

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Connect America Fund)

WC Docket No. 10-90

Developing a Unified Intercarrier
Compensation Regime)

CC Docket No. 01-92

MOTION FOR EXTENSION OF TIME TO FILE REPLY COMMENTS

USTelecom files this Motion on behalf of its member companies, pursuant to Section 1.46 of the Federal Communications rules,¹ respectfully requesting that the Commission extend the period from November 13, 2017 to November 30, 2017, for all interested parties to file reply comments in the above-captioned proceeding.² This proceeding involves resolving extremely complex and inter-related issues on which numerous interested parties have submitted diverse comments and proposals. Under the current schedule, parties have only 15 days to digest and respond to those numerous and diverse proposal. The modest extension of time requested herein will enable interested parties to provide more complete responses, thus benefiting the Commission and the public interest by significantly improving the record on which the Commission will base its final decisions. Moreover, the proposed extension of just 17 days in a proceeding that has been pending for years will not cause any undue delay in the Commission's ability to resolve this case.

¹ 47 C.F.R. §1.46.

² *Parties Asked to Refresh the Record on Intercarrier Compensation Reform Related to the Network Edge, Tandem Switching and Transport, and Transit*, WC Docket No. 10-90; CC Docket No. 01-92 (rel. Sept. 8, 2017) ("*Refresh Notice*").

I. An Extension Would Benefit the Commission And The Public Interest By Providing Parties Sufficient Time To Respond To The Numerous And Diverse Comments And Proposals Submitted In The Initial Round Of Comments.

The issues in this proceeding are highly complex, and will have a significant impact on virtually all carriers. Numerous parties have filed comments with very divergent views on the proper path forward. Under the current schedule, parties have only 15 days to digest, consider, and draft written replies to these numerous, complex, and divergent proposals. That is not enough time. Granting a modest 17-day extension will enable parties to provide far more informative and considered comments, which will better aid the Commission in resolving these issues, and thus ultimately benefit the public interest.

Six years ago, the Commission instituted the transition of the intercarrier compensation regime for PSTN traffic to a bill-and-keep system. The Commission established an initial phase for this transition, which focused mainly on terminating end office charges and slowly reduced those intercarrier rates to zero and left the remaining aspects of the transition to a *Further Notice of Proposed Rulemaking*.³ In the years since the *Transformation Order*, as the transition to bill-and-keep has eliminated most of the arbitrage opportunities involving end office charges, certain carriers have shifted their arbitrage activities to the elements of the historic system that have yet to switch to bill-and-keep. The *Refresh Notice* now asks the parties to refresh the record on the issues necessary to resolve intercarrier compensation for all terminating charges: defining the network edge; issues surrounding the transition of the remaining tandem switching and transport

³ *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92 and 96-45; WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*2011 ICC Transformation FNPRM*).

charges to bill-and-keep and transit (the non-access traffic functional equivalent of tandem switching and transport).⁴

Resolution of these issues is a complex task, as the diverse proposals submitted in the opening round of comments confirm. First, numerous parties have submitted very diverse views on the issue of where the Commission should set the network “edge.” The “‘edge’ is the point where bill-and-keep applies, a carrier is responsible for carrying, directly or indirectly by paying another provider, its traffic to that edge.”⁵ As noted in the *Refresh Notice*, in the *2011 ICC Transformation FNPRM*, the Commission sought comment on defining the network edge as:

(1) a “‘competitively neutral’” location “‘where interconnecting carriers have competitive alternatives—other than services or facilities provided by the terminating carrier to transport traffic to the terminating carrier’s network,’” (2) a point in each Local Access and Transport Area (LATA) determined by a terminating carrier for Mutually Efficient Traffic Exchange, or (3) a terminating carrier’s central office,^[1] among other possibilities.⁶

These issues raise additional questions as to a carrier’s financial responsibility of carrying traffic to and from the edge and a carrier’s ability to choose the manner in which traffic is delivered to the edge. Moreover, once a default edge is established, most carriers will need to negotiate arrangements to exchange traffic efficiently under the new regime.

Establishing the edge thus involves balancing a number of competing considerations to establish a default edge that is easy to identify and enforce, that gives all parties appropriate incentives to negotiate the most efficient arrangements, and that eliminates arbitrage opportunities to the maximum extent possible. It is important therefore that interested parties be given adequate time to analyze and respond to the opening comments to ensure the Commission has the appropriate information to proceed.

⁴ *Refresh Notice* at 1-3.

⁵ *Refresh Notice* at 2 (citing *2011 ICC Transformation FNPRM* at ¶ 1320).

⁶ *Refresh Notice* at 2 (internal citations omitted).

Second, the Commission has requested comment on the level of regulation necessary for the tandem, transport, and transit services that remain. Depending on where the Commission sets the network edge, many services that now entail intercarrier switched access or reciprocal compensation payments could move to the terminating side of the edge, and thus will transition to bill-and-keep. These issues, therefore, involve complex questions on long-standing compensation arrangements, which if changed, will have significant effects on the industry. On these issues too, numerous parties submitted comments in the opening round setting forth diverse proposals. Additional time for replies will enable parties to provide more complete views on these proposals and better aid the Commission in resolving them.

Third, the Commission's resolution of the network edge and tandem transport issues are also related to, and in some cases, significantly intertwined with issues that are pending Commission resolution in other proceedings.⁷ The modest extension of the filing date for reply comments will allow interested parties to better analyze and vet their positions, in light of these related pending proceedings, which in the end, will provide the Commission a more robust record in this proceeding.

II. A limited extension of time will not cause undue delay or prejudice.

The addition of 17 days to the briefing cycle will cause little or no delay in resolving this proceeding. And any small delay is more than justified because it will ensure a more robust and complete record. Rule 1.415(c) provides that "reasonable time will be provided for filing

⁷ See, e.g., Public Notice, *Parties Asked to Refresh the Record Regarding 8YY Access Charge Reform*, WC Docket Nos. 10-90, 07-135, CC Docket No. 01-92 (June 29, 2017); Public Notice, *Pleading Cycle Established For Comments On AT&T's Petition For Forbearance From Certain Tariffing Rules*, DA 16-1239, WC Docket No. 16-363 (Nov. 2, 2016); and *Level 3 Communications, LLC v. AT&T Inc.*, EB Docket No. 17-227, File No. EB-17-MD-003 (filed Sept. 12, 2017).

comments in reply to the original comments.”⁸ Movants assert that an extension of the filing date for reply comments until November 30, 2017, is reasonable based on the importance of the issues raised in the *Refresh Notice* and their significance to the resolution of issues raised in other pending proceedings.

For the foregoing reasons, the Commission should grant the extension requested herein.

Respectfully submitted,

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⁸ 47 CFR §1.415(c).