

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

In the matter of)	
)	
Verizon Telephone Companies)	
)	WC Docket No. 03-157
Petition for Forbearance From the)	
Current Pricing Rules for the)	
Unbundled Network Element Platform)	
)	
)	

ORDER

Adopted: July 15, 2003

Released: July 15, 2003

By the Chief, Pricing Policy Division:

Revised Filing Dates:

Comments: August 18, 2003

Reply Comments: September 2, 2003

I. INTRODUCTION

1. On July 3, 2003, the Wireline Competition Bureau (Bureau) released a *Public Notice* in this matter.¹ The *Public Notice* seeks comments on the Verizon Telephone Companies' (Verizon) petition that requests the Commission forbear "from its decision permitting UNE-P carriers to collect per-minute access charges from long distance carriers . . . and . . . from applying its current [total element long-run incremental cost] TELRIC pricing rules to the . . . [unbundled network element] UNE platform."² The *Public Notice* established comment and reply comment deadlines of July 28, 2003 and August 11, 2003, respectively.³

2. On July 8, 2003 AT&T Corp., Birch Telecom, Broadview Networks, Inc., Covad Communications Company, MCI, Sage Telecom, Inc., Talk America Inc., Z-Tel Communications, Inc., the Competitive Telecommunications Association, and the PACE Coalition (collectively CLECs) filed a Request for Extension of Comment Period requesting that the Commission extend the period for all

¹ See *Pleading Cycle Established for Verizon Petition for Expedited Forbearance From the Commission's Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157, Public Notice, DA 03-2189 (rel. July 3, 2003) (*Public Notice*).

² *Petition for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157, Petition for Expedited Forbearance of the Verizon Telephone Companies at 1 (filed July 1, 2003) (*Verizon Petition*).

³ *Public Notice* at 1.

interested parties to file comments in this proceeding from July 28, 2003 to August 18, 2003, and to file reply comments in this proceeding from August 11, 2003, to September 2, 2003.⁴ The CLECs assert that a three-week extension of time is warranted because the Verizon Petition raises complex legal and factual issues, and that responding to such issues will “require a full response supported by necessary factual and economic data.”⁵ The CLECs claim that they need more than the three-week period called for in the *Public Notice* to prepare such a response.⁶ On July 11, 2003, the National Association of Regulatory Utility Commissioners (NARUC) filed a Request for Extension of Comment Period in which it supported the CLEC Petition for the reasons provided therein.⁷ NARUC further explains that its members are meeting during the last week of July 2003 and that it plans to discuss and possibly pass a resolution addressing the Verizon Petition at that meeting.⁸

3. On July 11, 2003, Verizon filed an Opposition to the AT&T Petition.⁹ Verizon claims that the application of the Commission’s pricing rules to the unbundled network element platform “are causing significant and ongoing harm,” and that the CLEC Petition fails to provide any reason that overcomes the need for expedited relief.¹⁰ Verizon further claims that the approximately twenty day comment cycle in section 271 proceedings demonstrates that the existing comment cycle is sufficient.¹¹ No other oppositions have been filed.

II. DISCUSSION

4. We hereby grant the CLECs’ and NARUC’s requests for an extension of time to file comments and reply comments. It is the policy of the Commission that extensions of time are not routinely granted.¹² We find, however, that there is good cause to extend the due date for filing comments and reply comments. As the CLECs and NARUC note, the issues raised by the Petition are complex, and complete comments likely will require parties to expend significant time and resources gathering the factual and economic data necessary to provide us with a complete record. In addition, we are concerned that the existing comment deadlines might foreclose the opportunity of state commissions (either through NARUC or individually) to file timely comments. NARUC explains that it is planning to determine whether and how to respond to the Verizon Petition during its meeting at the end of July. We find it important to permit our state colleagues sufficient time to develop their comments. Finally, we are not persuaded by Verizon’s argument that the current comment cycle is sufficient because it is similar to

⁴ *Petition for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157, Request for Extension of Comment Period by AT&T Corp., Birch Telecom, Broadview Networks, Inc., Covad Communications Company, MCI, Sage Telecom, Inc., Talk America Inc., Z-Tel Communications, Inc., the Competitive Telecommunications Association, and the PACE Coalition at 1-2 (filed July 8, 2003) (CLEC Petition).

⁵ *Id.*

⁶ *Id.* at 2.

⁷ *Petition for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157, Request for Extension of Comment Period by the National Association of Regulatory Utility Commissioners at 1 (filed July 11, 2003) (NARUC Petition).

⁸ *Id.*

⁹ *Petition for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157, Opposition of Verizon Telephone Companies to Request for Extension of Time (filed July 11, 2003) (Verizon Opposition).

¹⁰ *Id.* at 1.

¹¹ *Id.* at 1-2.

¹² 47 C.F.R. § 1.46(a)

the section 271 comment cycle. The Commission evaluates section 271 applications in the ninety-day period specified in the statute.¹³ In such circumstances, a very short comment cycle is necessary to provide the Commission with sufficient time to evaluate the comments filed within the ninety-day time period. Here, the statute provides the Commission with one year to resolve the issues raised in a forbearance petition (with the possibility of a ninety day extension).¹⁴ Although the Commission may be able to resolve these issues in less than the full time allotted, given the time available we find that the enabling commenters to submit complete comments, thereby ensuring a full and complete record, outweighs any benefit of a shorter comment period. Consequently, we agree that a brief extension of time will facilitate the development of a complete record for the Commission's review and will not prejudice any parties.

5. Accordingly, we grant the CLECs' and NARUC's Requests for Extension of Time in which to file comments and reply comments. Parties may file comments by **August 18, 2003**, and reply comments by **September 2, 2003**. This matter shall continue to be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹⁵ All other requirements discussed in the *Public notice* remain in effect. For further information, please contact Jeremy D. Marcus, Pricing Policy Division, Wireline Competition Bureau, (202) 418-1520.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j) 155(c), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the request for extension of time filed by the CLECs and by NARUC IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss
Chief, Pricing Policy Division
Wireline Competition Bureau

¹³ See 47 U.S.C. § 271(d)(3).

¹⁴ 47 U.S.C. § 160(c).

¹⁵ 47 C.F.R. § 1.1206.