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BEFORE THE UTAH PUBLIC SERVICE COMMISSION

In the Matter of the Petition of MCI metro
Access Transmission Services LLC d/b/a
Verizon Access Transmission Services and
MCI Communications Services, Inc. d/b/a
Verizon Business Services for a Waiver of
Regulatory Requirements to File Price
Lists for Services to Enterprise and Large
Business Customers, and to Permit
Deviation from the Rule Requiring Paper
Billing for Customers Who Want
Electronic Bills in Lieu of Paper Bills.

PETITION

**FOR WAIVER OF REGULATORY
REQUIREMENTS TO FILE PRICE LISTS
FOR SERVICES TO ENTERPRISE AND
LARGE BUSINESS CUSTOMERS**

AND

**TO PERMIT DEVIATION FROM RULE
REQUIRING PAPER BILLING FOR
CUSTOMERS WHO WANT ELECTRONIC
BILLING IN LIEU OF PAPER BILLING**

Docket No. _____

Pursuant to the provision at Utah Code Ann. § 54-8b-3, MCI metro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (“Verizon Access”) and MCI Communications Services, Inc. d/b/a Verizon Business Services (individually, “Verizon Business”, and collectively with Verizon Access, “Verizon”), through counsel, respectfully requests that the Public Service Commission (“Commission”) grant Verizon an exemption from

the requirement of Section 54-8b-2.3 that Verizon file hard price lists for all services offered to its enterprise and large business customers and allow instead Verizon to post the equivalent information in an online guide only. The services at issue include all of the services currently in Verizon Access Price List No. 5, and Verizon Business Price List No. 3, as well as future services to be provided to this class of customer.

Verizon also requests, pursuant to the provision at Utah Admin. Code R746-100-15, that the Commission allow Verizon to deviate from the requirement in R746-240-4 that a telecommunications corporation issue customer bills on a monthly basis in a typed or machine printed format. Verizon requests the foregoing exemption and deviation (collectively “waiver”) for all services offered where a customer requests that it not receive a paper bill but instead is able to receive invoices via electronic means.

BACKGROUND INFORMATION

In support of this petition, Verizon states as follows:

1. The names and common address of the Petitioners are:

MCImetro Access Transmission Service LLC d/b/a Verizon Access Transmission Services

MCI Communications Services, Inc. d/b/a Verizon Business Services

22001 Loudoun County Pkwy, Ashburn, VA 20147-6105

2. Verizon Access is Verizon’s local operating company that serves as a competitive local exchange carrier (“CLEC”) in the state of Utah. It provides competitive telecommunications services for, among others, enterprise and large business customers in its service territory. In Utah, Verizon Access offers these services under Price List No. 5 filed with the Commission in accordance with Section 54-8b-2.3 of the Utah Code. Verizon Access has a

switched access Price List No. 4, and also has Price Lists Nos. 1 and 3 which contain services for consumers and small businesses which are not the subject of this Petition.

3. Verizon Business is Verizon's interexchange company or "IXC" that provides service in the state of Utah. It provides interexchange services for, among others, enterprise and large business customers in its service territory. In Utah, Verizon Business offers these services under Price List No. 3 filed with the Commission in accordance with Section 54-8b-2.3 of the Utah Code. Verizon Business also has Price List No. 2 which contains services for consumers and small businesses which is not the subject of this petition.

4. Verizon's enterprise and large business customers are generally multi-state corporations with operations in a number of states. These customers want consistency in the terms and conditions of service across all of the states in which they have operations. For example, they want the terms of local service provided in Utah to be consistent with their interstate long distance voice service originating in New York, or with all of the services provided to them in New Mexico. Verizon's large business customers often choose Verizon as their telecommunications service provider in part because Verizon seeks to offer uniform terms, conditions, service descriptions, and processes over multiple states, consistent with applicable law, regardless of the service or the location where it is offered.

5. In many instances, Verizon's enterprise and large business customers also want to receive billing information in one consolidated invoice in electronic format, with the raw billing information accessible to their internal systems for analysis and allocation. Because these customers often take multiple services in multiple states, their hard-copy billing statements are

often many hundreds, sometimes thousands of pages, and in some cases a monthly paper bill for a single customer can fill a truck.

6. To advance the goal of uniformity and simplicity, Verizon has developed a Service Publication and Pricing Guide (“Guide,” publicly available at www.verizonbusiness.com/guide), which contains an online catalog of generally available terms, conditions, service descriptions and state-specific rates for local exchange and interexchange services offered by Verizon to large business and enterprise customers. The online Guide allows customers to review services contemporaneously in all states where the services have been detariffed.

7. Verizon’s large business customers are already accustomed to dealing with Verizon on a detariffed basis or without a filed price list, and prefer to consult the Guide as their simplified and efficient resource for the terms and conditions of service, rather than having to consult multiple tariffs or price lists in multiple states. These customers who are currently subject to the tariffs or price lists have a signed contract with Verizon by which they have generally accepted the Guide as a controlling document in the event of detariffing or withdrawal of the filed price lists.

8. The multi-state Guide is a clearer, more cost effective method for customers and potential customers to review rates, terms and conditions of service. Verizon has found that many large, multistate companies have telecommunications consultants or outside counsel to help them choose a telecommunications provider. Each time the consultant or attorney reviews an individual state tariff or filed price list, it costs the customer time and money. With the ease

of use of the online Guide and the scope of its content, these consultants or attorneys are able to readily review detariffed offerings, resulting in significant savings for the customer.

9. Verizon has detariffed services or eliminated filed price lists for enterprise and large business customers in a number of states. The retail local exchange services of Verizon Access for this class of customers have been detariffed (and not subject to any filed price list) and made subject to the Guide in Alabama, California, Delaware, Indiana, Iowa (for rates), Kentucky, Maine, Michigan, Mississippi, Montana, Nevada, New Hampshire (for terms and conditions), North Carolina, North Dakota, Ohio, Oregon, South Dakota, Vermont, Washington, West Virginia (for most rates), Wisconsin, and Wyoming. The retail interexchange services of Verizon for this class of customers have been detariffed (and not subject to any filed price list) and made subject to the Guide in Alabama, California, Colorado, Delaware, Indiana, Iowa, Kentucky, Maine, Michigan, Mississippi, Nevada, New Hampshire (for terms and conditions), North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Vermont, Washington, West Virginia (for rates) and Wyoming.

10. Verizon is seeking this exemption from the Utah Commission only for services offered to enterprise and large business customers. These are sophisticated buyers of telecommunications services, usually in multiple jurisdictions, and are accustomed to working with terms, conditions and prices that have been detariffed without a filed price list in the above listed jurisdictions. They also are used to working with services which have been detariffed at the federal level and which are also subject to the online Guide.

11. A waiver of the requirements to file a price list for these services in Utah, and to provide Utah-specific paper invoices, would allow Verizon to better meet the needs and expectations of these sophisticated customers as it has done in other states.

12. If the Commission approves the withdrawal of the filed price lists and electronic billing, in addition to providing access to terms and conditions of service in other states, the Guide will incorporate all of the same information, terms, conditions and rates applicable to Utah, similar to the approach Verizon has taken for the other states which have been detariffed or where price lists have been withdrawn.

REQUIREMENTS FOR EXEMPTION AND DEVIATION

13. EXEMPTION FROM FILING. The Commission may exempt a telecommunications corporation, or a public telephone service from the requirement to file a price list if it finds that “(a) the telecommunications corporation or service is subject to effective competition; and (b) the exemption is in the public interest.” Utah Code Ann. § 54-8b-3(4). The requested exemption from filing a price list would meet the requirements of Section 54-8b-3(4) because the telecommunications services that are subject to Verizon’s request are all subject to effective competition, and because the exemptions requested are in the public interest.

14. DEVIATION ALLOWING ELECTRONIC BILLING. The Commission may allow a deviation from any of its rules “upon notice, opportunity to be heard and a showing that the rule imposes an undue hardship which outweighs the benefits of the rule.” R746-100-15. For the reasons discussed below, Verizon should be permitted a deviation from Rule R746-240-4, which requires that a telecommunications corporation issue customer bills on monthly basis in a typed or machine printed format.

A. The Services for Which Exemption from Filing is Sought Are Subject to Effective Competition.

15. Verizon serves as a competitive carrier and as an interexchange carrier in Utah, in areas served by other competitive providers. As a CLEC it is, by definition, a competitive carrier, offering services in competition with the dominant provider. Similarly, as an IXC it is also subject to substantial competition.

16. All of the services that Verizon proposes to exempt from the price list requirement are available from ILECs, CLECs, IXCs or from intermodal providers which are functionally equivalent to or substitutable for Verizon's services, and which are reasonably available at comparable prices, terms, quality and conditions.

17. Verizon does not have a large enough share of the market for the telecommunications services that it proposes to remove from price listing, and the nature of the exemption it seeks is such that the granting of the exemption would have no negative impact on potential competition for those services. Instead, by making its generally available pricing, terms and conditions more readily viewable, Verizon's request would actually enhance competition.

18. In summary, all of the services that Verizon seeks to offer through its online Guide are subject to effective competition in Utah.

B. The Exemptions from Filing are in the Public Interest.

19. The exemption from the requirement to file a hard-copy price list serves the public interest by allowing large enterprise and large business customers to obtain competitive telecommunications services simply, and with terms, conditions, service descriptions, and processes that are uniform across all states, to the extent applicable state laws allow.

20. The exemption from filing a price list is in the public interest because use of the online Guide would provide easier access and a better understanding of the rates, terms and conditions of service. Not only would the same price-listed information be available through the online Guide, but because the Guide will be available in a format that can be more easily accessed and reviewed than individual, state-specific, filed tariffs or price lists. By using the Guide, customers can readily ascertain the rates, terms and conditions for the same services in all states in which they have operations.

21. Verizon Access is a CLEC and, as such, it has no captive customers in the state of Utah. Verizon Business, as an IXC, similarly has no captive customers in Utah. The proposed exemption, therefore, would only apply to those customers who have chosen to receive service from Verizon and who by contract have decided to have the Guide control in the event of detariffing.

22. If Verizon is allowed an exemption from filing a hard copy price list, Verizon will provide on its publicly available website through the Guide the applicable generally available terms, conditions, product descriptions and rates for Utah services applicable to the large business customers similar to how it has done in other states which have been detariffed.

C. **The Commission Should Allow Deviation from R746-240-4 to Allow Electronic Billing.**

23. Rule 746-240-4 provides: “Bills to account holders for telecommunications services shall be issued on a monthly basis and shall be typed or machine printed.” Utah Admin. Code, R746-240-4(A)(1) (the “Paper Billing Rule”). The stated objective of the Paper Billing Rule, is to “assure the adequate provision of residential and business telecommunications

service ... and to establish and enforce fair and equitable procedures governing ... account billing.” R746-240-1(D); see also R746-240-1(C) (purpose of rules is “to establish uniform practices and procedures governing ... account billing”).

24. Other subsections of R746-240 specify the means of delivery of a bill to the account holder, the frequency with which bills must be rendered, the charges permitted and charges prohibited in the bill, the due date, and the procedures to be followed in the event of a dispute about the bill. For some customers, these rules may serve the stated objective of ensuring that billing practices are uniform, fair and equitable. In the case of Verizon’s enterprise and large business customers, however, the Paper Billing Rule becomes a hardship for customers, for Verizon, and for the environment.

25. Part of the convenience of purchasing telecommunications services in many states from one provider is that the provider can consolidate account billing. For Verizon’s enterprise and large business customers who take multiple services in multiple states, bills may entail many thousands of entries. The resulting paper billing statements can be voluminous. It is a hardship for some customers, and whoever has to dispose of their trash, to deal with unwanted paper bills which contain confidential customer information. Even where the customer is already receiving its invoices electronically, current law requires Verizon to continue to print and deliver each month so much billing information in a paper format. Given the limited nature of the natural and energy resources needed to produce all this paper, the public “hardship” of being required to use up these resources unnecessarily is readily apparent.

26. Likewise, when a customer’s bill covers services from a number of jurisdictions, billing entries which are “typed or machine printed” are difficult to understand and analyze.

Verizon customers should be able to receive one consolidated invoice in electronic format, with the raw billing information accessible to their internal systems for analysis and allocation, without also receiving a paper bill if they so choose. It serves no purpose to require Verizon's customers to receive their billing information in a paper format because paper bills do not allow the customer to analyze bills compared to how they have analyze an electronic bill. Additionally, customers receiving electronic bills likely will not even look at a paper bill even if a carrier continues to mail the paper bill.

27. The purpose of the Paper Billing Rule requiring typed or machine printed bills is not served in the case of billing for multi-state services to enterprise and large business customers. In fact, in the case of Verizon enterprise and large business customers, paper bills become antithetical to the objectives of the Paper Billing Rule.

28. If Verizon is allowed to deviate from the Paper Billing Rule, Verizon will send the same information in electronic invoices to those enterprise and large business customers who wish to receive them in that format.

CONCLUSION

For the foregoing reasons, Verizon respectfully requests that the Commission exempt Verizon from the requirement of Section 54-8b-2.3 to file a price list for the services identified above, to permit Verizon Access to withdraw Price List No. 5 and to detariff the services set forth in that tariff as well as future services to this class of customer, to permit Verizon Business to withdraw Price List No. 3 and to detariff the services set forth in that tariff as well as future services to this class of customer, to permit Verizon instead to maintain the generally available terms, conditions and rates for these services on a publicly available website, and to allow it to

deviate from the Rule R746-240-4 requiring typed or machine printed bills where a customer has requested that it not receive paper billing.

DATED this 19th day of March 2009.

PARSONS BEHLE & LATIMER

/s/ William J. Evans

William J. Evans

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of March, 2009, I caused to be e-mailed a true and correct copy of the **PETITION FOR WAIVER OF REGULATORY REQUIREMENTS TO FILE PRICE LISTS FOR SERVICES TO ENTERPRISE AND LARGE BUSINESS CUSTOMERS, AND TO PERMIT DEVIATION FROM RULE REQUIRING PAPER BILLING FOR CUSTOMERS WHO WANT ELECTRONIC BILLING IN LIEU OF PAPER BILLING** to the following:

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