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Matilda Sanders

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From: demetria.c.watts@verizon.com
Sent: Wednesday, August 25, 2004 4:19 PM
To: Filings@psc.state.fl.us
Subject: E-filing: Docket No. 040156-TP Verizon FL Motion for Extension of Time

Docket No.
156 Verizon FL

The attached filing is being submitted by:

Demetria C. Watts
Verizon Florida
106 E. College Avenue, Suite 810
Tallahassee, Florida 32301
850-222-5479
demetria.c.watts@verizon.com

in Docket No. 040156-TP on behalf of Richard A. Chapkis, Vice President - General Counsel, Southeast Region. **The filing totals 7 pages and consists of a cover letter (1 page),** Motion (4 pages), Certificate of Service (1 page) and list of parties of record (1 page).

The filing is entitled "Verizon Florida Inc.'s Motion For Extension of Time" and requests a ten-day extension of time to file an amended petition consistent with the Commission's Order No. PSC-04-0671-FOF-TP.

(See attached file: Docket No. 040156 Verizon FL Motion for Extension_08-25-04.pdf)

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Richard A. Chapkis
Vice President – General Counsel, Southeast Region
Legal Department

verizon

FLTC0007
201 North Franklin Street (33602)
Post Office Box 110
Tampa, Florida 33601-0110

Phone 813 483-1256
Fax 813 204-8870
richard.chapkis@verizon.com

August 25, 2004

Ms. Blanca S. Bayo, Director
Division of the Commission Clerk
And Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 040156-TP
Petition for Arbitration of Amendment to Interconnection Agreements With Certain Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Florida by Verizon Florida Inc.

Dear Ms. Bayo:

Please find enclosed an original and 15 copies of Verizon Florida Inc.'s Motion For Extension of Time for filing in the above-referenced matter. Service has been made as indicated on the Certificate of Service.

If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

Richard A. Chapkis

Richard A. Chapkis

RAC:mcp
Enclosures

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition of Verizon Florida Inc. for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Florida Pursuant to Section 252 of the Communications Act of 1934, as Amended, and the *Triennial Review Order*	Docket No. 040156-TP

VERIZON FLORIDA INC.'S
MOTION FOR EXTENSION OF TIME

Pursuant to Rule 28-1-6.204, Florida Administrative Code, Verizon Florida Inc. (Verizon) respectfully requests that the Commission grant it a ten-day extension of time, from August 30, 2004 to September 9, 2004, to file an amended petition consistent with the Commission's July 12, 2004 Order (Order No. PSC-04-0671-FOF-TP). The extension of time is necessary to allow Verizon to conform its proposed *TRO* Amendment to the *Interim Rules Order* released by the FCC on August 20, 2004.[1]

In support of its motion, Verizon alleges as follows:

On February 20, 2004, Verizon filed a petition for arbitration to amend Verizon's interconnection agreements with CLECs to reflect the rules promulgated in the FCC's *Triennial Review Order*.[2]

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[1] Order and Notice of Proposed Rulemaking, *In the Matter of Unbundled Access to Network Elements, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers,* WC Docket No. 04-313, CC Docket No. 01-338 (adopted July 21, 2004, released Aug. 20, 2004) (*Interim Rules Order*).

[2] Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16978 (2003) (*Triennial Review Order*), *vacated in part and remanded, United States Telecom Ass'n v. FCC*, 359 F.3d 554 (D.C. Cir. 2004) (*USTA II*).

On March 2, 2004, the D.C. Circuit issued its decision in *USTA II*, in which it affirmed in part and vacated in part the FCC's *Triennial Review Order*. In particular, the court struck down several of the unbundling obligations that the FCC imposed on incumbent carriers, while affirming the FCC in almost all respects in instances where the FCC eliminated or restricted the ILECs' network unbundling obligations.

On March 19, 2004, Verizon filed an updated petition to conform its *TRO* Amendment to the *USTA II* decision

In March and April of 2004, various CLECs and CLEC groups filed motions to dismiss Verizon's Petition for Arbitration and the Update to the Petition for Arbitration.

On July 12, 2004, the Commission issued an order (Order No. PSC-04-0671-FOF-TP) dismissing Verizon's Updated Petition without prejudice on the grounds that it did not comply with the formal procedural requirements of Section 252 of the 1996 Telecommunications Act. In that Order, the Commission granted Verizon leave to file a corrected petition by August 30, 2004.

On August 20, 2004, the FCC issued its *Interim Rules Order* purportedly in response to the D.C. Circuit's *USTA II* decision. The FCC's interim rules impose "transitional" unbundling obligations with respect to the UNEs eliminated by the *USTA II* mandate (that is, mass-market switching, high-capacity loops, and dedicated transport). The FCC made clear, however, that its interim rules do *not* affect the ILECs' rights to proceed with change-of-law proceedings, like this arbitration. To the contrary, the *Interim Rules Order* explicitly encourages such proceedings, to assure a "speedy transition" to any permanent regime definitively eliminating unbundling requirements for the UNEs at issue. *Id.* ¶ 22. In this regard, the FCC "expressly preserve[d] incumbent

LECs' contractual prerogatives to initiate change of law proceedings to the extent consistent with their governing interconnection agreements." (*Interim Order*, ¶ 22.) These proceedings are free to "presume the absence of unbundling requirements for switching, enterprise market loops, and dedicated transport, so long as they reflect the transition regime . .Thus, whatever alterations are approved or deemed approved by the relevant state commission may take effect quickly if our final rules in fact decline to require unbundling of the elements at issue, or if new unbundling rules are not in place by six months after Federal Register publication of this Order." (*Id.* at ¶ 23.)

To give Verizon an opportunity to analyze the interim rules and make any appropriate changes to its proposed TRO amendment, Verizon requests an extension of the filing deadline for its revised petition for arbitration to September 9, 2004 Verizon's filing will include an updated version of its draft TRO Amendment and a description of changes made to the amendment since the filing of Verizon's Amended Petition on March 19, 2004. The filing will also propose a schedule reflecting completion of this arbitration in time for the FCC's adoption of its final rules, to meet the FCC's objective of a speedy transition to the new regime.

Extension of the filing deadline is in the interest of all parties since it helps to ensure that parties do not devote resources to analyzing a *TRO* amendment that requires revision due to recent FCC orders. Verizon contacted most of the parties with which it intends to arbitrate,[3] and, to date, no party has objected to the Commission

[3] The only parties that were not contacted, against which Verizon intends to arbitrate, are those parties for which Verizon did not have a telephone number or an e-mail address.

granting Verizon an extension.[4] Accordingly, in the interest of administrative efficiency, Verizon respectfully requests that the Commission extend the filing deadline until September 9, 2004.

For the foregoing reasons, Verizon's request to extend the deadline for filing its Amended Petition to September 9, 2004, should be granted.

Respectfully submitted,

Richard A. Chapkis

Richard A. Chapkis
Attorney for Verizon Florida Inc.
201 N. Franklin St., FLTC0717
Tampa, FL 33601
(813) 483-1256
(813) 273-9825

Kimberly Caswell
Associate General Counsel
Verizon Corp.
201 N. Franklin St.
Tampa, FL 33601
(727) 360-3241
(727) 367-0901 (fax)

Counsel for Verizon Florida Inc.

August 25, 2004

[4] MCImetro Access Transmission Services, Metropolitan Fiber Systems of Florida, Inc. Intermedia Communications, Inc., and LecStar Telecom, Inc. have affirmatively stated that they do not object. As of the filing of this motion, the other parties had not responded to Verizon's request.

CERTIFICATE OF SERVICE

I hereby certify that copies of Verizon Florida Inc.'s Motion For Extension of Time in Docket No. 040156-TP were sent via U.S. mail on August 25, 2004 to the parties on the attached list.

Richard A. Chapkis

Richard A. Chapkis

Parties of Record and Interested Parties
Docket No. 040156-TP

Competitive Carrier Coalition
(Swidler)
c/o Swidler Berlin Law Firm
Michael C. Sloan
3000 K Street, NW, Suite 300
Washington, DC 20007
Phone: (202) 295-8458
Fax: (202) 424-7645

Competitive Carrier Group (Kelley)
c/o Kelley Drye Law Fim
Andrew M. Klein
1200 Nineteenth Street, NW, Suite 500
Washington, DC 20036
Phone: (202) 955-9600
Fax: (202) 955-9792
Email: aklein@kelleydrye.com

Competitive Carrier Group (Messer)
c/o Messer Law Firm
Norman H. Horton, Jr.
P.O. Box 1876
Tallahassee, FL 32302-1876
Phone: (850) 222-0720
Fax: 224-4659
Email: nhorton@lawfla.com

Eagle Telecommunications, Inc.
5020 Central Avenue
St. Petersburg, FL 33707-1942
Phone: (727) 797-0021 ext
Fax: (727) 287-2167
Email: jarrell@eagletelecom.us

FDN Communications (1)
Matthew Feil, General Counsel
2301 Lucien Way, Suite 200
Maitland, FL 32751
Phone: (407) 835-0460
Fax: (407) 835-0309
Email: mfeil@mail.fdn.com

Kellogg Huber Law Firm
Aaron Panner/Scott Angstreich
1615 M Street, N.W., Suite 400
Washington, DC 20036
Phone: 202-326-7900
Fax: 202-326-7999

LecStar Telecom, Inc.
Mr. Michael E. Britt
4501 Circle 75 Parkway
Suite D-4200
Atlanta, GA 30339-3025
Phone: (770) 989-9814
Fax: (404) 659-4900
Email: Michael.britt@lecstar.com

MCI WorldCom Communications, Inc. (GA)
Dulaney O'Roark, III, Esq.
6 Concourse Parkway, Suite 600
Atlanta, GA 30328
Phone: 770-284-5498
Fax: 770-284-5499

MCI WorldCom/MCImetro Access/MFS/Intermedia
Ms. Donna C. McNulty
1203 Governors Square Blvd., Suite 201
Tallahassee, FL 32301-2960
Phone: (850) 219-1008
Fax: 219-1018
Email: donna.mcnulty@mci.com

Messer Law Firm
Floyd R. Self
P. O. Box 1876
Tallahassee, FL 32302-1876
Phone: (850) 222-0720
Fax: 224-4359
Email: fself@lawfla.com

Myatel Corporation
Mr. J. P. Dejoubner
P. O. Box 100106
Ft. Lauderdale, FL 33310-0106
Phone: (954) 797-3000
Fax: (954) 797-1881
Email: info@myatel.com

Sprint Communications Company Limited Partnership
Susan Masterton
P.O. Box 2214
Tallahassee, FL 32316-2214
Phone: (850) 599-1560
Fax: 878-0777
Email:
susan.masterton@mail.sprint.com

Stumpf, Craddock Law Firm
W. Scott McCollough/David Bolduc
1250 Capital of Texas Highway South
Building One, Suite 420
Austin, TX 78746
Phone: (512) 485-7920
Fax: (512) 485-7921

Verizon Wireless
c/o Wiggins Law Firm
Patrick Wiggins
P.O. Drawer 1657
Tallahassee, FL 32302
Phone: 850-222-1358
Fax: 222-0103