

December 20, 2011

VIA ECFS

EX PARTE

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

Re: *Connect America Fund, WC Docket No. 10-90; A 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; Universal Service Reform – Mobility Fund, WT Docket No. 10-208*

Dear Ms. Dortch:

Minnesota Independent Equal Access Corporation (“MIEAC”), through its undersigned counsel, submits this letter in the above-referenced dockets in response to a letter filed by the National Telecommunications Cooperative Association (“NTCA”) on December 9, 2011.¹ In its letter, NTCA explains that the Commission’s immediate application of bill-and-keep to the exchange of LEC-CMRS intraMTA traffic raises numerous technical feasibility issues.² In particular, “many intraMTA LEC-to-CMRS calls or CMRS-to-LEC calls route through IXCs, and there is today no technical or practical means to halt such routing or to identify such traffic as intraMTA in nature on each and every call routed through an IXC.”³ MIEAC, which provides tandem switching and tandem transport services to

¹ See Letter from Michael R. Romano, Senior Vice President – Policy, NTCA, to Marlene H. Dortch, Secretary, FCC, WC Dkt. Nos. 10-90 et al. (filed Dec. 9, 2011) (“NTCA Letter”).

² See *id.* at 2-3.

³ See *id.* at 2; see also *id.*, Attachment, Letter from Larry D. Thompson, Chief Executive Officer, Vantage Point Solutions, to Marlene H. Dortch, Secretary, FCC, WC Dkt. Nos. 10-90 et al., at 2-3 (filed Oct. 21, 2011).

IXCs seeking connectivity to rural incumbent LECs, CLECs and CMRS providers in Minnesota and portions of North Dakota, shares these concerns.

For example, when a customer of one of the rural incumbent LECs connected to MIEAC's facilities places a call to a CMRS customer that has a number rated outside of the rural LEC's local calling area, the call is automatically routed from the rural LEC's end-office switch to MIEAC's access tandem for hand-off to the end user's chosen IXC. It is not feasible for MIEAC to determine if the call is an intraMTA call.⁴ MIEAC's inability to determine whether the call should be treated as local or toll also presents fundamental problems for call transmission. Specifically, MIEAC cannot determine whether the call should be delivered via local tandem transit and local interconnection trunks (intraMTA) or via an IXC and access trunks (interMTA).

Implementation issues also arise when the CMRS customer calls the rural incumbent LEC customer. Such calls are transmitted by the CMRS provider to an IXC that purchases tandem switching and tandem transport services from MIEAC. But when MIEAC delivers an IXC's terminating access traffic to the rural LEC via MIEAC's access tandem, MIEAC cannot determine whether the call is an intraMTA or interMTA call. MIEAC simply bills the IXC for terminating tandem switching and tandem transport access charges based on the intrastate/interstate jurisdiction of the call. In fact, it is not even feasible for MIEAC to determine whether the call is CMRS-originated or LEC-originated. Furthermore, even if it were possible for MIEAC to determine whether the call is an intraMTA, CMRS-originated call, MIEAC would need to make substantial upgrades to its billing systems in order to pass this information on to the terminating LEC.

For these reasons, it is not possible for MIEAC to identify the traffic that is subject to the new bill-and-keep regime for LEC-CMRS intraMTA traffic. The technical issues raised by this regime are complex and are not susceptible to quick and cost-effective resolution. MIEAC therefore urges the Commission to hold the bill-and-keep regime for LEC-CMRS intraMTA traffic in abeyance until these technical issues can be resolved. At the very least, the Commission should delay implementation of this regime from December 29, 2011 to July 1, 2012. The Commission should use the additional time to carefully examine the problems discussed herein and in the NTCA Letter and to identify the changes needed to make it technically feasible for LECs, including tandem access providers, to comply with the new regime.

⁴ More specifically, MIEAC's access tandem, which is configured utilizing the industry standard N-1 LNP architecture, is not configured to perform an LNP query, which identifies the switch serving the called party, to determine the jurisdiction of the call. Even if industry standards are revised, MIEAC's current switching platforms are not capable of performing an LNP query and the required PIC query in the same switch; MIEAC would likely need to purchase an additional switch for insertion in the call flow, thereby materially increasing MIEAC's costs. As NTCA explains, such changes "would add substantial burden and expense to the process of call routing for the purpose of addressing only a fraction of all traffic traversing each switch." NTCA Letter at 2.

Please do not hesitate to contact me at (202) 303-1111 if you have any questions or concerns regarding this submission.

Respectfully submitted,

/s/ Thomas Jones

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