

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

In the Matter of
Section 63.71 Application of Verizon New Jersey
Inc. and Verizon New York Inc. for Authority to
Discontinue Domestic Telecommunications
Services
WC Docket No. 13-149
Comp. Pol. File No. 1112

ORDER

Adopted: September 24, 2013

Released: September 24, 2013

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant the application of Verizon New Jersey Inc. and Verizon New York Inc. (collectively, Verizon or Applicants), to discontinue three copper-based special access services – Metallic Service, Program Audio Service and Telegraph Grade Service (collectively, Metallic Services) – in certain parts of New Jersey and New York, pursuant to section 214(a) of the Communications Act of 1934, as amended (the Act), and section 63.71 of the Federal Communications Commission’s (Commission) rules. Verizon served only seven Metallic Services customers in the relevant area, prior to Hurricane Sandy, and none has expressed any concerns regarding the discontinuance. We find that granting the application is consistent with the public interest and our precedent.

2. We decide this limited matter based on the facts before us. Several Verizon incumbent local exchange companies recently filed a joint discontinuance application to grandfather and eventually discontinue Metallic Services throughout other portions of Verizon’s service territory. We decide this matter without prejudice to our consideration of the Fire Island Discontinuance, Verizon’s Second

1 47 U.S.C. § 214(a).

2 47 C.F.R. § 63.71.

3 Verizon has separately sought authority for the discontinuance of certain copper-based services on Fire Island and the New Jersey Barrier Island communities where copper was damaged by Hurricane Sandy. See Letter from Frederick E. Moacdieh, Executive Director – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, Attach., WC Docket No. 13-150 (filed June 7, 2013) (Fire Island Discontinuance Application), available at http://apps.fcc.gov/ecfs/document/view?id=7022424983. On September 11, 2013, Verizon informed the Commission that it plans to deploy fiber to the western portion of Fire Island and intends to withdraw or amend its discontinuance application following internal review. See Letter from Maggie McCready, Vice President – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, at 1 (filed Sept. 11, 2013).

4 See Letter from Frederick Moacdieh, Executive Director – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, Attach. (filed Sept. 16, 2013) (Second Metallic Services Discontinuance Application).

Metallic Services Discontinuance Application, or any possible changes to the regulations and procedures that apply in the wake of emergencies and natural disasters.

II. BACKGROUND

3. On May 24, 2013, Verizon filed an application with the Commission requesting authority, under section 214 of the Act and section 63.71 of the Commission's rules, to discontinue the Metallic Services on or after October 29, 2012 in parts of New Jersey and New York where copper wireline facilities used to provide the services were destroyed or rendered inoperable by Hurricane Sandy.⁵ Verizon specifies that the facilities used to provide these services are referenced in network change notices filed pursuant to its waiver for disaster planning and response.⁶ Verizon explains that it has been working to replace affected copper facilities in the Service Areas with more advanced fiber infrastructure, but that these Metallic Services are incompatible with fiber.⁷

4. On June 28, 2013, the Wireline Competition Bureau (Bureau) announced that Verizon's application would be automatically granted on the sixtieth day after the release date of the notice in accordance with section 63.71(c), unless the Commission notified Verizon that the grant would not be automatically effective.⁸ Accordingly, the Public Notice stated that pursuant to section 63.71(c), and absent further Commission action, Verizon would receive authority for the discontinuance of the Metallic Services in the Service Areas on or after August 27, 2013.

5. Although several parties have filed comments and ex parte presentations in the docket for this proceeding, they focus on the Fire Island Discontinuance;⁹ no parties, including existing customers,

⁵ See Letter from Frederick Moacdieh, Executive Director – Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, Federal Communications Commission, Attach. (filed May 24, 2013) (Verizon Application), available at <http://apps.fcc.gov/ecfs/document/view?id=7022424987>. Verizon also seeks a waiver of the timing provisions of sections 63.60(b), 63.63(a) and 63.71 of the Commission's rules to the extent necessary. Verizon Application at 1 n.1.

⁶ These include addresses served by the following identified Verizon wire centers in New Jersey: Allentown, Asbury Park, Atlantic Highlands, Bedminster, Bergen, Bernardsville, Bloomfield, Bordentown, Bound Brook, Closter, Cranford, Dover, Dumont, East Dover, Eatontown, Elizabeth, Franklin Park, Freehold, Hackensack, Haledon, Hightstown, Holmdel, Hopewell, Jamesburg, Journal Square, Keansburg, Kearny, Keyport, Lakewood, Leonia, Little Ferry, Long Branch, Madison, Mendham, Mercerville, Millburn, Millington, Montclair, Morristown, Murray Hill, New Brunswick, Nutley, Oakland, Passaic, Pennington, Perth Amboy, Plainfield, Point Pleasant, Princeton, Prospect Plains, Ramsey, Red Bank, Ridgewood, Rochelle Park, Rockaway, Roselle, Rutherford, Seaside Park, Somerville, Spring Lake, Succasunna, Summit, Toms River, Trenton, Union City, West Orange, West Osbornville, Westfield, Westwood and Whippany. These also include addresses served by the following identified Verizon wire centers in New York: Avenue U, Bell Harbor, Broad Street, East Northport, Hempstead, Huntington, Lindenhurst, Long Beach, Manhasset, Mineola, Oyster Bay, Sayville, Smithtown, Syosset, Wantagh and West Street (collectively, Service Areas). See also *Petition of BellSouth Corporation for Special Temporary Authority and Waiver To Support Disaster Planning and Response*, *Petition of Verizon for Special Temporary Authority and Waiver To Support Disaster Planning and Response*, *Petition of Qwest Communications International Inc. for Special Temporary Authority and Waiver To Support Disaster Planning and Response*, WC Docket No. 06-63, Order, 21 FCC Rcd 6518, 6525 (2006).

⁷ Verizon Application at 1-2.

⁸ *Comments Invited on Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 13-149, Comp. Pol. File No. 1112, 28 FCC Rcd 9193 (Wireline Comp. Bur. 2013). Verizon states that it is dominant with respect to the services it seeks to discontinue. Verizon Application at 4.

⁹ See, e.g., Comments of the Independent Telephone & Telecommunications Alliance, WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013); Letter from Thomas Chorba to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 13-149 & 13-150 (filed July 30, 2013) (Chorba July 30 Ex Parte); Comments of Cox Communications, Inc., WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (Cox Comments); Letter from John Di Laurenzio to Rodney McDonald, Federal Communications Commission, WC Docket Nos. 13-149 & 13-150

(continued....)

expressed concerns with the discontinuance of the Metallic Services specifically. Some commenters seek further examination and clarification of the regulations and procedures that apply as carrier networks and service offerings may be adjusted following emergencies and natural disasters.¹⁰ In response, Verizon and others assert that the comments filed in this docket address broader issues beyond the scope of the current proceeding and that none of Verizon's Metallic Services customers have filed in opposition to the discontinuance at issue in this docket.¹¹ To allow for full consideration of the concerns raised in the record for this proceeding, the Bureau issued a second Public Notice, on August 14, 2013, alerting the public that Verizon's application would not be automatically granted.¹²

III. DISCUSSION

6. Section 214(a) of the Communications Act, as amended, states that “[n]o carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby.”¹³ One important purpose of this requirement is to reduce the harm to consumers caused by discontinuances of service, which is an important aspect of the Commission's general obligation under the Communications Act to protect and promote the public interest.¹⁴ Consistent with our precedent, we will review each discontinuance

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(filed July 29, 2013) (Di Laurenzio July 1 Email Letter); Letter from Patricia Greene to Rodney McDonald, Federal Communications Commission, WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (Greene July 2 Email Letter); Letter from Evan Janovic to Rodney McDonald, Federal Communications Commission, WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (Janovic July 1 Email Letter); Letter from Russell Phelan, Island Beach Realty to Rodney McDonald, Federal Communications Commission, WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (Phelan July 19 Email Letter); Letter from Jim Rosenthal to Patrick Halley, Acting Deputy Director, Technology Transitions Policy Task Force, Federal Communications Commission, WC Docket Nos. 13-149 & 13-150 (filed Aug. 2, 2013) (Rosenthal July 1 Email Letter); Initial Comments of The New Jersey Division of Rate Counsel, National Association of State Utility Consumer Advocates and The Utility Reform Network, WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (State Consumer Advocates Comments); Letter from Adrienne Welt to Rodney McDonald, Federal Communications Commission, WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (Welt July 18 Email Letter).

¹⁰ See, e.g., COMPTTEL Comments, WC Docket Nos. 13-149 and 13-150 (filed July 29, 2013) (COMPTTEL Comments); Letter from Catherine R. Sloan, VP, Government Relations, Computer & Communications Industry Association, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 12-353, 13-149, 13-150 & RM-11358 (filed Aug. 21, 2013) (CCIA Aug. 21 Ex Parte); Letter from Jodie Griffin, Staff Attorney, Public Knowledge, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 13-149 and 13-150, Attach. at 2 (filed June 13, 2013) (PK June 13 Ex Parte); Letter from Harold Feld, Public Knowledge, et al. to Mignon L. Clyburn, Chairwoman, Federal Communications Commission, GN Docket No. 13-5, WC Docket Nos. 12-353, 13-149, 13-150, Attach. at 2 (filed July 25, 2013) (PK July 25 Letter); U.S. TelePacific Corp. Comments, WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (U.S. TelePacific Comments); XO Communications Services, LLC and MegaPath Corporation Comments, WC Docket Nos. 06-63, 13-149, 13-150 & RM-11358 (filed July 29, 2013) (XO/MegaPath Comments). Cox Communications, Inc. cautions that the changes that carriers make to their networks should not negate their obligations as carriers. Comments of Cox Communications, Inc., WC Docket Nos. 13-149 & 13-150 (filed July 29, 2013) (Cox Comments).

¹¹ See, e.g., Reply Comments of Verizon New York Inc. and Verizon New Jersey Inc., WC Docket No. 13-149 (filed Aug. 13, 2013) (Verizon Reply); Comments of CenturyLink, WC Docket No. 13-149 & 13-150 at 2 (filed July 29, 2013) (CenturyLink Comments); Comments of the Independent Telephone & Telecommunications Alliance, WC Docket No. 13-149 & 13-150.

¹² *Applications of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services Will Not Be Automatically Granted*, Public Notice, WC Docket Nos. 13-149 & 13-150, Comp. Pol. File Nos. 1112 & 1115, DA 13-1758 (rel. Aug. 14, 2013).

¹³ 47 U.S.C. § 214(a).

¹⁴ See *id.* § 201.

application to determine whether proper notice has been given, whether customers or other end users are able to receive service or a reasonable substitute from another carrier, and whether the public convenience and necessity is otherwise adversely affected.¹⁵

7. The Commission has discretion in determining whether to grant a carrier authority to discontinue service pursuant to section 214.¹⁶ Balancing the interests of the carrier and the affected user community, the Commission generally considers a number of factors including: (1) the financial impact on the common carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) the existence, availability, and adequacy of alternatives; and (5) increased charges for alternative services, although this factor may be outweighed by other considerations.¹⁷

8. We find that the record supports granting Verizon's request to discontinue service in accordance with its filed representations in this proceeding. Specifically, Verizon asserts that prior to the storm, only seven customers, including one Verizon affiliate, subscribed to Verizon's Metallic Services in the Service Areas;¹⁸ that none of these customers have objected to this discontinuance;¹⁹ that the services are largely obsolete;²⁰ and that there has been no showing that a discontinuance of Verizon's Metallic Services would adversely affect the community or otherwise harm the public interest.²¹ On the basis of Verizon's undisputed representations and considering the five factors identified by the Commission for evaluating applications to discontinue service, we find that this discontinuance should not result in significant customer hardship and on balance that the public convenience and necessity will not be adversely affected.

9. Applying the first of the Commission's factors – the financial impact of continuing to provide the service on the carrier seeking to discontinue – we note that the circumstances surrounding this discontinuance involve Verizon's Metallic Services, which can only be delivered over copper, becoming

¹⁵ See 47 C.F.R. § 63.71(a); see, e.g., *AT&T Application to Discontinue Interstate Sent-Paid Coin Service Not Automatically Granted*, Public Notice, NSD File No. W-P-D-497 (Aug. 3, 2001) (requiring AT&T to show how it would minimize the negative impact on affected customers).

¹⁶ See *Verizon Telephone Companies, Section 63.71 Application to Discontinue Expanded Interconnection Service Through Physical Collocation*, Order, WC Docket No. 02-237, 18 FCC Rcd 22737 (2003) (*Verizon Expanded Interconnection Discontinuance Order*); see also *FCC v. RCA Communications, Inc.*, 73 S. Ct. 998, 1002 (1953) (ruling that the Commission has considerable discretion in deciding how to make its section 214 public interest finding). The Commission may grant or deny a section 214 discontinuance application in whole or in part, and may attach “such terms and conditions as in its judgment the public convenience and necessity may require.” 47 U.S.C. § 214(c); see also, e.g., *Corban Telecommunications Inc.'s Application to Discontinue Domestic Telecommunications Services*, Order, Comp. Pol. File No. 603, 17 FCC Rcd 18392, 18394-95, paras. 6-8 (WCB 2002) (requiring Corban Telecommunications, Inc. to continue providing for 120 days certain interstate microwave transmission services to customers that objected on the record to the loss of such service, “subject to further extension if customers have not been able to obtain service or a reasonable substitute from another carrier, or if the public convenience and necessity is otherwise adversely affected by discontinuance”).

¹⁷ *Application for Authority Pursuant to Section 214 of the Communications Act of 1934 to Cease Providing Dark Fiber Service*, Memorandum Opinion and Order, File Nos. W-P-C-6670 and W-P-D-364, 8 FCC Rcd 2589, 2600, para. 54 (1993) (*Dark Fiber Order*), remanded on other grounds, *Southwestern Bell v. FCC*, 19 F.3d 1475 (D.C. Cir. 1994); see *Verizon Expanded Interconnection Discontinuance Order*.

¹⁸ See Verizon Reply at 2.

¹⁹ See *id.* In accordance with our rules, all customers of these services received notice of Verizon's request to discontinue the Metallic Services and instructions on how to file comments with the Commission. See 47 C.F.R. § 63.71(a); Verizon Application at 4.

²⁰ See Verizon Reply at 2.

²¹ See *id.* at 2-4.

inoperable due to damage to copper facilities in the Service Areas caused by Hurricane Sandy.²² Verizon claims that the fiber infrastructure, with which it has been working to replace the damaged copper, will be more resilient going forward.²³ Verizon also submits that very few customers subscribe to what it describes as outdated and obsolete services. Given Verizon's undisputed assertions, we find that the costs to Verizon of supplementing its new fiber network with copper to continue to provide legacy Metallic Services in the Service Areas where there are very few customers would likely far exceed the revenues received from the few customers that remain, and would thus have a significant negative financial impact on the carrier under these circumstances.

10. Applying factors two and three – the need for the services in general and for the particular facilities in question – Verizon contends that its Metallic Services are special access services that are largely “obsolete,” copper-based services and it asserts that they cannot be provisioned over fiber.²⁴ Verizon also states that only seven customers subscribed to these services prior to the storm and that one of these customers was a Verizon affiliate.²⁵ Verizon asserts that facilities used to provide these services were rendered unusable and have been retired and replaced with fiber in the Service Areas.²⁶ Verizon maintains that almost all of the interstate telecommunications services previously available over copper in the Service Areas are also available over fiber – the exception being the Metallic Services.²⁷ None of the customers that received Metallic Services has filed comments to suggest that they rely on the services or otherwise will suffer hardship as a result of their discontinuance, nor is there any other evidence in the record of such hardship, and no commenters in the record have filed in direct opposition to the discontinuance of these services.²⁸ We thus find on this record that there is minimal, if any, need in the relevant geographic area for the Metallic Services in general or for these facilities in particular.

11. Considering factors four and five – the existence, availability, and adequacy of alternatives, and increased charges for alternative services – we note that Verizon states that its Metallic Services have largely been supplanted by services offered over newer technologies including over fiber, cable, wireless, and other IP-based platforms.²⁹ Verizon also asserts that its replacement of damaged copper in the Service Areas with fiber infrastructure “will give residents access to expanded broadband and other services.”³⁰ Commenters in the record do not dispute these assertions. Commenters in the record also do not raise concerns about the cost of alternatives to Verizon's Metallic Services. Given this lack of comment in the record and the relatively low number of affected customers, we are persuaded that to the extent similar services are still needed, they are likely to be available at reasonable cost.

12. As noted above, the record indicates that there is little if any concern over Verizon's discontinuance of Metallic Services in the Service Areas. Among the commenters in this record that expressed concern over Verizon's discontinuance of services, none expressed concern about the discontinuance of the specific services that are the subject of the present application. In addition, not one of the customers that subscribed to Verizon's Metallic Services prior to Hurricane Sandy has filed in

²² *Id.* at 1.

²³ *Id.* at 2.

²⁴ Verizon Application at 3.

²⁵ *Id.* at 2.

²⁶ *Id.* at 1.

²⁷ Verizon Reply at 2.

²⁸ *Id.* at 2-3. Although some commenters have made general statements about the need for wireline infrastructure in order to foster competition, the record does not suggest that the replacement with fiber of the particular copper facilities affected by this discontinuance would be detrimental. *See* U.S. TelePacific Comments at 6.

²⁹ Verizon Reply at 2.

³⁰ Verizon Application at 2.

opposition to the present discontinuance application. Given these circumstances, and after balancing all of the relevant factors, we find that the public convenience and necessity will not be adversely affected by Verizon's request to discontinue these services. We therefore conclude that Verizon is permitted to discontinue its Metallic Service, Program Audio Service and Telegraph Grade Service in accordance with its filed representations.

13. *Request for Waiver of Timing Provisions.* Section 63.63 of the Commission's rules is the Commission's emergency discontinuance rule. The rule requires that when there is a discontinuance, reduction, or impairment of service caused by conditions beyond the control of the carrier, the carrier must file an informal request with the Commission no later than 65 days after the discontinuance, reduction, or impairment if service is not restored within 60 days.³¹

14. Verizon failed to comply with section 63.63 by timely filing a written request for emergency discontinuance within 65 days of the discontinuance of Metallic Services. Verizon instead filed a request for discontinuance authority pursuant to section 63.71 of the Commission's rules, and a request for waiver from the timing provisions of section 63.63 and other related discontinuance rules.³² Although waivers of our rules are not routinely granted,³³ we find good cause for granting a waiver of the timing provisions of section 63.63 and the Commission's related discontinuance rules with respect to the Metallic Services discontinuance. First, Hurricane Sandy was extraordinary in scope and impact. Second, soon after the storm, Verizon coordinated closely with federal, state, and local officials, especially concerning matters of public safety. Verizon began filing outage reports almost immediately after the storm, and the Commission conducted field hearings in the affected areas specifically to explore the impact of Hurricane Sandy and the resiliency of communications networks.³⁴ Verizon also met with Commission staff repeatedly to update Commission staff on various aspects of its response to Hurricane Sandy, filed a detailed and publicly-available report with the New York State Public Service Commission describing its restoration efforts in Lower Manhattan, and provided relevant information to consumers

³¹ The request shall make reference to section 63.63 and show the following: (1) The effective date of such discontinuance, reduction, or impairment, and the identification of the service area affected; (2) The nature and estimated duration of the conditions causing the discontinuance, reduction, or impairment; (3) The facts showing that such conditions could not reasonably have been foreseen by the carrier in sufficient time to prevent such discontinuance, reduction, or impairment; (4) A description of the service involved; (5) The nature of service which will be available or substituted; (6) The effect upon rates to any person in the community; and (7) The efforts made and to be made by applicant to restore the original service or establish comparable service as expeditiously as possible. 47 C.F.R. § 63.63(a).

³² To the extent necessary, Verizon requests waiver of the timing provisions of sections 63.60 (defining emergency discontinuance, reduction, or impairment of service) and 63.71 (generally describing the procedures for the planned discontinuance, reduction, or impairment of service by domestic carriers). *See supra* note 3.

³³ *See* 47 C.F.R. § 1.925 (stating that a request may be granted if it is shown that: "[t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest;" or "[i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative").

³⁴ *FCC Provides Additional Details Regarding the First Post-Superstorm Sandy Field Hearing, Scheduled for February 5, 2013*, Public Notice, DA 13-146 (PSHSB, Feb 4, 2013), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-146A1.doc; *see also FCC Chairman Genachowski Convenes First Post-Sandy Field Hearing in New York and New Jersey on Communications Network Resiliency; Joined By Public & Private Sector Officials to Identify Challenges And Solutions*, News Release (Feb. 5, 2013), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-318780A1.doc; *FCC Announces Workshop on Network Resiliency to be Held February 6, 2013, at Brooklyn Law School*, Public Notice, DA 13-151 (PSHSB Feb. 5, 2013), available at http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-151A1.doc.

through news releases and other media.³⁵ Third, the cessation of Metallic Services affected a very small number of customers, none of whom objected to the discontinuance. We find that special circumstances in this instance, including the severity of the storm, the overall volume of information Verizon provided to regulators and the public, and the limited customer impact of discontinuing Metallic Services justify granting the requested waiver of the timing provisions of section 63.63 and the Commission's related discontinuance rules.

15. We take this opportunity to caution Verizon and other carriers and interconnected VoIP service providers that an emergency discontinuance application containing the required information must be filed within 65 days if service has been disrupted due to conditions beyond the provider's control and service has not been restored within 60 days. We note that the information in such application, if it had been filed on a timely basis and made public, would have helped satisfy the demands of commenters for earlier notification of Verizon's disaster recovery plans in this case. Verizon would have been required to forecast when service would be restored and provide an update when the same or comparable service was reestablished. Verizon also would have had to provide information about the nature of any service to be substituted, as well as efforts to be made by Verizon to restore the original service or establish comparable service as expeditiously as possible. Any temporary authority granted under section 63.63 might then be renewed, or any discontinuance authority specifically requested for an indefinite period or permanent basis might then be granted, upon request and a proper showing. While it has been rare that service has not been restored within 60 days, the information required by the rule is critical to the Commission's ability to ensure that customers of communications providers are minimally affected by discontinuance, reduction, or impairment of service due to conditions beyond a provider's control. Providers are on notice that they may face enforcement action if such filings are not made on a timely and complete basis going forward.³⁶

³⁵ See, e.g., Short Term Public Notice of Network Change Under Rule 51.333 – Amended (dated May 10, 2013), available at <http://www22.verizon.com/regulatory/pdf/LowerManhattan.pdf>; Short Term Public Notice of Network Change Under Rule 51.333 – Amended (dated May 10, 2013), available at <http://www22.verizon.com/regulatory/pdf/Barrier.pdf>; Short Term Public Notice of Network Change Under Rule 51.333 – Amended (dated May 10, 2013), available at <http://www22.verizon.com/regulatory/pdf/Newjersey.pdf>; Short Term Public Notice of Network Change Under Rule 51.333 – Amended (dated May 10, 2013), available at <http://www22.verizon.com/regulatory/pdf/Queensny.pdf>; Short Term Public Notice of Network Change Under Rule 51.333 – Amended (dated May 10, 2013), available at <http://www22.verizon.com/regulatory/pdf/LongIslandNY.pdf>; Letter from Maggie McCready, Vice President, Federal Regulatory Affairs, to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket Nos. 12-353, 13-5 (filed Apr. 18, 2013), <http://apps.fcc.gov/ecfs/comment/view?id=6017317102>; Prepared Testimony of Verizon Vice President James Gerace, FCC Field Hearing on Preparations and Impact of Hurricane Sandy (dated Feb. 5, 2013), available at <http://apps.fcc.gov/ecfs/document/view?id=7022118230>; Report of Verizon New York Inc. Concerning Its Performance in Response to Hurricane Sandy (providing detailed information about Verizon's post-Sandy restoration progress), attached to Letter from Richard C. Bozsik, Director – Regulatory – Verizon New York, to Chad G. Hume, Director, Office of Telecommunications, New York State Department of Public Service, NYPS Case No. 13-M-0025 (Apr. 19, 2013), available at <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={59414447-CD1C-47D0-B351-F4C7947EEB57}>; Completion of Fiber-Optic Transformation of Lower Manhattan Communications Network in Sight, News Release (dated Feb. 5, 2013), available at <http://newscenter.verizon.com/corporate/news-articles/2013/02-05-lower-manhattan-fiber-optic-transformation/>; Critical Steps Completed in Bringing Fiber-Optic Connectivity to Lower Manhattan, News Release (dated Dec. 19, 2012), available at <http://newscenter.verizon.com/corporate/news-articles/2012/12-19-connectivity-nyc/>; Verizon Crews Continue Reconnecting New Jersey, New York City, Long Island Customers This Weekend, News Release (dated Nov. 17, 2012), available at <http://newscenter2.verizon.com/press-releases/verizon/2012/hurricane-sandy-service-5.html>; Verizon's Hurricane Sandy Restoration Channel, available at <http://www.youtube.com/playlist?list=PLooRvxIU8b2UTGZRONkyvBN-hWxPfyprZ>.

³⁶ We continue to consider whether process improvements need to be made regarding disaster recovery by communications service providers. See, e.g., PK July 25 Letter at 2; PK June 13 Ex Parte.

IV. ORDERING CLAUSES

16. Accordingly, pursuant to sections 1, 4(i), and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 214, and sections 0.91, 0.291, and 63.71 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 63.71, IT IS ORDERED that the application of Verizon New Jersey Inc. and Verizon New York Inc. to discontinue domestic telecommunications service IS GRANTED.

17. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 4(j) and 214 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 214, and sections 0.91, 0.291, 1.3, 63.60, 63.63, and 63.71 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, 63.60, 63.63, and 63.71, that the request of Verizon New Jersey Inc. and Verizon New York Inc. for a waiver of sections 63.60, 63.63 and 63.71 of the Commission's rules IS GRANTED to the extent described herein.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach
Chief
Wireline Competition Bureau