tw telecom of arizona llc submits the following comments in response to initial comments filed by parties to this docket on May 15, 2012.

1. Access Reform

In November of 2011, the FCC ordered substantial, uniform and scheduled access rate reductions. These reductions will culminate in “a uniform national bill-and-keep framework as the ultimate end state for all telecommunications traffic exchanged with a LEC.” This resolves the issues raised in Docket No. T-00000D-00-0672, *In the Matter of the Investigation of the Cost of Telecommunications Access (“Access Docket”).* The Access Docket was opened to investigate the cost of access. Access charges are now

---


2 CAF Order §34.

3 See Sept. 5, 2000 memo attached as Exhibit A.
under a federally ordered reduction plan and moving toward zero. For this reason, tw telecom agrees with the comments of Eschelon Telecom of Arizona, Inc., Mountain Telecommunications, Inc., Electric Lightwave, LLC, Cox Arizona Telecom, LLC, Arizona Local Exchange Carriers Association, and Qwest Corporation d/b/ CenturyLink-QC that the Commission should work no further on access rate reform.

The Commission should not take any action with respect to any access rate elements, even those not reduced immediately by the CAF Order. Additional access rate elements, such as originating access charges, are the subject of the CAF Order further notice of proposed rulemaking and will be subject to FCC action. Because the FCC has ordered access rate reform, state action at this stage would cause unnecessary confusion.

2. Supporting Data

The Commission should reject any proposal to require carriers to file with the Commission all underlying data demonstrating compliance with FCC access reforms. Carriers obliged to reduce access rates will submit new tariffs to the Commission through the normal tariff approval process. This process allows Staff to request and review additional data if needed. Commission staff can effectively use the standard tariff review process to “ensure that carriers comply with the transition timing and intrastate access charge reductions.” Indeed, this is already happening. No separate order creating a new regulatory process is required. The vast majority of all carriers will be filing revised tariffs in many jurisdictions and will be careful and thorough in their compliance efforts. Non-compliance by a subset of carriers will be best handled through targeted compliant proceedings.

4 CAF Order, ¶ 813
5 CAF Order, ¶¶ 35, 1301.
6 In this docket, Qwest has implemented ordered access reductions in phases on a set schedule. Those reductions occurred through the standard tariff filing and review process.
3. **Commission Action**

The Commission has much to do in connection with implementation of the CAF Order and day-to-day oversight of telecommunications. The Commission remains the arbiter of all disputes between parties regarding interconnection terms and conditions.\(^7\) Carrier interconnection agreements, and the types of interconnections within the Commission’s jurisdiction, are increasingly complex. The Commission also hears and resolves complaints between carriers regarding anti-competitive conduct and non-compliance with past orders. With respect to the CAF Order, the Commission is reviewing tariffs, as discussed above, and the Commission must evaluate and certify Eligible Telecommunications Carriers (“ETC”). ETC certification is required for the receipt of funds to provide universal broadband service in high cost areas. Deadlines associated with federal CAF fund disbursements are near and the Commission must work quickly to certify ETC applicants or those carriers will not be eligible for federal funding.

4. **Arizona Universal Service Fund Modifications**

\(\text{tw telecom}\) expects that the Commission may choose to revise the AUSF rules to more closely parallel federal broadband goals and funding systems. The Commission may wish to open a fresh new docket connected to AUSF rule changes prompted by and consistent with the CAF Order. The record in this docket does not support any such rule revisions – which is not surprising given that the CAF Order was issued in November of 2011 and the AUSF docket was opened in 1997.

Should the Commission move forward with changes to the AUSF rules, \(\text{tw telecom}\) recommends that any changes be: (1) competitively neutral, (2) narrowly targeted and (3) broadly funded. \(\text{tw telecom}\) reserve the right to offer additional comments as a more definite plan to amend the AUSF rules develops.

\(^7\) See 47 U.S.C. §251 and 252.
Respectfully submitted this 15th day of June 2012.

By: 

Joan S. Burke  
Law Office of Joan S. Burke  
1650 North First Avenue  
Phoenix, Arizona 85003  
Telephone: (602) 535-0396  
Joan@jsburkelaw.com  
Attorney for tw telecom of arizona llc

Original and 13 copies filed this 15th of June, 2012, with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Copies of the foregoing mailed this 15th of June, 2012, to:

Daniel Pozefsky, Chief Counsel  
Residential Utility Consumer Office  
1110 West Washington, Suite 220  
Phoenix, AZ 85007

Norm Curtright  
CenturyLink  
20 East Thomas Road, 16th Floor  
Phoenix, Arizona 85012

Reed Peterson  
CenturyLink  
20 East Thomas Road, 16th Floor  
Phoenix, Arizona 85012

Michael M. Grant  
Gallagher & Kennedy  
2575 East Camelback Road  
Phoenix, AZ 85016-9225  
Attorneys for AT&T

Michael W. Patten  
Roshka DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren, Suite 800  
Phoenix, AZ 85004  
Attorneys for Cox Arizona Telcom, LLC  
Attorneys for McLeodUSA

Mark A. DiNunzio  
Cox Arizona Telcom, LLC  
1550 West Deer Valley Road  
MS DV3-16, Bldg C  
Phoenix, AZ 85027  
Attorneys for Cox Arizona Telcom, LLC

Mr. Craig A. Marks  
10645 N. Tatum Blvd.  
Ste. 200-676  
Phoenix, Arizona 85028  
Attorneys for ALECA
Isabelle Salgado
AT&T Nevada
645 East Plumb Lane, B132
P.O. Box 11010
Reno, Nevada 89520
Attorney for AT&T

Rex Knowles
Executive Director External Affairs
XO Communications
7050 Union Park Avenue Suite 400
Midvale, Utah 84047

Lyndall Nipps
Vice President, Regulatory
tw telecom of arizona llc
9665 Granite Ridge Drive, Ste. 500
San Diego, CA 92123

Mr. Stephen H. Kukta
Director and Counsel
Sprint Nextel
201 Mission St., Suite 1500
San Francisco, CA 94105

Charles Born
Frontier Communications
Manager,
Government and External Affairs
PO Box 340
Elk Grove, CA 95759

Phyllis A. Whitten
Frontier Communications
Associate General Counsel
PO Box 340
Elk Grove, CA 95739

Bradley S. Carroll
Snell & Wilmer, LLP
One Arizona Center
Phoenix, Arizona 85004
Attorneys for ALECA

Charles H. Carrathers, III
General Counsel, South Central Region
Verizon, Inc.
HQE03H52
600 Hidden Ridge
Irving, Texas 75015-2092

OrbitCom, Inc.
Brad VanLeur, President
1701 N. Louise Ave.
Sioux Falls, SD 57107

Thomas Campbell
Michael Hallam
Lewis and Roca LLP
40 North Central
Phoenix, Arizona 85004
Attorneys for Verizon

Nathan Glazier
Regional Manager
Alltel Communications, inc.
4805 E. Thistle Landing Dr.
Phoenix, Arizona 85044

Greg L. Rogers
Senior Corporate Counsel
Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, Colorado 80021

Doug Denney
Director, Costs & Policy
Integra Telecom, Inc.
6160 Golden Hills Drive
Golden Valley, MN 55416
Copies of the foregoing not mailed to the following parties as copies have consistently been returned to sender:

Arizona Payphone Association  
c/o Gary Joseph  
Sharenet Communications  
4633 West Polk Street  
Phoenix, Arizona 85043

William A. Haas  
Deputy General Counsel  
McLeodUSA Telecommunications Services, Inc.  
6400 C Street SW  
Cedar Rapids, Iowa 52406  
Attorney for McLeodUSA

By: 

Arizona Dialtone, Inc.  
Thomas W. Bade, President  
6115 South Kyrene Road, Suite 103  
Tempe, Arizona 85283

Dennis D. Ahlers  
Associate General Counsel  
Eschelon Telecom, Inc.  
730 Second Avenue South, Suite 900  
Minneapolis, MN 55402
Exhibit A
TO: [Name Redacted]
FROM: Deborah Scott
   Director, Utilities Division
DATE: September 5, 2000
RE: REQUEST FOR AN INVESTIGATORY DOCKET REGARDING THE COSTS OF ACCESS

At the Open Meeting held on August 22, 2000, Chairman Kunasek requested that a docket be opened to investigate the cost of telecommunications access to determine if access charges currently in effect for Arizona telecommunications utilities reflect the cost of access.

Please open a docket regarding this matter.

DRS: LAJ: mi