

December 2007

37 Parties File Comments in the Federal Communications Commission's "Access Stimulation" Proceeding On December 17; Reply Comments Due December 31

On Monday, December 17, 2007, 37 parties filed comments in the Federal Communications Commission's ("Commission") "access stimulation" proceeding (Establishing Just and Reasonable Rates for Local Exchange Carrier Docket, WC 07-135) in which the FCC is examining whether to adopt piecemeal changes to the intercarrier compensation system proposed by the AT&T, Sprint, Qwest and Verizon to address changes in access traffic patterns due to what they have termed "traffic pumping" or "access stimulation" arrangements. Womble Carlyle has prepared a summary of all of the comments filed in the docket to date. If you would like to receive a summary of the initial comments filed contact any of the Womble Carlyle attorneys listed below.

AT&T, Verizon, Qwest and Sprint used their initial comments to repeat allegations that certain rural LECs and conferencing, entertainment, chat-line, and other similar services are engaging in unlawful behavior, despite the FCC's findings to the contrary in the Qwest Commc'ns Corp. v. Farmers & Merchants Mut. Tel. Co., Mem. Op. & Order, File No. EB-07-MD-001, FCC 07-175 (rel. Oct. 2, 2007) (reconsideration pet. filed Nov. 1, 2007) ("Farmers Order"). Specifically, the IXCs demanded imposition of significant regulatory burdens on LECs including: quarterly reporting of access traffic; the filing of certifications in conjunction with tariffs stating that the carrier will not enter in any agreements that significantly increase their traffic; a declaration that traffic sharing arrangements are unreasonable; elimination of the CLEC exemption found in 61.26; and a requirement that carriers file a revised tariff when they experience an increase in demand in excess of 25% of the current levels (measured on a quarterly basis).

Womble Carlyle is preparing Reply Comments for several parties. Reply Comments are currently due on Monday December 31, 2007 (although today two parties filed a motion asking the FCC to extend the deadline to January 16, 2008, the FCC has not yet acted on the motion).

If you have any questions or need additional information, please contact Mike Hazzard (mhazzard@wcsr.com), Ross Buntrock (rbuntrock@wcsr.com), Jonathan Canis (jcanis@wcsr.com), Jennifer Kashatus (jkashatus@wcsr.com) or Danielle Benoit (dbenoit@wcsr.com).

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