

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20544**

<i>In the Matters of</i>)	
)	
<i>Connect America Fund</i>)	WC Docket No. 10-90
)	
<i>A National Broadband Plan for Our Future</i>)	GN Docket No. 09-51
)	
<i>Establishing Just and Reasonable Rates for Local Exchange Carriers</i>)	WC Docket No. 07-135
)	
<i>High-Cost Universal Service Support</i>)	WC Docket No. 05-337
)	
<i>Developing an Unified Intercarrier Compensation Regime</i>)	CC Docket No. 01-92
)	
<i>Federal-State Joint Board on Universal Service</i>)	CC Docket No. 96-45
)	
<i>Lifeline and Link-Up</i>)	WC Docket No. 03-109

**MOTION OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
FOR EXTENSION OF TIME**

Pursuant to Rule 1.46 of the Federal Communications Commission’s (“FCC” or “Commission”) Rules of Practice and Procedure, 47 C.F.R. § 1.46 (2007), the National Association of Regulatory Utility Commissioners (NARUC), on behalf of several of its member commissions, respectfully files this motion requesting an extension of the comment cycle for the August 3, 2011 DA 11-1348 Public Notice captioned *Further Inquiry into Certain Issues in the Universal Service-Intercarrier Compensation Transformation Proceeding (Notice)*, available at: http://transition.fcc.gov/Daily_Releases/Daily_Business/2011/db0803/DA-11-1348A1.pdf. That notice sets August 24, 2011 for initial comments and August 31, 2011 for reply comments on,

inter alia, an extremely complex and detailed proposal filed by several carriers. See, e.g., *Letter from Robert W. Quinn, Jr., AT&T, Steve Davis, CenturyLink, Michael T. Skrivan, FairPoint, Kathleen Q. Abernathy, Frontier, Kathleen Grillo, Verizon, and Michael D. Rhoda, Windstream, to Marlene H. Dortch, FCC Secretary*, WC Docket No. 10-90 et al. (filed July 29, 2011) (ABC Plan). NARUC requests the FCC extend the time for all initial comments to September 12, 2011 and to correspondingly extend the time for reply comments to September 30, 2011.

In support of this request, NARUC states as follows:

I. NARUC'S INTEREST

NARUC is a quasi-governmental nonprofit organization founded in 1889. NARUC's members include those governmental bodies of the fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands, which engage in the regulation of carriers and utilities. NARUC's mission is to improve the quality and effectiveness of public utility regulation in America. More specifically, NARUC is composed of the State officials charged with the duty of regulating the telecommunications common carriers within their respective borders. As such, they have the obligation to assure that such telecommunications services and facilities as may be required by the public convenience and necessity are universally provided at rates that are just and reasonable.

The so-called ABC proposal, insofar as it directly affects end-user rate structures/fees accessed for basic service, and has some very preemptive elements, clearly impact upon this obligation. The lengthy proposal, which proposes a radical restructuring of both policy and existing legal obligations under the federal statute raises issues that have drawn the interest of many of NARUC's member commissions. As a result of that interest, on a conference call

earlier today, the undersigned was instructed to seek an extension of the comment cycle in this proceeding. The short time between the notice and the comment deadlines cannot give any interested party adequate time to study the proposal, much less allow NARUC members to generate an adequate response and get it through required clearance procedures.

II. BACKGROUND

NARUC and its member commission have a long held and obvious interest in intercarrier compensation and universal service, including any proposal that could effectively shift costs into the intrastate jurisdiction. The proposal explicitly suggests increases in the subscriber line charges and preemption of intrastate access charges that are not at parity with interstate levels. It also argues the FCC has authority to eliminate all carrier of last resort (COLR) obligations – which on its face seems at odds with its statutory duty to assure comparable rates for comparable services. Any adjustments to intercarrier compensation and the COLR will have clear and significant impacts on State universal service policy.

III. NEED FOR RELIEF

The ABC proposal is troubling at several levels and many of NARUC's members lack the staff resources to complete an analysis of the proposal, and get it through required State Commission approval procedures, in the time provided. The proposal is a significant departure from the FCC's own proposals in several significant respects and includes voluminous pleadings that need to be rapidly reviewed, analyzed and commented upon, including:

- The summary description, assumptions and outputs of a complex costing model and methodology in the US Telecom Association (USTA) "ABC" plan proposal.
- The Framework of the USTA proposal ("ABC" Plan Attachment 1) which primarily applies to price cap incumbent local exchange carriers (ILECs), and its cross-comparison to what applies for rate-of-return (ROR) rural ILECs.

- The various federal preemption arguments that are included in the USTA proposal inclusive of the 68-page Legal Authority White Paper ("ABC" Plan – Attachment 5), which cover not only such anticipated areas as intercarrier compensation and the treatment of Voice over the Internet Protocol (VoIP) traffic, but also extend to such novel issues as the potential federal preemption of State carrier of last resort (COLR) obligations for price cap ILECs that traditionally have been and are under exclusive State jurisdiction.

This plan (i) obviously raises issues of concern to the NARUC's state commission membership and (ii) if adopted will unquestionably impact upon these members' ability to adhere to their respective mandates to serve the public interest. No other participant's filed initial and reply comments can adequately represent the viewpoint of those NARUC's members that plan to file in this proceeding. This viewpoint is necessary to fully illuminate the issues raised by this proposal and assure a complete record upon which to base a decision. Hence, granting the requested extension will serve the public interest by ensuring State commissions continued full participation.

The industry has been briefing the FCC for literally months on the discussions that led to the filing of the ABC proposal. However, though apparently, quite a bit of detail of the proposals was relayed to FCC representatives, absolutely no detail was included in any of the *ex parte* notices. See, e.g., the April 27, 2011 notice of *ex parte* contacts involving Windstream, AT&T, Verizon, Frontier and Fairpoint, filed by Jonathan Banks, available online at: <http://fjallfoss.fcc.gov/ecfs/document/view?id=7021341228>. Nor have any of NARUC's members, on information and belief, received information from the ABC plan proponents on the details in advance of the filing.

Indeed, even the requested extension is likely not to provide an adequate time for analysis of the ABC proposal – even by the FCC's own experts. Perhaps *the key evidence* filed to support the ABC plan is the model purporting to show its impact. If the FCC finds the ABC proposal compelling, it is clear it must vet the actual USTA model – not just the description of it filed last week - and also make access to it available under an FCC protective order for critique by other directly impacted by the plan purportedly supported by that model.

IV. CONCLUSION

Accordingly, because of the critical importance of the issues raised by this proposal and the clear need for additional time to adequately review and analyze the 51 page proposal submitted, NARUC respectfully requests the FCC grant the requested extensions.

Respectfully Submitted,

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