

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Investigation of Tariffs Filed by ACS of)	CC Docket No. 02-36
Anchorage, Inc., and the National Exchange)	
Carrier Association)	
)	
December 17, 2001)	CCB/CPD No. 01-23
MAG Access Charge Tariff Filing)	
)	
National Exchange Carrier Association)	
Revisions to Tariff F.C.C. No. 5)	

ORDER

Adopted: February 27, 2002

Released: February 28, 2002

By the Chief, Competitive Pricing Division:

I. INTRODUCTION

1. On February 14, 2002, the National Exchange Carrier Association (NECA) filed Transmittal No. 926 to revise Tariff F.C.C. No. 5, Access Service, to become effective March 1, 2002. NECA is proposing to revise the Premium Terminating Carrier Common Line (CCL) rate to recover an increase in the Common Line revenue requirement and to modify the Multiline Business End User Common Line rate band assignments for several incumbent local exchange carriers (LECs).

2. On December 31, 2001, the Competitive Pricing Division suspended for one day the LECs' access tariffs filed in response to the *Rate-of-Return Access Charge Reform Order*,¹ imposed an accounting order, and initiated an investigation into the lawfulness of the rates contained in the tariff filings.² On January 30, 2002, we reconsidered on our own motion the

¹ *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, Second Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd 19613 (2001) (*Rate-of-Return Access Charge Reform Order*).

² *December 17, 2001 MAG Access Charge Tariff Filings*, CCB/CPD File No. 01-23, Order, DA 01-3023 (Competitive Pricing Division, released Dec. 31, 2001), *Erratum*, DA 01-3032 (Competitive Pricing Division, (continued....))

decision to suspend and investigate the tariffs of all carriers other than the ACS of Anchorage (ACS) tariff and NECA's common line tariff, indicating that any changes we direct ACS to make in its allocations could affect NECA's calculation of carriers' line costs and thus affect one or more of the common line rates in the NECA common line tariff.³ Subsequently, on February 15, 2002, we released an order designating for investigation certain issues regarding the rates in NECA's Transmittal No. 919 contained in Tariff F.C.C. No. 5.⁴

II. DISCUSSION

3. Transmittal No. 926 affects the issues regarding rate levels that are subject to the investigation of NECA's Tariff F.C.C. No. 5. Therefore, Transmittal No. 926 is suspended for one day and will be subject to the investigation initiated in the above proceeding. This transmittal will also be subject to an accounting order to facilitate any refunds that may later be necessary.

III. ORDERING CLAUSES

4. Accordingly, IT IS ORDERED that, pursuant to Section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and the authority delegated pursuant to Sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91 and 0.291, the revisions to NECA's Tariff F.C.C. No. 5, Access Service, filed under Transmittal No. 926 ARE SUSPENDED for one day and an investigation of the referenced transmittal is instituted and incorporated into the investigation in CC Docket No. 02-36.

5. IT IS FURTHER ORDERED that, pursuant to Sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 204(a), NECA SHALL KEEP accurate account of all amounts received by reason of the rates that are the subject of this investigation.

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released Dec. 31, 2001) (collectively *Suspension Order*).

³ *December 17, 2001, MAG Access Charge Tariff Filings*, CCB/CPD No. 01-23, Order on Reconsideration, DA-02-234 (Competitive Pricing Division, released Jan. 30, 2002).

⁴ *Investigation of Tariffs Filed by ACS of Anchorage, Inc., and the National Exchange Carrier Association*, CC Docket No. 02-36, CCB/CPD File No. 01-23, Order Designating Issues for Investigation, DA 02-371 (Competitive Pricing Division, released Feb. 15, 2002).

6. IT IS FURTHER ORDERED that NECA MAY FILE a supplement advancing the currently scheduled effective date one (1) day, to February 28, 2002, and then SUSPEND its tariff revisions for one (1) day, until March 1, 2002. For this purpose, we waive Sections 61.58 and 61.59 of the Commission's Rules, 47 C.F.R. §§ 61.58 and 61.59.

7. IT IS FURTHER ORDERED that NECA SHALL FILE tariff revisions within five (5) business days of the release of this Order to reflect this suspension.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss
Chief, Competitive Pricing Division