

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

In the Matter of
July 1, 2009
Annual Access Charge Tariff Filings
WCB/Pricing File No. 09-02

ORDER

Adopted: March 26, 2009

Released: March 26, 2009

By the Chief, Pricing Policy Division:

SHORT FORM TRP: May 1, 2009
COMMENTS: May 15, 2009
REPLIES: May 22, 2009
15-DAY TARIFF FILINGS: June 16, 2009
PETITIONS: June 23, 2009
REPLIES: June 26, 2009
7-DAY TARIFF FILINGS: June 24, 2009
PETITIONS: June 26, 2009
REPLIES: June 29, 2009 (due no later than 12:00 p.m. (noon) Eastern Time)

I. INTRODUCTION

1. This order establishes procedures for the 2009 filing of annual access charge tariffs and Tariff Review Plans (TRPs) for incumbent local exchange carriers (ILECs) subject to price caps and those ILECs subject to Section 61.39 of the Commission's rules. This order: (1) sets an effective date of July 1, 2009 for the July 2009 annual tariff filings; (2) establishes the dates for filing petitions to suspend or reject the ILEC tariff filing and replies to such petitions; and (3) addresses service of the petitions and replies. It also sets the date that price cap carriers must file the short form TRP. All correspondence and comments in connection with these filings should refer to the caption of this proceeding, July 1, 2009

1 47 C.F.R. § 61.39.

2 The price cap ILECs that must file a short form TRP on May 1, 2009, are the Ameritech Operating Companies; BellSouth Telecommunications, Inc.; CenturyTel Operating Companies; Cincinnati Bell Telephone; Citizens Telecommunications Companies; Consolidated Communications; Embarq Local Telephone Companies; Frontier Communications of Minnesota and Iowa; Frontier Communications of Rochester; Hawaiian Telecom, Inc.; Illinois Consolidated Telephone Company; Iowa Telecommunications Services, Inc.; Micronesian Telecommunications, Corp.; Nevada Bell Telephone Company; Pacific Bell Telephone Company; Puerto Rico Telephone Company; Qwest Corporation; Southern New England Telephone; Southwestern Bell Telephone; Valor Telecommunications Enterprises, LLC; the Fairpoint Telephone Companies, the Verizon Telephone Companies and Windstream Telephone System.

Annual Access Charge Tariff Filings, WCB/Pricing File No. 09-02.

II. DISCUSSION

A. Tariff Effective Date and Tariff Filing Dates

2. ILECs are permitted to make their tariff filings on either 15 or seven days prior to the effective date of their tariffs, depending on the type of changes the tariffs propose.³ The Commission's rules require that annual access tariff filings must be filed with a scheduled effective date of July 1.⁴ ILECs filing tariffs on 15 days' notice must make their annual tariff filings on June 16, 2009 and ILECs filing tariffs on seven days' notice must make their annual tariff filings on June 24, 2009.

3. ILECs that file tariffs under the price cap ratemaking methodology are required to file revised annual access tariffs every year.⁵ ILECs that file tariffs under rate-of-return ratemaking methodology are required to file every other year. In addition, ILECs filing pursuant to the requirements of section 61.38 of the Commission's rules are required to file in even-numbered years.⁶ Those filing pursuant to section 61.39 of the Commission's rules are required to file in odd-numbered years and are not required to submit supporting material with the revised tariff.⁷ Because 2009 is an odd-numbered year, only the price cap ILECs and the ILECs filing pursuant to section 61.39 are required to file revised access tariffs this year. Any rate-of-return ILEC subject to section 61.38 may elect to make a voluntary tariff filing at this time.

B. Tariff Review Plan Filing Dates

4. Price cap ILECs are required to submit both a short form TRP and a long-form TRP. Section 61.49(k) of the Commission's rules requires price cap ILECs to file a short form TRP without rate detail information 90 days prior to the usual effective date of July 1, 2009.⁸ Again, for this year's filing, we waive the 90 day requirement and permit the short form TRP to be filed on May 1, 2009.⁹ As in the past, we will issue a separate order that will provide the details of the price cap short form and regular TRPs. Comments on the short form TRP will be due on May 15, 2009. Reply comments will be due May 22, 2009.

C. Tariff and Tariff Review Plan Filing Instructions

5. ILECS must use the Commission's Electronic Tariff Filing System (ETFS) to file all of their tariff material.¹⁰ ILECs should make every effort to file as early in the day as possible to avoid any complications in meeting the May 1, 2009, June 16, 2009 and June 24, 2009, pre-7:00 pm Eastern Time deadlines for filing with the ETFS. Price cap ILEC short form TRP filings must be received by ETFS after 7:00 pm Eastern Time on April 30, 2009 and before 7:00 pm Eastern Time on May 1, 2009 for the filing to be considered officially received on May 1, 2009. ILEC tariff filings must be received by ETFS

³ 47 U.S.C. §204(a)(3).

⁴ 47 C.F.R. § 69.3(a).

⁵ 47 C.F.R. § 61.43.

⁶ 47 C.F.R. § 61.38; *see also* 47 C.F.R. § 69.3(f)(1).

⁷ 47 C.F.R. § 61.39; *see also* 47 C.F.R. § 69.3(f)(2).

⁸ 47 C.F.R. § 61.49(k).

⁹ *See* C.F.R. § 61.49(k).

¹⁰ 47 C.F.R. § 61.13(b).

after 7:00 pm Eastern Time on June 15, 2009 and before 7:00 pm Eastern Time on June 16, 2009 for the filing to be considered officially received on June 16, 2009. ILEC tariff filing must be received after 7:00 pm Eastern Time on June 23, 2009 and before 7:00 pm Eastern Time on June 24, 2009 for the filing to be considered officially received on June 24, 2009.

6. Copies of the information filed electronically may be obtained via the Internet using the ETFS at <http://svartifoss2.fcc.gov/prod/ccb/etfs>, or from Best Copy and Printing, Inc., (202) 488-5300 or 1-800-378-3160, Portals II, at 445 12th Street, SW, Room CY-B402, Washington, DC 20554. For more information on any of the cost support, contact Raj Kannan at (202) 418-1540, Pricing Policy Division, Wireline Competition Bureau.

D. Pleading Filing Dates and Procedures

7. In accordance with the tariff filing schedule, petitions to suspend or reject tariff filings made on 15 days' notice will be due June 23, 2009 and replies will be due June 26, 2009. Petitions to suspend or reject tariff filings made on seven days' notice will be due on June 26, 2009 and reply comments will be due no later than 12 p.m. (noon) Eastern Time on June 29, 2009.

8. Parties filing pleadings are encouraged to use ETFS in order to facilitate access to these documents. Comments and reply comments should reference **WCB/Pricing File No. 09-02**. Parties filing paper copies must file an original and four (4) copies of each filing.

9. Paper filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays receiving U.S. Postal Service mail.) Therefore, the Commission advises that electronic media NOT be sent through the U.S. Postal Service.

10. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC.

- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

11. Three (3) paper copies and one e-mail copy of the comments and reply comments should also be sent to Raj Kannan, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-A221, Washington, DC 20554, Raj.Kannan@fcc.gov. A courtesy copy should be addressed to the Chief, Pricing Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A225, Washington, DC 20554 and e-mailed to Pamela.Arluk@fcc.gov. Parties shall also serve one copy with Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to FCC@BCPIWEB.COM.

E. SERVICE

12. Because there is limited time available for review of the petitions and replies, we establish the following service requirements for these filings. On the date one of these filings is submitted to the Commission, it shall be served upon the filing local exchange carrier or the petitioner, respectively, or its attorney or other duly constituted agent, by personal delivery or by facsimile transmission.¹¹ Parties are instructed to provide contact persons and facsimile numbers in their filings. Parties filing petitions and replies electronically are reminded they are still required to serve copies in accordance with the requirements stated in this paragraph.

III. ORDERING CLAUSES

13. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4 (i) and (j), 201-209, of the Communications Act, as amended, 47 U.S.C. §§ 151, 154(i) and (j), 201-209, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, this order is HEREBY ADOPTED as described above.

14. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, section 61.49(k) of the Commission's rules, 47 C.F.R. § 61.49(k), IS WAIVED for the purpose specified in paragraph 4 *supra*.

15. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, sections 1.4(f) and 1.773(b) of the Commission's rules, 47 C.F.R. §§ 1.4(f), 1.773(b) ARE WAIVED for the purpose specified in paragraph 7 *supra*.

16. IT IS FURTHER ORDERED that, pursuant to section 1.3 of the Commission's rules, 47 C.F.R. § 1.3, and pursuant to authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, section 1.47(d) of the Commission's rules, 47 C.F.R. § 1.47(d), IS WAIVED for the purpose specified in paragraph 12, note 11 *supra*.

FEDERAL COMMUNICATIONS COMMISSION

Albert M. Lewis
Chief, Pricing Policy Division
Wireline Competition Bureau

¹¹ 47 C.F.R. §§ 1.773(a)(4) and (b)(3). We waive any inconsistent portions of section 1.47(d) of the Commission's rules. 47 C.F.R. § 1.47(d).