

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265**

**Investigation Regarding Intrastate Access
Charges and IntraLATA Toll Rates of Rural
Carriers and The Pennsylvania Universal
Service Fund**

**PUBLIC MEETING: March 15, 2012
1189996-CMR
Docket No. I-00040105**

**AT&T Communications of Pennsylvania, et al.
v.
Armstrong Telephone Company-Pennsylvania, et al.**

Docket No. C-2009-2098380, et al.

**Implementation of the Federal Communications
Commission Order of November 18, 2011 As
Amended Or Revised And Coordination With
Certain Intrastate Jurisdictional Matters**

**2291824-CMR
Docket No. M-2012-_____**

MOTION OF COMMISSIONER JAMES H. CAWLEY

This Motion intends to coordinate the progress and/or disposition of certain matters that are pending before the Commission with the adoption of the November 18, 2011 Order of the Federal Communications Commission (FCC) that effected a series of changes and reforms in the federal universal service fund (USF) mechanism and in various parameters of intrastate and interstate intercarrier compensation.¹ This FCC Order interacts and materially affects rulings that this Commission has already rendered in certain adjudications and their subsequent implementation.

This Commission and many other parties that participated in the underlying federal proceeding that resulted in the adoption of the FCC Order have appealed the FCC's ruling in U.S. Courts of Appeal of appropriate jurisdiction.² Such appeals are being consolidated for hearing before the U.S. Court of Appeals for the 10th Circuit, Denver, Colorado. Nevertheless, the FCC Order has not been legally stayed and its implementation triggers a series of compliance obligations and associated deadlines that involve both regulated telecommunications carriers and state utility commissions. For example, the Commission and its Staff have already been processing a series of intrastate tariff filings from incumbent local exchange carrier (ILEC) and competitive local exchange carrier (CLEC) telephone companies involving switched carrier access services for wholesale voice over Internet Protocol (VoIP) traffic.³ These intrastate tariff filings were triggered by the FCC Order's imposition of interstate switched carrier access rates on the wholesale VoIP traffic at issue.⁴

Therefore, it is imperative that this Commission take the appropriate actions to synchronize and properly coordinate some of its own rulings with the intrastate implementation of the FCC Order.

¹ *In re Connect America Fund et al.*, (FCC, Rel. November 18, 2011), WC Docket No. 10-90 *et al.*, Report and Order and Further Notice of Proposed Rulemaking. The FCC has issued additional reconsideration and clarification Orders in the same proceeding and the issuance of further such FCC rulings is anticipated (collectively FCC Order).

² *See generally Pa. Pub. Util. Comm'n v. FCC et al.*, No. 11-9585 (10th Cir. filed December 5, 2011).

³ *See generally Verizon Pennsylvania Inc.*, Revisions to Switched Access Service Tariff No. 302 (VoIP PSTN Intrastate Access Intercarrier Compensation), Docket No. R-2011-2276346, Secretarial Letter issued January 31, 2012.

⁴ *See generally* FCC Order, Appendix A, Final Rules, 47 C.F.R. §§ 51.913(a) & 51.913(b), at 515-516.

A. Background

On July 18, 2011, the Commission entered its Order in its Rural ILEC Access Charge Investigation proceeding.⁵ Currently pending before the Commission are: The Joint Petition for Limited Reconsideration and Stay filed on August 2, 2011, by the Pennsylvania Telephone Association (PTA)⁶ and The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink (CTL - Joint Petition or Joint Stay Petition); and (2) the Petition for Reconsideration and Clarification filed on August 2, 2011, by AT&T Communications of Pennsylvania, LLC, TCG Pittsburgh and TCG New Jersey, Inc. (collectively AT&T – AT&T Petition). Answers to the Joint Petition and the AT&T Petition have been filed by a number of parties. On August 11, 2011, the Commission granted reconsideration pending review of the merits in this matter.

The Commission and its Staff also proceeded with the implementation of the July 18, 2011 Order. On August 19, 2011, the Commission via Secretarial Letter issued a proposed calculation template for the various intrastate carrier switched access charge reductions and parallel permissible local exchange service rate and revenue increases. Various parties submitted comments and reply comments on the proposed calculation template between September 8-20, 2011. The presence of the Joint Petition, the AT&T Petition, and the existence of credible indications that the FCC was about to undertake long-awaited reforms in the federal USF and intercarrier compensation mechanisms effectively halted further implementation activities of the July 18, 2011 Order. The FCC voted on its adopted reforms on October 27, 2011.

B. Need to Coordinate Implementation of the FCC Order

The August 2, 2011 Joint Petition requested relief that was largely premised on the then ongoing developments of the underlying federal rulemaking proceeding that resulted in the adoption and issuance of the FCC Order. The Joint Petition invoked a proposal that had been put forward by certain members of the industry on or about July 29, 2011 for the FCC's consideration ("America's Broadband Connectivity" or "ABC" Plan). The Joint Petition argued that the potential FCC adoption of the "ABC" Plan would have had interlinked effects for the Commission's Rural ILEC Access Charge Order.⁷ More presciently, the Office of Consumer Advocate (OCA) argued that "[a]t a minimum, the Commission should reconsider the July 18, 2011 Order to determine what impact, if any, an FCC decision on the ABC Plan could have on the decisions of the Commission."⁸ OCA further argued that "[i]mplementing the July 18, 2011 Order without an understanding of the impact of

⁵ *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and the Pennsylvania Universal Service Fund et al.*, Docket Nos. I-00040105, C-2009-2098380 *et al.*, Order entered July 18, 2011 (Rural ILEC Access Charge Investigation Order or July 18, 2011 Order).

⁶ The PTA represents thirty rural incumbent local exchange carriers in this proceeding, including: Armstrong Telephone Co. – PA; Armstrong Telephone Co. – North; Bentleyville Telephone Co.; Buffalo Valley Telephone Co.; Citizens Telephone Co. of Kecksburg; Commonwealth Telephone Co. LLC d/b/a Frontier Communications Commonwealth Telephone Co.; Frontier Communications of Breezewood, LLC; Frontier Communications of Canton, LLC; Frontier Communications of Lakewood, LLC; Frontier Communications of Oswayo River, LLC; Frontier Communications of Pennsylvania, LLC; Conestoga Telephone & Telegraph Co.; Denver and Ephrata Telephone and Telegraph Co.; Hickory Telephone Co.; Ironton Telephone Co.; Lackawaxen Telecommunications Services; Laurel Highland Telephone Co.; TDS Telecom/Mahanoy & Mahantango Telephone Co.; Marianna and Scenery Hill Telephone Co.; The North-Eastern PA Telephone Co.; North Penn Telephone Co.; Consolidated Communications of PA Co.; Palmerton Telephone Co.; Pennsylvania Telephone Co.; Pymatuning Independent Telephone Co.; South Canaan Telephone Co.; TDS Telecom/Sugar Valley Telephone Co.; Venus Telephone Corp.; Windstream PA, LLC.; and Yukon-Waltz Telephone Co.

⁷ Joint Petition, Docket No. I-00040105 *et al.*, August 2, 2011, ¶¶ 17-19, at 12-14.

⁸ OCA, Answer to Joint Petition, I-00040105 *et al.*, August 9, 2011, at 10 (emphasis in the original).

the ABC Plan may harm consumers with cumulative effects of multiple, end user retail rate increases.”⁹

The November 18, 2011 release of the 751-page FCC Order puts this Commission, the interested parties, and Pennsylvania’s end-user consumers of telecommunications services well beyond the interim “ABC” Plan proposal to the FCC. Setting aside the issue of the numerous federal appeals that are currently pending against the FCC Order, including the Commission’s own, a review of the FCC Order readily discloses that it has multiple and interlinked effects on a number of regulated telecommunications carriers operating in Pennsylvania and their respective end-user consumers. These multiple and interlinked effects have both legal and technical dimensions, and they impact past rulings of this Commission as well as its future regulatory oversight and enforcement responsibilities.

In the area of intercarrier compensation reform where the FCC has invoked direct and/or indirect federal preemption of this Commission’s jurisdiction, there is the transitional adoption of interstate switched carrier access rates for traffic termination, and the institution of the federal “Eligible Recovery” mechanism for the partial and transitional recovery of lost intrastate and interstate switched carrier access revenues.¹⁰ This federal “Eligible Recovery” mechanism implicates the federal Connect America Fund (CAF – the reformed high-cost portion of the federal USF), as well as the new federal Access Recovery Charge (ARC) that will potentially be imposed on end-users of wireline telecommunications services. Different transitional time frames and parameters for these intercarrier compensation mechanisms apply for distinct categories of ILECs that are regulated by both this Commission and the FCC.¹¹ The FCC Order adoption of a Residential Rate Ceiling of \$30 per month for basic wireline telephone service also affects the potential transitional benefits from carrier participation in the federal “Eligible Recovery” mechanism.¹² The FCC’s “Residential Rate Ceiling is based on the state basic local residential service rate plus the federal SLC [subscriber line charge] and the ARC; the flat rate for residential local service, mandatory extended area service [EAS] charges, and state subscriber line charges; per-line state high cost and/or access replacement universal service contributions; state E911 charges; and state TRS [telecommunications relay service] charges.”¹³ In comparison, the findings of our Rural ILEC Access Charge Investigation Order establish a basic residential telephone rate benchmark of \$23 per month for the rural ILECs. July 18, 2011 Order at 157-158. Our \$23 benchmark is a “bare bones” rate and excludes the various E911, TRS, and the federal SLC-ARC elements that are included in the FCC’s Residential Rate Ceiling. Federal price cap carriers may also accrue FCC mandated broadband deployment obligations if such carriers resort to transitional CAF funding under the federal Eligible Recovery mechanism for lost carrier access revenues.¹⁴

⁹ *Id.*, at 11 (emphasis in the original).

¹⁰ FCC Order, ¶¶ 850-853, at 294-298.

¹¹ FCC Order, Fig. 9, at 271-272. The FCC distinguishes between federal price cap carriers and rate of return or ROR carriers. Verizon Pennsylvania Inc., Verizon North LLC, CenturyLink (ex-Embarq/United Tel. Co. of PA), Frontier Communications and its affiliated ILECs, and Windstream PA, LLC (ex-ALLTEL PA), are classified as federal price cap carriers by the FCC. Certain other rural ILECs operating in Pennsylvania are classified as federal ROR carriers. We note that Consolidated Communications Inc. and Windstream Corp. on behalf of certain of their respective Pennsylvania ILEC affiliates recently petitioned the FCC to change their classification to federal price cap companies (Consolidated Communications of PA, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc.). *In re Joint Petition of Price Cap Holding Cos. for Conversion of Average Schedule Affiliates to Price Cap Regulation and for Limited Waiver Relief*, FCC WC Docket No. 12-63, filed March 1, 2012.

¹² FCC Order, ¶ 852, at 296.

¹³ FCC Order, n. 1645, at 296.

¹⁴ FCC Order, ¶ 853, at 298. The FCC imposed retail broadband access deployment obligations associated with the utilization of CAF funding by federal price cap carriers are based on the 4 Mbps downstream and 1 Mbps upstream speed standard. FCC Order, Fig. 1, at 40.

Despite its liberal use of federal preemption, the FCC Order assigns to the states numerous and concrete tasks that are associated with the federal USF and intercarrier compensation reforms. For example, the FCC Order states the following in relation to the intercarrier compensation reforms:

In particular, state oversight of the transition process is necessary to ensure that carriers comply with the transition timing and intrastate access charge reductions outlined above. Under our framework, rates for intrastate access traffic will remain in intrastate tariffs. As a result, to ensure compliance with the framework and to ensure carriers are not taking actions that could enable a windfall and/or double recovery, state commissions should monitor compliance with our rate transition; review how carriers reduce rates to ensure consistency with the uniform framework; and guard against attempts to raise capped intercarrier compensation rates, as well as unanticipated types of gamesmanship. Consistent with states' existing authority, therefore, states could require carriers to provide additional information and/or refile intrastate access tariffs that do not follow the framework or rules adopted in this Order. Moreover, state commissions will continue to review and approve interconnection agreements and associated reciprocal compensation rates to ensure that they are consistent with the new federal framework and transition. Thus, we will be working in partnership with states to monitor carriers' compliance with our rules, thereby ensuring that consumers throughout the country will realize the tremendous benefits of ICC reform.

FCC Order, ¶ 813, at 277 (footnote omitted).

Similar state oversight and accountability roles are also contemplated in the FCC's reforms of the federal USF mechanism, the operation of the new CAF, and eligible telecommunications carrier (ETC) access to CAF funding. For example, the FCC Order states:

First, we require that states — and entities not falling within the states' jurisdiction (i.e., federally-designated ETCs) — certify that all federal high-cost and CAF support was used in the preceding calendar year and will be used in the new calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended, regardless of the rule under which the support is provided.

* * *

Second, we maintain states' ongoing role in annual [ETC] certifications. Several commenters take the position that responsibility for ensuring USF recipients comply with their public interest obligations should remain with the states. As discussed above, we agree that the states should play an integral role in assisting the Commission in monitoring compliance, consistent with an overarching uniform national framework. States will continue to certify to the Commission that support is used by state-designated ETCs for the intended purpose, which is modified to include the provision, maintenance, and upgrading of facilities capable of delivering voice and broadband services to homes, businesses and community anchor institutions.

FCC Order, ¶¶ 609-610, at 197 (footnotes omitted, emphasis in the original).

It is beyond doubt that the FCC Order creates a new set of circumstances both for regulated telecommunications carriers operating within Pennsylvania and their end-user consumers. The FCC Order impacts our Rural ILEC Access Charge Investigation Order in certain and most likely material respects. Because this Commission needs to proceed with the implementation of the FCC Order —

federal appeals notwithstanding — the Commission needs further information concerning how the related FCC action impacts its July 18, 2011 Order. In this manner, the Commission can reach an informed decision, after adequate notice and opportunity to the various interested parties to be heard, regarding the implementation of its July 18, 2011 Order in whole or in part, and in coordination with the FCC Order directives.

As previously noted, currently before us we have the Joint Petition and the AT&T Petition. In order for the Commission to conclude its review of the pending Petitions, the record in this proceeding must be reopened for the receipt of additional information regarding the effects of the recent FCC Order on our Rural Access Charge Investigation decision. The Commission's statutory authority permits us to reopen a proceeding for receipt of additional evidence so that we can properly rule on the petitions before us, including whether to amend our July 18, 2011 Order or grant a stay of its directives totally or in part. The Commission has the requisite statutory authority to rescind or modify its own Orders as prescribed in Sections 501, 703(f) and 703(g) of the Public Utility Code. 66 Pa. C.S. §§ 501, 703(f) and 703(g).

The FCC Order effects on this Commission's jurisdiction over intrastate regulated telecommunications services and providers are such that they materially change both conditions of fact or of law that are relevant to our July 18, 2011 Order. Thus, the Commission is obliged to timely examine the FCC Order cross-effects on our Rural ILEC Access Charge Investigation Order and the public interest requires the limited reopening of the proceeding and its evidentiary record. In addition, our July 18, 2011 Order noted the following:

We are of the opinion that we can proceed independently from the eventual outcome of the FCC's NPRM that is dealing with interstate intercarrier compensation and federal USF reforms. However, we reserve the right to initiate subsequent [*sic*] proceedings and issue appropriate Orders that will seek to coordinate the potential outcomes of the FCC's initiatives with our decision today to the extent necessary, while also safeguarding the due process rights of all interested and participating parties.

July 18, 2011 Order, at 123.

Therefore, the record at Docket Nos. I-00040105 and C-2009-2098380 *et al.* should be reopened for the limited purpose of addressing the cross-effects of the FCC Order on our July 18, 2011 Order, and whether one or more aspects of our Rural ILEC Access Charge Investigation Order should be permanently stayed. Procedurally, this will be accomplished by availing the interested and participating parties to appropriately update their respective petitions for reconsideration and stay, or for reconsideration and clarification. Furthermore, because the FCC Order may have different effects on individual PTA members, in order to safeguard applicable due process rights we will permit such members to either continue participating in an updated Joint Stay Petition, or file their own updated version. Both the updated petitions and the answers thereof should include appropriate verified statements with appropriate data and information addressing the cross-effects between the FCC Order and our Rural ILEC Access Charge Investigation decision.

The duly updated petitions and the accompanying verified statements should address at a minimum the following relevant issues:¹⁵

¹⁵ To the extent that the submitted technical analyses contain data alleged to be proprietary, the interested parties can proceed with the appropriate confidentiality designations in accordance with Commission rules and pre-existing Protective Orders in the proceeding below.

1. Whether the substance and the time frame of the FCC Order intercarrier compensation reforms should totally or partially replace the Commission's intrastate carrier access charge reform directives contained in its July 18, 2011 Order.
2. Will there be cross-effects on various regulated telecommunications carriers with intrastate operations in Pennsylvania and their end-user consumers if the Commission proceeds with the implementation of its July 18, 2011 Order while the FCC Order directives are also coming into effect? The interested parties should address at a minimum the following relevant areas with appropriate technical evidentiary quantification to the extent possible:
 - a. Can or will the implementation of the July 18, 2011 Order have cross-effects with the FCC Order mechanisms of Eligible Recovery and potentially available federal CAF support and over what time frame?
 - b. Can or will the implementation of the July 18, 2011 Order in conjunction with the FCC Order directives have potential cross-effects for end-user consumers of intrastate regulated retail telecommunications services and over what time frame?
3. Will the FCC Order's adoption of a Residential Rate Ceiling for purposes of the federal Eligible Recovery mechanism and associated CAF support distributions have any cross-effects on the Commission's findings regarding the adopted \$23 per month benchmark rate in the July 18, 2011 Order?
4. How will the Pennsylvania ILECs that have alternative regulation and network modernization plans (NMPs) in place under Chapter 30 of the Public Utility Code, 66 Pa. C.S. § 3011 *et seq.*, be affected by the implementation of the FCC Order intercarrier compensation reforms? Will they be able to seek intrastate rate relief of any type beyond the levels provided under the FCC Order Eligible Recovery mechanism and associated federal CAF support? Interested parties at a minimum should address the following areas:
 - a. The continuous applicability of the Commission's July 18, 2011 Order directives that the mandated intrastate switched carrier access charge reform and the associated "revenue neutral rate rebalancing called for in this Opinion and Order does not implicate the RLECs' various Chapter 30 exogenous event provisions." July 18, 2011 Order, at 141.¹⁶
 - b. The legal and technical interaction between the FCC Order intercarrier compensation reforms, the "revenue neutrality" mandated for ILEC intrastate carrier access reforms under Section 3017(a) of Chapter 30, 66 Pa. C.S. § 3017(a), the rural ILEC Chapter 30 NMPs, and Section 3019(h) of Chapter 30, 66 Pa. C.S. § 3019(h).
 - c. Whether implementation of the contemplated federal ARC by any Pennsylvania Chapter 30 rural ILEC could lead to the permissible creation of revenues that would become part of the intrastate regulated services revenue pool that is utilized in the

¹⁶ The Commission also noted that: "It is the revenue neutral nature of the rate changes contemplated by this decision that set this action apart from other regulatory action that could negatively impact RLEC revenue streams and thereby be subject to an exogenous event claim for recovery." July 18, 2011 Order, at 141.

ILECs' annual price stability mechanism and price cap formula submissions under Section 3015 of Chapter 30, 66 Pa. C.S. § 3015(a)(1)(iii).

5. The need, if any, of appropriate recordkeeping requirements for affected carriers in the event that the FCC Order is overturned totally or in part on appeal, and intrastate intercarrier compensation amounts that have been paid or received in the interim need to be adjusted in accordance with the relevant provisions of the Public Utility Code. *See generally* 66 Pa. C.S. § 1312.

Interested parties have had adequate opportunity to examine the FCC Order and compare it with our July 18, 2011 decision. Therefore, it is appropriate that following the limited reopening of the record at Docket Nos. I-00040105 and C-2009-2098380 *et al.*, the updated petitions at issue along with the appropriate verified statements should be submitted no later than twenty (20) days following the entry of the appropriate Order, and relevant answers accompanied by verified statements should be submitted ten (10) days thereafter.

C. Further FCC Order Implementation And Intrastate Matters

The FCC Order implementation activities will entail a series of activities and tasks that need to be performed by this Commission. Of critical importance are the upcoming intrastate intercarrier compensation reforms directed by the FCC Order that will be implemented on July 1, 2012. As previously noted, this Commission and other state utility regulatory agencies maintain certain oversight and enforcement duties over the future submission of intrastate carrier access tariffs that will implement these reforms. Such duties potentially include the policing of carrier actions so that their implementation of the FCC Order directives does not “enable a windfall and/or double recovery” and ensures “consistency with the uniform [FCC Order] framework.” FCC Order, ¶ 813, at 277. Naturally, the filing of the contemplated intrastate carrier access tariffs contemplated in the FCC Order needs to be coordinated with the corresponding transitional use by the affected carriers of the federal Eligible Recovery mechanism inclusive of the ARC and the potential availability and utilization of CAF support.

The particular mechanics of implementing many aspects of the FCC Order are still in flux. For example, the FCC has permitted “carriers to determine at the holding company level how Eligible Recovery will be allocated among their incumbent LECs’ ARCs” and found that by “providing this flexibility, carriers will be able to spread the recovery of Eligible Recovery among a broader set of customers, minimizing the increase experienced by any one [wireline end-user] customer.” FCC Order, ¶ 910, at 327. This provision has become the subject of a Petition for Reconsideration filed by the Public Service Commission of the District of Columbia (DC PSC) that is currently pending before the FCC. Potentially, neither the DC PSC nor other state utility commissions is interested in seeing multi-state allocations of Eligible Recovery that can potentially disadvantage the wireline end-user consumers of a particular jurisdiction.

For these reasons, it is appropriate to convene an on-the-record collaborative session where interested parties can be afforded the opportunity to present appropriate information and material regarding this Commission’s implementation of the FCC Order directives well in advance of the carrier access tariff submissions that will put in place the mandated FCC intercarrier compensation reforms. This session should be convened no later than April 20, 2012 under the newly instituted Docket No. M-2012-_____. The presentations of the interested and participating parties should at a minimum address the following areas:

1. The appropriate legal boundaries of the Commission's authority and jurisdiction to exercise appropriate oversight and enforcement while implementing the FCC Order directives including but not limited to:
 - a. Requiring the timely submission of the proposed tariffs and supporting data demonstrating that the FCC mandated intercarrier compensation reforms comply with the FCC Order directives and do not lead to a potential "windfall and/or double recovery" if and when a carrier also utilizes the federal Eligible Recovery mechanism inclusive of the ARC and CAF support.
 - b. Requiring the timely submission of the necessary assurances, jurisdictional allocations and accompanying data by ILECs that are subsidiaries or affiliates of holding companies demonstrating that the federal Eligible Recovery amounts at issue arising from their interstate and intrastate carrier access services are properly allocated or otherwise attributed to their Pennsylvania operations and do not include any cross-jurisdictional amounts.
 - c. Monitoring any broadband deployment requirements under the FCC Order standards where the relevant obligation may have been triggered by a federal price cap utilization of federal Eligible Recovery and CAF intercarrier compensation support.
2. Appropriate and demonstrative methods and quantitative examples of the following:
 - a. How carriers will determine the federal Eligible Recovery amounts inclusive of the ARC and CAF support. This information should be provided in a disaggregated fashion for the relevant components (ARC versus CAF support), and for the applicable time frames when such support components will be recovered or otherwise utilized. This information should also be provided based on the appropriate ILEC classifications, e.g., federal price cap and ROR ILECs, while also taking into account the existing ILEC basic residential local exchange service rates vis-à-vis the FCC's Residential Rate Ceiling.
 - b. How, within specific and applicable time frames, carriers will properly document and verify the reconciliation between the access reforms contemplated in the FCC Order and the utilization of the federal Eligible Recovery mechanism inclusive of the ARC and CAF support. This information should also be provided based on the appropriate ILEC classifications, e.g., federal price cap and ROR ILECs, while also taking into account the existing ILEC basic residential local exchange service rates vis-à-vis the FCC's Residential Rate Ceiling.
3. The potential modifications that will be required in existing interconnection agreements in order to timely effectuate the FCC Order directives on intercarrier compensation where such interconnection agreements also involve wireline and wireless carriers.¹⁷

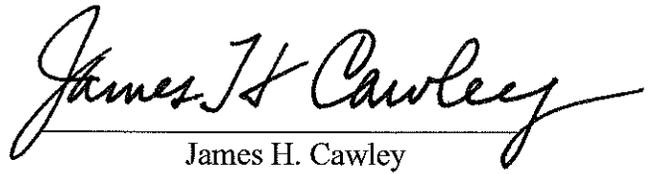
¹⁷ FCC Order on Reconsideration, WC Docket No. 10-90 *et al.*, December 23, 2011.

4. Whether individual federal price cap ILECs operating in Pennsylvania will be utilizing Eligible Recovery and CAF intercarrier compensation support with the concurrent accrual of broadband deployment obligations under the FCC Order standards.
5. The use of properly designed informal dispute resolution processes with or without the involvement of Commission Staff for addressing such areas as:
 - a. The verification of intrastate intercarrier compensation rates and amounts.
 - b. Intercarrier compensation disputes that may arise within or outside the context of interconnection agreements and where such disputes may involve both direct and indirect interconnection.

THEREFORE, I move that:

1. The record at Docket Nos. I-00040105 and C-2009-2098380 *et al.* be reopened for the limited purpose of examining the cross-effects of the November 18, 2011 FCC Order on our Rural ILEC Access Charge Investigation decision of July 18, 2011 consistent with this Motion.
2. The Office of Special Assistants expeditiously prepare the appropriate Order at Docket Nos. I-00040105 and C-2009-2098380 *et al.* consistent with this Motion.
3. A new proceeding addressing the implementation of the November 18, 2011 FCC Order be instituted under Docket No. M-2012-____, and that an on-the-record collaborative session addressing the prospective implementation of the FCC Order should be convened no later than April 20, 2012 consistent with this Motion.
4. The Office of Special Assistants expeditiously prepare the appropriate Order in the new Docket No. M-2012-_____ consistent with this Motion.

DATED: March 15, 2012


James H. Cawley
Commissioner