

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of	)	
	)	CC Docket Nos. 01-92, 96-45; GN Docket
Comment Sought on Intercarrier	)	No. 09-51; WC Docket Nos. 03-109,
Compensation Reform Compliance and	)	05-337, 07-135, 10-90; WT Docket No. 10-
Monitoring Form	)	208

**REPLY COMMENTS OF THE  
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTelecom)<sup>1</sup> files these reply comments in connection with the Wireline Competition Bureau's (Bureau) Public Notice (*Notice*)<sup>2</sup> seeking comment on a proposed ICC Reform Compliance and Monitoring Form and accompanying instructions. In the five sets of initial comments filed in response to the Public Notice,<sup>3</sup> a diverse group of carriers and trade associations, representing essentially every type of carriers impacted by the Public Notice, identified a number of issues with the Commission's proposed

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<sup>1</sup> 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.

<sup>2</sup> See Public Notice, Comment Sought on Intercarrier Compensation Reform Compliance and Monitoring, CC Docket Nos. 01-92, 96-45; GN Docket 09-51; WC Docket Nos. 03-109, 05-337, 07-135, 10-90; WT Docket No. 10-208; WC Docket No. 10-90, DA 13-11 (rel. Jan. 4, 2013).

<sup>3</sup> Comments of CenturyLink, WC Docket Nos., 10-90, *et al.*, filed Feb. 4, 2013 (CenturyLink); Comments of Alaska Communications Systems, WC Docket Nos., 10-90, *et al.*, filed Feb. 4, 2013 (ACS); Comments of the United States Telecom Association, WC Docket Nos., 10-90, *et al.*, filed Feb. 4, 2013 (USTelecom); Comments of Texas Statewide Telephone Cooperative, Inc., WC Docket Nos., 10-90, *et al.*, filed Feb. 4, 2013 (TSTCI); Comments of the National Exchange Carrier Association, Inc., National Telecommunications Cooperative Association, Organization for the Promotion and Advancement of Small Telecommunications Companies, Western Telecommunications Alliance, USTelecom, and the Independent Telephone and Telecommunications Alliance, WC Docket Nos., 10-90, *et al.*, filed Feb. 4, 2013 (NECA, *et al.*).

approach. All of these commenters acknowledged and supported the basic idea behind the Commission's proposed monitoring request, but collectively agree that it would impose enormous implementation costs and, in some cases, would be impossible to comply with. Most commenters also agreed that some of the information likely to be relevant to the Commission's ICC implementation and monitoring goals is already available through the data each carrier must already submit in support of their annual federal tariff filings. Moreover, as many of the commenting parties observed, considerable oversight is also already provided through the state proceedings that are already part of each company's ICC transition filings. Given the legitimate challenges identified in the initial comments, the ideal approach moving forward is for the Commission and the industry to work together to create a revised form and set of instructions that each could support. This type of collaboration work is performed each year in connection with the Commission's Tariff Review Plan (TRP) and has proven to be a successful model.

As mentioned, no commenting party objects to the Commission conducting the reasonable compliance and monitoring that must accompany the *USF/ICC Transformation Order*<sup>4</sup> (*Order*) and accompanying new rules. In the *Order* and the Public Notice, the Commission articulated its goals in this context as collecting data required to: (1) monitor compliance with the provisions of the *Order* and accompanying rules; (2) monitor the impact of the reforms adopted in the *Order*; (3) resolve outstanding issues raised in the Further Notice portion of the *Order*; and (4) enable the Commission to evaluate the trend of intercarrier revenues, expenses, and minutes and compare such data uniformly across all carriers. The

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<sup>4</sup> See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011), *pets. for review pending*, *Direct Commc'ns Cedar Valley, LLC v. FCC*, No 11-9581 (10<sup>th</sup> Cir. Filed Dec. 18, 2011) (and consolidated cases) ("*USF/ICC Transformation Order*" or "*Order*").

Commission also stated its intent to avoid imposing overly burdensome data collection requirements and to minimize burdens on carriers overall.<sup>5</sup>

Collectively, the initial comments demonstrate that the Public Notice imposes data collection and reporting obligations that greatly exceed the intended purposes and impose excessively burdensome obligations on carriers. USTelecom identified a number of specific issues in its comments, some of which are as follows: it imposes a broad and continuing data reporting obligation associated with the Further Notice when a single targeted report would suffice;<sup>6</sup> it requires that carriers only report “collected” demand and revenue for all rate categories identified; it requires that carriers exclude affiliate-related revenues and expenses from certain reported categories; and it requires carriers to report VoIP-specific, 8YY-specific and other rate-element-specific data that aren’t readily available or tracked.<sup>7</sup> NECA, *et al.* echoed many of these same concerns<sup>8</sup> and also ably demonstrated the manner in which existing data filings in connection with TRPs and USAC-related data filing obligations already provide adequate data.<sup>9</sup> NECA, *et al.* also demonstrated the fact that, in addition to being burdensome, the proposed data collection requirements would not serve the intended purpose because the requirements sought Fiscal Year data on a continuing basis rather than focusing on the Fiscal

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<sup>5</sup> *Order*, 26 FCC Rcd 17663, 17996 ¶ 923 (stating that the goal of the data collection was “to ensure consistency and further minimize any burdens on carriers”).

<sup>6</sup> Separately collecting information for a single targeted report, which may include items such as originating access and many transport rates and have a greater level of granularity, would reduce burdens on carriers and improve the information provided to the Commission. It would permit the Commission to schedule submission at a later date to allow for needed special studies or other necessary data collection or analysis to be completed. *See* USTelecom, 3-4, NECA, *et al.*, 8-9, ACS, 5, and CenturyLink, 15.

<sup>7</sup> *See* USTelecom, *generally*.

<sup>8</sup> NECA, *et al.*, 10-15.

<sup>9</sup> *Id.*, 5-10. *See also*, ACS, 6-7.

Year 2011 baseline period around which the Commission framed its new rules.<sup>10</sup> CenturyLink and ACS joined USTelecom and NECA, *et al.* in stressing each of these concerns, providing detailed supporting discussions of both the burdens already being placed on carriers in implementing the ICC and USF aspects of the *Order* and the administrative effort, systems changes and costs likely to be necessitated in order to meet the proposed data gathering and reporting obligations.<sup>11</sup> USTelecom, CenturyLink and NECA, *et al.* also stressed concerns that the requirements would run afoul of the applicable Paper Reduction Act requirements.<sup>12</sup> Additionally, NECA, *et al.*, CenturyLink and ACS each stressed the need for greater protection of confidentiality protection.<sup>13</sup> NECA, *et al.*, and CenturyLink both emphasized that, because of the various flaws in the proposed approach, it would likely exceed the Wireline Competition Bureau's delegated authority in this context.<sup>14</sup> Finally, ACS and CenturyLink urged the Commission to remain cognizant, in framing any new data collection rules, of the oversight already provided by state commissions because of the role left to them under the *Order*.<sup>15</sup>

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<sup>10</sup> *Id.*, 5-7. *See also*, CenturyLink, 9-11.

<sup>11</sup> CenturyLink, 9-15; ACS, 2-8.

<sup>12</sup> USTelecom, 2; NECA, *et al.*, 9; CenturyLink, 16.

<sup>13</sup> NECA, *et al.*, 16; CenturyLink, 15; ACS, 10.

<sup>14</sup> NECA, *et al.*, 5-10; CenturyLink, 4.

<sup>15</sup> ACS, 8-10; CenturyLink, 6.

In light of these concerns articulated in the initial comments, USTelecom urges the Commission to work collaboratively with the industry, in a manner already reflected in the current TRP process, to create a revised set of forms and instructions that both meets the Commission's objectives and minimizes overly burdensome data collection requirements on carriers.

Respectfully submitted,

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