CLECs are not required to perform jurisdictional separations, there is no way to identify what portion of their revenues are generated by interstate revenues. SBC therefore alleges that the CLECs do (or could) game the system and understate their interstate revenues. SBC therefore proposes that '[t]he Commission could establish a safe harbor interstate allocation percentage for the exchange access component of each access line and give CLECs the option of performing a separations calculation to justify a different interstate allocation percentage."[60] In the very next section of its comments, however, SBC challenges the current 15 percent safe harbor for wireless carriers, "urg[ing] the Commission to reexamine the wireless safe harbor in light of the market developments that have occurred."[61]

If a safe harbor approach is not working for wireless carriers, however, why would a safe harbor or other revenue-based contribution system work for CLECs or any other carriers with bundled offerings of interstate telecommunications services and intrastate telecommunications services, enhanced services, and/or customer premises equipment? The answer is that a revenue-based contribution system is no longer viable and should be replaced by a connection- and capacity-based assessment that relies on readily measurable parameters.

This very real market fact goes to the heart of an otherwise intriguing proposal that Sprint makes to reform the USF contribution system. Sprint proposes a "Collect and Remit" process in which interstate factors would be used to derive interstate revenues from the total revenues of carriers and then universal service costs would be recovered from customers on a per-line basis.[62] The LECs would collect from wireline customers on behalf of both themselves and the IXCs to whom their customers are presubscribed. The Sprint proposal

---

60 SBC Comments at 11.

61 SBC Comments at 12.

62 Sprint Comments at 8-10.

has great superficial appeal – it would be the easy to implement since it relies on simple "interstate factors" that are mechanically applied to carriers' total revenues. But this superficial appeal masks a fatal flaw. There is absolutely no basis for setting the "interstate factors" that would be assigned to different categories of carriers – in effect the safe harbor percentages for wireless carriers, local exchange carriers, and interexchange carriers. Moreover, as CLECs and cable providers and satellite providers offer interstate telecommunications services, what would be the appropriate "interstate factors" for them? Unless all these interstate factors could be accurately determined – and they cannot – the Sprint proposal would perpetuate competitive bias in the USF contribution system.

VI. THE COMMISSION SHOULD ALLOW CARRIERS TO FILE CONSOLIDATED REPORTS

A number of carriers, responding to the Commission's request for recommendations on how to streamline the manner in which the Commission assess carrier contributions to the universal service mechanisms, propose that carriers be allowed to file a single USF report covering all of its subsidiary licenses.[63] WorldCom agrees with these carriers that allowing consolidated reporting would help to streamline the process with no apparent downside.

VII. FLAT CONNECTION-BASED UNIVERSAL SURCHARGES WOULD MEET THE GOALS OF THE ACT AND PROMOTE CONSUMER WELFARE

The Commission should not mandate how carriers recover from their end-user customers the assessments, uncollectibles, and administrative costs associated with the USF. But flat connection-based universal service surcharges are consistent with the goals of the Communications Act and promote consumer welfare and therefore the Commission should

explicitly sanction them as a means of recovery. Several parties explained in their comments the benefits of recovering universal service costs on a flat fee basis.[64] WorldCom believes that this is the most equitable, competitively neutral, and consumer-friendly method of assessing and recovering universal service payments.[65] Furthermore, although WorldCom agrees with the Commission's suggestion that universal service surcharges should "correspond to" the assessment amount,[66] WorldCom concurs with the many parties asserting that carriers must be able to account in their universal service recovery surcharges for costs associated with universal service – *e.g*, uncollectibles and administrative costs.[67]

Some carriers propose a methodology whereby carriers remit to USAC only the amount that they collect from customers.[68] WorldCom supports this approach in that it alleviates the risk to carriers of having to pay an assessment on revenues they do not collect, but even under this approach carriers must be able to account in their surcharge for administrative and other associated costs.

WorldCom disagrees with parties arguing that the Commission should set a uniform amount that all carriers must assess to account for these administrative and other associated costs.[69] As noted by Nextel and others, the Commission should recognize the economic and

---

63 *See, e,g,* Verizon Wireless Comments at 17, Nextel Comments at 12, Cingular Wireless Comments at 8.

64 *See, e.g.,* AT&T Comments at 3-9; Sprint Comments at 8; Telstar Comments at 4; Ad Hoc Comments at 26.

65 *See, e.g.,* WorldCom Comments at 17.

66 *See Notice* at para. 42.

67 *See, e.g.,* AT&T Comments at 3, n.1; CTIA Comments at 11; Excel Comments at 9; Ascent Comments at 8.

68 *See, e.g.,* Sprint Comments at 10.

69 *See, e.g.,* AT&T Comments at 3.

business reality of varying circumstances and cost structures among carriers and should provide carriers with the flexibility to account for these circumstances in their surcharges.[70] WorldCom therefore recommends that the Commission set a "safe-harbor" amount that would include the level of administrative costs that the Commission deems reasonable.[71] The Commission could investigate any surcharge amount exceeding this "safe-harbor."

Some parties claim that carriers should be entirely prohibited from assessing universal service surcharges to recover their universal service payments.[72] These parties indicate that universal service payments simply represent costs of doing business, and, like salaries, insurance, or any other costs of doing business, should not be recovered through surcharges.[73] Although WorldCom wholeheartedly supports the universal service programs, which, among other benefits, help increase connectivity to the network, it is disingenuous to ignore that universal service payments are regulatory requirements that carriers have no flexibility to reduce or avoid incurring. They cannot simply be "competed away." Universal service payments more closely resemble a "tax" than they do the discretionary costs of doing business such as salaries and facilities maintenance. And, like any other "tax," carriers should be able to separately identify and recover these charges on consumer bills. As the Commission has found on numerous occasions, carriers should have "the flexibility to structure their recovery of the costs of universal service in many ways, including creating

---

70 *See, e.g.,* Nextel Comment at 13; Excel Comments at 9; Telstar Comments at 10.

71 *See* WorldCom Comments at 28.

72 *See* NASUCA Comments at 7; Texas OPC Comments at 4.

73 *See* NASUCA Comments at 12; Texas OPC Comments at 3.

new pricing plans subject to monthly fees."[74] An outright ban on universal service fees would run contrary to Commission precedent and rest on dubious legal grounds.

Furthermore, it is unclear to WorldCom why, as NASUCA and Texas OPC maintain, recovering universal service payments in per-minute rates is necessarily more helpful to most consumers. Flat, connection-based surcharges -- as advocated by WorldCom in this proceeding – are predictable and more easily identifiable than percentage-based surcharges or recovery amounts contained in per-minute rates. As explained by Z-Tel and Nextel,[75] flat line- or connection-based surcharges therefore are simpler for consumers to understand and compare across carriers. When consumers are readily able to comparison-shop among carriers for the universal service surcharge that best fits their needs, carriers will have the incentive to keep their surcharges as low as possible, achieving Texas OPC's goal of carriers "competing costs away." [76]

Texas OPC also raises concerns about the effect on low-volume users of a flat universal service surcharge.[77] Specifically, Texas OPC is concerned that low-volume users are disproportionately low-income customers who would be disproportionately harmed by a shift to per-connection surcharges.[78] Under WorldCom's proposal, eligible low-income (i.e., Lifeline) customers would not be assessed *any* universal service surcharge. WorldCom also expects that market forces would dictate that its proposed $1.00 carrier assessment for residential and single-line business connections would be recovered from customers through

---

74 Universal Service First Report and Order at para. 855.

75 Z-Tel Comments at 7 and Nextel Comments at 7.

76 *See* Texas OPC Comments at i.

77 *See* Texas OPC Comments at 9.

78 *See* Texas OPC Comments at 9.

a simple line item connection-charge of $1.00 plus a reasonable markup to recover associated administrative costs. Consistent with Texas OPC's concern that business users not "escape" universal service surcharges,[79] WorldCom's proposal places the residual (and heavier) burden on business users, based on the capacity of the connections used. WorldCom believes these assessment amounts simultaneously would minimize the impact of universal service recovery on the customers who are most sensitive to surcharges, while achieving the competing goal of maintaining the sufficiency of the USF.

WorldCom disagrees with NECA that rate of return carriers should be treated differently than price cap carriers in their recovery of universal service contributions. NECA asserts that recovery of universal service contributions by rate of return carriers should not be limited to end-user charges, as is the case with price cap carriers.[80] NECA claims that end-users of the rural rate of return carriers are deserving of special treatment compared to other end-users.[81] Less than a month ago, however, the Common Carrier Bureau on its own motion waived certain rules so that rate of return carriers could recover their universal service contributions "only through the same type of end-user charges *that are already paid by the vast majority of telephone consumers*" (emphasis added).[82] Accordingly, in its June 18, 2001 tariff filing, NECA introduced a universal service surcharge to be assessed on end-users and removed its universal service costs from access charges.[83] WorldCom believes that rate of return carriers should continue to recover their universal service costs in this manner.

---

79 *See* Texas OPC Comments at 6.

80 NECA Comments at 9.

81 *Id.* at 11.

82 *In the Matter of Waiver of Sections 69.3(a) and 69.4(d) of the Commission's rules*, CCB/CPD 01-15, DA 01-1429 (rel. June 14, 2001) at para. 4.

83 NECA Tariff Transmittal No. 901 (filed June 18, 2001).

NECA has not proffered a persuasive basis on which to justify a change in course. NECA claims that the customers of rural rate of return carriers will be harmed by end-user charges without explaining how these customers differ from those of rural price cap carriers (e.g., Citizens Telephone Co. and Valor Telephone Co.), who have paid universal service charges without any apparent hardship. NECA also maintains that the access reductions that IXCs would receive if universal service contributions were removed from access charges would not be passed onto IXCs' end-user consumers. This claim is unfounded, because IXCs' rate reductions are spread evenly across their customers pursuant to the averaging requirement contained in section 254(g) of the Act. For these reasons, rate of return carriers should be treated no different than price cap carriers and required to pass through to their end-user customers their universal service contributions.

VIII. CONCLUSION

The comments in this proceeding demonstrate that the current revenue-based USF contribution system is fundamentally broken. It is neither equitable, competitively neutral, nor sustainable. The comments overwhelmingly demonstrate that it is very difficult, if not impossible, to accurately measure the interstate telecommunications revenues of many carriers today and that major market trends in the industry will only exacerbate this situation. The potential that ever increasing surcharges on the portion of revenues that can be identified as interstate telecommunications threatens the sustainability of any revenue-based contribution system is very real. An interstate connection- and capacity-based contribution system is the solution, and it needs to be implemented quickly – before the USF expands beyond the current $5.5 billion level that already is barely sustainable.

Respectfully submitted,
WORLDCOM, INC.

By: Chuck Goldfarb

Chuck Goldfarb
Lori Wright
Alan Buzacott
WorldCom, Inc.
1133 19th Street, NW
Washington, DC 20036
(202) 736-6467

July 9, 2001

STATEMENT OF VERIFICATION

I have read the foregoing and, to the best of my knowledge, information, and belief, there is good ground to support it, and it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed on July 9, 2001.

Chuck Goldfarb

Chuck Goldfarb
1133 19th Street, NW
Washington, DC 20036
(202) 736-6467

CERTIFICATE OF SERVICE

I, Felicia R. Young, hereby certify that on this 9th day of July, 2001, copies of the foregoing were served by hand or regular mail on the following:

Magalie Roman Salas
Secretary
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Katherine Schroder
Accounting Policy Division Chief
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Chairman Michael K. Powell
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Gloria Tristani
Commissioner
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Kathleen Q. Abernathy
Commission
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Michael J. Copps
Commissioner
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Dorothy Attwood, Chief
Common Carrier Bureau
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Anita Cheng
Accounting Policy Division
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Kyle Dixon
Legal Advisor
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Paul Gallant
Legal Advisor
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Bryan Tramont
Senior Legal Advisor
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Jordan Goldstein
Legal Advisor
Federal Communication Commission
445 12th Street, SW
Washington, DC 20554

Alan R. Shark, President
American Mobile Telecommunications
Association, Inc.
1150 18th Street, NW, Suite 250
Washington, DC 20036

James S. Blaszak
Colleen Boothby
Counsel for
The Ad Hoc Telecommunications
Users Committee
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW
Suite 900
Washington, DC 20036

Judy Sello
Mark C. Rosenblum
AT&T Corporation
Room 1135L2
295 North Maple Avenue
Basking Ridge, New Jersey 07920

Cheryl L. Parrino
Chief Executive Officer
D. Scott Barash
Vice President and General Counsel
Universal Service Administrative Company
2120 L Street, NW
Suite 600
Washington, DC 20037

Michael F. Altschul
Senior Vice President, General Counsel
Cellular Telecommunications &
Internet Association
1250 Connecticut Avenue, NW
Suite 800
Washington, DC 20036

Richard M. Sbaratta
Theodore Kingsley
BellSouth Corporation
675 West Peachtree Street
Suite 4300
Atlanta, Georgia 30375

Joseph DiBella
Verizon
1320 North Court House Road,
Eighth Floor
Arlington, VA 22201

John W. Hunter
Julie Rones
Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
United States Telephone Association
1401 H Street, NW
Suite 600
Washington, DC 20005

Jeffrey A. Brueggeman
Roger K. Toppins
Paul K. Mancini
SBC Communications Inc.
1401 I Street, NW, 11th Floor
Washington, DC 20005

Jay C. Keithley
Sprint Corporation
401 9th Street, NW, #400
Washington, DC 20004

Rick Zucker
Sprint Corporation
6360 Sprint Parkway KSOPHE0302
Overland Park, KS 66251

Douglas I. Brandon
Vice President - External Affairs
AT&T Wireless Services, Inc.
1150 Connecticut Avenue, NW
Washington, DC 20036

Danny E. Adams
Andrea Pruitt Edmonds
Kelley Drye & Warren LLP
8000 Towers Crescent Drive
Suite 1200
Vienna, Virginia 22182

Laura H. Phillps
Jason E. Friedrich
Nextel Communications, Inc.
2001 Edmund Halley Drive
Reston, VA 20191

John T. Scott, III
Vice President and Deputy General
Counsel - Regulatory Law
Verizon Wireless
1300 I Street, NW
Suite 400 West
Washington, DC 20005

J.R. Carbonell
Carol L. Tacker
David G. Richards
Cingular Wireless LLC
5565 Glenridge Connector
Suite 1700
Atlanta, GA 30342

Thomas Jones
Christi Shewman
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036

Craig J. Brown
Sharon J. Devine
Qwest Communications International Inc.
1020 19th Street, NW
Suite 700
Washington, DC 20036

Billy Jack Gregg
West Virginia Consumer Advocate Division
700 Union Building
Charleston, West Virginia 25301

Hope Halpern Barbulescu
Director of Regulatory Affairs
Telstar International, Inc.
1 North Broadway
White Plains, NY 10601

Charles C. Hunter
Catherine M. Hannan
Hunter Communications Law Group
1424 Sixteenth Street, NW, Suite 105
Washington, DC 20036

Richard A. Askoff
Colin Sandy
National Exchange Carrier Associations, Inc.
2120 L Street, NW
Suite 650
Washington, DC 20037

L. Marie Guillory
Daniel Mitchell
National Telephone Cooperative Association
4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203

Laurie Pappas
Deputy Public Counsel
Texas Office of Public Utility Counsel
1701 N. Congress Avenue, Suite 9-180
Austin, TX 78701

Gene Kimmelman
Co-Director
Consumers Union
1666 Connecticut Avenue, NW
Washington, DC 20009

Mark Cooper
Director of Research
Consumer Federation of America
504 Highgate Terrace
Silver Spring, MD 20904

John Ridgway
Manager, Telecommunications
James R. Langenberg
Utility Analyst
Iowa Utilities Board
350 Maple Street
Des Moines, IA 50319

Sylvia Lesse
John Kuykendall
Rural Cellular Association
2120 L Street, NW
Suite 520
Washington, DC 20037

Robert J. Aamoth, Esq.
Heather M. Wilson, Esq.
Kelley Drye & Warren, LLP
1200 19th Street, NW, Suite 500
Washington, DC 20036

Christopher R. Day
Angela J. Campbell
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue, NW, Suite 312
Washington, DC 20001

Jerry J. Gumpel, Esq.
Sheppard, Mullin, Richter & Hampton LLP
510 West Broadway, 19th Floor
San Diego, California 92101

Catherine Wang
Tamar E. Finn
Douglas D. Orvis, II
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, Suite 300
Washington, DC 20007

John A. Prendergast
Gerard J. Duffy
Douglas W. Everette
Blooston, Mordkofsky, Dickens, Duffy & Prendergast
2120 L Street, NW, Suite 300
Washington, DC 20037

Albert H. Kramer
Jacob S. Farber
Jeffrey H. Tignor
American Public Communications Council
2101 L Street, NW
Washington, DC 20037-1526

Dennis M. Doyle
Vice President, Telecommunications
Arch Wireless, Inc.
1800 West Park Drive
Suite 250
Westborough, MA 01581-3912

Peter Tannenwald
Tara B. Shostek
Irwin, Campbell & Tannernwald, PC
1730 Rhode Island Ave., NW
Suite 200
Washington, DC 20036-3101

Beverly E. Ledbetter, Esq.
Vice President and General Counsel
P.O. Box 1913, Brown University
Providence, RI 02912-1913

Anthony R. Tanzi, RCCD
President
ACUTA, Inc.
152 W. Zandale Drive, Ste 200
Lexington, KY 40503

Dennis Cieslak
Teletronic, Inc.
1110 North Glebe Road, Suite 500
Arlington, Virginia 22201

James E. Graf, II
Kristen Neller Verderame
A. Sheba Chacko
BT North America Inc.
601 Pennsylvania Avenue, NW
North Building, Suite 625
Washington, DC 20004

John E. Welch
Senior Vice President and General Counsel
EPIK Communications Incorporated
3501 Quadrangle Blvd., Suite 225
Orlando, Florida 32779

Keith Oliver
Vice President-Finance
Home Telephone Company, Inc.
P.O. Box 1194
Moncks Corner, South Carolina 29461

Carl Wolf Billek
IDT Corporation
520 Broad Street
Newark, New Jersey 07102-3111

Susan J. Bahr
Law Offices of Susan Bahr, PC
P.O. Box 86089
Montgomery Village, MD 20886-6089

Susan Sanborn
Western Kentucky University
1 Big Red Way
116 Van Meter Hall
Bowling Green, KY 42101

Stephen R. Bell
Jennifer D. McCarthy
A. Renee Callahan
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20036

Michael G. Hoffman
Chief Legal Consel
Patricia Zacharie
Regulatory Counsel
VarTec Telecom. Inc.
1600 Viceroy Drive
Dallas, Texas 75235

Robert J. Hanson
Vice President, Regulatory Affairs
Colin M. Alberts
Counsel
Verestar, Inc.
3040 Williams Drive
Suite 600
Fairfax, Virginia 22031

Billy Jack Gregg
West Virginia Consumer Advocate
Division
700 Union Building
Charleston, West Virginia 25301

Thomas M. Koutsky
Claudia J. Earls
Z-Tel Communications, Inc.
601 S. Harbour Island Blvd., Suite 220
Tampa, FL 33602

Stuart E. Polikoff
Director of Government Relations
Jeffrey W. Smith
Policy Analyst
OPASTCO
21 Dupont Circle, Nw
Suite 700
Washington, DC 20036

Felicia R. Young