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GEOFFREY G. WHY
COMMISSIONER

NOTICE

To: Massachusetts Telecommunications Carriers and Interested Persons

From: Karlen Reed, Director, Competition Division

Date: May 1, 2014

Re: 2014 Intercarrier Compensation Rate Reduction Tariff Filings

Through this Notice, the Department modifies its general tariff-filing requirements, which are otherwise still in effect, and provides general guidance to carriers for filings relating to the July 2014 intrastate intercarrier compensation (“ICC”) rate reductions mandated by the Federal Communications Commission (“FCC”). The Department relies on FCC requirements, industry input, and Department practice as a guide.

Filing Deadlines. The Department determines that good cause exists to permit revisions on less than the usual thirty (30) days’ notice (i.e., “expedited effective date”).¹ Because the FCC ties carriers’ 2014 intrastate ICC rate reductions to carriers’ corresponding interstate rate reductions, which have shorter filing deadlines, the Department will permit carriers to file intrastate terminating switched access and, if applicable, reciprocal compensation tariff revisions reflecting the 2014 ICC rate reductions according to the following schedule. **Please note that Department staff may contact carriers seeking clarification or revisions within thirty (30) calendar days after the date of the filing.**

ILECs: Filings are due to the Department no later than the same day as the carrier’s interstate switched access filings are due with the FCC (*by June 16, 2014, or June 24, 2014, respectively*) for a July 1, 2014, effective date.

CLECs: Filings are due to the Department by the same day as the carrier’s interstate switched access filings are filed with the FCC but no later than one (1) calendar day prior to the effective date.

As a reminder, “issued” dates for all tariff revisions should reflect a date no earlier than when the Department receives an original, hard-copy of the filing.

¹ See G. L. c. 159, § 19.

Filing Fee. \$100.00 check per tariff revision, payable to the “Commonwealth of Massachusetts.” The Department waives the additional \$100.00 filing fee for expedited effective date filings.

References to Outside Documents. Consistent with ongoing Department practice and requirements, the Department will not permit references to other documents (e.g., federal tariffs) in lieu of actual rates.

Rate Levels. The Department expects that, consistent with FCC requirements, carriers’ relevant intrastate terminating end office rates will correspond to their comparable interstate terminating end office rates as of their July 2014 effective date.² The Department reminds carriers that it will not permit rate increases on these or other switched access rates impacted by the FCC’s reforms.³

Supporting Materials. Because carriers’ intrastate rates and rate reductions are tied to their interstate rates, and CLECs’ rates cannot exceed the competing ILEC’s rates, the Department directs carriers to submit supporting materials that explain their intrastate terminating end office and, if applicable, reciprocal compensation rate reductions. Materials should include a written explanation and calculations utilized for the reductions, reference to the carrier’s relevant corresponding interstate tariff number, section, and page numbers, and include copies of the carrier’s corresponding interstate tariff pages. The Department directs all carriers to submit unredacted documentation to the Department. **To the extent that a carrier deems any information submitted with its filing to be proprietary, the filing should include an appropriate Motion for Confidentiality.** The Department will not grant blanket requests for confidentiality, and carriers should not redact information otherwise available from public sources.

Transmittal Letter. Carriers should direct all submittals to the attention of Catrice Williams, Department Secretary. The transmittal letter should reference this Notice; summarize all documentation within the filing; list the tariff number(s), section(s), and page(s) being revised; and explain what the proposed revisions accomplish (refer to Supporting Materials section, *supra*). The transmittal letter should also include appropriate carrier contact information in the event that Department staff has any questions about the filing.

Hard-Copy Filings and Number of Copies. All filings should be submitted as hard-copies. If the carrier seeks confidential treatment for the submitted information, then the filing should include one (1) original, unredacted version, two (2) unredacted copies, and four (4) redacted

² See *In re: Connect America Fund, Developing an Unified Intercarrier Compensation Regime*, WC Docket No. 10-90, CC Docket No. 01-92, *Order*, DA 14-434 (rel. Mar. 31, 2014), at ¶ 5.

³ Last year, Verizon revised its intrastate access rates pursuant to an FCC Order released on April 19, 2013, relating to ILEC access tariffs. The Department has not permitted CLECs to increase their rates to continue to match Verizon’s rates, which went into effect on July 1, 2013. Although Massachusetts ILEC and CLEC intrastate terminating access end office rates will realign in July 2014, originating access and other rates will continue to vary between CLECs and Verizon going forward. The Department will not permit CLECs to increase those remaining rates barring a reversal of the FCC’s mandates by the courts or a rule revision or other determination by the FCC. See, e.g., 47 C.F.R. § 1.3 (permitting waiver of the FCC’s rules for good cause shown).

copies of the filing. If not submitting confidential information, then the filing should include one (1) original version and four (4) copies.

Electronic Filings and Accessibility. The Department does not have an online tariff filing system. However, multiple parties have urged the Department to make unofficial electronic copies of ICC tariff revision filings accessible. In order to accommodate these requests, the Department requests that all carriers submit .pdf copies, in addition to their hard-copy filings, to Catrice Williams at dtc.efiling@state.ma.us. The Department will create a tab entitled “ICC Tariff Filings” on its homepage at www.mass.gov/dtc, and will endeavor to post all initial tariff revision filings and, if applicable, final subsequent revisions, as soon as possible after they are received.

Additional.

- **Prior Notice.** In order for Department staff to plan accordingly, carriers are requested to notify the Department of their anticipated tariff revision filing dates by June 2, 2014. Carriers should direct all notifications to Armine Simonyan, at Armine.Simonyan@state.ma.us or (617) 368-1106.
- **Suspensions.** If the FCC suspends a carrier’s interstate tariff filing subject to the FCC’s ICC reforms, then the Department may suspend the corresponding intrastate filings or take other appropriate action.⁴
- **VoIP-PSTN Traffic.** To the extent that any carrier intends to submit ICC tariff revisions relating to VoIP-PSTN traffic to take effect in July 2014, the same general filing requirements discussed in this Notice shall apply, including the Department’s prohibition against filing of tariffs that make references to other documents (e.g., federal tariffs) in lieu of actual rates.
- **Carriers With No Access Traffic.** The Department will not accept letters in lieu of tariff revisions where carriers with access tariffs on file with the Department claim to have no access traffic. If a carrier no longer offers the tariffed services, then the carrier should revise the Statement of Business Operations and tariffs on file with the Department accordingly.⁵

Contact. For questions, clarifications, or additional inquiries about this Notice, please contact Competition Division staff, Kerri DeYoung Phillips, Counsel, at Kerri.DeYoung@state.ma.us and Armine Simonyan, Economist, at Armine.Simonyan@state.ma.us. Competition Division staff may also be contacted through the Department’s main line at (617) 305-3580.

⁴ See G. L. c. 159, §§ 19, 20.

⁵ See Division Notice to Massachusetts Telecommunications Carriers and Interested Parties, *Clarification of Wholesale Tariffing Requirements* (Aug. 12, 2003), at 9, available at: <http://www.mass.gov/ocabr/docs/dte/telecom/812memor.pdf> (last viewed Apr. 23, 2014).