the number of these forms that large carriers like Verizon Wireless file while still providing the Commission with all of the same information relevant to the ultimate ownership of the wireless licensee.

C. Spectrum Secondary Markets—Subleasing and Assignment and Transfer Applications.

The Commission should permit spectrum subleasing applications to be filed electronically on FCC Form 608—just as it does for leases, rather than requiring that the applicants file a paper copy which is burdensome on licensees as well as Commission staff. The delay in delivery can often unnecessarily delay deployment of new services given the additional time that is required for delivery, sorting, and approval of the paper applications. There is no

reason to continue paper filings when other leases may be filed electronically.

Further, the Commission's application for assignments and transfers of control of wireless authorizations (FCC Form 603) requires applicants to identify whether the facilities associated with each license have been constructed (Item 116). This information, however, is already available to the Commission. Pursuant to Section 1.946(d), wireless radio licensees are required to notify the Commission when they have met the coverage or substantial service obligations associated with their license.²⁸ Requesting this information on FCC Form 603 is duplicative and unnecessary.

D. Network Outage Reporting.

The outage reporting requirements in Part 4 of the Commission's rules should be adjusted. 47 C.F.R. §§ 4.1-4.13. The Commission's service disruption reporting rules involve a three-step process, requiring carriers to (1) notify the Commission within 120 minutes of certain network outages; (2) file an initial report within three days; and (3) file a final report within 30 days. 47 C.F.R. § 4.9. After these rules were adopted in 2004, it became apparent that the reporting requirements are significantly more onerous than the Commission initially estimated, and the practical utility of these notifications and reports is at best unclear.

The Commission initially estimated that the total number of outage reports from *all* carriers would be less than 1,000 reports per year.²⁹ In reality, many large carriers must file

²⁸ 47 C.F.R. § 1.946(d) (“*Licensee notification of compliance.* A licensee who commences service or operations within the construction period or meets its coverage or substantial services obligations within the coverage period must notify the Commission by filing FCC Form 601. The notification must be filed within 15 days of the expiration of the applicable construction or coverage period.”).

²⁹ *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 16830, Appendix D, ¶ 24 (2004).

more than 1,000 reports *each* per year.³⁰ A significant number of these disruptions are minor in nature, due to outages in other carriers' networks, and/or not related to homeland security or public safety. Regardless, compliance with the 120-minute notification (the most difficult part of the outage reporting process) is required with all of these outages. The Commission's initial estimates regarding the number of person hours and resulting costs of complying with the outage reporting process have also turned out to be low by thousands of hours and many millions of dollars, respectively.

A small change to the outage reporting process could significantly reduce costs and still provide the Commission with timely access to service disruption data. The Commission should limit application of the 120-minute notification requirement to outages that impact direct connections between customers and public safety answering points. This would ensure that the Commission continues to have real-time notice of outages that disrupt 9-1-1 calls, which is, from a public safety perspective, the most significant metric. This approach would, for example, eliminate the need for wireless carriers to file a notification within two hours of an event where call completion (including 9-1-1 calls) is *not* compromised, but caller location data is temporarily unavailable. In this way, the Commission could ensure that it retains access to all outage data that is currently reported and relieve carriers from the difficult task of reporting information within two hours at the same time when there is no significant threat to public safety. At least with respect to outages that do not impact PSAP call completion, the two-hour reporting requirement serves no purpose, especially for outages that occur after the Commission's business

³⁰ See Comments of Alliance for Telecommunications Industry Solutions, *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *et al.*, at 7 n.5 (Aug. 2, 2010) (“[T]he Commission had initially estimated that the total number of outage reports from all reporting sources combined would be substantially less than 1,000 annually. In reality, the total number of reports filed is substantially higher, with a single large carrier filing more than five times that number (or 5,000 outage reports in a single year.”)).

hours. Moreover, the 120-minute requirement diverts network resources away from restoring service at the most critical time merely to submit a report that the Commission is almost never in a position to address immediately upon filing in any event.

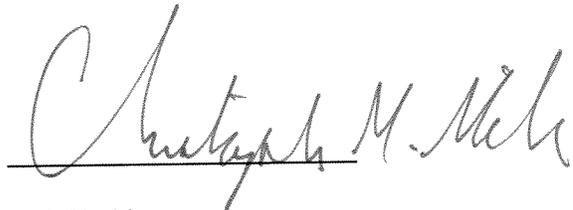
IV. BROADER DEREGULATORY INITIATIVES MUST ALSO BE A PRIORITY AS MARKETS EVOLVE.

It is indeed important to eliminate outdated data collection requirements that serve no purpose, drain scarce resources, and distract from other priorities. However, the Commission should also not lose sight of the broader deregulatory objectives in the Communications Act. Section 10 of the Act, for example, requires that the Commission forbear from *any* regulation (a data collection or otherwise) that is unnecessary after weighing the “competitive effect” of such forbearance. 47 U.S.C. § 160(b). Likewise, Section 11 of the Act (the biennial review provisions) requires the Commission to determine whether “meaningful economic competition between providers” makes any rule unnecessary. 47 U.S.C. § 161(a)(2). These sections require, among other things, the Commission to relieve legacy providers of dominant carrier regulations where appropriate so that these providers can compete with other carriers on a level playing field, which benefits consumers. In particular, consistent with the Act the Commission must be vigilant in easing network unbundling requirements, tariff rules, interconnection obligations, and in providing greater pricing flexibility as market conditions evolve and technology advances.

V. CONCLUSION.

The Commission should eliminate or change the outdated requirements as discussed herein.

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January 31, 2010

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