



COMMONWEALTH OF MASSACHUSETTS

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NOTICE

To: Rate-of-Return ILECs and CLECs that benchmark access rates to rate-of-return carriers in Massachusetts

From: Lindsay DeRoche, Director, Competition Division

Date: May 29, 2020

Re: 2020 Intercarrier Compensation Rate Reduction Tariff Filings;
Related ILEC Certifications and Data Submittals

Through this Notice, the Department of Telecommunications and Cable (“Department”) modifies its general tariff-filing requirements and provides guidance to carriers for filings relating to the July 2020 intrastate intercarrier compensation (“ICC”) switched access and reciprocal compensation rate reductions mandated by the Federal Communications Commission (“FCC”). The Department relies on FCC requirements, industry input, and Department practice as a guide. Please note that the Department’s tariff regulations can now be found at 207 C.M.R. 12.00.

Filing Deadlines. The Department determines in this instance that good cause exists to permit tariff revisions to take effect before the expiration of the statutory 30-day period (“expedited effective date”).¹ 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 tariff revisions reflecting the 2020 ICC rate reductions according to the following schedule. **Please note that Department staff may contact carriers seeking clarification or revisions within 30 days of the date of the filing.**

Rate-of-Return ILECs: Filings are due to the Department on the same day the carrier’s interstate switched access filings are due with the FCC: **June 16, 2020, for a July 1, 2020**, effective date, or **June 24, 2020, for a July 1, 2020**, effective date, depending on the type of changes the tariffs propose.²

¹ See G.L. c. 159, § 19.

² *In re July 1, 2020 Annual Access Charge Tariff Filings*, WC Docket No. 20-55, *Order*, DA 20-413 (rel. Apr. 15, 2020).

CLECs that benchmark access rates to rate-of-return carriers: 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 calendar day prior to the effective date of the change.

As a reminder, "issued" dates for all tariff revisions should reflect a date no earlier than when the Department receives an original, hardcopy 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 Department practice and requirements, the Department will not permit references to other documents (e.g., federal tariffs) in lieu of actual rates.

Supporting Materials. The Department directs carriers to submit supporting materials with their tariff filings. Materials should include: (1) a written explanation for the rate changes; (2) a reference to the carrier's relevant corresponding interstate tariff number, section, and page numbers; (3) copies of the carrier's corresponding interstate tariff pages; and (4) calculations of the rates, if applicable.

Suspensions. If the FCC suspends a carrier's interstate tariff filing subject to the FCC's ICC reforms, the Department may suspend the corresponding intrastate filings or take other appropriate action.³

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.⁴

Confidential Materials. The Department directs the 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 a 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 Shonda Green, 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 contact information in case Department staff has any questions about the filing.

Hardcopy Filings and Number of Copies. All filings should be submitted as hardcopies. If a carrier seeks confidential treatment for any of the submitted information, the filing should include one unredacted original, one unredacted copy, and two redacted copies of the filing. If a carrier does not seek confidential treatment, the filing should include one original version and one copy.

³ See, e.g., G.L. c. 159, §§ 19, 20.

⁴ See 47 C.F.R. §§ 51.917(d)(1)(vii), 54.304(d).

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 hardcopy filings, to Shonda Green, Department Secretary, at dte.filing@mass.gov. The Department has created a tab entitled “ICC Tariff Filings” on its homepage at www.mass.gov/dte, and will endeavor to post all initial tariff revision filings and, if applicable, subsequent revisions, after they are received.

Contact. For questions about this Notice, please contact Armine Simonyan, Economist, at Armine.Simonyan@mass.gov or (617) 305-3580.