

FILED/ACCEPTED

MAY 24 2013

Federal Communications Commission
Office of the Secretary



Frederick Moacdieh
Executive Director - Federal Regulatory Affairs

1300 I Street, NW
Suite 400 West
Washington, DC 20005

(202) 515-2590
(202) 336-7922 (fax)

May 24, 2013

RECEIVED

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

MAY 29 2013

FCC-Competition Policy Division

Re: Verizon New York Inc. and Verizon New Jersey Inc.

Verizon New York Inc. and Verizon New Jersey Inc. ("Verizon") submit the enclosed Application for authority under Section 214(a) of the Communications Act and Section 63.71 of the Commission's rules to discontinue its Metallic Service, Telegraph Grade Service, and Program Audio Service, in areas of Lower Manhattan, New York, and in portions of New Jersey.

Verizon has notified its affected customers in writing of its planned discontinuance. A copy of the written notification is attached to this Application.

Verizon is filing an original and five copies of this Application with the Office of the Secretary, and will also send copies via U.S. Mail to the parties listed in the Certificate of Service.

If you have any questions about this matter, please contact me at (202) 515-2590.

Very truly yours,

A handwritten signature in black ink, appearing to be "Paul".

Attachment

cc: Secretary of Defense, Attn: Special Asst. for Telecommunications
Robert M. Hanna, New Jersey Board of Public Utilities
The Honorable Chris Christie, Governor of New Jersey
Garry A. Brown, New York Office of Consumer Service
The Honorable Andrew Cuomo, Governor of New York

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

FILED/ACCEPTED

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Federal Communications Commission
Office of the Secretary

| | | |
|---|---|-----------------|
| In the Matter of |) | |
| Section 63.71 Application of |) | |
| Verizon New York Inc. and Verizon |) | File no. |
| New Jersey Inc. |) | |
| |) | |
| For Authority Pursuant to Section 214 of |) | |
| the Communications Act of 1934, As Amended |) | |
| To Discontinue the Provision of Service |) | |
| |) | |

**SECTION 63.71 APPLICATION
OF VERIZON NEW YORK INC. AND VERIZON NEW JERSEY INC.**

Verizon New York Inc. and Verizon New Jersey Inc. (collectively “Verizon”) submit this Application for authority under Section 214(a) of the Communications Act and Section 63.71 of the Commission’s rules to discontinue provision of its Metallic Service, Telegraph Grade Service, and Program Audio Service, in areas of Lower Manhattan, New York, and in portions of New Jersey, where copper facilities were destroyed by Superstorm Sandy.¹ This Application encompasses those geographic areas that were the subject of Verizon’s recently filed network change notifications² (“network change notices”): areas where the existing copper facilities were rendered unusable and have been retired. Due to the destruction of these copper facilities, Verizon has been working to replace the damaged copper in these areas with more advanced

¹ To the extent the Commission deems necessary, in conjunction with this application Verizon also seeks a waiver of the timing provisions of section 63.60(b), 63.63(a), and 63.71. The extent of the destruction from the storm required substantial effort to ascertain which facilities were no longer working and to identify possible long-term solutions in these storm-vulnerable areas even as Verizon teams focused on getting consumers’ communications service restored as quickly and efficiently as possible.

² See, e.g., Letter from Kevin M. Green, Verizon, to Marlene H. Dortch, FCC, *Verizon Certification of Network Changes*, CC Docket No. 96-98 (April 25, 2013).

fiber infrastructure that will not only be more resilient going forward, but which will give residents access to expanded broadband and other services.

The three services described in this notice are largely outdated interstate, copper-based telecommunications services that are incompatible with fiber. Prior to the storm, Verizon had just seven customers, including one Verizon affiliate, subscribing to these services in the affected areas. None of these customers has complained to Verizon about these services being affected by the storm.

Consistent with 63.71(a) and (b) of the Commission's rules, Verizon provides the following information:

1. Name and Address of Carriers (47 C.F.R. §§ 63.71 (a)(1), (b)(2)):

Verizon New York Inc.
140 West Street
New York, NY 10007

Verizon New Jersey Inc.
540 Broad Street
Newark, New Jersey 07102

2. Date of Planned Service Discontinuance (47 C.F.R. §§ 63.71(a)(2), (b)(2)):

The services were rendered inoperable due to the destruction of copper facilities by Superstorm Sandy on or after October 29, 2012. Verizon has filed the appropriate network change notices indicating the change of technology, subject to the Commission's post-disaster waiver order.³

³ In the event of disasters that prompt the triggering of a disaster recovery plan, the Commission granted a limited waiver of the advanced notification and waiting period requirements associated with its network disclosure rules (47 C.F.R. §§ 51.325-335), permitting affected carriers to concentrate on restoration efforts and execution of disaster recovery plans. *See Petition of BellSouth Corporation for Special Temporary Authority and Waiver to Support Disaster Planning and Response, Order, 21 FCC Rcd 6518, ¶ 19 (2006).*

3. Points of Geographic Areas of Service Affected (47 C.F.R. §§ 63.71(a)(3), (b)(2)):

Verizon will discontinue these services in those areas of New York and New Jersey affected by Sandy identified in its network change notices as retiring copper facilities.

4. Brief Description of Type of Service Affected (47 C.F.R. §§ 63.71(a)(4), (b)(2)):

As noted above, these special access services are largely obsolete, copper-based services that cannot be provisioned over fiber, and are being discontinued in those areas encompassed by Verizon's network change notices. These services are:

Metallic Service: this special access service uses a metallic channel to transmit signals at low speeds up to 30 baud. Metallic channels are provided between customer designated premises or between a customer location and a Verizon hub.

Telegraph Grade Service: this special access service uses a telegraph grade channel to transmit binary signals at rates up to 150 baud. Telegraph grade channels are provided between customer designated locations or between a customer location and a Verizon hub.

Program Audio Service: this special access service provides a channel for the transmission of a complex signal voltage. Customers have the option to choose the bandwidth tier (50 to 15000 Hz; 200 to 3500 Hz; 100 to 5000 Hz; or 50 to 8000 Hz) to meet their needs. This service only provides one-way transmission. Program audio channels are provided between customer designated locations or between a customer location and a Verizon hub.

These services have largely been supplanted by newer technologies and services. For example, Verizon and other providers offer standard voice and data services over fiber; cable providers offer voice and data services; multiple wireless providers offer a range of communications options; and other providers offer IP-based services. Given the number of

competitive options available, as well as the few customers even potentially affected here, the public convenience and necessity will not be impaired by this discontinuance.⁴

5. Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. § 63.71 (b)(3)):

Verizon sent notices to the affected customers by United States mail on or before May 24, 2013. A copy of the notice sent to the affected customers is attached as Exhibit A.

Verizon is sending copies of this Application by first class U.S. Mail to the governor and public utilities commission for each affected state as well as to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a) of the Commission's rules.

6. Regulatory Classification of Carrier (47 C.F.R. § 63.71(b)(4)):

Verizon is considered dominant with respect to the services to be discontinued.

⁴ Indeed, Verizon's tariff indicates that services are offered only to the extent facilities are available. *See* FCC Tariff Number 11, Section 2.1.4. The facilities previously existing here were rendered not-available by Sandy.

CONCLUSION

Verizon respectfully requests that the Commission approve this Application.

Respectfully submitted,

/s/ Katharine R. Saunders

William H. Johnson

Katharine R. Saunders

Verizon

1320 N. Courthouse Rd.

9th Floor

Arlington, VA 22201

(703) 351-3097

Michael E. Glover
Of Counsel

May 24, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2013, I served a copy of the foregoing Section 63.71 Application by U.S. Mail postage prepaid to the following parties on the attached service list.

/s/ Katharine R. Saunders
Katharine R. Saunders

SERVICE LIST

NEW JERSEY

Robert M. Hanna
President
New Jersey Board of Public Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

The Honorable Chris Christie
Office of the Governor
P.O. Box 001
Trenton, NJ 08625

NEW YORK

Garry A. Brown
Chairman
Office of Consumer Service
3 Empire State Plaza
Albany, NY 12223-1350

The Honorable Andrew Cuomo
Office of the Governor
State Capitol
Albany, NY 12224

Secretary of Defense

Attn: Special Asst. for Telecommunications
Pentagon
Washington, DC 20301

EXHIBIT A



Dear Valued Verizon Customer,

560 Lexington Ave, 6th Floor
New York, NY 10022

As you are well aware, Superstorm Sandy was a storm of historic proportions that destroyed or damaged large portions of the telecommunications infrastructure of Verizon New York Inc. and Verizon New Jersey Inc. (collectively "Verizon"). In most of the affected areas, the destroyed copper facilities have been or will be replaced by state-of-the-art fiber technology. While fiber supports many advanced services and offers significant value to customers, there are a small number of essentially obsolete copper-based services that cannot be provided over fiber facilities. Thus, Verizon is discontinuing the interstate services that can only be provisioned over copper in the areas where copper facilities were rendered inoperable by Superstorm Sandy. You have been identified as receiving these services in the impacted areas prior to the onset of the storm.

The following copper-based special access services are being discontinued in these areas where copper facilities were destroyed by Superstorm Sandy:

- **Metallic Service**—this special access service uses a metallic channel to transmit signals at low speeds up to 30 baud. Metallic channels are provided between customer designated premises or between a customer location and a Verizon hub.
- **Telegraph Grade Service**—this special access service uses a telegraph grade channel to transmit binary signals at rates up to 150 baud. Telegraph grade channels are provided between customer designated locations or between a customer location and a Verizon hub.
- **Program Audio Service** – this special access service provides a channel for the transmission of a complex signal voltage. Customers have the option to choose the bandwidth tier (50 to 15000 Hz; 200 to 3500 Hz; 100 to 5000 Hz; or 50 to 8000 Hz) to meet their needs. This service only provides one-way transmission. Program audio channels are provided between customer designated locations or between a customer location and a Verizon hub.

Verizon has ceased offering each of the above services in the areas where copper facilities have been retired due to damage from the storm. The Effective Date of the proposed discontinuance is the date the storm occurred, October 29, 2012.

These three services may have alternative solutions that are provided over non-copper transport facilities that may meet your service needs. Verizon (as well as other providers in the impacted areas) offers a variety of voice and data services over fiber and wireless platforms which may be alternatives for you to consider. Which alternative is best for you depends upon how you were using the services. Verizon can help investigate alternative Verizon services that may meet your unique needs. Please contact your account team for more information.

We value your business and look forward to helping you realize the benefits that our advanced offerings can unlock for you.

Sincerely,

Janet Gazlay Martin
Verizon Enterprise Service
Director – Global Engineering

FCC Required Notice: The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 30 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Verizon New York Inc. and Verizon New Jersey Inc. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

This notice is provided on behalf of the following Verizon operating telephone companies located at the addresses listed below:

**Verizon New York Inc.
140 West Street
New York, NY 10007**

**Verizon New Jersey Inc.
540 Broad Street
Newark, NJ 07102**