

# TENNESSEE REGULATORY AUTHORITY

Tre Hargett, Chairman  
Eddie Roberson, Director  
Sara Kyle, Director  
Mary Freeman, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

## NOTICE OF EX PARTE PRESENTATION

October 24, 2008

The Honorable Kevin Martin, Chairman  
The Honorable Deborah Taylor Tate, Commissioner  
The Honorable Michael Copps, Commissioner  
The Honorable Jonathan Adelstein, Commissioner  
The Honorable Robert McDowell, Commissioner

Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: In the Matter of Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, In the Matter of Petition of AT&T Inc. for Interim Declaratory Ruling and Limited Waivers Regarding Access Charges and the ESP Exemption, CC Docket No. 08-152, In the Matter of IP-Enabled Services, WC Docket No. 04-36, In the Matter of Universal Service Contribution Methodology, WC Docket No. 06-122, In the Matter of Petition for Declaratory Ruling Filed by CTIA, WT Docket No. 05-194, In the Matter of Jurisdictional Separations & Referral to the Federal-State Joint Board, CC Docket No. 80-286

Commissioners:

It has come to our attention that the Federal Communications Commission ("FCC") is considering a proposed order on intercarrier compensation and universal service that could dramatically alter the cost and availability of telecommunications and broadband services in Tennessee. Our understanding is that the FCC intends to vote on the proposed order on November 4<sup>th</sup>. Given the potential impact on the telecommunications consumers and companies in Tennessee, we respectfully request that the actual order or appropriate notice be made available for public comment prior to any action.

The Tennessee Regulatory Authority ("TRA") is supportive of the comments filed by NARUC on October 21, 2008. Based upon the sound reasoning presented in the NARUC comments, the Tennessee Regulatory Authority urges the FCC to delay consideration of the proposed order on intercarrier compensation and universal service until all affected parties can comment upon the substance of the proposed order.

Necessarily, the need to solicit public comment means that the FCC should not consider this item at its November 4<sup>th</sup> meeting.

While we are aware that the FCC is under a court order to address one narrow issue – the intercarrier rate for calls to dial-up Internet service providers – we want to urge you in the strongest possible terms not to proceed with the other issues in the proposed order before soliciting public comment. Consideration of the narrow issue of intercarrier compensation for ISP bound traffic in isolation at the November 4<sup>th</sup> meeting will not interfere with future efforts to comprehensively reform the intercarrier compensation system. The TRA understands the breadth of issues surrounding intercarrier compensation reform and appreciates the FCC’s attempt to craft a comprehensive solution. Unfortunately, comprehensive solutions that have not been properly vetted outside the FCC hold the potential for unintended consequences that will only be discovered through public scrutiny. Soliciting public comments is the only way to educate all impacted parties about the merits and drawbacks of the proposal before it is too late.

In sum, the TRA urges the FCC to only address the narrow issue of intercarrier compensation for ISP bound traffic at its November 4<sup>th</sup> meeting to comply with the court order. All other aspects of the proposed order should, as described in the NARUC comments, be subject to public comment before deliberation by the FCC.

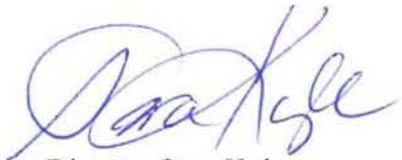
Sincerely,



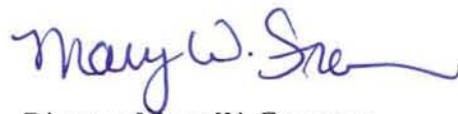
Chairman Tre Hargett



Director Eddie Roberson



Director Sara Kyle



Director Mary W. Freeman