

ORIGINAL
EX PARTE OR LATE FILED



1200 EIGHTEENTH STREET, NW
WASHINGTON, DC 20036

TEL 202.730.1300 FAX 202.730.1301
WWW.HARRISWILTSHIRE.COM

ATTORNEYS AT LAW

April 14, 2000

EX PARTE – By Electronic Filing

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 12th Street, SW
Washington, DC 20554

RECEIVED
APR 14 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Coalition for Affordable Local and Long Distance Service Proposal –
CC Dockets 96-262, 94-1, 96-45, 99-249

Dear Ms. Salas:

Today I sent the attached letter to Rich Lerner.

In accordance with FCC rules, I am filing copies of this letter in each of the above-captioned dockets.

Sincerely,

A handwritten signature in black ink that reads "John T. Nakahata" followed by a stylized set of initials "JRS".

John T. Nakahata

Counsel to the Coalition for Affordable Local and
Long Distance Service

JTN/krs
Attachment



1200 EIGHTEENTH STREET, NW
WASHINGTON, DC 20036

TEL 202.730.1300 FAX 202.730.1301
WWW.HARRISWILTSHIRE.COM

ATTORNEYS AT LAW

April 14, 2000

VIA HAND DELIVERY

Mr. Richard Lerner, Deputy Chief
Competitive Pricing Division, Common Carrier Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, DC 20554

Re: Coalition for Affordable Local and Long Distance Service Proposal –
CC Dockets 96-262, 94-1, 96-45, 99-249

Dear Rich:

Enclosed are proposed revisions to the proposed Pooling Rule as set forth in our draft Rule 61 A 48(m). The revisions include corrections to the threshold test for when a company qualifies for pooling based on disproportionate revenue reductions, and clarifications as to the operation of pooling between filing entities.

In accordance with FCC rules, I am filing copies of this letter in each of the above-captioned dockets.

Please feel free to call me if you should have any questions.

Sincerely,

A handwritten signature in black ink that reads "John T. Nakahata" followed by a stylized monogram or initials "JKN".

John T. Nakahata

Counsel to the Coalition for Affordable Local and
Long Distance Service

JTN/krs
Enclosure

PART 61 A

(m) Local Switching Pooled Revenues

(1) Priced cap companies are permitted to pool local switching revenues in their common line basket under one of the following conditions.

(i) Any price cap company that would otherwise have July 1, 2000 price cap reductions as a percentage of Base Period Price Cap Revenues at the holding company level greater than the industry wide total July 1, 2000 price cap revenue reduction as a percentage of Base Period Price Cap Revenues may elect temporarily to pool the amount of the additional reductions above 25% of the Local Switching element revenues necessary to yield that carrier's proportionate share of a total \$2.1 billion reduction in switched access usage rates on July 1, 2000. The basis of the reduction calculation will be R at PCI_(t-1) for the upcoming tariff year. The reductions per line amounts will be calculated as follows:

(Total ATS Reduction / Base Period EUCL Lines)

Pooled local switching revenue for each filing entity within a holding company that qualifies under this subparagraph (i) will continue until such pooled revenues are eliminated under this subparagraph. Notwithstanding the provisions of section 61A.45(b)(1), once the Average Traffic Sensitive (ATS) rate reaches the applicable target rate, the dollar impact of PCI reductions associated with the Common Line, Traffic Sensitive, and Trunking baskets' X-factor pf 6.5% shall be targeted to reducing pooled local switching revenue until the pooled local switching revenue is eliminated. Thereafter, the X-factor for these baskets will be determined in accordance with 61A.45(b)(1).

(ii) Price cap companies other than the Bell Companies and GTE with at least 20% of total holding company lines operated by rural telephone companies, as defined in 47 U.S.C. §153(37), may elect to pool up to the following amounts:

(A) for a price cap holding company's predominantly non-rural filing entities (i.e. filing entities within which more than 50% of all lines are operated by telephone companies other than rural telephone companies as defined in 47 U.S.C. §153(37), the amount of the additional reductions to Average Traffic Sensitive Charge rates as defined in 61.48(1)(2), to the extent such reductions exceed 25% of the Local Switching element revenues (measured in terms June 30, 2000 rates times 1999 base period demand)

PART 61 A

(B) for a price cap holding company's predominantly rural filing entities (i.e. filing entities with greater than 50% of lines operated by telephone companies that are rural telephone companies as defined in 47 U.S.C. §153(37), the amount of the additional reductions to Average Traffic Sensitive Charge rates as defined in 61.48(l)(2);

(2) Allocation of Pooled Local Switching Revenue to Certain Common Line Elements

(i) The pooled local switching revenue for each filing entity is shifted to the common line basket within price caps. Pooled local switching revenue will not be included in calculations to determine the eligibility for interstate access universal service funding.

(ii) Pooled local switching revenue will be capped on a revenue per line basis.

(iii) Pooled local switching revenue is included in the total revenue for the common line basket in calculating the X-factor reduction targeted to the traffic sensitive rate elements, and for companies qualified under (m)(1)(i)(A), to pooled elements after the Average Traffic Sensitive Charge reaches the target level. For the purpose of targeting X-factor reductions, companies that allocate pooled local switching revenue to other filing entities pursuant to 61A.48(m)(2)(vii) shall include pooled local switching revenue in the total revenue of the common line basket of the filing entity from which the pooled local switching revenue originated.

(iv) Pooled local switching revenue shall be kept separate from CMT revenue in the common line basket. Common line rate elements for each filing entity shall first be set based on CMT revenue per line without regard to the presence of pooled local switching revenue for each filing entity.

(v) If the rates generated without regard to the presence of pooled local switching revenue for multi-line business (MLB) PICC and/or MLB SLC are below the nominal caps of \$4.31 and \$9.20, respectively, pooled amounts can be added to these rate elements to the extent permitted by the nominal caps.

(vi) Pooled local switching revenue is first added to the MLB SLC until the rate equals the nominal cap (\$9.20) or the pooled local switching revenue is fully allocated. If pooled local switching revenue remains after applying amounts to the MLB SLC, the remaining pooled local switching revenue may be added to the MLB PICC until the rate equals the nominal cap (\$4.31) or the pooled local switching revenue is fully

PART 61 A

allocated. Unallocated pooled local switching revenue may still remain. For companies pooling pursuant to 61A.48(m)(1)(i), these unallocated amounts may not be recovered from the CCL charge, the primary residential and single-line business SLC, a non-primary residential SLC, or from common line elements in any other filing entity.

(vii) For companies pooling pursuant to 61A.48(m)(1)(ii), pooled local switching revenue that can not be allocated to the MLB PICC and MLB SLC rates within an individual filing entity may not be recovered from the CCL charge, primary residential and single-line business SLC or residential/single line business SLC charges, but may be allocated to other filing entities within the holding company, and collected by adding these amounts to the MLB PICC and MLB SLC rates. The allocation of pooled local switching revenue among filing entities will be re-calculated at each annual filing. In subsequent annual filings, pooled local switching revenue that was allocated to another filing entity will be reallocated to the filing entity from where it originated, to the full extent permitted by the nominal caps of \$9.20 and \$4.31.

(viii) These unallocated local switching revenues that cannot be recovered fully pursuant to (vii) are first added to the MLB SLC of other filing entities until the resulting rate equals the nominal cap (\$9.20) or the pooled local switching revenue for the holding company is fully allocated. If the pooled local switching revenue can be fully allocated to the MLB SLC, the amount is distributed to each filing entity with a rate below the nominal cap (\$9.20) based on its below-cap MLB SLC revenue as a percentage of the total holding company's below-cap MLB SLC revenue.

(ix) If pooled local switching revenue remains after applying amounts to the MLB SLC of all filing entities in the holding company, pooled local switching revenue may be added to the MLB PICC of other filing entities. The remaining pooled local switching revenue is distributed to each filing entity with a rate below the nominal cap (\$4.31) based on its below-cap MLB PICC revenue as a percentage of the total holding company's below-cap MLB PICC revenue.

(x) If pooled local switching is added to the MLB SLC but not to the MLB PICC for a filing entity that qualified to de-average SLCs without regard to pooled local switching, the resulting SLC rates can still be de-averaged. Total pooled local switching is added to the de-averaged zone 1 MLB SLC rate until the per line rate in zone 1 equals the rate in zone 2 or until the pooled local switching is fully allocated to the de-averaged MLB SLC rate for zone 1. If pooled local switching revenue remains after the rate in zone 1 equals zone 2, the de-averaged rates of zone 1 and zone 2 are increased until the pooled local switching is fully allocated to the de-averaged MLB SLC rates of zone 1 and 2 or until those rates reaches zone 3 MLB SLC rate level. This process continues until pooled local switching revenue is fully allocated to the zone de-averaged rates.

PART 61 A

This redlined draft, generated by CompareRite (TM) - The Instant Redliner, shows the differences between -
original document : H:\KRS\RULE 61\MARCH 8 48 M SECTION COMPARE WITH 4-14 JTN CHANGES.DOC
and revised document: H:\KRS\RULE 61\REVISED PART 61 POOL RULE (W ACCEPTED CHANGES).DOC

CompareRite found 50 change(s) in the text

Deletions appear as Overstrike text

Additions appear as Underline text

PART 61 A

(m) Local Switching Pooled Revenues

(1) Priced cap companies are permitted to pool local switching revenues in their common line basket under one of the following conditions.

(i) Any price cap company with reductions per line that would otherwise have July 1, 2000 price cap reductions as a percentage of Base Period Price Cap Revenues at the holding company level greater than the industry average at the holding company level wide total July 1, 2000 price cap revenue reduction as a percentage of Base Period Price Cap Revenues may elect temporarily to pool the amount of the additional reductions above 25% of the Local Switching element revenues necessary to yield that carrier's carrier's proportionate share of a total \$2.1 billion reduction in switched access usage rates on July 1, 2000. The basis of the reduction calculation will be R at PCI_(c-1) for the upcoming tariff year. The reductions per line amounts will be calculated as follows:

(Total ATS Reduction / Base Period EUCL Lines)

~~(A) Pooled local switching revenue for each filing entity within a qualifying holding company will continue for this condition until holding company that qualifies under this subparagraph (i) will continue until such pooled revenues are eliminated under this subparagraph. Notwithstanding the provisions of section 61A.45(b)(1), once the Average Traffic Sensitive (ATS) rate for the filing entity reaches the applicable target rate. Pooled, the dollar impact of PCI reductions associated with the Common Line, Traffic Sensitive, and Trunking baskets' X-factor pf 6.5% shall be targeted to reducing pooled local switching revenue will be reduced each year by the GDPPI-X, as long as that company's ATS is greater than the ATS target. Pooled until the pooled local switching revenue will be eliminated in the same tariff filing when the filing entity ATS reaches the applicable target rate. is eliminated. Thereafter, the X-factor for these baskets will be determined in accordance with 61A.45(b)(1).~~

~~(ii) Mid-sized price cap carriers (.0065)~~ (ii) Price cap companies other than the Bell Companies and GTE with at least 20% of total holding company lines serving statutory "rural" study areas operated by rural telephone companies, as defined in 47 U.S.C. §153(37), may elect to pool up to the following amounts:

(A) for a carrier's price cap holding company's predominantly non-rural filing entities (i.e. filing entities within which more than 50% of all lines are operated by telephone companies other than rural telephone companies as defined in 47 U.S.C. §153(37), the amount of the additional reductions to Average Traffic Sensitive Charge rates necessary to yield those filing entities' proportionate share of a total \$2.1 billion reduction in switched access usage rates on July 1, 2000 as defined in 61.48(l)(2), to the extent such reductions exceed 25% of the Local Switching element revenues as of July 1, 2000 before application of price cap adjustments and other changes under the plan; (measured in terms June 30, 2000 rates times 1999 base period demand)

(B) for a carrier's for a price cap holding company's predominantly rural filing entities (i.e. filing entities with greater than 50% of lines operated by telephone companies that are rural telephone companies as defined in 47 U.S.C. §153(37), the amount of the additional reductions to Average Traffic Sensitive Charge rates necessary to yield

PART 61 A

those filing entities' proportionate share of a total \$2.1 billion reduction in switched access usage rates on July 1, 2000; as defined in 61.48(l)(2);

~~(2) This section details the establishment and~~ (2) Allocation of Pooled Local Switching Revenue to Certain Common Line Elements

(i) ~~The pooled local switching revenue for each filing entity is shifted to the common line basket within price caps. The pooled amounts are to be kept separate from CMT per line contained in the basket. Pooled local switching revenue will not be included in calculations to determine the eligibility for interstate access universal service funding.~~

(ii) ~~Pooled local switching revenue will be allowed to grow based on the total access lines in the filing entity, capped on a revenue per line basis.~~

(iii) ~~Pooled local switching revenue should be~~ is included in the total revenue for the common line basket in calculating the productivity X-factor reduction targeted to the traffic sensitive rate elements, and for companies qualified under (m)(1)(i)(A), to pooled elements after the Average Traffic Sensitive Charge reaches the target level. For the purpose of targeting X-factor reductions, companies that allocate pooled local switching revenue to other filing entities pursuant to 61A.48(m)(2)(vii) shall include pooled local switching revenue in the total revenue of the common line basket of the filing entity from which the pooled local switching revenue originated.

~~(iv) Alternative 1:~~ (iv) Pooled local switching revenue shall be kept separate from CMT revenue in the common line basket. Common line rate elements for each filing entity shall first be set based on CMT revenue per line without regard to the presence of pooled local switching revenue for each filing entity. This includes, if the filing entity qualifies, the ability to de-average the EUCL rates by zone when the minute of use and PICC rates have been eliminated. Alternative 2: If the addition of the pooled amounts result in a MLB PICC rate then the filing entity would not be allowed to de-average the EUCL rates by zone.

(v) If the rates generated without regard to the presence of pooled local switching revenue for multi-line business (MLB) PICC and/or MLB SLC are below the nominal caps of \$4.31 and \$9.20, respectively, pooled amounts can be added to these rate elements limited to to the extent permitted by the nominal caps.

(vi) Pooled local switching revenue are is first added to the MLB SLC until the rate equals the nominal cap (\$9.20) or the pooled local switching revenue are is fully allocated. If pooled local switching revenue remains after applying amounts to the MLB SLC, add the remaining pooled local switching revenue may be added to the MLB PICC until the rate equals the nominal cap (\$4.31) or the pooled local switching revenue are is fully allocated. Unallocated pooled local switching revenue may still remain. For companies pooling pursuant to 61A.48(m)(1)(i) , these unallocated amounts may not be recovered from the CCL charge, the primary residential and single-line business SLC, a non-primary residential SLC, or from common line elements in any other filing entity.

(vii) For companies pooling pursuant to 61A.48(m)(1)(ii), pooled local switching revenue that can not be allocated to the MLB PICC and MLB SLC rates within an individual filing entity may not be recovered from the CCL charge, primary residential and single-line business SLC or residential/single line business SLC charges, but may be allocated to other filing entities within the holding company, and collected by adding these amounts to multiline business the MLB PICC and MLB SLC rates. The allocation of(x) If pooled local switching revenue among filing entities will be re-calculated at each annual filing. In subsequent annual is added to the MLB SLC for a filing entity that qualified to de-average SLCs without

PART 61 A

regard to pooled local switching, the resulting SLC rates can no longer be de-averaged. Filing entity average SLCs must be charged

~~(xi) In subsequent filings, pooled local switching revenues revenue that were was allocated to another filing entity will be reallocated to the filing entity from where it originated. Allocation of, to the full extent permitted by the nominal caps of \$9.20 and \$4.31.~~

~~(viii) These unallocated local switching revenues that cannot be recovered fully pursuant to (vii) are first added to the MLB SLC of other filing entities until the resulting rate equals the nominal cap (\$9.20) or the pooled local switching revenue will be re-calculated with each filing, for the holding company is fully allocated. If the pooled local switching revenue can be fully allocated to the MLB SLC, the amount is distributed to each filing entity with a rate below the nominal cap (\$9.20) based on its below-cap MLB SLC revenue as a percentage of the total holding company's below-cap MLB SLC revenue.~~

~~(n) Establishment of the Special Access Basket, effective 7/1/2000 (ix) If pooled local switching revenue remains after applying amounts to the MLB SLC of all filing entities in the holding company, pooled local switching revenue may be added to the MLB PICC of other filing entities. The remaining pooled local switching revenue is distributed to each filing entity with a rate below the nominal cap (\$4.31) based on its below-cap MLB PICC revenue as a percentage of the total holding company's below-cap MLB PICC revenue.~~

~~On the effective date, the PCI value for the Special Access basket, as defined in 61.42(d)(5) shall be equal to the PCI for the Trunking basket on the day preceding the establishment of the Special Access basket.~~

~~On the effective date, the API value for the Special Access basket, as defined in 61.42(d)(5) shall be equal to the API for the Trunking basket on the day preceding the establishment of the Special Access basket.~~

~~Service Category, Subcategory, and Density Zone SBIs and Upper Limits~~

~~Interconnection, Tandem Switched Transport, and Signalling Interconnection will retain the SBIs and upper limits and remain in the Trunking basket.~~

~~Audio/Video and Wideband will retain the SBIs and upper limits and be moved into the Special Access basket.~~

~~For VoiceGrade, the SBIs and upper limits in both baskets will be equal to the SBIs and upper limits in the existing Trunking basket on the day preceding the establishment of the Special Access basket. VoiceGrade density zones in the Trunking basket will retain their indices and upper limits. VoiceGrade density zones will be initialized in the Special Access basket when services are first offered in them.~~

~~For High Cap/DDS, DS1, and DS3 category and subcategories, the SBIs and upper limits in both baskets will be equal to the SBIs and upper limits in the existing Trunking basket on the day preceding the establishment of the Special Access basket. SBIs and upper limits for services that are in both combined density zones and either DTT/EF or Special density zones will be calculated by using weighted averages of the indices in the affected zones.~~

~~For each DTT/EF-related zone remaining in the Trunking basket, the values will be calculated by taking the sum of the products of the DTT/EF revenues times the DTT/EF index (or upper limit) and the DTT/EF-related revenues in the combined zone times the combined index (or upper limit); and dividing by the total DTT/EF-related revenues for that zone.~~

~~For each Special-related zone remaining in the Trunking basket, the values will be calculated by taking the sum of the products of the Special revenues times the Special index (or upper limit) and the Special-related revenues in the combined zone times the combined index (or upper limit); and dividing by the total Special-related revenues for that zone.~~
(x) If pooled local switching is added to the MLB SLC but not to the MLB PICC for a filing entity that qualified to de-average SLCs without regard to pooled local switching, the resulting SLC rates can still be de-averaged. Total pooled local switching is added to the de-averaged zone 1 MLB SLC rate until the per line rate in zone 1 equals the rate in zone 2 or until the pooled local switching is fully allocated to the de-averaged MLB SLC rate for zone 1. If

PART 61 A

pooled local switching revenue remains after the rate in zone 1 equals zone 2, the de-averaged rates of zone 1 and zone 2 are increased until the pooled local switching is fully allocated to the de-averaged MLB SLC rates of zone 1 and 2 or until those rates reaches zone 3 MLB SLC rate level. This process continues until pooled local switching revenue is fully allocated to the zone de-averaged rates.