

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

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| In the Matter of |) | |
| |) | |
| Application by Verizon New Jersey Inc., Bell |) | |
| Atlantic Communications, Inc. (d/b/a Verizon |) | WC Docket No. 02-67 |
| Long Distance), NYNEX Long Distance |) | |
| Company (d/b/a Verizon Enterprise |) | |
| Solutions), Verizon Global Networks Inc., |) | |
| and Verizon Select Services Inc., for |) | |
| Authorization To Provide In-Region, |) | |
| InterLATA Services in New Jersey |) | |

ORDER

Adopted: April 5, 2002

Released: April 5, 2002

Before the Chief, Wireline Competition Bureau:

1. On March 26, 2002, Verizon New Jersey Inc. and its subsidiaries (collectively, Verizon) filed an application for authorization to provide in-region, interLATA service in the State of New Jersey, pursuant to section 271 of the Communications Act of 1934, as amended (the Act), 47 U.S.C. § 271.¹ That same day, the Commission issued a Public Notice seeking comment on the application and adopting an expedited comment schedule for this proceeding.² This expedited schedule was adopted because the *New Jersey II* application was filed very closely on the heels of Verizon's recently-withdrawn *New Jersey I* filing, and the current application relies largely on the same evidence that supported the previous one.

¹ This is Verizon's second application for section 271 authorization in New Jersey (*New Jersey II*); the first application (*New Jersey I*) was withdrawn on March 19, 2002. See *Application of Verizon New Jersey Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization to Provide In-Region, InterLATA Services in New Jersey*, CC Docket No. 01-347, Order, DA 02-667 (CCB rel. Mar. 20, 2002) (terminating the docket).

² *Comments Requested on the Application by Verizon New Jersey Inc. for Authorization to Provide In-Region, InterLATA Service in the State of New Jersey*, WC Docket No. 02-67, Public Notice, DA 02-718 (WCB rel. Mar. 26, 2002) (*New Jersey II Public Notice*). The *New Jersey II Public Notice* sets deadlines of April 8, 2002 for comments and April 19, 2002 for reply comments.

2. On March 29, 2002, AT&T Corp. (“AT&T”) filed a petition to extend the dates for filing comments and reply comments.³ In its pleading, AT&T claims that the *New Jersey II* application in fact relies on “substantial amounts of new testimony and data,” and that “new developments” have occurred since the withdrawal of *New Jersey I* that “have a substantial impact on whether [the *New Jersey II*] application complies with the mandates of section 271.”⁴ On April 3, 2002, Metropolitan Telecommunications (MetTel) filed a similar request for extension, incorporating by reference AT&T’s request.⁵

3. Under the circumstances presented here, we find that all interested parties have had ample time to review and assess the information submitted in the *New Jersey I* proceeding. That proceeding was not terminated until the penultimate day of the statutory review period, and it therefore should not pose an undue burden on interested parties to conduct an expedited review of the limited additional data submitted in the current proceeding.⁶ Specifically, Verizon has submitted only one month’s worth of data available in *New Jersey II* that was not available as part of the previous filing,⁷ and Verizon has only changed one unbundled network element (UNE) rate since the termination of the *New Jersey I* proceeding – its hot-cut rate. The New Jersey Board of Public Utilities’ *Final UNE Rate Order*, which addresses all other New Jersey UNE rates, has been available to all parties since March 6, 2002.⁸

4. It is the policy of the Commission that extensions of time are not routinely granted.⁹ In this instance, the Bureau finds that neither AT&T nor MetTel has shown good cause for an extension of the deadline for filing comments in this proceeding, and we therefore deny both requests for extensions. Also, in the interests of fairness and maintaining an orderly process, we deny the parties’ requests that commenters be permitted to raise novel issues on reply while simultaneously limiting the scope of Verizon’s reply comments. As the Commission has explicitly stated, reply comments may not raise new arguments or include new data that are

³ AT&T Request for Extension of Filing Deadlines, WC Docket No. 02-67 (filed Mar. 29, 2002).

⁴ *Id.* at 1-2. AT&T also seeks permission for commenters to raise issues for the first time on reply “to the extent that commenters are unable to develop those issues before the filing deadline for initial comments.” *Id.* at 2.

⁵ MetTel Request for Extension of Filing Deadlines, WC Docket No. 02-67 (filed Apr. 3, 2002). MetTel also expands on AT&T’s concern regarding the amount and breadth of information Verizon may submit on reply, seeking “a limitation on Verizon’s propensity to supplement its application in its reply comments.” *Id.*

⁶ Moreover, to the extent parties seek to rely in this proceeding on comments they filed in the *New Jersey I* docket, they may incorporate by reference those portions of such materials relevant to this proceeding, but need not re-file such materials in their entirety. *New Jersey II Public Notice* at 1-2.

⁷ Letter from Clint E. Odom, Verizon, to William Caton, Acting Secretary, Federal Communications Commission, WC Docket No. 02-67 (filed Apr. 1, 2002) (Verizon Response).

⁸ *Review of Unbundled Network Elements, Rates, Terms, and Conditions of Bell Atlantic New Jersey, Inc.*, Docket No. TO00060356, Decision and Order (rel. March 6, 2002) (*Final UNE Rate Order*).

⁹ 47 C.F.R. § 1.46(a).

not directly responsive to arguments other participants have raised, nor may the replies merely repeat arguments made by that party in the application or initial comments; new factual evidence may only be submitted on reply if the sole purpose of that evidence is to rebut arguments made or facts submitted by commenters.¹⁰

5. All requirements discussed in the *New Jersey II Public Notice* shall remain in effect, and this matter shall continue to be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹¹ For further information, please contact Janice M. Myles, Wireline Competition Bureau, Competition Policy Division, 202-418-1580.

FEDERAL COMMUNICATIONS COMMISSION

Dorothy T. Attwood
Chief, Wireline Competition Bureau

¹⁰ See *Updated Filing Requirements for Bell Operating Company Applications Under Section 271 of the Communications Act*, Public Notice, 16 FCC Rcd 6923, 6930 (2001).

¹¹ *Id.* § 1.1206.