



# COMMONWEALTH OF MASSACHUSETTS

## Department of Telecommunications and Cable

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### NOTICE

To: Massachusetts Telecommunications Carriers and Interested Persons

From: Kerri DeYoung Phillips, Counsel, Competition Division

Date: May 23, 2016

Re: 2016 Intercarrier Compensation Rate Reduction Tariff Filings;  
Related ILEC Certifications and Data Submittals

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Through this Notice, the Department modifies its general tariff-filing requirements, which are otherwise still in effect, and provides guidance to carriers for filings relating to the July 2016 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”).<sup>1</sup> Because the FCC ties carriers’ annual 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 2015 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, 2016, or June 23, 2016, respectively*) for a July 1, 2016, effective date.<sup>2</sup>

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<sup>1</sup> See G.L. c. 159, § 19.

<sup>2</sup> See generally *In re: Material to be Filed in Support of 2016 Annual Access Tariff Filings*, WC Docket No. 16-71, Order, DA 16-399 (rel. Apr. 13, 2016); *In re: July 1, 2016 Annual Access Tariff Filings*, WC Docket No. 16-71, Order, DA 16-274 (rel. Mar. 16, 2016).



**CLECs:** Filings are due to the Department by the same day that 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.

**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.

**No 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 2016 effective date. The Department reminds carriers that it will not permit rate increases on these or other switched access rates impacted by the FCC's reforms.<sup>3</sup>

**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: (1) a written explanation for the reductions; (2) a reference the carrier's relevant corresponding interstate tariff number, section, and page numbers; (3) copies of the carrier's corresponding interstate tariff pages; and, if applicable, (4) calculations utilized for the reductions.

**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.<sup>4</sup>

**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.

**Related ILEC Certifications and Data Submittals.** The Department reminds ILECs of their obligations to submit to the Department a duplicative recovery certification and, if collecting Connect America Fund ("CAF") ICC support, CAF ICC data with their annual access tariff filing submittals.<sup>5</sup>

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<sup>3</sup> In 2013, 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 realigned 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).

<sup>4</sup> *See* G.L. c. 159, §§ 19, 20.

<sup>5</sup> *See* 47 C.F.R. §§ 54.304(c), (d); § 51.915(d)(3); § 51.917(d)(1)(vii).



**Confidential Materials.** 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 Confidential Treatment.** 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 Sara Clark, Department Secretary. The transmittal letter should: (1) reference this Notice; (2) summarize all documentation within the filing; (3) list the tariff number(s), section(s), and page(s) being revised; and (4) 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 three (3) redacted copies of the filing. If not submitting confidential information, then the filing should include one (1) original version and three (3) 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 Sara Clark at [dte.filing@state.ma.us](mailto:dte.filing@state.ma.us). The Department will create a tab entitled “ICC Tariff Filings” on its homepage at [www.mass.gov/dte](http://www.mass.gov/dte), and will endeavor to post all initial tariff revision filings and, if applicable, final subsequent revisions, as soon as possible after they are received.

**Contact.** For questions, clarifications, or additional inquiries about this Notice, please contact Kerri DeYoung Phillips, Counsel, at [Kerri.DeYoung@state.ma.us](mailto:Kerri.DeYoung@state.ma.us) or (617) 305-3580.

