



Control Number: 50667

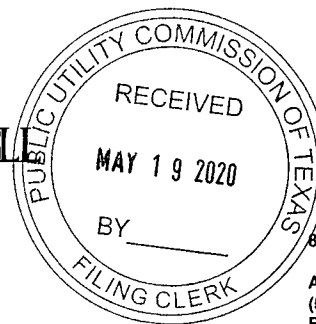


Item Number: 5

Addendum StartPage: 0



NAMAN HOWELL
SMITH & LEE
ATTORNEYS AT LAW



6310 N. Capital of Texas
Highway, Suite 490
Austin, Texas 78731
(512) 479-0300
Fax (512) 474-1901

May 19, 2020

Isaac Ta, Administrative Law Judge
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78701

Offices in
Austin
Fort Worth
San Antonio
Waco

www.namanhowell.com

RE: Docket No. 50667, *Application of Texas Telephone Association for Administrative Approval of Access Service Tariff Under 16 TAC § 26.207*

Dear Judge Ta:

The Texas Telephone Association (“TTA”) provides this letter to inform the Public Utility Commission of Texas (“Commission”) and any interested parties about a potential timing issue regarding the above-mentioned tariff filing.

TTA is a 115-year old trade association that represents 30 Texas incumbent local exchange telephone companies. TTA’s membership includes most of the small and rural telephone companies or cooperatives which serve some of the most sparsely populated areas in Texas. Its and its members’ efforts to keep rural Texas connected during the ongoing pandemic have been recognized by the Federal Communications Commission.¹

On March 16, 2020, on behalf a majority of its telephone company members known as the “TTA Issuing Carriers,”² TTA filed its new Access Service Tariff in the above-noted docket. To provide the history relevant to this proceeding:

¹ “Companies Pledging to Keep Americans Connected During Pandemic Go Above and Beyond the Call” (May 14, 2020), available at <https://www.fcc.gov/companies-pledging-keep-americans-connected-during-pandemic-go-above-and-beyond-call>. Listed TTA members include BBT, Central Texas Telecommunications, CenturyLink, Consolidated Communications, Eastex Telephone Cooperative, Hill Country, VTX1, and Windstream; see also https://twitter.com/EvanS_FCC/status/1255866277551374341.

² The TTA Issuing Carriers are: Big Bend Telephone Company, Inc. d/b/a BBT, Blossom Telephone Company, Brazoria Telephone Company, Central Texas Telephone Cooperative, Inc. d/b/a Central Texas Telecommunications, Community Telephone Company, Eastex Telephone Cooperative, Inc., Etex Telephone Cooperative, Inc., Ganado Telephone Company, Inc. d/b/a YK Communications, Guadalupe Valley Telephone Cooperative, Inc., Hill Country Telephone Cooperative, Inc., Muenster Telephone Corporation of Texas d/b/a Nortex

5

- TTA's filing requested an effective date of May 1, 2020.
- Shared or joint tariffs such as the one proposed by TTA tariff are typically routine and unopposed proceedings. Such tariffs have been approved in as little as 20 days or less and are often approved in under 45 days.³
- TTA was surprised that Order No. 1, issued on April 29, 2020, requested briefing and established a deadline of May 15, 2020.
- Due to TTA's timing concerns and agreement on the underlying policy issues, TTA coordinated with Staff and was able to file a joint response to Order No. 1 early on May 11, 2020.
- No other responses to Order No. 1 were filed to offer any contrary interpretations, and no opposition to TTA's proposed tariff has been filed in the two months this matter has been pending.
- As of today, no response to the joint brief has yet been filed.
- If the proposed tariff is not approved before July 1, 2020, at the latest, then the 17 TTA Issuing Carriers will be left without an approved access tariff.⁴

Communications, North Texas Telephone Company, Peoples Telephone Cooperative, Inc., d/b/a Peoples, Riviera Telephone Company, Santa Rosa Telephone Cooperative, Inc., Totelcom Communications, LLC, and West Texas Rural Telephone Cooperative, Inc.

³ *Compliance Dkt. 10127 (Application of Southwestern Bell Telephone Company to Revise Section 2 of Its Intrastate Access Service Tariff)*, Docket No. 12024 (Sep. 20, 1993); *Appl. of Texas Statewide Telephone Coop., Inc. to Revise Intrastate Access Service Tariff*. Pages 1, 1.1, 2-1.1, 3 And 2-55. Pursuant to Subst. R. 23.93, Docket No. 12633 (Jan. 19, 1994); *Application of Texas Statewide Telephone Cooperative, Inc. to Revise Intrastate Access Service Tariff*, Docket No. 12716 (Feb. 24, 1994); *Application of Texas Statewide Tel Coop., Inc. to Revise Access Service Tariff. To Move and Renumber the Rate Pages of the Previous Alltel Texas, Inc. Into the TEXAS-Alltel, Rate Section of the Tariff*, Docket No. 13410 (Oct. 12, 1994); *Appl. Of Texas Statewide Telephone Cooperative, Inc. to Revise Intrastate Access Service Tariff; To Add Two New Issuing Carriers Brazos Telecommunications, Inc. & West Plains Telecommunications, Inc.*, Docket No. 15303 (Dec. 13, 1996); *Application of Texas Statewide Telephone Coop., Inc. for Approval of 800 Data Base Access Service in the Intrastate Access Service Tariff*. Pursuant to Subst. R. 23.26, Docket No. 11896, (Dec. 15, 1998); *Texas Universal Service Fund Notice Compliance Filing*, Docket No. 20094, Notice of Interim Approval (Dec. 21, 1998); *Compliance Docket No. 11896 (Application of Texas Statewide Telephone Cooperative, Inc. for 800 Data Base Access Service in the Intrastate Access Service Tariff Pursuant to Subst. R. 23.26*, Docket No. 20295 (Jan. 21, 1999); *Application of Texas Statewide Telephone Cooperative, Inc. for an Administrative Update to the Intrastate Access Service Tariff*, Docket No. 30133 (Nov. 22, 2004); *Application of Texas Statewide Telephone, Cooperative, Inc. for Administrative Revision Access Service Tariff*; Pages 10th Page 1; 5th Page 1.9; and Original Page 17-54, Docket No. 33867 (Mar. 13, 2007); *Application of Texas Statewide Telephone Cooperative, Inc. for Administrative Approval of Revisions to Its Intrastate Access Services Tariff Pursuant to P.U.C. Subst. R. § 26.208*, Docket No. 42076 (Dec. 30, 2013); *Application of Texas Statewide Telephone Cooperative, Inc. to Revise Tariff Pages Pursuant to P.U.C. Subst. R. §26.208*, Docket No. 42554 (Jun. 16, 2014); *Application of Texas Statewide Telephone Cooperative, Inc. for Administrative Approval of Revisions to Its Intrastate Access Services Tariff Pursuant to P.U.C. Subst. R. § 26.208*, Docket No. 47209 (Jun. 21, 2017); *Application of Texas Statewide Telephone Cooperative, Inc. to Revise the Access Service Tariff in Compliance with the Requirement to Maintain Parity with Interstate Switched Access Rates*, Docket No. 48374 (Jun. 27, 2018); *Application of Texas Statewide Telephone Cooperative, Inc. for Administrative Revisions to Its Intrastate Access Services Tariff*, Docket No. 49162 (Feb. 20, 2019); *Application of Texas Statewide Telephone Cooperative, Inc. for Administrative Revisions to Its Intrastate Access Service Tariff*, Docket No. 49545 (Jun. 21, 2019).

⁴ Currently, the TTA Issuing Carriers are providing their access services under the Texas Statewide Telephone Cooperative Inc. ("TSTCI") Intrastate Access Tariff which was approved years ago. On May 15, 2020, TSTCI filed updates to its TSTCI Intrastate Access Tariff to become effective on July 1, 2020, in Docket No. 50853. Upon approval of the TSTCI tariff updates, the TTA Issuing Carriers will be removed from the TSTCI Tariff.

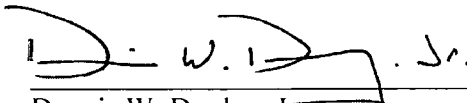
Given this timing concern and the lack of apparent opposition to TTA's proposed tariff, TTA respectfully requests administrative approval by informal disposition as soon as is practicable. If such approval is not anticipated, then TTA respectfully requests an emergency telephonic hearing as soon as possible in order to understand and expeditiously deal with any other delays.

TTA shared a draft of this letter with relevant Commission Staff before filing.

TTA truly appreciates your consideration of this matter during this challenging time. Please let us know if we need to provide additional information.

Very truly yours,

NAMAN HOWELL SMITH & LEE, PLLC

By: 
Dennis W. Donley, Jr.

CC: Commission Staff
Via Email

Eleonor.DAmbrosio@puc.texas.gov
Kourtnee.Jinks@puc.texas.gov