

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

In the Matter of)	
)	
Developing a Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs)	

REPLY COMMENTS OF TOWNES TELECOMMUNICATIONS, INC.

Townes Telecommunications, Inc. (Townes)¹, by its attorneys, hereby submits comments in response to the oppositions to Petitions for Reconsideration filed in the above-referenced proceeding. Specifically, Townes files a response in support of the joint opposition filed by the National Telecommunications Cooperative Association (NTCA) and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) (hereinafter referred to as the NTCA/OPASTCO opposition) and the opposition filed by CenturyTel, Inc. (CenturyTel), as discussed herein. Townes also files a response with respect to the comments filed by Verizon Wireless concerning an amendment to section 20.11(f).

In their oppositions, NTCA/OPASTCO and CenturyTel oppose T-Mobile USA, Inc.'s (T-Mobile's) request that the Commission clarify that Section 51.705 of the Commission's rules govern proceedings regarding incumbent local exchange carrier (LEC) wireless termination tariffs for past periods. As NTCA/OPASTCO and CenturyTel correctly point out, such a

¹ Townes is comprised of seven rural incumbent local exchange carriers serving areas in Arkansas, Colorado, Florida, Kansas, Missouri and Texas.

clarification would be contrary to the Commission's Order in which the Commission found that the LECs' wireless termination tariffs filed in the states were not unlawful and that "[b]y routing traffic to LECs in the absence of a request to establish reciprocal or mutual compensation CMRS providers accept the terms of otherwise applicable state tariffs."² As stated by CenturyTel, "there are no grounds for application of the pricing standards of Section 51.705 of the rules for past period (sic) where valid tariffs were in effect."³

Townes notes that the appropriate remedy for T-Mobile or any other party who believed that a tariffed rate was unlawful would have been a challenge to the tariffed rate once it was filed. Apparently, having failed to do that, T-Mobile now seeks to have the Commission alter tariffed rates retroactively. The Commission has stated that its Order affects state tariffs "only prospectively"⁴ and it should deny T-Mobile's request to affect them retroactively.

Townes also responds to the comments of Verizon Wireless concerning section 20.11(f) of the rules. In its comments, Verizon Wireless states that the Commission might have "inadvertently suggested that ILECs may assert a right to request direct interconnection from CMRS providers by incorporating the term "interconnection" in new rule Section 20.11(f)."⁵ Verizon Wireless asks the Commission to clarify that LECs still must allow indirect interconnection by replacing the term "interconnection" in Section 20.11(f) with the phrase "reciprocal compensation arrangements."⁶ Townes believes that no change to Section 20.11(f) is necessary to preserve the right of carriers to request indirect interconnection. However, to the

² *Developing a Unified Intercarrier Compensation Regime; T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs*, Declaratory Ruling and Report and Order, CC Docket No. 01-92, FCC 05-42, ¶12 (Feb. 24, 2005) (Order).

³ CenturyTel Opposition to Petitions for Reconsideration at 11-12.

⁴ Order at ¶56.

⁵ Comments of Verizon Wireless at 8-9.

⁶ *Id.* at 10.

extent that the Commission believes some clarification is needed, Townes opposes the change proposed by Verizon Wireless as too expansive. Rather, the Commission, at most, should add simply that Section 20.11(f) does not affect any right to indirect interconnection.

Based on the foregoing, Townes requests that the Commission deny the requests of T-Mobile and Verizon Wireless as discussed herein.

Respectfully submitted,

TOWNES TELECOMMUNICATIONS, INC.

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Dated: July 11, 2005

CERTIFICATE OF SERVICE

I, Althea Pierce, do hereby certify that I have on this 11th day of July, 2005, had copies of the foregoing Reply of Townes Telecommunications, Inc. delivered to the following, via First Class U.S. mail or electronic mail, as indicated.

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