

**ALABAMA PUBLIC SERVICE COMMISSION
JANUARY 6, 2004
TELECOMMUNICATIONS DIVISION**

SUMMARY OF OTHER FILINGS

D-4523 – GULF LONG DISTANCE – Introduces a new unlimited toll calling plan, No Limits Long Distance. Filed December 5, 2003, with a requested effective date of February 1, 2004. **Approved**

D-4524 – GULF TELEPHONE COMPANY – Introduces No limits Long Distance to the GulfStar Service offering. Filed December 5, 2003, with a requested effective date of February 1, 2004. **Approved**

INTERCONNECTION AGREEMENTS

DOCKET U-4567 – FARMERS TELEPHONE COOPERATIVE, INC., AND FARMERS CELLULAR TELEPHONE, INC. – For approval of an Interconnection Agreement negotiated by Farmers Telephone Cooperative, Inc., and Farmers Cellular Telephone, Inc., pursuant to §251 and §252 of the Telecommunications Act of 1996. Recommend Approval. **Approved**

DOCKET U-4568 – FARMERS TELEPHONE COOPERATIVE, INC., AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – For approval of an Interconnection Agreement negotiated by Farmers Telephone Cooperative, Inc., and Cellco Partnership d/b/a Verizon Wireless pursuant to §251 and §252 of the Telecommunications Act of 1996. Recommend Approval. **Approved**

SUMMARY OF OTHER FILINGS

D-4539 – ALLTEL ALABAMA, INC. – Removes the Do Not Disturb optional feature from miscellaneous services offered. Filed December 12, 2003, with an effective date of January 12, 2004. **Approved**

D-4549 – FRONTIER COMMUNICATIONS OF ALABAMA, INC. – Deletes various discontinued service plans. Filed December 31, 2003, with an effective date of January 5, 2004. **Approved**

LEGAL DIVISION

DOCKET 28906(G) – Declaratory Proceeding concerning the usage of Local Interconnection Services for the provision of Virtual NXX Service (a service whereby carriers assign and NXX to a customer who is not physically located in the exchange where the NXX is rate centered). The commenting ILECs, including BellSouth, CenturyTel, and Alabama’s Rural LECs generally assert that the virtual NXX service offered by CLECs enable end-users to place calls between local calling areas using ILECs facilities and should, therefore, be subject to access charges and not subject to the reciprocal compensation payments associated with local calls. The commenting CLECs, including Level 3 Communications, MCI, AT&T, ITC DeltaCom, and US LEC, contend that Virtual NXX traffic is local in nature end, therefore, should be subject to reciprocal compensation payments and not access charges. Sprint asserts that ILECs should be required to assume the cost to transport Virtual NXX calls within their local calling area, but that CLECs should compensate ILECs at TELRIC-based rates for the costs associated with transporting such calls outside of the local calling area of the ILECs.

RECOMMEND: Entry of an Order establishing that: (1) ISP Bound FX/Virtual NXX traffic is outside the jurisdiction of the Commission; (2) Carriers may continue to assign telephone numbers to customers physically located outside the rate center to which the telephone number is homed; and (3) Non-ISP bound calls terminated to end-users outside of the local calling area in which their NPA/NXXs are homed are not local calls for purposes of intercarrier compensation. Carriers shall not be obligated to pay reciprocal compensation for such traffic, regardless of whether it involves the FX service traditionally offered by ILECs or the functionally equivalent Virtual NXX Service offered by CLECs. It appears that the only equitable manner to address the intercarrier compensation issues associated with FX/Virtual NXX traffic is to subject traffic to a bill and keep regime absent contrary arrangements between carriers reached pursuant to interconnection agreements.

DOCKET 28988(G) – Declaratory Proceeding concerning the applicability of existing Rural ILEC tariff provisions governing compensation for indirect CMRS traffic. Initial and Reply Comments were received from Alabama's Rural ILECs and a Coalition of Wireless Providers, including AT&T Wireless Services, Inc., BellSouth Mobility, LLC d/b/a Cingular Wireless; CELLCO Partnership d/b/a Verizon Wireless; and SprintCom, Inc., and Sprint Sectrum L.P. d/b/a Sprint PCS (the "Wireless Carriers"). BellSouth and AT&T also submitted initial comments. The real dispute in the proceeding is between the Rural ILECs and the Wireless Carriers. The Rural ILECs seek compensation for the wireless traffic indirectly terminated on their networks by BellSouth through common facilities that prevent the Rural ILECs from blocking such traffic. The Rural ILECs have been unable to collect from the Wireless Carriers for the termination of such traffic. The Wireless Carriers maintain that they are willing to negotiate agreements with the Rural ILECs for the termination of such traffic but have not exercised their prerogatives under the Telecom Act to compel the Rural ILECs to negotiate pursuant to the established requirements of the Act.

RECOMMEND: Issuance of an Order upholding the applicability of the Rural ILEC tariff provisions in question to indirect wireless traffic delivered to their networks for termination. Without such action, the Wireless Carriers have little or no incentive to push the issue of negotiations under the Act regarding such traffic and their inaction will continue to have an adverse impact on the Rural ILECs. It is, however, recommended that the effective date of the Order implementing this recommendation be delayed for 45 days to allow for and additional Commissioned-supervised mediation session.