

## **Attachment 1**

**To AT&T Initial Brief in DTC 10-2**

# States with Caps/Limitations on CLEC Intrastate Access Rates

	State	Summary	Reference
1	AK	CLEC access rates are capped at the ILEC's access rate in the ILEC's study area.	Regulatory Commission of Alaska, Alaska Intrastate Interexchange Access Charge Manual, sec. 102 (June 14, 2006)
2	CA	CLEC access rates are capped at the higher of AT&T's or Verizon's rates plus 10% on a rate element by rate element basis.	<i>Review Policies Concerning Intrastate Carrier Access Charges</i> , 2007 W.L. 5086757 (Ca PUC Decision 07-12-010)
3	CO	CLEC switched access prices must be cost-based, as determined by the Commission; and must not exceed the average price by rate element and type of access in effect on July 1, 1987.  The practice of PUC staff has been to hold all CLECs' access rates to no higher than the access rates of the serving ILEC.	<i>I/M/O Emergency Rules Relating to Default Regulation of Competitive Local Exchange Carriers</i> , 2006 WL 2135500 (Colo. P.U.C.) 2006 WL 2135500, 4 CCR 723-2-2203 (f)(i) & (ii); C.R.S. §40-15-105(1)
4	CT	CLEC access rate capped at \$0.015/min, amount equal to AT&T's rate which the DPUC reduced to cost based levels. Cost study must be provided by carriers seeking higher rates (none have been filed to date.)	DPUC <i>Investigation of Intrastate Carrier Access Charges</i> , Docket No. 02-05-17, Decision 16 (Feb. 18, 2004) upheld in <i>Re Intrastate Carrier Access Charges</i> – Court Ruling, Docket No. 02-05-17, 2005 WL 1566747 (June 15, 2005)
5	DE	A CLEC which is subject to traditional regulation may set intrastate access rates at any level, subject to traditional (just and reasonable, non-discriminatory) ratemaking standards. However, if a CLEC opts into DE's streamlined, alternative form of regulation, it may not assess switched access rates that are higher than the switched access rates set forth in the tariff of the service provider serving the largest number of local exchanges access lines in the state.	Del. Code sec. 707(e); 26 Del.C. Subchapter VII-A (§§704 to 709) [6/30/08]
6	GA	CLECs must reduce intrastate rates to interstate levels in equal annual increments over 10 years beginning 1/1/2011 and ending 12/31/2020.	Ga. Code Ann. sec. 46-5-166(f)(1)(1995) and section 46-5-166(f)(2). (HB 168 ) [11/23/2010]
7	IL	Any telecom carrier providing switched access service must reduce intrastate access rates beginning 1/1/2011 by 50% of difference between its intrastate and interstate access rates and then again on 1/1/2012 using the same formula. By 7/1/2012, carriers must reduce intrastate rates to mirror then-current interstate rates and rate structure after which they must continue to mirror interstate rates and structure.	Illinois PUA Sec. 13-506.2 [6/15/2010]
8	IN	Carrier's rates for intrastate access service are just and reasonable if rates mirror the provider's interstate rates.	Ind. Code 8-1-2.6-1.5(c)(2) [7/1/06]
9	IA	Carrier common line charge (CCL) is capped at three cents per access minute or fraction thereof for both originating and terminating segments of the call, unless otherwise approved by the Board. A CLEC that concurs with the Iowa Telephone Association (ITA) Access Service Tariff No. 1 and that offers service in exchanges where the incumbent LEC's intrastate access rate is lower than the ITA access rate shall deduct the carrier common line charge from its intrastate access service tariff.	IAB 22.14(2)d.(1)
10	LA	CLECs may not charge access rates that exceed rates of the underlying ILEC in each CLEC's certificated areas.	LPSC Regulation section 301-K-4 (3/22/00)  <i>In re Development of Regulatory Plan for S. Central Bell</i> , Docket No. U-17949, Order No. U-17949-TT (Corrected), 12 (May 3, 1996)
11	ME	CLEC intrastate access rates must be at or below the interstate access rates allowed by the FCC by June 1, 2003. Mirrored rates must be refreshed on June 1 every 2 years thereafter.	Maine Revised Statutes Annotated, Title 35-A, Chapter 71, sec. 7101-B Access Rates (effective May 2, 2003).  Code of Maine Rules, 65-407 Ch. 280, section 8B
12	MD	CLEC access rates are capped at the rate level of principal ILEC (Verizon). Any proposed switched access rates exceeding the ILEC's rates must be supported with adequate cost data.	MD ADC 20.45.09
13	MA	CLEC intrastate access rates must be set at or below the prevailing ILEC (Verizon's) intrastate access rates which, in turn, are required to be set at the ILEC's interstate access rate levels. If a CLEC wishes to exceed this cap, it must file cost support.	MA D.T.C. 07-9, <i>Petition of Verizon New England, Inc., et al for Investigation under Chapter 159, Section 14 of the Intrastate Access Rates of Competitive Local Exchange Carriers</i> , Final Order, released June 22, 2009.

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14	MI	CLECs are required to transition intrastate access rates to interstate access rate levels over a stepped process not to exceed 5 years beginning 1/1/2011.	Michigan Compiled Laws, chap. 484.2310, sec. 310(2) (1991); as amended Dec 2009
15	MO	As condition of competitive classification, CLECs are required to cap intrastate access rates at competing ILEC's intrastate access rate level.	Missouri Statutes sec. 392.370  <i>In re Investigation of the Actual Costs Incurred in Providing Exchange Access Service &amp; Access Rates to be Charged by Competitive Local Exchange Telecomm Cos. In the State of Mo., Case No. TR-2001-65, Report &amp; Order, 20-21 (Sept 5, 2003)</i>
16	NH	A CLEC shall not charge intercarrier compensation rates for intrastate access greater than those intrastate access rates charged by the ILEC.	N. H. PUC Rules §431.07 [5/10/05]
17	NJ	All CLEC intrastate access rates are capped at the respective ILEC rates in their respective territories. Under a 4-step, 3-year phase-in plan ILECs must reduce intrastate access rates to interstate levels and match interstate structure. The CLECs' intrastate access rates are capped at the ILEC rate levels ongoing	NJ BPU Order dated 2/1/2010 <i>In the Matter of the Board's Investigation and Review of Local Exchange Carrier Intrastate Exchange Access Rates</i> , Docket No. TX08090830, pp 29-30
18	NM	Intrastate access rates must not exceed interstate access rates. Rules established a 3-phase intrastate access rate reduction schedule starting 4/1/06 and ending at parity with interstate access rates on 1/1/09.	NM Stat. §9A-8-2 (Commission review of subsidies required); N.M. Admin. Code 17. 11.1 0.8(C) (2005) and 17. 11. 10.8(I) .  See also N.M.S.A. 63-9H-6I (requiring state commission to ensure intrastate access charges are equal to interstate access charges by May 1, 2008).  NM PRC 2005 order in Docket 05-00211-UT [11/6/05]
19	NY	CLEC access rates may not exceed the access rates of the largest carrier in the LATA without a showing that higher rates are cost based and in the public interest.	N.Y.P.S.C. Case No. 94-C-0095, 28425, 1998 WL 518159 (Opinion No. 98-10, June 02, 1998)
20	OH	CLECs must cap access rates at the level of ILEC rates in the same territory. Rural CLECs competing with non-rural ILECs are capped at NECA rates.	Ohio Administrative Code 4901:1-7-14, Par. (D) (11/30/20007)  <i>In Re Establishment of Carrier-to-Carrier Rules</i> , Case No. 06-1344-TP-ORD, Opinion & Order, 55-57 (Aug. 22, 2007)
21	PA	CLEC may not charge higher access rates than those of the competing ILEC unless the CLEC demonstrates that higher access rates are cost justified.	66 Pa. Cons. Stat §3017(c) [11/30/04]
22	SD	Like an ILEC, a CLEC must file a cost study justifying its access rate or request a waiver to charge the average intrastate access rate in South Dakota.	S.D. PUC Rules, Chapter 20:10:27-29. [1/31/93]
23	TX	A CLEC may not charge higher access rates than the prevailing rates of the ILEC (Certificate of Convenience and Necessity [CCN] holder or Certificate of Operating Authority [COA] holder,) unless the Commission (PUC) specifically approves a higher rate or the CLEC establishes an average statewide composite rate approved by the PUC. ILECs had been previously required by statute to establish intrastate rates at parity with interstate rates through a transition ending 7/1/2008.	Texas PUC Substantive Rule §26.223 implementing Public Utility Regulatory Act (PURA) §52.155 [6/30/07]
24	VA	CLEC intrastate access rates cannot exceed the higher of its interstate rates or aggregate rate of competing ILEC.	20 VAC 5-417-50E [10/9/07]  <i>Amendment of Rules Governing the Certification &amp; Regulation of Competitive Local Exchange Carriers</i> , Case No. PUC-2007-00033, Final Order, 2-3 (VA SCC Sept. 27, 2007)
25	WA	CLEC terminating access rates must not exceed ILEC terminating access rates in the comparable geographic area.	Washington Administrative Code 480-120-540 [2/10/2005]
26	WV	Via a 3-step process from 5/23/10 to 5/23/12, CLECs are required to mirror competing ILEC's (Verizon) rates absent a determination by the Commission that the CLEC has demonstrated costs that require a higher rate.	WV PSC Case No. 08-0656-T-GI, Order November 23, 2009, Petition of Verizon West Virginia Inc. et al.

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27	WY	Effective 1/1/2010 intrastate switched access rates must not exceed \$.03/minute. Upon showing that higher access rates were supported by a TSLRIC study, the Commission could have authorized a 2-year extension (ending on 1/1/2012) but no carrier filed cost studies requesting the extension.	Wyoming Statutes sec. 37-15-203(j) [2007]