



April 11, 2018

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92

Dear Ms. Dortch:

In November 2017, the undersigned submitted or hereby join in submitting a proposal urging the Federal Communications Commission (“Commission”) to take further action to address access stimulation.¹ The attached rule follows up on our letter and would require carriers that are engaged in access stimulation to bear the financial responsibility for all terminating switched transport costs (including both flat-rated and usage-sensitive charges) between their end office (or remote or functional equivalent) and the tandem switch to which the terminating carrier requires inbound calls to be routed.

Respectfully,

/s/ Michael R. Romano

Michael R. Romano
Senior Vice President – Industry Affairs
& Business Development
NTCA–The Rural Broadband Administration

/s/ Matthew Nodine

Matthew Nodine
Assistant Vice President, Federal Regulatory
AT&T Inc.

¹ See Letter from Hank Hultquist, Vice President-Federal Regulatory, AT&T Comm’ns, et al., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 01-92, WC Docket No. 16-363 (Nov. 16, 2017) (attached hereto).

Marlene H. Dortch

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/s/ Derrick B. Owens

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Vice President of Government Affairs
WTA – Advocates for Rural Broadband

/s/ Jonathan Banks

Jonathan Banks
Senior Vice President Law & Policy
USTelecom Association

Attachments

Proposed Rules

§61.26 Tariffing of competitive interstate switched exchange access services.

* * *

(g) Notwithstanding paragraphs (b) through (e) of this section:

(1) A CLEC engaging in access stimulation, as that term is defined in §61.3(bbb), shall not file a tariff for its interstate exchange access services that prices those services above the rate prescribed in the access tariff of the price cap LEC with the lowest switched access rates in the state.

(2) A CLEC engaging in access stimulation, as that term is defined in §61.3(bbb), shall file revised interstate switched access tariffs within forty-five (45) days of commencing access stimulation, as that term is defined in §61.3(bbb), or within forty-five (45) days of [date] if the CLEC on that date is engaged in access stimulation, as that term is defined in §61.3(bbb).

Add new subsection (3):

(3) A CLEC engaging in access stimulation, as that term is defined in §61.3(bbb), shall, as of the effective date of the tariffs filed pursuant to §61.26(g)(2) (or within 45 days of the effective date of this rule in the event such tariffs are already in effect as of the effective date), not bill any affected interexchange carrier or any intermediate joint access provider for the terminating interstate switched access tandem switching or any terminating interstate switched access transport charges for any traffic between such CLEC's terminating end office or equivalent and the associated access tandem switch. In lieu of billing an interexchange carrier or intermediate joint access provider for such traffic, a CLEC engaging in access stimulation will assume financial responsibility for the applicable interstate terminating tandem switching and terminating switched transport access charges. To facilitate this change and assumption of financial responsibility, at the same time as tariffs are filed pursuant to §61.26(g)(2) (or 45 days from the effective date of this section in the event such tariffs are in effect as of the effective date), a CLEC engaging in access stimulation shall provide written notice of such billing changes to all affected providers, including intermediate joint access providers, and shall indicate in such notice that it will obtain and pay for access services from the joint access providers for such traffic as of that date. Notwithstanding the foregoing, any carrier that is not itself engaged in access stimulation, as that term is defined in §61.3(bbb), but is involved in jointly provided switched access services with an access stimulating CLEC, shall not itself be deemed an access stimulator or be impacted by this rule beyond a requirement to make any necessary changes to bill its interstate terminating tandem switching and terminating switched transport access charges to the access stimulating CLEC for traffic terminating to such access stimulating CLEC's end users.

§69.3 Filing of access service tariffs.

* * *

(12)(i) A local exchange carrier, or a group of affiliated carriers in which at least one carrier is engaging in access stimulation, as that term is defined in §61.3(bbb) of this chapter, shall file its own access tariffs within forty-five (45) days of commencing access stimulation, as that term is defined in §61.3(bbb) of this chapter, or within forty-five (45) days of December 29, 2011 if the local exchange carrier on that date is engaged in access stimulation, as that term is defined in §61.3(bbb) of this chapter.

(ii) Notwithstanding paragraphs (e)(6) and (e)(9) of this section, a local exchange carrier, or a group of affiliated carriers in which at least one carrier is engaging in access stimulation, as that term is defined

in §61.3(bbb) of this chapter, must withdraw from all interstate access tariffs issued by the association within forty-five (45) days of engaging in access stimulation, as that term is defined in §61.3(bbb) of this chapter, or within forty-five (45) days of December 29, 2011 if the local exchange carrier on that date is engaged in access stimulation, as that term is defined in §61.3(bbb) of this chapter.

(iii) Any such carrier(s) shall notify the association when it begins access stimulation, or on December 29, 2011 if it is engaged in access stimulation, as that term is defined in §61.3(bbb) of this chapter, on that date, of its intent to leave the association tariffs within forty-five (45) days.

Add new subsection (iv):

(iv) A local exchange carrier (LEC), or a group of affiliated carriers in which one carrier is engaging in access stimulation, as that term is defined in §61.3(bbb), shall, as of the effective date of the tariffs filed pursuant to §69.3(e)(12)(i) (or within 45 days of the effective date of this rule in the event such tariffs are already in effect as of the effective date), not bill any affected interexchange carrier or any intermediate joint access provider for the terminating interstate switched access tandem switching or any terminating interstate switched access transport charges for any traffic between such LEC's terminating end office or equivalent and the associated access tandem switch. In lieu of billing an interexchange carrier or intermediate joint access provider for such traffic, a LEC engaging in access stimulation will assume financial responsibility for the applicable interstate terminating tandem switching and terminating switched transport access charges. To facilitate this change and assumption of financial responsibility, at the same time as tariffs are filed pursuant to §69.3(e)(12)(i) (or 45 days from the effective date of this section in the event such tariffs are in effect as of the effective date), a LEC engaging in access stimulation shall provide written notice of such billing changes to all affected providers, including intermediate joint access providers, and shall indicate in such notice that it will obtain and pay for access services from the joint access providers for such traffic as of that date. Notwithstanding the foregoing, any carrier that is not itself engaged in access stimulation, as that term is defined in §61.3(bbb), but is involved in jointly provided switched access services with an access stimulating LEC, shall not itself be deemed an access stimulator or be impacted by this rule beyond a requirement to make any necessary changes to bill its interstate terminating tandem switching and terminating switched transport access charges to the access stimulating LEC for traffic terminating to such access stimulating LEC's end users. .



November 16, 2017

VIA ECFS

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Petition of AT&T Services, Inc. for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Rules for Switched Access Services and Toll Free Database Dip Charges*, WC Docket No. 16-363

Dear Ms. Dortch:

The undersigned write in support of further Federal Communications Commission (“Commission”) action to address access stimulation. Despite prior Commission efforts, a handful of carriers continue to take advantage of the intercarrier compensation system through the use of services, like free conference calling, that generate high volumes of inbound calling to ordinary telephone numbers associated with remote locations. Those practices result in substantial charges for transport of the stimulated traffic to reach those locations, which are ultimately paid for by interexchange customers.

There is no compelling reason that such services must be associated with remote locations. But, this choice should not be driven by the purpose of imposing higher charges on other operators. Since the access stimulating carriers have made this choice, it would be appropriate for them, not other carriers, to bear the financial responsibility for the costs of transporting these calls between the terminating tandem switch or other point of interconnection designated by the local exchange carrier and the applicable end office or functional equivalent.

Accordingly, the undersigned urge the Commission to adopt rules to require carriers that are engaged in access stimulation to bear financial responsibility for all terminating switched transport costs (including both flat-rated and usage-sensitive charges) between their end office (or remote or functional equivalent) and the tandem switch to which the terminating carrier requires inbound calls to be routed.¹ Under these rules, those carriers engaged in access

¹ The undersigned parties further agree that this proposal is limited to access stimulating carriers as defined currently in the Commission’s rules and is not intended to change any existing exchange points or to prejudice any ultimate

stimulation would not render bills to interexchange carriers for terminating tandem switched transport with respect to stimulated traffic, and would be required to pay the terminating tandem switched transport charges in lieu of interexchange carriers for these calls to other access providers of such transport. Such rules would resolve a significant component of AT&T's forbearance petition.² We look forward to presenting a detailed proposal for how such rules would work to Commission staff in the near future.

Respectfully,

/s/ Michael R. Romano
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Senior Vice President – Industry Affairs
& Business Development
NTCA–The Rural Broadband Administration

/s/ Hank Hultquist
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Vice President-Federal Regulatory
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/s/ Derrick B. Owens
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Vice President of Government Affairs
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Commission decision on further intercarrier compensation reform including the network edge. Any payments actually made by access stimulating carriers for transport under this framework would not constitute “revenue-sharing” under the Commission’s rules.

² As a result, AT&T is contemporaneously requesting to withdraw its forbearance petition.