



N A R U C  
National Association of Regulatory Utility Commissioners

***EX PARTE NOTICE VIA ELECTRONIC FILING***

*October 16, 2011*

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW Room TW-A325  
Washington, D.C. 20554

***RE: Notice of Oral Ex Parte Contact filed in the proceedings captioned:***

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

Dear Ms. Dortch:

On Friday, October 14, 2011, the undersigned spoke with the Federal Communications Commission's Angela Kronenberg, Assistant to FCC Commissioner Mignon Clyburn. During this brief conversation, the undersigned pointed out the following: (1) U.S. Senator Mark Warner (D-VA) was vocal in a recent Senate hearing about the need for the FCC to act upon and the desirability of procedures assure interconnection of competing next generation networks<sup>1</sup> – used to provide voice and other services, (2) that interconnection issues arise in all networked industries and that regulatory discussions of bottleneck facilities and market power in the electricity, gas and telecommunications industry date are replete in the majority of the written proceedings recording NARUC 100 year plus annual meetings, and (3) that in July of 2008, NARUC passed the attached resolution to assure that networks that are used to deliver voice communications – whatever the technology used – should remain subject to the duties and arbitration provisions found in 47. U.S.C. § 251-2.

Please do not hesitate to contact the undersigned at 202.898.2207 or [jramsay@naruc.org](mailto:jramsay@naruc.org) if you have any questions about this filing.

Respectfully submitted,  
/s/  
James Bradford Ramsay  
NARUC General Counsel

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<sup>1</sup> See the video of the October 12, 2011 United States Senate Committee on Commerce, Science and Transportation hearing, called by Senator Rockefeller, on “*Universal Service Reform – Bringing Broadband to all Americans*,” available online at: [http://commerce.senate.gov/public/index.cfm?p=Hearings&ContentRecord\\_id=106c5f06-326f-4808-a316-14ed516b6e43](http://commerce.senate.gov/public/index.cfm?p=Hearings&ContentRecord_id=106c5f06-326f-4808-a316-14ed516b6e43).

***Resolution Regarding the Interconnection of New Voice Telecommunications Services Networks***

**WHEREAS**, The benefits of competition can be measured by the continuous delivery of voice and advanced services to market from numerous types of telecommunications carriers as defined by the Telecommunications Act of 1996 (the Act) 47 U.S.C. 153 (44). These benefits are largely being realized across the United States due to innovations in technology guided by the principles set forth in the Act; *and*

**WHEREAS**, NARUC applauds the numerous advances in technology achieved by the telecommunications industry to enable the efficient transmission of voice telecommunications traffic and the continued successes in developing innovative means to deliver voice telecommunications services to consumers across the nation; *and*

**WHEREAS**, Interconnection of telecommunications carriers' networks for the exchange of voice traffic is essential to ensure that consumers continue to enjoy the benefits of robust competition and to receive voice services that are universally connected, reliable, secure, and of high quality; *and*

**WHEREAS**, Section 251 of the Act requires all telecommunications carriers to interconnect with the facilities and equipment of other telecommunications carriers; *and*

**WHEREAS**, The Act, in its imposition of interconnection requirements is technologically neutral and does not distinguish between circuit switched facilities and other network facilities that may be used to exchange voice telecommunications traffic; *and*

**WHEREAS**, Telecommunications carriers are substituting Next Generation Network technology in their networks in place of circuit switched technology in order to reduce the costs of providing voice telecommunications services and for other network management purposes; *and*

**WHEREAS**, The Federal Communications Commission (FCC) has determined that the exchange of voice telecommunications traffic between telecommunications carriers is subject to the interconnection obligations under Section 251 irrespective of the regulatory classification of the retail service provided to the ultimate end user; *and*

**WHEREAS**, NARUC recognizes that this resolution does not address the regulatory classification of telecommunications carriers, nor is it intended to influence any proposals to change said classification; *and*

**WHEREAS**, Section 252 of the Act provides State commissions with the primary responsibility to mediate, arbitrate and approve interconnection agreements between incumbent local exchange carriers and other telecommunications carriers; *and*

**WHEREAS**, NARUC recognizes that State commissions and the FCC will continue to work together to evaluate what rules, guidelines or performance standards are needed to ensure that telecommunications carriers are able to compete fairly with incumbent local exchange carriers; *and*

**WHEREAS**, NARUC recognizes that in emerging and competitive markets, incumbent and competitive telecommunications carriers each benefit from appropriate technologically neutral policies; *and*

**WHEREAS**, NARUC supports technical standards that allow all telecommunications carriers to interconnect with each other as the “network of networks” develops and that do not mandate the use of a particular technology or a specific network configuration; *and*

**WHEREAS**, Congress has clearly intended and NARUC has consistently advocated that the State commissions have a clear role to exercise their explicit authority under Sections 251 and 252; *and*

**WHEREAS**, NARUC recognizes that it is in the public interest for telecommunications carriers to interconnect their networks to exchange traffic in a technologically neutral manner, as provided for under Sections 251 and 252; *and*

**WHEREAS**, Insofar as State commissions have been at the forefront of implementing and enforcing the open market requirements of the Act and in working with the incumbent local exchange carriers and competitive telecommunications carriers alike to advance local exchange competition; *now, therefore, be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 2008 Summer Meetings in Portland, Oregon, recognizes that State commissions should continue their active role in ensuring that consumers enjoy the full and unconstrained benefits of local competition for voice telecommunications services; *and be it further*

**RESOLVED**, That the NARUC General Counsel be directed to take any appropriate actions which protects the authority, under Sections 251 and 252, of State commissions and the preservation of telecommunications carriers’ interconnection rights and traffic exchange obligations, under Sections 251 and 252, in a technologically neutral manner.

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*Sponsored by the Committee on Telecommunications*  
*Adopted by the Board of Directors July 23, 2008*