

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to review
policies concerning intrastate carrier access
charges.

Rulemaking 03-08-018
(Issued August 21, 2003)

**OPENING COMMENTS OF THE CALIFORNIA ASSOCIATION OF COMPETITIVE
TELECOMMUNICATIONS COMPANIES ON PRESIDENT PEEVEY'S PROPOSED
DECISION MODIFYING INTRASTATE ACCESS CHARGES CONSISTENT WITH
FEDERAL COMMUNICATIONS COMMISSION ACTIONS**

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Pursuant to Commission Rule 14.3, the California Association of Competitive Telecommunications Companies (“CALTEL”)¹ respectfully submits the following brief opening comments on President Peevey’s Proposed Decision modifying intrastate access charges as required by the reforms adopted by the Federal Communications Commission (FCC) in November of last year² (the “Proposed Decision” or “PD”).

I. INTRODUCTION

CALTEL supports the PD in full, and agrees with the PD’s resolution of all issues that were raised by parties in comments on the April 24, 2012 Assigned Commissioner Ruling (ACR).³ Therefore, CALTEL files these brief comments to raise only three limited suggestions, that the Commission:

- 1) Correct its description of CALTEL’s position on use of FCC TRP forms for all carriers as described on page 13 of the PD;
- 2) Add additional language in the PD that acknowledges issuance of a clarifying Order by the FCC’s Wireline Competition Bureau on June 5, 2012 and the impact, if any, that this clarification Order has on the findings included in the PD;

¹ CALTEL is a non-profit trade association working to advance the interests of fair and open competition and customer-focused service in California telecommunications. CALTEL members are entrepreneurial companies building and deploying next-generation networks to provide competitive voice, data, and video services. The majority of CALTEL members are small businesses who help to fuel the California economy through technological innovation, new services, affordable prices and customer choice. See www.caltel.org for a list of CALTEL member companies.

² *In the Matter of Connect America Fund*, WC Docket No. 10-90 et al; Report and Order and Further Notice of Proposed Rulemaking released November 18, 2011.

³ *Assigned Commissioner’s Ruling Requesting Comment on Proposed Modifications to Decisions 06-04-071 and 07-12-020 Regarding Intrastate Access Charges*, R. 03-08-018, issued April 24, 2012 (ACR).

- 3) Revise the CLEC Intrastate Transitional Access Service Charges Supporting Data Worksheet (Appendix A) to more clearly allow CLECs with composite interstate and intrastate access rates to document that their proposed rates comply with the FCC's order.

Given the quickly-approaching compliance deadlines, CALTEL stresses the importance of the Commission adopting a final decision at its scheduled meeting on June 21, 2012.

II. DISCUSSION

As noted above, CALTEL has reviewed the PD, and agrees that it will assist the Commission and carriers in implementing the FCC's adopted reforms for intrastate switched access. CALTEL also believes that the PD correctly resolves all disputed issues raised by parties in comments on the April 24, 2012 ACR.

On page 13, the PD states that "the FCC recently endorsed certain forms to transmit tariff review information, and AT&T, Sprint, and CALTEL recommend that these forms be used to provide the data, rather than the form included in Appendix A of the ACR." CALTEL did support use of the FCC worksheets, *but only for ILECs*.⁴ For CLECs, CALTEL agrees that the worksheets contained in Appendices A and B are appropriate. CALTEL requests that the PD be revised to more accurately reflect CALTEL's position on this issue.

Secondly, as the Commission is no doubt aware, the Chief of the FCC's Wireline Competition Bureau issued a clarification Order on June 5, 2012⁵ that "clarifies several intercarrier compensation issues relating to the transition of intrastate switched access rates and

⁴ *Comments of the California Association of Competitive Telecommunications Companies on Assigned Commissioner's Ruling Requesting Comment on Proposed Modifications to Decisions 06-04-071 and 07-12-020 Regarding Intrastate Access Charges*, May 2, 2012, at p. 3.

⁵ *Order, In the Matter of Connect America Fund*, WC Docket No. 10-90, et al, issued June 5, 2012.

operation of the transitional recovery mechanism adopted in the USF/ICC Transformation Order.”⁶ CALTEL believes that nothing in the order materially changes the determinations in the PD, but notes that it will impact how carriers comply with the FCC rules on which the PD is based. For this reason, CALTEL suggests that the PD be revised to reference this Order and to explicitly recognize its impact on the PD and the underlying FCC rules.

Finally, the FCC’s clarifications and further review of the Appendix A worksheet in its native Excel format (provided by Commission staff to the service list in this proceeding on June 4, 2012) have led CALTEL to request a minor modification to the worksheet. Because many CLECs currently have tariffed a single, composite rate element for switched access at both the interstate and intrastate levels (i.e. these CLECs have not tariffed separate tandem and end office rate elements), CALTEL suggests that the worksheet be revised to add a set of rows that more clearly allows the carrier to document how its current rates, associated demand, and proposed rates comply with the FCC’s rules. CALTEL acknowledges that CLECs that currently have different interstate and intrastate rate structures, and intend to adopt or partially adopt its interstate rate structure at the state level in 2012,⁷ may need to further customize the worksheet in order to document compliance.

III. CONCLUSION

CALTEL appreciates the opportunity to provide comments on President Peevey’s Proposed Decision, and with the few suggestions noted above, supports the PD in full.

⁶ *Id.* at ¶1.

⁷ *Id.* at ¶8.

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