

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

In the Matter of)
)
Developing a Unified Intercarrier Compensation) CC Docket No. 01-92
Regime)
)

REPLY COMMENTS OF PACIFIC LIGHTNET, INC.

Pacific LightNet, Inc. (Pacific LightNet), by its undersigned counsel, submits these brief reply comments on the Further Notice of Proposed Rulemaking in the above-captioned proceeding.

A Hawaii-based competitive local exchange carrier serving customers on Oahu, Maui, Kauai, the Big Island, Molokai and Lanai through its own submarine cable and land-based fiber network, Pacific LightNet offers a full range of integrated telecommunications products and services, including local dial tone, high-speed Internet access, dedicated and switched long distance, collocation, special access and enhanced data services.

Pacific LightNet urges the Commission to immediately address virtual-NXX/FX (hereafter, VFX) issues in a separate order. In this regard, Pacific LightNet supports the May 23, 2005 Comments of Comptel/ALTS and, to the extent such comments advocate the use of NPA/NXX codes to rate **all** traffic, the jointly-filed comments of Pac-West Telecomm, Inc., US LEC Corp., RCN Telecom Services,

Inc., Cavalier Telephone Co., Paetec Communications, Inc. Broadview Networks, Inc., Bridgecom International, Inc. and Telcove Operations, Inc. (“Pac-West et al.”).¹

There can be no doubt that both sides of this issue would welcome such a ruling—particularly when Verizon, the largest incumbent LEC in the country, complains that the states have taken “drastically different positions on these [VFX] issues, resulting in a crazy quilt of regulation.”²

Despite inconsistent rulings among state commissions over the past few years, long-standing industry practice has been to rate calls based on the NPA/NXX of the calling and called party.³ Indeed, the growing confusion over this issue seems largely attributable to Verizon’s state-by-state campaign to resuscitate the fading practice of access charges. Otherwise, there is no compelling policy driver for altering the historic practice of rating calls based on the NPA/NXX of the calling and called parties.

Consequently, given the sweeping changes that are likely to take place with respect to intercarrier compensation generally, where, even among the competing

¹ See, the May 23, 2005 Comments of Comptel/ALTS at pp. 17-19 and May 23, 2005 Comments of Pac-West Telecomm, Inc., US LEC Corp., RCN Telecom Services, Inc., Cavalier Telephone Co., Paetec Communications, Inc. Broadview Networks, Inc., Bridgecom International, Inc. and Telcove Operations, Inc. at p. 52.

² See, Verizon’s June 13, 2003 ex parte notice in CC Docket 01-92.

³ See, especially, *Starpower Communications v. Verizon South Inc.*, Memorandum Opinion and Order, File No. EB-00-MD-19 (Nov. 7, 2003) at ¶ 17 and fn 62 (Indeed, Verizon Virginia, Inc. (“Verizon Virginia”) acknowledged in the Commission’s Virginia Arbitration Proceeding that rating a call based on the NPA-NXX code assigned to the customers is the established rating system used by all local exchange carriers, including Verizon Virginia.), citing *Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia, Inc. and for Expedited Arbitration*, Memorandum Opinion and Order, 17 FCC Rcd at 27181 (2002), ¶ 300 (Wireline Comp. Bur. 2002).

proposals on the table, the distinction between the type of call and disparity among the rates applicable to different types of calls (i.e., reciprocal compensation versus access charges) seems likely to diminish or even disappear, it's more than appropriate for the Commission to assert its jurisdiction and unify the compensation regimes.

Specifically, Pacific LightNet urges the Commission to take the necessary steps to preempt any state decision that purports to (i) apply access charges to VFX traffic, including that subset of VFX traffic that is ISP-bound, or (ii) otherwise exclude such traffic from reciprocal compensation schemes.

Respectfully Submitted,

/s/
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