

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Frontier’s Petition for Declaratory	)	WC Docket No. 05-276
Ruling Regarding the Application of	)	
Access Charges to IP-Transported Calls	)	
_____	)	

**COMMENTS OF PAETEC COMMUNICATIONS, INC.**

PAETEC Communications, Inc. (“PAETEC”), by undersigned counsel and in response to the Commission’s Public Notice released December 9, 2005,<sup>1</sup> offers its Comments on the Petition for Declaratory Ruling filed by Frontier Telephone of Rochester, Inc. (“Frontier”). As noted in Frontier’s Petition, PAETEC is the CLEC from which Datanet obtains interconnection to the Frontier network.

PAETEC commends Frontier for directing its collection efforts at the true access customer, Datanet, rather than attempting to implicate PAETEC as well. Frontier correctly recognizes that PAETEC is a joint provider of switched access, acting in conjunction with Frontier to provide exchange access to their joint customer, Datanet,<sup>2</sup> and that PAETEC is not, as some might contend, a customer of Frontier’s access service with respect to the Datanet traffic. Just as the Commission has held that “[access] charges should be assessed against interexchange carriers and not against any intermediate LECs that may hand off the traffic to the terminating LECs,”<sup>3</sup> PAETEC agrees with Frontier that the same restrictions hold true for originating traffic as well. Specifically, the Commission should reaffirm that LECs that cooperate in providing

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<sup>1</sup> *Pleading Cycle Established for Frontier’s Petition for Declaratory Ruling Regarding the Application of Access Charges to IP-Transported Calls*, WC Docket 05-276, Public Notice DA 05-3165 (Dec. 9, 2005).

<sup>2</sup> Frontier Petition at 2, 6.

<sup>3</sup> *Petition for Declaratory Ruling that AT&T’s Phone-to-Phone IP Telephony Services are Exempt from Access Charges*, WC Docket 02-361, Order, 19 FCC Rcd 7457 n.92 (2004).

exchange access to IXCs are not subject to access charges of any type, regardless of whether it is originating or terminating access.

It is routine for two LECs to jointly provide switched access through their interconnected networks.<sup>4</sup> In that situation, as Frontier explained,<sup>5</sup> each LEC bills the IXC for its respective elements of the access service in accordance with the meet-point billing provisions of their interconnection agreement and industry guidelines. Typically, the ILEC provides the access tandem services, but there is nothing to prevent a role reversal like that between PAETEC and Frontier, where PAETEC provides the point of switching closest to the IXC, and Frontier serves the end user placing or receiving the long distance call.

In order to clarify the rights and obligations of all of the parties to an interexchange call, the Commission should reaffirm that in the normal course of dealing, a LEC is never liable for access charges when it jointly provides originating or terminating switched access service with another LEC.

Respectfully submitted,

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<sup>4</sup> *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, Inter-Carrier Compensation for ISP-Bound Traffic*, CC Docket Nos. 96-98, 99-68, Declaratory Ruling and Notice of Proposed Rulemaking, 14 FCC Rcd 3703 para. 9 (1999).

<sup>5</sup> Frontier Petition at 3.