

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Northern Valley Communications, LLC, Tariff F.C.C. No. 3*, WC Docket No. 20-11

Make no mistake: Northern Valley's Revised Tariff is clearly an attempt to game our rules on access stimulation and evade financial responsibility for terminating tandem switching and transport charges that last fall's *Access Arbitrage Order* meant to shift to access stimulating LECs. At the same time, I do find it curious that the item relies primarily on section 201(b)—the underlying statutory provision for our access stimulation rules—to find the Revised Tariff unlawful, rather than on any specific pricing rule adopted by the Commission. To the extent our rules do not explicitly prohibit the revision, in terms of both spirit *and* letter, this reliance seems overly discretionary and to lack a limiting principle. Overall, the lesson seems to be: our time and resources would be better spent transitioning the entire intercarrier compensation system to bill-and-keep, rather than establishing temporary and partial fixes against inefficient routing schemes that take advantage of high access charges. As I have said before, I hope such comprehensive reform will happen sooner rather than later.