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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 20, 2002

IN THE MATTER OF

CASE NO. PUC020046

Verizon Virginia Inc.'s  
compliance with the conditions  
set forth in 47 U.S.C. § 271(c)

STATE CORPORATION COMMISSION

CASE NO. PUC000035

Ex Parte: In the matter of third-  
party testing of Operation Support  
Systems for Verizon Virginia Inc.

PRELIMINARY ORDER ON VERIZON VIRGINIA INC.'S  
COMPLIANCE WITH THE CONDITIONS SET FORTH IN  
47 U.S.C. § 271(c) AND ORDER AMENDING  
REPORTING REQUIREMENTS ON THIRD-PARTY  
TESTING OF OPERATION SUPPORT SYSTEMS

Pursuant to the Order Closing Investigation in Case No. PUC960111, issued March 20, 2001 ("Closing Order"), the State Corporation Commission ("Commission") directed Verizon Virginia Inc. ("Verizon Virginia") to file its "§ 271 report" with the Commission, including all supporting evidence and documentation detailing its compliance with § 271 of the Telecommunications Act of 1996 ("Act") at least 60 days prior to filing its § 271 application with the Federal Communications Commission ("FCC"). On March 15, 2002, Verizon Virginia made its § 271 filing with the Commission.

For a number of months, the Commission has proceeded with third-party testing of Verizon Virginia's Operation Support Systems ("OSS"), which was initiated in Case No. PUC000035.<sup>1</sup> In other states, OSS testing has been used by the local Bell Operating Company to demonstrate compliance with portions of the competitive checklist of § 271(c)(2)(B) of the Act. On March 4, 2002, the Project Leader issued a Ruling for Notice of KPMG's Draft Report and Scheduling Workshops. Pursuant to this Ruling, KPMG's draft of its Final Report of the completed OSS testing can be accessed on the Commission's website,<sup>2</sup> and workshops were held from March 18 through 20, 2002, for interested parties to review and discuss the draft report with KPMG.

Pursuant to the Closing Order, the Commission will now attempt to verify whether Verizon Virginia meets the requirements of § 271(c) of the Act, and this proceeding is now docketed as Case No. PUC020046.

The Commission now finds that the Order Initiating Testing, issued February 17, 2000, in Case No. PUC000035, should be amended to allow consideration of the Final Report on OSS testing in Case No. PUC020046. Accordingly, ordering paragraphs

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<sup>1</sup> See Order Initiating Testing, Assigning Project Leader and Calling for Proposed Master Test Plan and Performance Standards to be Developed by KPMG Peat Marwick ("KPMG") ("Order Initiating Testing"), issued February 17, 2000.

<sup>2</sup> [www.state.va.us/scc/division/puc/osskpmgreport.htm](http://www.state.va.us/scc/division/puc/osskpmgreport.htm)

(6) and (7) of the Order Initiating Testing are amended to read as follows:

(6) KPMG is directed to forward its draft of the Final Report of the completed OSS testing to the Project Leader. The Project Leader shall provide all interested parties with notice of and electronic access to KPMG's draft Final Report. The Project Leader shall then convene on the record a workshop conference in which KPMG will explain the OSS testing results and answer questions by all interested parties.

(7) Following the workshop conference, KPMG shall file a Final Report of the OSS testing in Case No. PUC020046.

The Commission further finds that the Project Leader designated to oversee OSS testing, Alexander F. Skirpan, should now be assigned as the Commission's Hearing Examiner to consider Verizon Virginia's § 271 filing, including the Final Report on OSS testing, and to make his report and recommendations for the Commission's determination of whether Verizon Virginia has complied with the requirements of § 271(c) of the Act.

The Commission's consultation with the FCC is required by § 271(d)(2)(B) of the Act. Because the Commission will simply consult with the FCC on the § 271 application, Case Nos. PUC000035 and PUC020046 are **not** formal proceedings that are regulatory, adjudicatory, or other, as defined by 5 VAC 5-20-80, 90, or 100. Hence, there will be no final order issued in either case, nor will the Commission make any final finding,

decision settling the substantive law, order, or judgment within the meaning of § 12.1-39 of the Code of Virginia. Moreover, because the final decision in this matter lies with the FCC, this Commission will not require comments and exceptions to the Hearing Examiner's report but will make its recommendation to the FCC based upon the record to be developed by the Hearing Examiner. As the FCC will ultimately determine whether or not Verizon Virginia has met the statutory requirements of § 271(c) of the Act, any party interested in the outcome of that ultimate determination is encouraged to participate in the FCC proceedings.

Hearing Examiner Skirpan shall act as our agent in Case No. PUC020046 and be delegated all authority vested in the Commission by the Constitution and Code of Virginia to conduct formal proceedings, including a public hearing, to consider the § 271 filing and all evidence in support and opposition thereto.

OSS reporting is carried forward with ongoing monthly reporting by Verizon Virginia as prescribed in the Order Establishing Carrier Performance Standards With Implementation Schedule and Ongoing Procedure to Change Metrics, issued January 4, 2002, in Case No. PUC010206.<sup>3</sup> In order to make a

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<sup>3</sup> Verizon Virginia is required to file its first report on the Carrier Performance Standards, which replace the OSS metrics, in March 2002, utilizing February 2002 data. There is no break in continuity (nor overlap) between the OSS reporting and current reporting on the Carrier Performance Standards.

complete record on Verizon Virginia's reporting, the Commission designates the Division of Public Utility Accounting to present Staff testimony to describe the process of metrics replications and results. The Division of Communications is directed to assist the Hearing Examiner in preparation of his report to the Commission within the limits established by 5 VAC 5-20-60.

All parties who wish to participate herein as respondents shall file a notice of intent to participate in the Commission's proceeding, docketed in Case No. PUC020046, no later than April 12, 2002. The notice shall include an e-mail address in addition to the name, address, and telephone and fax numbers of the respondent.

The Commission now establishes the following procedural schedule for Case No. PUC020046.

**Procedural Conference - March 27, 2002, at 2:00 p.m.**

The Hearing Examiner will convene a procedural conference in the Commission's Eleventh Floor Conference Room, located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, on March 27, 2002, at 2:00 p.m., to address matters of procedure and confidential treatment of documents. Interested parties that wish to attend the conference via telephone should e-mail the Hearing Examiner's legal assistant at [cfox@scc.state.va.us](mailto:cfox@scc.state.va.us).

**Public Notice**

On or before April 4, 2002, Verizon Virginia shall complete publication of the following notice to be published on one (1) occasion as classified advertising in newspapers having general circulation throughout the Commonwealth of Virginia:

NOTICE TO THE PUBLIC THAT VERIZON VIRGINIA  
INC. HAS FILED INFORMATION WITH THE STATE  
CORPORATION COMMISSION TO ESTABLISH  
COMPLIANCE WITH THE REQUIREMENTS OF  
§ 271(c) OF THE TELECOMMUNICATIONS ACT OF  
1996, AND NOTICE OF HEARING

CASE NO. PUC020046

On March 15, 2002, Verizon Virginia Inc. ("Verizon Virginia") filed information with the State Corporation Commission ("SCC") for the purpose of demonstrating to the SCC that Verizon Virginia is in compliance with the competitive checklist and other requirements of § 271(c) of the Telecommunications Act of 1996 ("Act"). The Federal Communications Commission ("FCC"), in consultation with the SCC, must determine that Verizon Virginia has satisfied the requirements of § 271(c) of the Act before allowing Verizon Virginia to provide InterLATA long distance telecommunications in Virginia. Verizon Virginia plans to make a similar filing with the FCC later this year.

A copy of the referenced filing is available for inspection during regular business hours at the State Corporation Commission, Document Control Center, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia. Interested persons also may obtain a copy of the Commission's Preliminary Order on Verizon Virginia Inc.'s Compliance With the Conditions Set Forth in 47 U.S.C. § 271(c) and Order Amending Reporting Requirements on Third-

Party Testing of Operation Support Systems, which sets forth the complete procedural schedule from the Commission's web site, [www.state.va.us/scc/caseinfo/orders.htm](http://www.state.va.us/scc/caseinfo/orders.htm). Interested persons also may access an electronic copy of Verizon Virginia's filing on the Commission's web site at <http://www.state.va.us/scc/division/puc/verva271.htm>.

A public hearing will be convened on June 17, 2002, at 9:00 a.m., in Courtroom C, located on the second floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, and will continue as necessary.

All parties wishing to participate in this proceeding as respondents must file an original and fifteen (15) copies of a notice of intent to participate no later than April 12, 2002, with the Clerk of the Commission, Joel H. Peck, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUC020046. The Notice filed shall include an e-mail address in addition to the name, address, and telephone and fax numbers of the respondent.

VERIZON VIRGINIA INC.

**Discovery - Responses Due Within Seven (7) Calendar Days and Objections Due Within Three (3) Calendar Days.**

5 VAC 5-20-260 is now modified to require written responses to discovery within seven (7) calendar days. All objections to discovery shall be made within three (3) calendar days and thereafter will be deemed waived.

**Prefiled Testimony**

On or before May 3, 2002, interested parties may prefile an original and fifteen (15) copies of testimony and exhibits with the Clerk of the Commission. A copy of such testimony and

exhibits shall be served on Verizon Virginia and parties having filed a timely Notice of Intent to Participate.

On or before May 17, 2002, the Commission's Staff should prefile its testimony serving Verizon Virginia and parties having filed a timely Notice of Intent to Participate.

**Supplemental Testimony on Electronic Billing**

On or before May 29, 2002, Verizon Virginia shall prefile an original and fifteen copies of supplemental testimony on the issue of electronic billing. A copy of such testimony shall be served on parties having filed a timely Notice of Intent to Participate.

**Rebuttal Testimony Prefiled - May 31, 2002**

On or before May 31, 2002, Verizon Virginia is to prefile an original and fifteen copies of its rebuttal testimony. A copy of such testimony shall be served on all parties having filed a timely Notice of Intent to Participate.

**Responsive Supplemental Testimony on Electronic Billing**

On or before June 12, 2002, all interested parties may prefile supplemental testimony limited to electronic billing issues addressed in Verizon Virginia's supplemental testimony. A copy of such testimony shall be served on parties having filed a timely Notice of Intent to Participate.



## **Public Hearing Convened - June 17, 2002**

The Hearing Examiner will convene a public hearing on June 17, 2002, at 9:00 a.m., in Courtroom C, located on the second floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia, which shall continue day to day, as necessary.

### **Briefs Accepted**

All parties may file post-hearing briefs on or before July 1, 2002. No further post-hearing pleadings will be considered.

### **Hearing Examiner's Report**

The Hearing Examiner shall file his report and recommendations to the Commission on July 12, 2002.

Accordingly, IT IS THEREFORE ORDERED THAT:

(1) The Order Initiating Testing, issued February 17, 2000, in Case No. PUC000035, is hereby amended, consistent with the findings above.

(2) The Commission's consideration of whether Verizon Virginia meets the requirements of § 271(c) of the Act is hereby docketed as Case No. PUC020046. The Commission appoints Alexander F. Skirpan as Hearing Examiner/agent of the Commission.

(3) The Commission Staff is directed to participate, consistent with the findings above.

(4) The Procedural Schedule established in the findings above is hereby ordered.

(5) The Hearing Examiner/agent is directed to make all such rulings as are necessary to conduct the Commission's proceeding in Case No. PUC020046 and to make his report and recommendations, consistent with the findings above.

(6) All notices of intent to participate in Case No. PUC020046 shall be filed in one original and fifteen (15) copies on or before April 12, 2002.

(7) Verizon Virginia shall publish notice of its § 271 filing in the manner and form as prescribed in the above findings.

(8) This matter is now continued.