

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

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Secretary

June 26, 2008

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, DC 205554

Re: Comments of the New York State Department of Public Service in WC Docket No. 07-21; Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules, WC Docket Nos. 07-21, 05-342

Dear Secretary Dortch:

The following comments are respectfully submitted on behalf of the New York State Public Service Commission (NYPSC) in the Federal Communications Commission's (FCC) above-referenced docket on Verizon's request for the same forbearance treatment granted to AT&T.¹ As discussed in more detail below, if the FCC grants this request, Verizon's compliance filings should be filed with NYPSC and it should be afforded time to provide comments on the sufficiency of the filing for state regulatory needs.²

Reporting requirements have traditionally supported a variety of regulatory uses at the state and federal level. As the FCC acknowledged in its order granting AT&T forbearance, states are not precluded from exercising their own reporting requirements. Recordkeeping for intrastate regulatory initiatives and proceedings is necessary for states to continue to fulfill their independent regulatory mandates. In this regard, we note that New York State Public Service Law (PSL) allows for reporting and recordkeeping and Verizon submits

¹ *Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules*, WC Docket Nos. 07-21, 05-342, *Memorandum Opinion and Order*, FCC 08-120 (rel. Apr. 24, 2008), pet. for recon. pending.

² NYPSC previously has expressed its concerns regarding the piecemeal granting of forbearance requests and will not reiterate those here.

information and data to the NYPSC on a regular basis. These information and data have been extremely important in monitoring and evaluating competition and service quality.

In its order, the FCC directs AT&T to work with affected state commissions to develop methods of separating costs to satisfy states' needs for jurisdictional separations information. The granting of the requested relief is contingent upon AT&T filing a compliance plan with the FCC. Should the FCC decide to grant Verizon's request for similar relief, NYPSC respectfully requests the FCC to direct Verizon to file its compliance plan with NYPSC at the same time it provides it to the FCC. The NYPSC as well as other parties should be given opportunity to review and analyze the proposal to provide feedback in order to ensure the plan does not preclude meeting the state's needs and regulatory mandates.

In sum, the NYPSC does not comment on the merits of granting the request, but asks for the opportunity to provide input on any compliance plan filed by Verizon in order to ensure the state's regulatory role can continue to be fulfilled.

Respectfully submitted,

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