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

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| In the Matter of | ) | |
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| Application By Verizon For | ) | |
| Authorization Under Section 271 of the | ) | WC Docket No. 02-384 |
| Telecommunications Act of 1996 to Provide | ) | |
| In-Region, InterLATA Services in Maryland, | ) | |
| Washington, D.C., and West Virginia | ) | |

COMMENTS OF THE ALLIANCE FOR PUBLIC TECHNOLOGY

The Alliance for Public Technology has consistently urged the Federal Communications Commission (FCC) to pursue the goal of Section 706 of the Telecommunications Act of 1996 in every relevant proceeding by encouraging the reasonable and timely deployment of advanced telecommunications capability to all Americans.[1] Section 706 authorizes the FCC and state telecommunications commissions to use "measures that promote competition in the local telecommunications market or other regulating methods to remove barriers to infrastructure investment," among other means, to achieve the goal of ubiquitous broadband deployment mandated by the Act.

The Alliance for Public Technology (APT) is a nonprofit organization of public interest groups and individuals. APT's members work together to foster broad access to affordable, usable information and communications services and technology for the purpose of bringing better and more affordable health care to all citizens, expanding educational opportunities for lifelong learning, enabling people with disabilities to function in ways they otherwise could not,

[1] See, e.g., Petition of the Alliance for Public Technology Requesting Issuance of Notice of Inquiry and Notice of Proposed Rulemaking to Implement section 706 of the 1996 Telecommunications Act, CC Docket No. 9244 (Feb. 18, 1998) (APT Petition) at 12-13.

creating opportunities for jobs and economic advancement, making government more responsive to all citizens and simplifying access to communications technology. To this end, it is APT's goal to:

> make available as far as possible, to all people of the United States, regardless of race, color, national origin, income, residence in rural or urban area, or disability high capacity two-way communications networks capable of enabling users to originate and receive affordable and accessible high quality voice, data, graphics, video and other types of telecommunications services.[2]

As we have previously stated, the Alliance is not in a position to judge the compliance of any one company with respect to the 14-point checklist of requirements under Section 271, and thus relies upon the expertise of state regulators. We note that the Public Service Commissions in Maryland, Washington, D.C., and West Virginia approved Verizon's applications and concluded that the company is in compliance with the checklist items in Section 271. According to the FCC's data, CLEC's served 232,793 lines in Maryland and 161,114 lines in Washington, D.C.[3] The number of CLEC lines in West Virginia were not reported by the Commission, but according to Verizon's filing, CLEC's served 193,000 lines as of September 2002.[4]

Verizon has instituted Performance Assurance Plans (PAP) in Maryland, Washington, D.C., and West Virginia that put $160 million, $43 million, and $57 million respectively at risk

[2] Alliance For Public Technology, *Principles to Implement the Goal of Advanced Service* at 3 (1995).
[3] Federal Communications Commission, "Local Telephone Competition: Status as of June 30, 2002." December 9, 2002
[4] Application by Verizon Maryland, Verizon Washington, D.C., and Verizon West Virginia for Authorization to Provide In-Region, Interlata Services in Maryland, Washington, D.C. and West Virginia, pg 8.

annually for non-compliance. These plans is consistent with other PAP's approved by the FCC to prevent backsliding.[5]

More importantly, Verizon has demonstrated a commitment to increased investment in advanced telecommunications capabilities. According to the company, Verizon invested almost $560 million in its Maryland network and $150 million in West Virginia in 2001 (2002 figures not available). Verizon added more than 31,000 miles of fiber optic cable in Maryland and 20,500 miles of fiber optic cable in West Virginia. Over 2.5 million access lines in Maryland now have access to DSL.[6] Authorization to provide in-region long distance service in Virginia will facilitate Verizon's capacity to build on economies of scale and scope in order to provide a high standard of service and accelerated deployment of advanced technologies to the consumers of Maryland, Washington, D.C., and West Virginia.

In APT's view, Section 271's interLATA prohibitions constrain the widespread deployment of advanced telecommunications infrastructure and therefore undermine Section 706, which seeks to promote investment in ubiquitous high-speed networks. APT maintains the belief that expeditious approval under Section 271 serves the public interest. Such action would advance the goals of Section 706, and reaffirm the Commission's commitment to eliminating regulatory barriers to investment in high-capacity networks.[7]

The Commission again has the opportunity to bolster Section 706's impact by authorizing Verizon to provide long distance telephone service in Maryland, Washington, D.C., and West

[5] Application by Verizon Maryland, Verizon Washington, D.C., and Verizon West Virginia for Authorization to Provide In-Region, Interlata Services in Maryland, Washington, D.C. and West Virginia, pg 106-107.
[6] Verizon Press Releases, "Verizon's Investment in Maryland Tops $5600 Million in Maryland in 2001" January 11, 2002 and "Verizon Invests About $150 Million in West Virginia Telecom Network in 2001" January 7, 2002 .
[7] Comments of the Alliance for Public Technology Supporting Bell Atlantic's Request for Authority to Provide Long Distance Service in New York, In the Matter of Application by New York Telephone Company (d/b/a Bell Atlantic-New York) Bell Atlantic Communications, Inc., NYNEX Long Distance Company and Bell Atlantic Global

Virginia. APT strongly urges the Commission to seize this opportunity to increase facilities-based competition for local and long distance service and promote ubiquitous broadband network deployment so residents, regardless of their income level, location of residence, or physical disabilities, may improve the quality of their lives through access to new sophisticated telecommunications.

APT has every reason to believe that Maryland, Washington, D.C., and West Virginia customers, particularly low volume users, will reap the same gains from lower prices and bundled services that residents in other states are experiencing with RBOC entry into those long distance markets. For example, in anticipation of and in response to SBC's entry into the Texas, Kansas and Oklahoma long-distance markets, incumbent long-distance carriers AT&T, WorldCom, and Sprint began to offer discounts on their regular long-distance plans to customers who also signed up for local service. These discounts are in the form of bundled long-distance monthly fees with local service charges and credits for signing up for a local/long-distance bundle.[8] With BellSouth's entry into the Florida and Tennessee long-distance markets, AT&T began to offer 30 minutes of free long distances to its customers and inserted "thank you"

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Networks, Inc., for Authorization to Provide In-Region , InterLATA Services in New York, CC Docket No. 99-295 (Oct. 19, 1999) )(APT NY Comments) at 2.

[8] AT&T bundles residential local and long-distance service with a plan called "AT&T Local One Rate Texas." See <http://www.att.com/local_service/tx/html/ index.html> (visited Oct. 9, 2000); see also J.G. Smith/Johnson Joint Aff. ¶ 43 (AT&T offers this local one rate only in Texas and New York, the two "states in which the incumbent Bell Operating Company has been given access to AT&T's long distance marketplace"). New York was the first state, followed by Texas, where MCI WorldCom started offering its bundled local and long-distance service referred to as "One Company Advantage." See David DeKok, Competitor Calls on Verizon's Mid-State Clients, Harrisburg Patriot-News, Sept. 14, 2000; Bill Sulon, Telephone Companies Prepare for Battle, Harrisburg Partriot-News, Aug. 27, 2000; see J.G. Smith/Johnson Joint Aff. ¶ 46. And Sprint currently bundles residential local and long-distance service for Texans in five different configurations. See Sprint Local Service – Texas, available at <https://clec.sprint.com/servlet?CLEC?PAGE+TOCOMPARE&MKT=0003?> (visited Oct. 9, 2000); see J.G. Smith/Johnson Joint Aff. ¶ 45.

messages into the time between a customer dials a number and the connection occurs.[9] These actions demonstrate tangible benefits for consumers because of an increased number of competitors in the long distance market.

As Verizon deploys its broadband networks, APT encourages the Commission to do all that it can to remove the barriers that inhibit the widest possible extension of these networks. Universal deployment will help all consumers, in Maryland, Washington, D.C., West Virginia and throughout the United States, to enjoy the benefits of advanced telecommunications capability.

APT respectfully recommends that the Commission authorize Verizon to provide long distance service in Maryland, Washington, D.C., and West Virginia.

Respectfully requested,

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[9] "AT&T Long Distance Customers in Tennessee Get the Message: Thanks for Your Loyalty" and "AT&T Long Distance Customers in Florida Get the Message: Thanks for Your Loyalty." See http://www.att.com/news/item/0,1847,11160,00.html and http://www.att.com/news/item/0,1847,11159,00.html. December 11, 2002