

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Material to be Filed in Support of 2012 Annual Access Tariff Filings)	WCB/Pricing File No. 12-08

**COMMENTS OF
THE UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association¹ (USTelecom) hereby supports the Petition for Expedited Waiver² (Waiver Petition) filed by the National Exchange Carrier Association, Inc. (NECA) seeking a temporary expedited waiver of the Commission’s rules and related orders governing the calculation of Interstate Access Recovery Charge (ARC) rates and reporting of initial estimated Eligible Recovery amounts. NECA seeks an expedited waiver of the requirement set forth in Section 51.909(b)(2)(ii) of the Commission’s rules to calculate total estimated revenue from transitional Intrastate Access Service by using interstate switched access demand to calculate a composite interstate rate to be multiplied by intrastate demand instead of intrastate switched access demand for each rate element. These comments are filed pursuant to Public Notice DA 12-883, released June 4, 2012, “Wireline Competition Bureau Seeks Comment

¹ USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

² See Petition for Expedited Waiver filed by National Exchange Carrier Association, Inc., WC Docket Nos. 05-337, 10-90, WCB/Pricing File No. 12-08, (filed June 1, 2012) (Waiver Petition).

on NECA Petition for Temporary Expedited Waiver of Interstate Access Recovery Charge Rules.”³

I. NECA’s Waiver Petition Meets the Good Cause Standard

Good cause clearly exists that justifies expedited grant of the relief requested by the Waiver Petition. The task of determining the ARC rates by calculating total estimated revenue from Transitional Intrastate Access Service by using intrastate switched demand for each rate element is extraordinarily difficult. It involves obtaining the necessary data for all NECA tariff participants, attempting to “map” numerous interstate rate elements to intrastate demand units, taking into account a wide variety of inconsistent state rate structures, and accomplishing all these tasks in a very brief period of time with a high degree of precision. The Waiver Petition addresses a narrow issue and requests relief for the limited purposes of calculating the ARC and for reporting initial estimated Eligible Recovery amounts for pool members to the Universal Service Administrative Company (USAC). Moreover, USTelecom has no reason to doubt NECA’s assertion that ARC rates would not change for any significant number of carriers as a result of the data revision contemplated by the relief requested by the Waiver Petition, since NECA expects ARC rates for nearly all NECA tariff participants to be at the maximum levels permitted under the Commission’s rules.⁴

Moreover, at the conclusion of the brief waiver period, NECA would file corrected ARC rates with the Commission to the extent such corrections are necessary to reflect updated rate calculations, and would also provide USAC with the data necessary for eligible recovery

³ See Public Notice, *Wireline Competition Bureau Seeks Comment on NECA Petition for Temporary Expedited Waiver of Interstate Access Recovery Charge Rules*, DA 12-883, CC Docket Nos. 01-92, 96-45; GN Docket No. 09-51; WC Docket Nos. 03-109, 05-337, 07-135, 10-90; WT Docket No. 10-208 (released June 4, 2012).

⁴ See Waiver Petition at 8.

amounts underlying the computation of ICC CAF, thereby “truing up” the CAF for affected carriers.⁵

II. The Time Period for Waiver of the Rules is Brief

The Waiver Petition requests relief only until September 15, 2012, and then, as noted above, NECA will file corrected ARC rates and provide USAC with the data necessary for eligible recovery amounts underlying the computation of ICC CAF. Given the complexity of NECA’s task, and allowing carriers and state regulators time to resolve issues associated with Transitional Intrastate Access revenues in the context of the Step 1 rate filings, a less than 75 day period following the July 3rd interstate access tariff filing (which the Bureau encourages states to adopt as the effective date for rate changes)⁶ is exceedingly reasonable.

III. The Waiver Petition Requests Narrow and Targeted Relief

The relief requested by the Waiver Petition applies only to calculations necessary to estimate Transitional Intrastate Access Service revenue for NECA’s June 18, 2012, annual access filing, pending conclusion of concurrent intrastate proceedings which will establish specific intrastate access rates in conformance with Commission rules. Grant of the rule waiver will not affect the intrastate rates actually filed by carriers and thus will not adversely impact payers of intrastate access. End users will be minimally affected as NECA calculates that ARC rates would not change for any significant number of carriers as a result of the data revisions contemplated.

⁵ *Id.*

⁶ *See* Wireline Competition Bureau Order at para. 17, *Connect America Fund et al.*, WC Docket No. 10-90 *et al.*, (released June 5, 2012).

IV. Conclusion

The Wireline Competition Bureau should promptly grant NECA's Petition for Expedited Waiver. The benefits of such a grant are clear and unassailable, and the downsides of a grant are almost non-existent.

Respectfully submitted,

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