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June 2, 2020

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Commissioner Arthur C. D'Andrea  
Commissioner Shelly Botkin  
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RE: Docket No. 50667, *Application of Texas  
Telephone Association for Administrative Approval  
of Access Service Tariff Under 16 TAC § 26.207*

Dear Chairman Walker, Commissioner D'Andrea, and Commissioner Botkin:

Texas Telephone Association ("TTA") submits this letter to the Public Utility Commission of Texas ("PUCT" or "Commission") in response to Judge Ta's Order No. 2 Certifying an Issue to the Commission in the above noted docket.

In their joint brief in this docket, TTA and Commission Staff have already pointed out a long line of precedent supporting the proposed approach of a shared tariff filing.<sup>1</sup> The purpose of

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<sup>1</sup>See Item No. 4 at 2 (citing *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

this follow-up letter is to share examples of the real-world consequences that reversing this practice would have on all similarly situated parties,<sup>2</sup> based upon our many years of experience in the telecom industry.

### **Background and Procedural History**

TTA is the trade association founded in 1905 that represents 30 incumbent local exchange companies of Texas. TTA's membership is composed mostly of relatively small and typically rural telephone companies or cooperatives.

On March 16, 2020, on behalf of 17 of its small member companies, TTA filed this *Application of Texas Telephone Association for Administrative Approval of Access Service Tariff Under 16 TAC § 26.207*. TTA's application complies with all applicable laws, rules, and many years of Commission precedent, as explained in its Joint Brief with Commission Staff.<sup>3</sup>

TTA requested administrative approval because the proposed tariff will not result in any changes to the Issuing Carrier's revenues or company-specific access service rates and will not affect the customers receiving the affected services.

TTA requested an effective date of May 1, 2020, to allow certain of the Issuing Carriers to take necessary measures to comply with the July 1, 2020 deadline set by the Federal Communications Commission ("FCC")'s Intercarrier Compensation Reform Order<sup>4</sup> and the Commission's new Project No. 50821<sup>5</sup> for implementation of new tariff terms to maintain parity between intrastate and interstate terminating access rates.

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(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)).

<sup>2</sup> The issue certified to the Commission affects not only TTA members but Texas Statewide Telephone Cooperative, Inc. ("TSTCI") members and potentially others as well. See, e.g., Docket No. 50853, *Application of Texas Statewide Telephone Cooperative, Inc. for Administrative Revisions to Its Intrastate Access Service Tariff*.

<sup>3</sup> See *supra* n1.

<sup>4</sup> *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing a Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (rel. Nov. 18, 2011) ("*FCC ICC Reform Order 11-161*") at para. 801, Figure 9.

<sup>5</sup> *Public Notice of Telecommunications Carriers Filing Requirements in Order to Conform to New Intercarrier Compensation Reform in Accordance with FCC Order 11-161 – Phase IX*, Project No. 50821.

Tariffs are long and complex filings that require significant resources to develop and review, as shown below. For that reason, TTA filed its joint tariff application for these companies, rather than each of the 17 companies or cooperatives filing a separate tariff application.

On April 28, 2020, Judge Ta issued Order No. 1 Establishing Deadline for Briefing by the Parties on issues related to the appropriateness of a trade association filing a tariff for its members. On May 11, 2020 TTA and Commission Staff filed a Joint Brief in Response to Order No. 1. On May 19, TTA submitted a letter requesting an emergency telephonic hearing to enable the uncontested issues to be addressed as quickly as possible.

Judge Ta issued Order No. 2 Certifying an Issue to the Commission on May 19, 2020 and Order No. 3 denying TTA's request for an emergency hearing on May 21, 2020. Any additional briefing is due by June 2, 2020, and therefore this letter is timely filed.

### **Discussion/Examples**

As noted in the Joint Brief and above, if the Certified Issue results in TTA's tariff not being approved, TTA's 17 directly impacted member companies, as well as many other companies throughout the industry, will be significantly impacted. To illustrate the consequences of this impact, TTA provides the following real-world examples:

- The proposed TTA tariff is comprised of 1,461 pages and includes rates, terms, and conditions for 17 ILECs.
- If each TTA member is required to file an individual Access Charge Tariff, each of those tariffs would be 716 pages long, and each tariff would have to be filed in 17 different company-specific tariff proceedings resulting in 12,172 pages of tariffs being filed with the Commission—almost ten times as much paperwork as Commission Staff has to review under the shared tariff.
- Under 16 TAC § 22.71, the Commission requires 6 copies of tariff filings to be filed with the Commission, meaning that 73,032 pages of tariffs would have to be filed if separate tariffs were required. This would be especially burdensome to the Commission under existing Commission's COVID-19 electronic filing procedures, as the companies might only be required to submit the filings electronically and the Commission's Central Records Division would have print those 73,032 pages and distribute them to the various divisions within the Commission, assuming that the Commission needs the six hard copies of filings that are required by rule.
- Similarly, if the 26 small companies that concur in the TSTCI Intrastate Access Services Tariff were required to file new, company-specific tariffs, assuming that each TSTCI member's tariff is also 716 pages long, the Commission would receive an additional 18,616 tariff pages from the TSTCI companies. Multiplied by six copies, that results in 111,696 pages of hard copy filings, or pages the Central Records Division may have to print under the COVID-19 procedures for distribution within the Commission.
- In total, 43 separate Access Charge Tariffs would be needed for these two associations alone – 17 to replace the proposed TTA Tariff and 26 to replace the existing TSTCI Tariff. The Commission's rate staff would then be required to expend potentially hundreds of hours to review the 43 company-specific tariffs containing approximately 30,788

individual pages of rates, terms, and conditions to ensure that they comply with the Commission's rules.

- Additionally, because these companies have federal obligations to maintain parity between intrastate terminating switched access rates and interstate rates, the 43 separate tariff applications typically would be required annually.
- Finally, per the Federal Communication Commission's ICC Reform Order, these tariffs must be implemented by July 1, 2020<sup>6</sup>, and filed in this Commission's Project No. 50821, *Proceeding for Rate of Return Carriers to File CAF ICC Data and Certification for 2020 in Accordance with 47 C.F.R 54.304(D)(1) and 51.917*; any delay in the Commission's processing of tariffs could result in the Issuing Carriers violating the Federal Communications Commission's rules.

### Conclusion

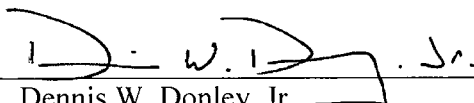
TTA respectfully urges the Commission to answer the Certified Issue questions in such a manner that a tariff application made by a trade association on behalf of its member companies can be approved in an administratively efficient manner consistent with existing laws, rules, and longstanding Commission practice and precedent.

While TTA and the 17 small companies concurring in this tariff application believe the proposed shared tariff to be the better approach, the companies will of course follow any Commission direction and are willing to submit separate Access Charge Tariff applications if so instructed.

Thank you for your time and attention. TTA remains ready and willing to provide additional information or respond to questions as may be helpful.

Respectfully submitted,

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<sup>6</sup> FCC ICC Reform Order 11-161 at para. 801, Figure 9.