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

In the Matter of	)	
	)	
Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers	)	CC Docket No. 00-256
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation	)	CC Docket No. 98-77
	)	
Prescribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers	)	CC Docket No. 98-166

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

CenturyTel, Inc. ("CenturyTel") through its attorneys, hereby replies to the oppositions to its Petition for Reconsideration ("Petition") submitted by the Rural Consumer Choice Coalition ("RCCC") and the Competitive Universal Service Coalition ("CUSC") on February 14, 2002.

No party has offered any substantial rebuttal to CenturyTel's arguments that: (1) the *MAG Order*[1] failed to achieve the Commission's revenue-neutrality goals for rate-of-return carriers because it failed to accommodate states that mirror federal traffic-sensitive access charges; and (2) the *MAG Order* violated the mandate of *Qwest Corp. v. FCC*, 258 F.3d 1191, 1203-04

[1] *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, et. al.*, Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket Nos. 98-77 and 98-166, FCC 01-304, 16 FCC Rcd 19613 (2001).

(10th Cir. 2001) because it failed to afford such "mirroring" states time to adjust to the Commission's changes in federal universal service policy.

To the contrary, the RCCC and the CUSC rely on sweeping statements opposing any rollback of the shift of cost recovery from traffic-sensitive to common-line charges, and from carrier-paid to consumer-paid charges, that occurred on January 1.[2] These Oppositions fail to respond with any analysis of the very real anomalies identified by CenturyTel in its Petition. They ignore the fact that CenturyTel's Petition does not seek fundamental changes in the Commission's decision. Rather, CenturyTel seeks an opportunity to work with affected state commissions to develop appropriate changes in state policies that make sense *in light of* the federal rule changes.

This lack of substantial opposition to CenturyTel's request supports the simple proposition that, when the Commission undertakes changes to federal universal service policy that compel state action, it must "develop mechanisms to induce [such] state action." *Qwest*, 258 F.3d at 1203. Indeed, the *Qwest* Court specifically held that "the Act requires the FCC to base its policies on the principle that there should be sufficient state mechanisms to promote universal service. Thus, the FCC must ensure that these mechanisms exist." *Id.*

While CenturyTel focused on Arkansas and Ohio in its petition, mirroring issues are not limited to those two states. CenturyTel has found that another state it serves, Indiana, also uses a mirroring mechanism to set state traffic-sensitive access rates. While an exact count is difficult to develop, CenturyTel estimates that approximately eight to twelve states nationwide are affected in this way.

The RCCC's naked allegation that a brief delay in the implementation of the *MAG Order*'s interstate access charge reforms would cause "substantial harm" to unspecified "other

parties" should be given no weight. The RCCC identifies neither the harms it fears nor the parties that might potentially be affected. Such unsupported plaints cannot overcome the clear command of the *Qwest* Court. Moreover, contrary to the RCCC's suppositions, CenturyTel has not been inattentive to the impact the *MAG Order* is having at the state level. In addition to its Petition for Reconsideration before the Commission, it has been working diligently at the state level since the *MAG Order* was adopted. State rate cases, however, do not take place over a matter of days or weeks. In CenturyTel's case, and as example explained in its Petition, the Arkansas Commission conducts rate cases on a 10-month schedule.

For the foregoing reasons, CenturyTel urges the Commission to reconsider the rules adopted in the *MAG Order* to the extent indicated in its Petition for Reconsideration in this matter.

Respectfully submitted,

CENTURYTEL, INC.

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[2] Indeed, the CUSC devotes only a single footnote to CenturyTel's petition, making its basis for opposing CenturyTel's Petition less than clear.