



March 8, 2012

Chairman Julius Genachowski
Commissioner Michael McDowell
Commissioner Mignon Clyburn

Dear Mr. Chairman and Commissioners:

Cbeyond, Earthlink, Frontier, Integra Telecom, the National Cable & Telecommunications Association, the National Telecommunications Cooperative Association, tw telecom, and Windstream are writing to address treatment of originating access charges in the *CAF Order*.¹ The undersigned parties do not necessarily share a common view on the appropriate long-term framework for originating access,² but we all agree that, consistent with the principle of symmetric treatment established in the *CAF Order*, the Commission should resolve this dispute by stating that all originating access charges are subject to the same treatment pending further reform. Specifically, for price cap carriers and competitive LECs that benchmark access rates to price cap carriers, intrastate originating access rates for VoIP-PSTN traffic would be capped at the intrastate originating access rates in effect prior to December 29, 2011, the effective date of the *CAF Order*.³ Consistent with the *CAF Order*, the Commission would place no limits on intrastate originating access rates for rate-of-return carriers and competitive LECs that benchmark to rate-of-return carriers pending further action by the Commission.

There are numerous advantages to the Commission acting quickly to state that the appropriate jurisdictional originating access rates apply for all traffic and all originating intrastate access traffic will be treated the same prior to completion of the public comment process that is

¹ *Connect America Fund, et al.*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, GN Docket No. 09-51, CC Docket Nos. 01-92, 96-45, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (*CAF Order*).

² Indeed, some of the undersigned parties have petitioned for judicial review of certain aspects of the Commission's decisions in the *CAF Order* with respect to intercarrier compensation reform.

³ "VoIP-PSTN traffic" is defined by the Commission as traffic that originates and/or terminates in IP format and that is exchanged over public switched telephone network (PSTN) facilities between a local exchange carrier (LEC) and another carrier in Time-Division Multiplexing (TDM) format. *CAF Order* at ¶ 940.

currently underway. By providing for the symmetrical treatment of originating access rates in the near term, the Commission will avoid creating further asymmetries between VoIP-PSTN and non-VoIP-PSTN traffic and foreclose what otherwise could be new avenues for arbitrage. Such an approach also would ensure that reforms do not disrupt further broadband investment by incumbents or competitors. Finally, this determination would defer any need to reexamine access replacement support in response to originating access charge reductions.

Please contact us if you have any questions regarding our jointly shared position in this proceeding.

Sincerely,

Kathleen Q. Abernathy
Chief Legal Officer and Executive Vice President
Regulatory and Government Affairs
Frontier

James M. Assey
Executive Vice President
National Cable & Telecommunications Association

Shirley Bloomfield
Chief Executive Officer
National Telecommunications Cooperative Association

Karen L. Clauson
General Counsel, Senior Vice President
Integra Telecom, Inc.

Greg Darnell
Director of LEC Relations
Cbeyond, Inc.

Christopher Murray
Senior Vice President of Public Policy
EarthLink, Inc.

Michael D. Rhoda
Senior Vice President
Government Affairs
Windstream

Don Shephard
Vice President, Federal Regulatory Affairs
tw telecom inc.