

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE INTRASTATE)	
SWITCHED ACCESS RATES OF ALL KENTUCKY)	CASE NO.
INCUMBENT AND COMPETITIVE LOCAL)	2010-00398
EXCHANGE CARRIERS)	

ORDER

On November 5, 2010, the Commission initiated this administrative case to examine the switched access rates of Kentucky incumbent and competitive carriers. The purpose of the investigation, *inter alia*, was to determine if those switched access rates included above-cost implicit subsidies, and if so, whether they qualified as anti-competitive. The Commission would also investigate whether to establish a statewide methodology for calculating intrastate access rates.

On November 18, 2011, the Federal Communications Commission (“FCC”) released an Order that, *inter alia*, comprehensively reformed intercarrier compensation (“ICC”).¹ The Order dramatically changed the cost/revenue structure of the telecommunications industry and affected all carriers whether providing local, long distance, wireless, broadband, or VoIP. The Order also shifted the emphasis of universal voice service to universal broadband service.

¹ See, *In the Matter of Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform: Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) (“ICC/USF Order”).

The FCC has had an active docket addressing intercarrier compensation reform since 1996, when the 1996 Telecommunications Act was enacted. The FCC's ICC/USF Order reformed intercarrier compensation and the USF. Intercarrier compensation reform took the following forms: (1) terminating access and reciprocal compensation, both intrastate and interstate, will ultimately go to zero; and (2) the rates for terminating access will transition over several steps during a six- to eight-year period.

The FCC capped all terminating access and reciprocal compensation rates on December 29, 2011. The FCC then established a timeline whereby the rates will transition to zero over a period of up to eight years, with rates reaching zero on or before July 20, 2020. The transition required that the carriers make their first filing with the states on or before July 1, 2012.

The FCC required these changes in rates to intrastate toll traffic be made through tariff filings. The states play an important role in the filing of tariffs containing the new rates. The states have the responsibility to ensure that the carriers comply with the transition timing and intrastate access charge reductions. The FCC has tasked the states with: (1) monitoring compliance with the rate transition; (2) reviewing how carriers reduce rates to ensure consistency with the uniform framework; and (3) guarding against attempts to raise capped intercarrier compensation rates and unanticipated types of gamesmanship. The states are also to review negotiated interconnection agreements to ensure that they comply with the compensation framework.

On March 22, 2012, the Commission issued an Order noting that the FCC's ICC/USF Order had fundamentally reformed intercarrier compensation. The

Commission concluded that it had limited jurisdiction over intercarrier compensation and instructed the parties to file suggestions on further proceedings in the case. In their comments, the parties agreed with the Commission's conclusion that the FCC had limited the Commission's jurisdiction with regard to intrastate access rates. The parties also recommend that the Commission close the case because the FCC had preempted the Commission from acting.

On May 30, 2012, the Commission issued an Order requiring the parties to file their revised intrastate access tariffs with the Commission. The tariffs were to be filed with an effective date of July 3, 2012. The Order also required that the carriers file supporting data and information with their tariffs consistent with the FCC's ICC/USF Order.

The parties have now filed the required tariffs with the necessary supporting data. All of the filings comply with the FCC's ICC/USF Order as well as the Commission's Orders. Due to the FCC's action, there are no more issues over which the Commission can exercise jurisdiction in this administrative case. Accordingly, the Commission finds that dismissal of the administrative case is the only option that is warranted.

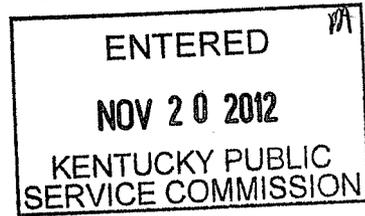
In the future, the annual tariff filings reducing access charges and reciprocal compensation will be filed as normal tariffs and reviewed by staff to ensure compliance with the FCC's ICC/USF Order. If a problem arises with the filings, the tariff will be suspended and investigated on an individual basis.

Based upon the foregoing, IT IS ORDERED that:

1. This case is closed and removed from the Commission's docket.

2. Any tariff filings required by the FCC's ICC/USF Order reducing access charges and reciprocal compensation shall be filed pursuant to KRS 278.180 and filed no later than 60 days prior to July 1 of each calendar year.

By the Commission



ATTEST:



Executive Director

Ms. Bethany Bowersock
In House Counsel
SE Acquisitions, LLC dba Lightyear Network
1901 Eastpoint Parkway
Louisville, KY 40223

David R Davis
General Manager
South Central Rural Telephone Cooperative
1399 Happy Valley Road
P. O. Box 159
Glasgow, KY 42141

William K Grigsby
Vice President/General Manager
Thacker-Grigsby Telephone Company, Inc.
P. O. Box 789
60 Communications Lane
Hindman, KY 41822

Honorable Douglas F Brent
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

Michael Ebaugh
Sr. Accountant
Leslie County Telephone Company, Inc.
22076 Main Street
Hyden, KY 41749

William Haas
US LEC of Tennessee, LLC dba PAETEC
130 W New Circle Road, Suite 170
Lexington, KY 40505

Honorable Ann Jouett K. Brenzel
Corporate Counsel
Cincinnati Bell Telephone Company
201 E. Fourth Street
P. O. Box 2301
Cincinnati, OH 45201-2301

Michael Ebaugh
Sr. Accountant
Lewisport Telephone Company, Inc.
30 Pell Street
Lewisport, K 42351

David L Haga
Verizon
1320 N. Courthouse Road
Arlington, VIRGINIA 22201

Patricee Brown
Account Manager
Highland Telephone Cooperative, Inc.
7840 Morgan County Highway
P. O. Box 119
Sunbright, TN 37872

Michael Ebaugh
Senior Accountant
Salem Telephone Company
P. O. Box 88
Roachdale, IN 46172

Greg Hale
General Manager
Logan Telephone Cooperative, Inc.
10725 Bowling Green Road
P. O. Box 97
Auburn, KY 42206

Kimberly Caswell
Associate General Counsel
Verizon
PO Box 110, MC FLTC0007
Tampa, FLORIDA 33601-0110

Keith Gabbard
General Manager
Peoples Rural Telephone Cooperative
P. O. Box 159
McKee, KY 40447

Honorable John N Hughes
Attorney at Law
124 West Todd Street
Frankfort, KENTUCKY 40601

Ruth Conley
CEO
Foothills Rural Telephone Cooperative
1621 Kentucky Route 40 W
P. O. Box 240
Staffordsville, KY 41256

Paul D Gearheart
VP / General Manager
Gearheart Communications Company, Inc. dba
20 Laynesville Road
P. O. Box 160
Harold, KY 41635

Norman J Kennard
Thomas, Long, Niesen & Kennard
212 Locust Street
Suite 500
Harrisburg, PENNSYLVANIA 17101

Todd Crandall
CFO
West Kentucky Rural Telephone Cooperative
237 North Eighth Street
P. O. Box 649
Mayfield, KY 42066-0649

W. Allen Gillum
General Manager
Mountain Rural Telephone Cooperative
405 Main Street
P. O. Box 399
West Liberty, KY 41472-0399

Mary K Keyer
General Counsel
AT&T Corp.
601 W Chestnut St, 4th Floor East
Louisville, KY 40203

Honorable Mary K Keyer
General Counsel/Kentucky
BellSouth Telecommunications, LLC dba AT&T
601 W. Chestnut Street
4th Floor East
Louisville, KY 40203

Harlon E Parker
CEO & General Manager
Ballard Rural Telephone Cooperative Corporation,
159 W 2nd Street
P. O. Box 209
La Center, KY 42056-0209

Jeanne Shearer
VP - State Government Affairs
Windstream Kentucky West, LLC
130 West New Circle Road, Suite 170
Lexington, KY 40505

Honorable James Dean Liebman
Attorney at Law
Liebman & Liebman
403 West Main Street
P. O. Box 478
Frankfort, KENTUCKY 40602

Thomas E Preston
CEO
Duo County Telephone Cooperative Corporation,
P. O. Box 80
Jamestown, KY 42629

Tony A Taylor
Executive Director - Regulatory
BellSouth Telecommunications, LLC dba AT&T
601 W. Chestnut Street
4th Floor East
Louisville, KY 40203

Honorable Oran S McFarlan
Attorney at Law
Yunker & Park, PLC
P.O. Box 21784
Lexington, KENTUCKY 40522-1784

Honorable Hance Price
Attorney at Law
Frankfort Electric & Water Plant Board
317 W. Second Street
P. O. Box 308
Frankfort, KY 40602

Stephen D Thompson
Dinsmore & Shohl, LLP
1400 PNC Plaza
500 West Jefferson Street
Louisville, KENTUCKY 40202

John B Messenger
Vice President & Associate General Counsel
PAETEC
600 Willowbrook Office Park
Fairport, NEW YORK 14450

Mary Pat Regan
President
BellSouth Telecommunications, LLC dba AT&T
601 W. Chestnut Street
4th Floor East
Louisville, KY 40203

Nancy J White
President & CEO
North Central Telephone Cooperative, Inc.
872 Highway 52 By-Pass E
P. O. Box 70
Lafayette, TN 37083-0070

Demetrios G. (Jim) Metropoulos
Mayer Brown LLP
71 South Wacker Drive
Chicago, ILLINOIS 60606

Carolyn Ridley
Vice President - Regulatory
tw telecom of kentucky, llc
555 Church Street; Suite 2300
Nashville, KENTUCKY 37219

Allison Willoughby
Assistant General Manager
Brandenburg Telephone Company, Inc.
200 Telco Road
P. O. Box 599
Brandenburg, KY 40108

Honorable Robert C Moore
Attorney At Law
Hazelrigg & Cox, LLP
415 West Main Street
P.O. Box 676
Frankfort, KENTUCKY 40602

Honorable John E Selent
Attorney at Law
Dinsmore & Shohl, LLP
101 South Fifth Street
Suite 2500
Louisville, KENTUCKY 40202

Honorable Katherine K Yunker
Yunker & Park PLC
P.O. Box 21784
Lexington, KENTUCKY 40522-1784

Dulaney L O'Roark III
VP & General Counsel - SE Region
Verizon
5055 North Point Parkway
Alpharetta, GEORGIA 30022

Jeanne Shearer
VP - State Government Affairs
Windstream Kentucky East, LLC
130 W New Circle Road, Suite 170
Lexington, KY 40505

Laurence J Zielke
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202-3465