

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

**AT&T'S RESPONSE
TO THE RLECs' MOTION
FOR RECONSIDERATION OR REHEARING**

The Kentucky Public Service Commission (“Commission”) acted appropriately in its May 30, 2012 Order in establishing filing requirements for Kentucky carriers to comply with the intrastate access reductions directed by the FCC in its *ICC/USF Order*.¹ The Commission’s directive proactively reflects the “critical role” that the FCC determined that state commissions must play in ensuring compliance with the FCC’s rules and in preventing actions by carriers that could result in a windfall or double recovery.² The requirements set by the Commission in that Order – including the filing deadlines for the revised tariffs, the requirement for submitting supporting data in a common, FCC-approved template, and consequences for non-compliance – are fully consistent with that oversight role and with this Commission’s own inherent authority.

¹ *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 Order was published in the Federal Register on November 29 and the majority of its provisions were effective December 29, 2011.

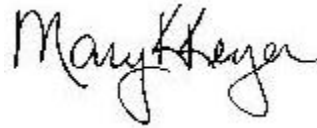
² *ICC/USF Order* ¶ 813.

Several RLECs nevertheless have moved for the Commission to reconsider certain of those requirements, arguing variously – and repeatedly – that the directives were based on misrepresentations of FCC orders, somehow violate the RLECs’ due process rights and that they even exceed the FCC’s requirements. None of those contentions has any merit, and they certainly do not serve as a basis for the RLECs’ demand for the complete retraction of the Commission’s directives.

Given the need for expedition in meeting the FCC’s imminent deadlines, however, and acknowledging the RLECs’ assertion that they have already provided supporting data to the Commission, AT&T does not believe it serves any useful purpose to engage in protracted argument on those points. Accordingly, AT&T does not object to the alternative relief proposed by the RLECs at pages 4-5 of their petition: specifically, that the Commission provide them an additional two-week period to populate the spreadsheets with the data supporting the calculation of their new intrastate terminating switched access rates. This is with the understanding that the tariffs reflecting those new rates are filed by the deadlines established by the Commission in the May 30 Order, and that, when available, the RLECs make their supporting calculations available to AT&T and other interested parties, subject to a nondisclosure agreement.³

³ Without the supporting calculations, of course, it is impossible to know whether the proposed intrastate access rates, presented in their tariff, comply with the FCC rules. This is a matter of particular interest with respect to the rates proposed by NECA carriers, like the RLECs, insofar as the FCC Wireline Competition Bureau, in a letter dated May 30, 2012, concluded that a composite rate methodology proposed by NECA did “not comply with the Commission’s rules.” That letter is attached hereto as **Attachment A**. It is therefore important for the Commission and affected carriers to have access to information that will allow them to determine whether a LEC’s switched access reductions comply with the FCC’s rules.

Respectfully submitted,



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