BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

IN THE MATTER OF THE REVIEW AND
POSSIBLE REVISION OF ARIZONA UNIVERSAL
SERVICE FUND RULES, ARTICLE 12 OF THE
ARIZONA ADMINISTRATIVE CODE.

IN THE MATTER OF THE INVESTIGATION OF
THE COST OF TELECOMMUNICATIONS
ACCESS.

REPLY COMMENTS OF AT&T
IN RESPONSE TO MARCH 20, 2012 PROCEDURAL ORDER

Michael M. Grant
GALLAGHER & KENNEDY, P.A.
2575 East Camelback Road
Phoenix, Arizona 85016-9225

Demetrios G. Metropoulos
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606

Attorneys for AT&T Communications
of the Mountain States, Inc. and TCG Phoenix

Gregory Castle
AT&T SERVICES, INC.
525 Market Street, Room 2022
San Francisco, California 94105
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>II. DISCUSSION</td>
<td>2</td>
</tr>
<tr>
<td>A. The Commission Should Adopt Originating Access Reform (Question Numbers 1, 2 and 8).</td>
<td>2</td>
</tr>
<tr>
<td>B. The FCC has Authorized Carriers to Enter into Voluntary Access Contracts (Question Number 4).</td>
<td>4</td>
</tr>
<tr>
<td>C. The Commission Should Not Address ALECA’s Proposals on the Arizona Universal Service Fund Until It Addresses the Related Question of Originating Access Reform (Question Numbers 5 and 6).</td>
<td>5</td>
</tr>
<tr>
<td>D. Regarding Lifeline, the Commission Should Participate in the National Accountability Database (Question Number 7).</td>
<td>5</td>
</tr>
<tr>
<td>III. CONCLUSION</td>
<td>6</td>
</tr>
</tbody>
</table>
I. INTRODUCTION

The Commission has asked the parties to comment on the implications that the FCC’s November 18, 2011 CAF Order\(^1\) has for this state’s own long-running access investigation. In opening comments, all parties have recognized the FCC’s mandatory timeline for terminating access rate reductions and everyone agrees the first step begins July 1, 2012. All parties also understand this Commission’s “critical role” in supervising the implementation of those nationwide reforms for intrastate traffic.\(^2\) Further, the parties agree that overseeing the July 2012 reductions on the terminating access side should be this Commission’s first priority. However, AT&T has only recently learned that Staff does not plan to review the underlying supporting data to determine if the access reductions ordered by the FCC have been appropriately calculated by carriers in their revised intrastate tariff filings. This may lead to more complaints being filed with the Commission if carriers have failed to calculate accurately the FCC-ordered terminating access reductions.

To the extent any carrier-specific disputes arise with respect to the FCC-ordered terminating access reductions and the intrastate tariffs, the parties will address those disputes on a case-by-case basis. The fundamental question to resolve in this docket is whether this docket should remain open or whether years of work should simply be wasted.

Some parties suggest the latter—that the Commission should simply close this docket and do nothing but implement the FCC’s reforms on the terminating access side. But, the FCC’s reforms deal with only half the problem that the Commission opened this docket to address; only half the problem identified by this full record; and only half the harm that the outdated access


\(^2\) CAF Order, ¶ 813.
regime has been wreaking on consumers. The problems on the originating access side have not gone away and there is a full evidentiary record showing that reform is needed for all switched access services, not just terminating switched access service.

As AT&T showed in its opening comments, the FCC has not prohibited, and indeed has expressly permitted, states to implement reforms on the originating side. As a “bonus,” by establishing federal mechanisms financially to support local exchange carriers in dealing with revenue reductions on the terminating side, the FCC has made it much easier for this Commission to implement and rebalance AT&T’s modest, but meaningful, parity proposal on the originating access side. As detailed below, the Commission should not let this opportunity pass and it certainly should not drop it without looking at the benefits it can bring to Arizona consumers.

II. DISCUSSION

A. The Commission Should Adopt Originating Access Reform (Question Numbers 1, 2 and 8).

This Commission first stated the need for access reform more than a decade ago and this phase has been underway for five years. The parties have assembled an evidentiary record which overwhelmingly confirms the need for both originating and terminating access reform and the benefits such reform will bring.

It is simply untenable to argue the FCC’s CAF Order is a reason to drop all that work, close this proceeding and lay aside the open question of originating access reform. The CAF Order certainly does not disturb the overwhelming evidence that originating access reductions are both necessary and beneficial to consumers. To the contrary, the FCC held that originating access rates should not only be reduced, but eliminated. The FCC found the entire intercarrier
compensation system, including originating access charges, is "unfair for consumers," "outdated," "riddled with inefficiencies and opportunities for wasteful arbitrage" and "eroding rapidly." With respect to originating access in particular, the FCC found "that originating charges should ultimately be subject to the bill-and-keep framework" and that the legal framework of the FCC's order "is inconsistent with permanent retention of originating access charges."  

None of these determinations supports any delay in proceeding with the reforms to originating access that are supported by this record. There is no basis for the suggestion that originating access reform—particularly the modest step that AT&T proposes of bringing intrastate originating access rates to parity with the corresponding interstate rates—might conflict with federal reforms that have not yet even been adopted. Far from discouraging state reforms on the originating access side, the FCC's CAF Order expressly authorizes states to carry out such reforms: "[t]o the extent that states have established rate reduction transitions for rate elements not reduced in this Order, nothing in this Order impacts such transitions." Further, the FCC made clear its order does not "prevent states from reducing rates on a faster transition provided that states provide any additional recovery support that may be needed." Obviously, originating access services are among the "rate elements not reduced in this [CAF] Order."  

The suggestion that there is some uncertainty as to what the FCC will eventually do on originating access is also baseless. On the issues that matter, the CAF Order is crystal clear. All originating access rates, interstate and intrastate alike, ultimately will be moving to a bill-and-

---

3 See CAF Order ¶ 9.  
4 Id. ¶ 817.  
5 Id. ¶ 816 n.1542.  
6 Id.
keep regime. Obviously, the FCC will develop a glide path to get originating rates down from the current interstate levels—it has to, because the interstate rates will stay at current levels no matter what states do or fail to do with intrastate rates. All that AT&T requests here is that the Commission bring intrastate originating rates to parity with the corresponding interstate rates. By implementing parity, this Commission will synchronize intrastate and interstate rates, putting Arizona intrastate rates at the same starting gate the FCC will use for interstate rates (just like many states have already done), rather than leaving Arizona rates behind.

Equally baseless is the contention that everybody is too busy to help Arizona consumers. Perhaps it might make sense to “wait and see” if this proceeding were just beginning, but here the heavy lifting is done. This Commission has already assembled a robust evidentiary record which supports reform. Moreover, AT&T’s proposal is manifestly simple to implement, notwithstanding the parties’ professed concerns about workloads. All AT&T suggests is that Arizona LECs charge the same access rates on in-state calls that they already charge for out-of-state calls. In addition, rebalancing the associated revenue reductions will be much easier now that the FCC has taken care of a recovery mechanism for terminating access. The FCC has moved the access ball to the goal line and the Commission should take a simple, but meaningful, step into the end zone for full parity to give Arizona consumers the advantage of these federal gains.

B. The FCC has Authorized Carriers to Enter into Voluntary Access Contracts (Question Number 4).

There is no need for the Commission to address CenturyLink’s arguments about negotiated agreements. The FCC’s order clearly states that its transition plan “sets a default framework, leaving carriers free to enter into negotiated agreements that allow for different
CenturyLink itself acknowledges that the FCC "specifically allows companies to contract access rates." The fact that there is a long transition period before tariffs are eliminated does not warrant this Commission’s intervention: Tariffed rates will be governed by the FCC’s plan and will, therefore, go down throughout that transition, giving carriers on both sides an obvious incentive (and bargaining chip) to negotiate mutually agreeable arrangements, along with the time to work out the details.

C. The Commission Should Not Address ALECA’s Proposals on the Arizona Universal Service Fund Until It Addresses the Related Question of Originating Access Reform (Question Numbers 5 and 6).

After telling the Commission not to bother with originating access reforms that would help Arizona consumers, ALECA has no trouble pushing its own agenda for AUSF rule changes. ALECA’s positions are internally inconsistent. The FCC has already taken care of recovery mechanisms for terminating access reforms, so there is no need to modify the state AUSF on that account. Accordingly, the Commission should not address AUSF modifications except in conjunction with originating access reforms, so that it can look at the AUSF in a more comprehensive manner rather than implementing piecemeal proposals.

D. Regarding Lifeline, the Commission Should Participate in the National Accountability Database (Question Number 7).

ALECA asks the Commission to consider centralized administration of Lifeline programs, while CenturyLink tells the Commission to do nothing on the matter. AT&T encourages the Commission to participate in the national accountability database and also

---

7 CAF Order, ¶ 739.  
8 CenturyLink Answer to Question Number 4.
supports a single process through which providers can check consumers' eligibility (as
determined by the states).

III. CONCLUSION

For the reasons set forth in AT&T's comments, the Administrative Law Judge should
issue a procedural order after the review and implementation of the terminating access reductions
are completed, soliciting comments from the parties on their proposals for originating access
reforms.

RESPECTFULLY SUBMITTED this 15th day of June, 2012.

GALLAGHER & KENNEDY, P.A.

By Michael M. Grant
2575 East Camelback Road
Phoenix, Arizona 85016-9225
Attorneys for AT&T Communications of the
Mountain States, Inc. and TCG Phoenix

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

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

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

Jane L. Rodda
Administrative Law Judge
Hearing Division
Arizona Corporation Commission
400 West Congress
Tucson, Arizona 85701-1347

Gary Joseph
National Brands, Inc. d/b/a
Sharenet Communications
4633 West Polk Street
Phoenix, Arizona 85043
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Title/Company</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Craig A. Marks</td>
<td></td>
<td>10645 North Tatum Boulevard, Suite 200-676, Phoenix, Arizona 85028</td>
</tr>
<tr>
<td>2</td>
<td>Thomas W. Bade, President</td>
<td>Arizona Dialtone, Inc.</td>
<td>611 South Kyrene Road, #103, Chandler, Arizona 85283</td>
</tr>
<tr>
<td>3</td>
<td>Nathan Glazer, Regional Manager</td>
<td>Alltel Communications, Inc.</td>
<td>4805 East Thistle Landing Drive, Phoenix, Arizona 85044</td>
</tr>
<tr>
<td>4</td>
<td>Mark A. DiNunzio</td>
<td></td>
<td>1550 West Deer Valley Road, Phoenix, Arizona 85027</td>
</tr>
<tr>
<td>5</td>
<td>Lyndall Nipps</td>
<td>tw telecom</td>
<td>9665 Granite Ridge Dr., Suite 500, San Diego, CA 92123</td>
</tr>
<tr>
<td>6</td>
<td>Michael Hallam</td>
<td>Lewis and Roca, LLP</td>
<td>40 North Central Avenue, Phoenix, Arizona 85004</td>
</tr>
<tr>
<td>7</td>
<td>Paul Castaneda</td>
<td>Communication Workers of America</td>
<td>11070 North 24th Avenue, Phoenix, Arizona 85029</td>
</tr>
<tr>
<td>8</td>
<td>Charles H. Carrathers, III</td>
<td></td>
<td>600 Hidden Ridge, Irving, Texas 75015-2092</td>
</tr>
<tr>
<td>9</td>
<td>Curt Huttsell</td>
<td></td>
<td>1387 West 2250 South, Woods Cross, Utah 84087</td>
</tr>
<tr>
<td>10</td>
<td>Michael W. Patten</td>
<td>Roshka DeWulf &amp; Patten, PLC</td>
<td>One Arizona Center, 400 East Van Buren Street, Suite 800, Phoenix, Arizona 85004</td>
</tr>
<tr>
<td>11</td>
<td>Michael Ahlers</td>
<td>Associate General Counsel</td>
<td>Integra Telecom, Inc./Eschelon Telecom, Inc./Electric Lightwave, Inc. Advanced TelCom Group 6160 Golden Hills Drive Golden Valley, Minnesota 55416</td>
</tr>
<tr>
<td>12</td>
<td>Charles H. Carrathers, III</td>
<td>General Counsel, South Central Region</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Stephen H. Kukta</td>
<td>Director and Counsel</td>
<td>201 Mission Street, Suite 1500, San Francisco, California 94105</td>
</tr>
</tbody>
</table>