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June 5, 2012

Catrice C. Williams, Secretary  
Department of Telecommunications and Cable  
1000 Washington Street, Suite 820  
Boston, MA 02118

Re: Docket No. 11-19 -- Verizon Massachusetts Annual  
Verification of Lifeline Subscribers

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding is Verizon New England Inc. d/b/a Verizon Massachusetts Motion for Extension of the Judicial Appeal Period and Motion to Reconsider and Vacate Order and Close Docket.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alex Moore", written in a cursive style.

Alexander W. Moore

Enclosures

cc: Karlen Reed, Director  
Paul Abbott, General Counsel  
Ben Dobbs, Deputy Director  
Service List (electronic distribution)

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS & CABLE**

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Verizon Massachusetts Annual	)	
Verification of Lifeline Subscribers	)	

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D.T.C. 11-19

**MOTION TO RECONSIDER AND  
VACATE ORDER AND CLOSE DOCKET**

Pursuant to 220 C.M.R. § 1.11(10), Verizon New England Inc., d/b/a Verizon Massachusetts ("Verizon MA") hereby moves the Department to reconsider and vacate its order issued in the above adjudicatory proceeding on May 16, 2012 ("Order") and to close this proceeding. As grounds for this motion, Verizon MA states that the Order was issued without the benefit of any of the procedural protections required by the Administrative Procedure Act, M.G.L. c. 30A, and that there is no need for this proceeding. As further grounds for this motion, Verizon MA states the following:

1. The Order approved Verizon MA's 2011 annual Audit Report regarding the eligibility of its Lifeline customers and also directed Verizon MA to recertify its subscribers' eligibility annually in the future consistent with the FCC's new Lifeline certification requirements and to file certain reports and information with the Department annually.

2. M.G.L. c. 30A, § 10 provides in part that, "In conducting adjudicatory proceedings, as defined in this chapter, agencies shall afford all parties an opportunity for full and fair hearing." M.G.L. c. 30A, § 11 in turn requires an agency conducting an administrative proceeding to accord all parties reasonable notice of the hearing sufficient to afford them reasonable opportunity to prepare and present evidence and argument. It also affords parties the rights to call, examine and cross-examine witnesses and introduce exhibits and rebuttal evidence.

3. Contrary to these statutory requirements, Verizon MA was given no notice of this proceeding prior to receipt of the Order. Nor was Verizon MA afforded notice of a hearing or any of the other rights protected by M.G.L. c. 30A, § 11. Accordingly, the Order was not authorized by law, and to the extent that it purports to determine Verizon MA's legal rights and orders the company to take action, the Order violates Verizon MA's constitutional and statutory rights to due process. For these reasons, the Department should vacate the Order.


4. There is no need for an adjudicatory proceeding to address the issues in the Order. The Department can approve Verizon MA's annual Audit Report with a stamp approval, as it has done in the past. *See* Order at 2, *citing* D.T.C. Stamp Approval of Verizon MA's 2010 Audit Report. As for re-certification of Lifeline customers in the future, the FCC's Lifeline regulations are binding on Verizon MA even without a Department order. And since there are now multiple Eligible Telecommunications Carriers in Massachusetts, the issue of whether to impose state filing requirements on them in addition to the federal requirements would be more properly addressed in a rulemaking rather than an adjudicatory proceeding.

WHEREFORE, Verizon MA respectfully requests that the Department reconsider and vacate the Order and close this docket.

Respectfully submitted,

VERIZON MASSACHUSETTS

By its attorney,

  
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Dated: June 5, 2012

# Verizon Massachusetts Annual Verification of Lifeline Subscribers

Dated: June 5, 2012