The Arizona Corporation Commission ("Commission") opened these dockets to consider the cost of telecommunications access services in Arizona and possible access charge reform, and whether the rules governing the Arizona Universal Service Fund ("AUSF") should be revised. After much discussion among the parties attempting to reach consensus and/or narrow the issues, the Commission held a hearing in March, 2010.

On October 27, 2011, the Federal Communications Commission ("FCC") adopted its long-awaited Order addressing the federal Universal Service Fund ("USF") and Intercarrier Compensation ("ICC"). The FCC’s CAF Order was issued after the hearing and briefing in this matter were completed, but prior to a Commission Decision.

The CAF Order addresses many, if not all, of the issues raised in these dockets. Among many other things, and as it relates to these dockets, the CAF Order requires local exchange carriers to reduce their intrastate switched access rate elements to parity with their interstate rates by July 1,

2013, with the ultimate goal of reaching bill-and-keep for price cap carriers in six years, and for rate of return carriers in nine years. The FCC’s Order concludes that a uniform, national framework for the transition of ICC to bill-and-keep, with an accompanying federal recovery mechanism, is the best way to achieve the goal of broadband deployment, facilitating conversion to IP networks and providing certainty and predictability to carriers and investors. The Order provides that states will have a role in overseeing the tariffing of intrastate reductions during the transition period as well as interconnection negotiation and arbitration pursuant to sections 251 and 252 of the Telecommunications Act of the 1996, and will have responsibility for determining the network “edge” for purposes of bill and keep.

Pursuant to Procedural Orders dated November 25, 2011, and December 14, 2011, a Procedural Conference was convened on February 6, 2012, for the purpose of hearing from the parties on the future relevance of these dockets in light of the CAF Order. While they disagreed slightly on the timing, the Commission’s Utilities Division (“Staff”) and AT&T Communications of the Mountain States, Inc. and TCG Phoenix (“AT&T”) recommended that the Commission elicit written comments from the parties about the impact of the CAF Order on these dockets. Staff was particularly interested in the impact of the FCC’s Order on rate of return carriers. All other parties participating in the February 6, 2012, Procedural Conference recommended either closing these dockets, or holding them in abeyance, because they claim that the FCC’s Order settles the issues, or that until the result of the appeals known, the Commission’s options are limited.

The CAF Order is currently on appeal, but as of the February 2012, Procedural Conference, the FCC’s Order had not been stayed. At that time, the FCC was still accepting comments from interested parties on some of the findings and requirements in the Order. The CAF Order is a long
and far-reaching Order, and its effect on the industry and state jurisdiction over intrastate rates is
further complicated by legal challenges. This Commission has joined in the appeal of the CAF
Order. 8

In this proceeding, we sought testimony and recommendations on the following issues: 9

1. What carriers should be covered by access reform?
2. To what target level should access rates be reduced?
3. What procedures should the Commission implement to achieve the desired
   reduction in access rates?
4. Should carriers be permitted to contract for access rates that differ from their
tariffed rates?
5. What revenue sources should be made available to carriers to compensate for
   the loss of access revenues?
6. How much of access cost recovery, if any, should be shifted to end users?
   What showing should be required for such a shift? What should be the role of
   “benchmark” rates and how should benchmarks be set?
7. Procedurally what will be required of a carrier if it seeks a “revenue neutral”
   increase in local rates?
8. Assuming that AUSF funds will also be used as a compensating revenue
   source, what specific revisions (including specific recommended amendment
   language) to the existing rules are needed to allow use of AUSF funds for that
   purpose?
9. Which carriers should be eligible for AUSF support?
10. What should be supported by AUSF? Access replacement only? High cost
    loops? Line extensions? Centralized administration and automatic enrollment
    for Lifeline and Link-up?

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8 Tr. at 18.
9 September 29, 2009, Procedural Order.
11. What should be the basis of AUSF contributions and what should be the structure of any AUSF surcharge(s)?

12. Any other specific revisions to the AUSF rules.

The CAF Order appears to address many of these questions, and arguably moots the need for this Commission to address many of them. The CAF Order affects all telecommunications carriers--price cap carriers, such as CenturyLink, rate of return carriers such as the members of ALECA, the Competitive LECs ("CLECs"), and wireless carriers. The Order establishes a timeline for carriers to bring their interstate and intrastate terminating access rates to parity, and then to transition to bill-and-keep.10 The CAF Order provides for some replacement revenue for lost access revenues from a new customer charge and from the new federal CAF fund that is replacing the existing federal USF program.11 The CAF Order discusses the role of tariffs and seems to allow negotiated agreements that differ from default rates.12

While it addresses potential revenue sources at the federal level to replace lost access revenues, the question of the role of state USF funding for high cost loop support or as a means to replace lost access revenues is left open. The FCC’s Order does not address the procedures for Arizona carriers seeking rate rebalancing, and does not address the centralized administration and automatic enrollment for Lifeline and Link-up.

Thus, even if the FCC’s mandate to reduce, and eventually eliminate, intrastate access charges survives challenge, it appears that there may still be issues raised in this proceeding that need to be resolved by the Commission. Given the breadth of the CAF Order, the parties to this docket should provide information regarding the impact on their operations as it relates to access charge and AUSF reforms in Arizona. Consequently, comments and recommendations from the parties are requested on the following:

1. In light of the CAF Order, is there a need for the Commission to determine what carriers should be covered by access reform, or a target level for intrastate access charges? Does the CAF Order address all access charge rate

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10 CAF Order at ¶¶ 798-808.
11 CAF Order at ¶¶ 36-37.
12 CAF Order at ¶ 812.
elements that have been addressed in these dockets? If not, should the
Commission take action with respect to these rate elements? Does it make
sense for the Commission to act on access charge reform while the CAF Order
is on appeal, or while the FCC continues to consider comments on the Order?

2. Do any parties wish to modify or augment their recommendations concerning
access charge reform in light of the FCC’s actions?

3. Given the CAF Order, does the Commission need to establish procedures to
implement intrastate access reform? And if yes, what procedures are
recommended?

4. Given the CAF Order, does there remain a need to address the question of
whether carriers should be permitted to contract for access rates that differ
from their tariffed rates? If there is still a need, is the current record sufficient
to resolve the issue?

5. Does the CAF Order impact the AUSF? Should the Commission proceed with
revisions to the AUSF rules? Why or why not? How should the AUSF be
revised? Is the current record sufficient to support any revised recommended
reforms?

6. In light of the intervening events, do the interested parties have modifications
to any of their earlier recommendations about the AUSF not already
addressed? Procedurally, how should the Commission consider any revised
recommendations?

7. Is there any reason why the Commission should not act now concerning
centralized administration and automatic enrollment of Lifeline and Link-up?

8. In light of the CAF Order’s reference to the role of states in the
implementation of the reforms addressed in that Order, should the Commission
take further action in these dockets? Is yes, what?
9. Are current rate case procedures adequate, or should the Commission establish procedures for rate of return carriers that are not able to absorb lost access charge revenues?

10. Should the Commission seek carrier-specific information about the anticipated impact of the FCC’s CAF Order on carrier revenues? If yes, from all carriers, or, e.g., only from rate of return carriers?

11. Are there any other issues that can or should be addressed in these dockets? If yes, how should they be addressed procedurally?

IT IS THEREFORE ORDERED that interested parties shall file any Initial Comments concerning the impact of the CAF Order on these dockets by May 15, 2012.

IT IS FURTHER ORDERED that interested parties shall file any Reply Comments no later than June 15, 2012.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 20th day of March, 2012.

Copies of the foregoing mailed this day of March, 2011 to:

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