

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan For Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates For Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

COMMENTS OF COMPTTEL

COMPTTEL, through undersigned counsel, hereby submits its comments on the Emergency Petition for Waiver filed by NTCA, the National Exchange Carrier Association, Independent Telephone and Telecommunications Alliance, the Eastern Rural Telecom Association, WTA, Frontier Communications Corporation and Windstream Communications, Inc. (“Petitioners”) in the above captioned proceedings. The Petitioners ask the Commission to waive application of Section 51.913(a) of the rules and pause as of June 30, 2014 further reductions in the intercarrier compensation rate for originating intrastate voice over Internet protocol (“VoIP”) traffic until full implementation of the Connect America Fund (“CAF”) Phase

II mechanism for price cap carriers or a tailored CAF mechanism for rural rate of return carriers.¹ COMPTTEL does not oppose the Petitioners' request for a waiver so long as the waiver is granted on an industry-wide basis. An industry-wide waiver of Section 51.913(a) would ensure that all carriers are treated equitably and in a non-discriminatory fashion, regardless of their status as recipients of CAF universal service funds.

Pursuant to Section 51.913(a)(2) of the Commission's rules, carriers were permitted to assess originating intercarrier compensation rates for VoIP traffic equal to their intrastate originating access rates until June 30, 2014. Effective July 1, 2014, the rule requires carriers to reduce their VoIP originating access rates to the interstate originating access level. As the Petitioners point out, the necessary rate reductions were made by the incumbent local exchange carriers ("ILECs") in accordance with the provisions of the rule effective July 1.² Pursuant to Section 51.911 of the Commission's rules, the originating access charge rates of competitive local exchange carriers ("CLECs") are capped at the originating access charge rates of the competing ILEC. CLECs made their originating access rate reductions for intrastate VoIP traffic where necessary to ensure that they did not exceed the competing ILEC's rates.

Although the Petition does not specifically limit the request for rate relief to price cap and rural ILECs, tying that relief to implementation of high cost reform measures could be read as effectively imposing such a limitation.³ COMPTTEL submits that any reinstatement of the

¹ Petition at 1-2.

² *Id.* at 2.

³ COMPTTEL would also point out that in addition to receiving high cost universal service funds, ILECs, unlike CLECs, are specifically authorized to tariff an access recovery charge to recoup some of the reductions in their intercarrier compensation revenues. See Sections 51.915 and 51.917 of the Commission's rules.

intrastate originating access rates for VoIP traffic pending implementation of the CAF reimbursement mechanisms must apply across the board to both ILECs and CLECs. The rate parity the Commission aimed to achieve through the intercarrier compensation transformation process requires no less.

For the forgoing reasons, COMPTTEL respectfully requests that the Commission continue to ensure that CLECs are treated no less favorably than ILECs for intercarrier compensation purposes. If the Commission waives Section 51.913(a) for the Petitioners, the same waiver must be extended to all other telecommunications carriers.

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Respectfully submitted,

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