

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

In the Matter of)	
)	WC Docket No. 12-254
National Exchange Carrier Association Tariff)	
F.C.C. No. 5)	Transmittal No. 1358
)	

ORDER ON RECONSIDERATION

Adopted: October 5, 2012

Released: October 5, 2012

By the Acting Chief, Pricing Policy Division:

I. INTRODUCTION

1. On September 7, 2012, we released the *NECA Suspension Order*,¹ which suspended for one day, and set for investigation, the special access rate increases contained in the National Exchange Carrier Association's (NECA) F.C.C. Tariff No. 5, Transmittal No. 1358.² Since the *NECA Suspension Order* we have received additional information and further evaluated the tariff filing and supporting material. On our own motion, we reconsider our decision to suspend and investigate the tariff revisions contained in the NECA F.C.C. Tariff No. 5, Transmittal No. 1358.

II. DISCUSSION

2. In the *NECA Suspension Order*, we suspended for one day, and set for investigation the special access rate increases contained in NECA's F.C.C. Tariff No. 5, Transmittal No. 1358. According to NECA, those rate increases accounted for two recent events: (1) the withdrawal from the NECA pool of fifteen rate-of-return study areas that are affiliated with three price cap companies, and (2) Eastex Telephone Cooperative's (Eastex) reallocation of costs between jurisdictional cost categories.³ AT&T Corp. (AT&T) had filed a petition to suspend for one day, investigate, and issue an accounting order for the rate increases contained in NECA's tariff revisions.⁴ AT&T argued that NECA's filing did not provide sufficient justification tying these events to its proposed rate increases.⁵ Because AT&T raised issues that we believe required further inquiry, we suspended NECA's F.C.C. Tariff No. 5, Transmittal

¹ National Exchange Carrier Association Tariff F.C.C. No. 5, WC Docket No. 12-254, Order, DA 12-1458 (Pric. Pol. Div. rel. Sept. 7, 2012) (*NECA Suspension Order*).

² See NECA Transmittal No. 1358, Tariff F.C.C. No. 5 (filed Aug. 24, 2012).

³ Description and Justification, NECA Transmittal No. 1358, F.C.C. Tariff No 5 at 1.

⁴ National Exchange Carrier Association, Inc. Tariff F.C.C. No. 5, Petition of AT&T Corp. for Suspension and Investigation, Transmittal No 1358 (filed Aug. 31, 2012) (AT&T Petition).

⁵ Specifically, AT&T argued that the data NECA provided concerning the impact of the exit of the carriers withdrawing from the NECA pool was inconsistent with information that those carriers have submitted in support of their own tariff filings. AT&T Petition at 3-4. Further, AT&T argued that the Eastex reallocation should result in increases to NECA's special access revenue requirement and decreases in NECA's switched access revenue requirement, but NECA's filing does not include these offsetting changes. *Id.* at 4-6.

No. 1358, and requested additional information from Eastex.

3. After release of the *NECA Suspension Order*, the Division carefully reviewed the information that NECA submitted with their reply,⁶ and the additional information received from Eastex.⁷ This additional information and review has satisfied our concerns. Accordingly, pursuant to sections 1.108 and 0.291 of the Commission's rules,⁸ we reconsider on our own motion our decision to suspend and investigate the special access rates contained in NECA's F.C.C. Tariff No. 5, Transmittal No. 1358, and we terminate the accounting orders and investigations of these tariff provisions.

III. ORDERING CLAUSES

4. Accordingly, IT IS ORDERED that, pursuant to sections 0.91, 0.291 and 1.108 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.108, we reconsider on our own motion our decision in the *NECA Suspension Order* to suspend and investigate the revised special access rates contained in NECA's F.C.C. Tariff No., 5, Transmittal No. 1358.

5. IT IS FURTHER ORDERED that, pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the investigation and accounting order imposed in WC Docket No. 12-254 IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Victoria S. Goldberg
Acting Chief, Pricing Policy Division
Wireline Competition Bureau

⁶ National Exchange Carrier Association, Inc. Tariff F.C.C. No. 5, Reply of National Exchange Carrier Association (filed Sept. 6, 2012).

⁷ See Letter from John Kuykendall, Vice President, John Staurulakis, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 12-254 (Sept. 14, 2012); Letter from John Kuykendall, Vice President, John Staurulakis, Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 12-254 (Sept. 25, 2012).

⁸ 47 C.F.R. §§ 0.291, 1.108.