

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
)
Feature Group IP) WC Docket No. 07-256
Petition for Forbearance Pursuant to)
47 U.S.C. §160(c) from Enforcement)
of 47 U.S.C. §251(g), Rule 51.701(a)(I),)
and Rule 69.5(b))

In the Matter of)
)
Petition of the Embarq Local Operating) WC Docket No. 08-8
Companies for Limited Forbearance)
Under 47 U.S.C. § 160(c) from)
Enforcement of Rule 69.4(a), 47 U.S.C. §)
251(b), and Commission Orders on the)
ESP Exemption)

**CONSOLIDATED REPLY COMMENTS OF THE NATIONAL EXCHANGE CARRIER
ASSOCIATION, Inc.; NATIONAL TELECOMMUNICATIONS COOPERATIVE
ASSOCIATION; ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS COMPANIES; INDEPENDENT TELEPHONE
AND TELECOMMUNICATIONS ALLIANCE; EASTERN RURAL
TELECOMMUNICATIONS ASSOCIATION; and WESTERN
TELECOMMUNICATIONS ALLIANCE**

The National Exchange Carrier Association, Inc. (“NECA”), the National
Telecommunications Cooperative Association (“NTCA”), the Organization for the Promotion
and Advancement of Small Telecommunications Companies (“OPASTCO”), the Independent
Telephone and Telecommunications Alliance (“ITTA”), the Eastern Rural Telecommunications
Association (“ERTA”), and the Western Telecommunications Alliance (“WTA”) (the

“Associations”)¹ reply to comments filed in response to the Petition for Forbearance filed October 23, 2007 by Feature Group IP West, LLC and related companies (“Feature Group IP”)² and to comments filed in response to the Petition for Forbearance filed January 11, 2008 by the Embarq Operating Companies (“Embarq”).³

The comments reinforce the Associations’ position that Feature Group IP’s petition should be dismissed or denied insofar as it seeks relief from the obligation to pay access charges on interconnected VoIP traffic.⁴ Embarq’s request should be granted, either in its current form or as a declaratory ruling.⁵ In any event, the Associations strongly urge the Commission to take immediate action to confirm that all interexchange calls terminated on the public switched telephone network (PSTN) are subject to access charges regardless of how they are originated.

¹ NECA is a non-stock, non-profit association formed in 1983 pursuant to the Commission’s Part 69 access charge rules. *See generally* 47 C.F.R. § 69.600 *et seq.* NECA is responsible for filing interstate access tariffs and administering associated revenue pools on behalf of over 1200 incumbent local exchange carriers (“ILECs”) that choose to participate in these arrangements. NTCA represents more than 570 rural rate-of-return regulated telecommunications providers. OPASTCO is a national trade association representing over 600 small ILECs serving rural areas of the United States. ITTA is an organization of midsized ILECs that collectively serve over 25 million access lines in over 44 states and offer a diversified range of services to their customers. Most ITTA member companies qualify as rural telephone companies within the meaning of section 3(37) of the Communications Act of 1934, as amended (the “Act”). 47 U.S.C. §153(37). ERTA is a trade association representing approximately 68 rural telephone companies operating in states east of the Mississippi River. WTA is a trade association that represents over 250 rural telecommunications companies operating in the 24 states west of the Mississippi River. Most members serve fewer than 3000 access lines overall and fewer than 500 access lines per exchange.

² Feature Group IP Petition for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of 47 U.S.C. § 251(g), Rule 51.701(b)(1), and Rule 69.5(b), WC Docket No. 07-256 (filed Oct. 23, 2007) (*Feature Group IP Petition*).

³ Petition of the Embarq Local Operating Companies for Limited Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Rule 69.5(a), 47 U.S.C. § 251(b), and Commission Orders on the ESP Exemption, WC Docket No. 08-8, (filed Jan. 11, 2008) (*Embarq Petition*).

⁴ NECA, *et al.* Comments, at 2, WC Docket No. 07-256(Feb. 19, 2008) (*Associations’ Comments, WC Docket No. 07-256*).

⁵ NECA, *et al.* Comments, at 3, WC Docket No. 08-8 (Feb. 19, 2008) (*Associations’ Comments, WC Docket No. 08-8*).

I. THE COMMISSION MUST DISMISS OR DENY FEATURE GROUP IP'S PETITION

In Comments submitted on February 19, 2008, the Associations first showed that Feature Group IP lacks standing under section 10(c) of the Act to seek forbearance from the obligation to pay access charges.⁶ Even if Feature Group IP had the requisite jurisdictional standing, its petition must be denied because it fails to meet the standards for forbearance enumerated in section 10(a) of the Act.⁷ In fact, as the Associations pointed out, Feature Group IP's petition merely presents (albeit in more confusing terms) essentially the same arguments advanced by Core Communications, Inc. in a petition for forbearance from access charges filed April 27, 2006.⁸ Because the Commission firmly rejected Core's similar request for forbearance, it must do the same here.⁹

In addition to the Associations, AT&T, Qwest, Verizon, CenturyTel, Embarq, Windstream, the Texas State Telephone Cooperative Association, Time Warner Telecom, US Telecom, and the Ad Hoc Manufacturer Coalition each filed comments in general opposition to Feature Group IP's forbearance request. Several agree with the Associations that Feature Group IP's petition is procedurally defective.¹⁰ Virtually all others agree that Feature Group IP's

⁶ *Associations' Comments, WC Docket No. 07-256*, at 6.

⁷ *Id.* at 7.

⁸ Petition of Core Communications, Inc. for Forbearance under 47 U.S.C. § 160(c) from Rate Regulation Pursuant to § 251(g) and for Forbearance from Rate Averaging and Integration Regulation Pursuant to § 254(g), WC Docket No. 06-100 (filed Apr. 27, 2006).

⁹ *Petition of Core Communications, Inc. for Forbearance from Sections 251(g) and 254(g) of the Communications Act and Implementing Rules*, WC Docket No. 06-100, Memorandum Opinion & Order, 22 FCC Rcd 14118 (2007), petition for review pending, *Core Communications, Inc. v. FCC*, No. 07-1381 (D.C. Cir. 2007) (*Core Order*).

¹⁰ See e.g. AT&T at 15, in WC Docket Nos. 07-256 and 08-8; Time Warner Telecom at 4, in WC Docket No. 07-256; Verizon at 5, in WC Docket Nos. 07-256 and 08-8; and CenturyTel at 4-5, in WC Docket Nos. 07-256 and 08-8. Similarly, USTelecom argues that Feature Group IP's forbearance petition is procedurally defective not only because Feature Group

petition fails to meet the statutory standards for forbearance.¹¹ These comments constitute adequate rebuttal to Feature Group IP's claims and need not be repeated here.

Only two commenting parties, Unipoint Advanced Services ("Unipoint") and the Open Internet Coalition ("OIC"), supported Feature Group IPs' petition. Unipoint argues the Commission must grant Feature Group IP's petition because Voice-Embedded Internet voice communications are information services and, thus, covered by the ESP exemption.¹² OIC claims that, to the extent access charges were to apply to interexchange VoIP traffic terminated on the PSTN, the same "faulty logic" will then apply to all Internet applications, subjecting them to access charges.¹³ Both parties are clearly wrong.

Contrary to Unipoint's theory,¹⁴ there is no "net protocol conversion" that transforms what would otherwise clearly be a voice telephone call into an enhanced or information service. The FCC has recognized that differences in technology among service providers' networks often require changes in protocols to deliver service to customers.¹⁵ Therefore, a basic service may properly include the processing or conversion of protocols necessary to permit transmission of

IP is not subject to the provision of the Act from which it seeks forbearance, but because the petition seeks to have the FCC create a new regulatory regime applicable to IP-enabled voice communications. In USTelecom's view, the creation – as opposed to the elimination – of regulation is properly the subject of a rulemaking, not a forbearance, petition. USTelecom at 2, in WC Docket Nos. 07-256 and 08-8.

¹¹ See e.g. AT&T at 15; CenturyTel at 5; Verizon at 5; Qwest at 14-15, in WC Docket Nos. 07-256 and 08-8; Embarq at 20-21, in WC Docket Nos. 07-256 and 08-8; and Windstream at 5-6, in WC Docket No. 07-256; Time Warner at 6, in WC Docket No. 07-256; and USTelecom at 7, in WC Docket Nos. 07-256 and 08-8.

¹² Unipoint at 5, in WC Docket Nos. 07-256 and 08-8. CommPartners makes a similar "net protocol" argument with respect to Embarq's petition and is, therefore, equally incorrect in its analysis. CommPartners at 3, in WC Docket No. 08-8.

¹³ Open Internet Coalition at 23, in WC Docket Nos. 07-256 and 08-8.

¹⁴ Unipoint at 5; *FGIP Petition* at 26-27.

¹⁵ Communications Protocols under Section 64.702 of the Commission's Rules and Regulations, *Memorandum Opinion & Order and Statement of Principles*, 95 FCC 2d 584 (1983) (*Statement of Principles*).

messages through the network.¹⁶ This long-standing regulatory tenet is grounded in sound engineering and public policy and remains viable and necessary today.

Similarly, Unipoint's argument¹⁷ that VoIP service provides "enhanced capabilities" is unsupported by any facts.¹⁸ While interconnected VoIP providers have often claimed their services are "different" from ordinary voice services, the Commission has consistently concluded they are substitutes for ordinary voice telephony services. As such, it has subjected interconnected VoIP services to many of the same public safety and regulatory obligations as traditional, circuit-switched telephone service.¹⁹ The time is long past for the Commission to confirm that access charges apply as well.

Nor does it follow, as OIC claims, that the application of access charges to IP-PSTN traffic would require the payment of per-minute access charges on other Internet applications such as email messages, Internet browsing or file downloading. As explained by the Associations in their comments,²⁰ the Eighth Circuit Court of Appeals, in affirming the FCC's 1998 retention of the ESP exemption from access charges, stated that these services "do not

¹⁶ *Id.* at ¶ 15.

¹⁷ Unipoint at 5.

¹⁸ *E.g.* Embarq Comments at 2-3; NASUCA Comments at 8 in WC Docket Nos. 07-256 and 08-8; and AT&T Comments at 8-9.

¹⁹ *Universal Service Contribution Methodology*, WC Docket No. 06-122, *Federal State Joint Board on Universal Service*, CC Docket No. 96-45, *1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms*, CC Docket No. 98-171, *Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, *Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size*, CC Docket No. 92-237, *Number Resource Optimization*, CC Docket No. 99-200, *Telephone Number Portability*, CC Docket No. 95-116, *Truth in Billing Format*, CC Docket No. 98-170, *IP-Enabled Services*, WC Docket No. 04-36, Report and Order and Notice of Proposed Rulemaking, 21 FCC Rcd 7518 (2006), at ¶ 2, and *Communications Assistance for Law Enforcement Act and Broadband Access and Services*, ET Docket No. 04-295, RM-10865, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 14989 (2005), at ¶ 8.

²⁰ *Associations' Comments*, WC Docket No. 08-8, at 5-6.

utilize LEC services and facilities in the same way or for the same purposes as other customers who are assessed per-minute interstate access charges.”²¹ OIC’s supposed fears for other Internet-based services are misplaced.

Claims that the critical issue before the Commission is about customer access to services on the Internet or free “information flow” are attempts merely to confuse the argument.²² Application of access charges to interexchange phone calls does not threaten the free flow of information. Access to the Internet is plainly not free. No one can connect to it without first purchasing Internet access at prices that traditionally include the ISP’s interconnection and transmission costs. In addition to paying for Internet connections, many VoIP customers pay monthly fees to the VoIP service provider in order to place calls to the PSTN. These prices have not deterred Internet growth.

There is no reason to believe that requiring interconnected VoIP providers to pay the costs of terminating their interexchange voice traffic – in the same manner as their competitors – will have any negative effect on information flow or the development of the Internet. Equally incorrect are claims that access charges for interexchange IP-PSTN calls will somehow “kill innovation.”²³ Just the opposite is true. Resolution of the access charge dispute between IP providers and PSTN operators through the proper application of access charges will provide

²¹ *Southwestern Bell Tel. Co. v. FCC*, 153 F.3d 523, 541 (8th Cir. 1998).

²² *See, e.g.*, OIC at 4-5 (“The issue before the Commission is about information flow and communication, however that may be represented. The ability of users of IP services to reach customers on the PSTN is about Internet freedom.”); *See also* Feature Group IP Comments, WC Docket No. 08-8, at 80 (“Embarq’s consumer customers will suffer from the dislocation, increased cost, confusion, reduced choice and the limits on their ability to communicate with the Internet.”)

²³ *Feature Group IP Petition* at 28-29, 79.

regulatory certainty, avoid further disputes and litigation, and favor “robust investment and innovation, especially in rural markets.”²⁴

On the other hand, exemption of interconnected VoIP from the access charge regime, as Feature Group IP requests, will have negative impacts on the PSTN.²⁵ This is especially true in the rural areas served by the Associations’ members. Absent alternative cost-recovery mechanisms, elimination of, or substantial reduction in, access charge revenues will lead to significant upward pressure on local service rates for rural Americans and cause unpredictable increases in demand on the universal service fund. A decline in the number of rural customers with telephone service and a drop in network investment in these areas is likely to ensue.²⁶ The Commission must not allow this to occur – it should promptly dismiss or reject Feature Group IP’s petition for forbearance in its entirety.

II. THE COMMISSION SHOULD CONFIRM THAT ALL INTEREXCHANGE TRAFFIC TERMINATED ON THE PSTN IS SUBJECT TO ACCESS CHARGES

The Associations demonstrated in their initial comments the problems and ongoing disputes caused by the refusal of many interconnected VoIP providers and competitive LECs to

²⁴ *Associations’ Comments, WC Docket No. 08-8*, at 9.

²⁵ Embarq at 8-9; Windstream at 9; AT&T at 22-23; Ad Hoc Manufacturers Coalition at 2-3; and CenturyTel at 6. *Petition of Core Communications, Inc. for Forbearance from Sections 251(g) and 254(g) of the Communications Act and Implementing Rules*, WC Docket No. 06-100, Memorandum Opinion and Order, 22 FCC Rcd 14118 (2007) at ¶ 16.

²⁶ Ad Hoc Equipment Manufacturers Association at 2-3. Those manufacturers explained that exempting companies that provide Internet-originated voice service from the requirement to pay access charges would have a negative impact on future telecom infrastructure investment since LECs then might be unable to recover their operating costs. It would be virtually impossible for LECs facing substantially reduced revenues, due to the elimination of cost-supported access charges, to continue to invest in their networks and to provide adequate service quality and customer access to new features and services.

pay access charges on interexchange IP- PSTN calls.²⁷ The Commission should, indeed must, bring clarity to the industry and resolution to these disputes by confirming promptly that all interexchange calls terminated on the PSTN are subject to access charges regardless of how they are originated.

Commenters overwhelmingly agree with Embarq (and the Associations) that the ESP exemption was designed to apply only to connections between the ESP and its subscribers, not between the ESP and its non-subscribers and certainly not to interexchange voice calls placed to non-subscriber parties on the PSTN.²⁸ As CenturyTel (for example) states,

IP telephony uses the “PSTN” in the same way as other telecom traffic does. Every reason exists, therefore, to charge IP telephony the same rates as are applicable to other traffic, such as access charges for interexchange traffic.... Feature Group IP’s Petition for forbearance at its base seeks to use the PSTN without paying its fair share of the costs. Such a result is discriminatory, disserves the customers who are on the PSTN, and is an uneconomic way to promote new services.²⁹

Moreover, as AT&T³⁰ and the Montana Telephone Association state, “most of the entities that seek to avoid access charges through this misapplication of the ESP exemption are not ESPs. They are telecom providers that serve as the connection between VoIP providers and

²⁷ *Associations’ Comments, WC Docket No. 07-256*, at 11, 12-13; Embarq at 23-24, CenturyTel at 8; the Montana Telecom Association at 4-5, in WC Docket No. 08-8; and D&E Telecom at 8, in WC Docket No. 08-8.

²⁸ AT&T at 10-11; TDS at 4-5; Montana Telecom Association at 2-3; and *Associations’ Comments, WC Docket No. 08-8*, at 2, 3-6.

²⁹ CenturyTel at ii.

³⁰ AT&T at 8-10.

terminating LECs.”³¹ As such they are directly responsible, as carriers, for payment of access charges on this traffic.³²

Some commenters oppose Embarq’s petition on procedural grounds.³³ For example, Time Warner, One Communication & CBeyond argue that section 10 only allows a petitioner to seek forbearance from a rule that applies to itself, and the ESP exemption does not apply to Embarq.³⁴ In fact, the ESP exemption does apply to Embarq (and similarly-situated local exchange carriers) as a restriction, in that it affirmatively prevents these carriers from assessing

³¹ Montana Telephone Association at 2, *citing Embarq Petition* at 3-4.

³² As AT&T correctly explains, Commission precedent establishes that access charges apply when a wholesale provider (such as FGIP) exchanges IP-PSTN traffic with the PSTN. In its March 2007 *Wholesale Telecommunications Service Order*, the Commission made clear that such wholesale providers are “telecommunications carriers” under the Act and the wholesale interconnection service they provide – “for the purpose of transmitting traffic” originated by an IP-based provider “to or from another service provider” – is a “telecommunications service.” That is so irrespective of the statutory classification of the IP-based service provided to the originating end user. *See Time Warner Cable Request for Declaratory Ruling that Competitive Local Exchange Carriers May Obtain Interconnection Under Section 251 of the Communications Act of 1934, as Amended, to Provide Wholesale Telecommunications Services to VoIP providers*, WC Docket No. 06-55, Memorandum Opinion and Order, 22 FCC Rcd 3513 (2007). AT&T at 9-10, *citing 2007 Wholesale Telecom Service Order*. Embarq, at 3, in WC Docket No. 07-256. (“ESPs are not carriers and have no right to interconnect with LECs, and carriers handling an ESP’s traffic cannot claim the ESP exemption for themselves.”)

³³ Feature Group IP’s Comments filed in this proceeding expressed opposition to Embarq’s petition for forbearance, but primarily focused on NECA’s proposal, filed in CC Docket No. 01-92, to extend call signaling rules to interconnected VoIP providers. *See Feature Group IP Comments*, at 11-62, *citing NECA Petition for Interim Order*, CC Docket 01-92 (filed Jan. 22, 2008). Feature Group IP’s near-hysterical opposition to NECA’s signaling proposal is unfounded. NECA’s petition does not, for example, seek to “regulate the Internet” or “force end users to assume carrier obligations”, but instead simply asks the FCC to require interconnected VoIP providers selling NANP-based telephony services to transmit accurate calling party number (CPN) information with calls destined for the PSTN. NECA Petition for Interim Order, at 4. In any event, the various “issues” raised by Feature Group IP with respect to NECA’s signaling proposal have no direct bearing on Embarq’s petition. The Commission can, and should, immediately issue an order in this proceeding confirming that IP-PSTN interexchange calls are subject to access charges. Call signaling and related issues should also be addressed promptly, via declaratory ruling in the context of CC Docket 01-92.

³⁴ Time Warner at 7-8.

access charges on ESPs, which they would otherwise be permitted to do.³⁵ As such, it is properly the subject of a forbearance petition.

Sprint-Nextel, among others, suggests the application of access charges to IP-PSTN traffic should be addressed in a larger proceeding, rather than in a petition for forbearance.³⁶

While the Associations believe that the Commission has latitude to address the issues raised by Embarq's petition via forbearance, as requested, it would also be possible for the Commission to issue a declaratory ruling on its own motion to resolve the IP-PSTN access charge issue.³⁷

Clearly, the FCC has this authority under Section 1.2 of its rules and has used it on a number of occasions.

For example, in 2007, the Commission, on its own motion, declared that long distance carriers and CMRS providers may not block interexchange calls that terminate to various LECs "as a form of self help to resolve access charge disputes."³⁸ It is fundamentally unfair, however, for the Commission to prohibit carriers to resort to self-help remedies while at the same time refusing to address the cause of the underlying payment dispute. For this reason the Commission should not defer action on the issues raised in Embarq's petition until resolution of

³⁵ See, e.g., *MTS and WATS Market Structure*, CC Docket No. 78-72, Memorandum Opinion & Order, 97 FCC 2d 682 (1983), at ¶ 83 *et seq.*; *Amendments of Part 69 of the Commission's Rules Relating to Enhanced Service Providers*, CC Docket No. 87-215, Order, 3 FCC Rcd 2631 (1988).

³⁶ Sprint Nextel at 3, in WC Docket No. 08-8; Google at 10, in WC Docket Nos. 07-256 and 08-8; Verizon at 12; Global Crossing at 3-4, in WC Docket No. 08-8; Time Warner at 10; Textatel at 7, in WC Docket No. 08-8; and CommPartners at 3-4.

³⁷ Section 1.2 of the Commission's rules permit it to issue a declaratory ruling on its own motion when such action would be useful for "terminating a controversy or removing uncertainty." 47 C.F.R. § 1.2.

³⁸ *Establishing Just and Reasonable Rates for Local Exchange Carriers; Call Blocking by Carriers*, WC Docket No. 07-135, Declaratory Ruling & Order, 22 FCC Rcd 11629 (2007), at ¶ 1. See also, *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, Declaratory Ruling, 21 FCC Rcd 9990 (2006).

the IP-Enabled Services proceeding or any other rulemaking, but should instead promptly confirm that the ESP exemption does not apply to IP-PSTN calls.

Finally, Google and others claim Embarq is seeking to place regulatory burdens upon unregulated, non-carrier businesses.³⁹ But Embarq is not requesting the FCC require Google or similar entities to comply with Commission regulations. Grant of Embarq's petition would only ensure that all interexchange voice calls terminated on the PSTN are treated the same for access charge purposes. That result no more constitutes regulation of Google's services than would an increase in a power company's rates for commercial electric service that operates Google's servers. Moreover, it is crucial to remember that Embarq is not seeking to abolish the ESP exemption in all cases. Rather, it seeks only forbearance from enforcement of the ESP exemption for interexchange IP-PSTN services that the Commission has already found to be "virtually indistinguishable" from ordinary telephony services.⁴⁰ As such, these services cannot rationally be covered by the exemption in the first place.

III. CONCLUSION

The Associations explained at length in their comments how disputes over IP-PSTN access charge issues are plaguing rural ILECs, state PUCs, and courts. The FCC can and should

³⁹ Google at 8-9. Google's "parade of horrors" also includes the arguments that imposition of access charges on IP-originated calls that are terminated on the PSTN would stifle innovation and economic growth, disserve consumers and harm competition in multiple markets. Google, which has generally not deployed any broadband facilities, but rather relies on the availability of robust broadband networks supplied by others, is simply seeking to advance its business strategy on the backs of facility-based carriers. Carriers simply cannot be expected to give away their services to certain users and continue investing in the technology that makes Google's services possible. *See also* Feature Group IP Comments at 65-66; CommPartners at 3; Global Crossing at 4; Unipoint at 7-8; OIC at 3.

⁴⁰ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information*, CC Docket No. 96-115, *IP-Enabled Services*, WC Docket No. 06-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927 (2007), at ¶ 56.

resolve these disputes swiftly by denying Feature Group IP's petition and by confirming, in no uncertain terms, that access charges apply to IP-PSTN voice traffic. Accordingly, for the reasons set forth above and in the Association's earlier comments, the Associations respectfully request dismissal or denial of Feature Group IP's petition insofar as it seeks relief from the obligation to pay access charges on interconnected VoIP traffic. Similarly, the Associations respectfully request the Commission take immediate action to confirm that all interexchange calls terminated on the PSTN are subject to access charges regardless of how they are originated. This can be accomplished by granting Embarq's request for forbearance, or by issuing a declaratory ruling to this effect in response to Embarq's request. Whichever route is chosen, prompt action will serve the public interest by removing regulatory uncertainty and by placing all interexchange service providers on a level playing field.

March 14, 2008

Teresa Evert
Senior Regulatory Manager

Respectfully submitted,

NATIONAL EXCHANGE
CARRIER ASSOCIATION, INC.

By: /s/ Richard A. Askoff
Richard A. Askoff
Its Attorney
80 South Jefferson Road
Whippany, NJ 07981
(973) 884-8000

NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION

By: /s/ Daniel Mitchell
Daniel Mitchell
Karlen Reed
Regulatory Counsel
4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203
(703) 351-2000

ORGANIZATION FOR THE
PROMOTION
AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES

By: /s/ Stuart Polikoff

Stuart Polikoff

Director of Government Relations

21 Dupont Circle NW, Suite 700

Washington, DC 20036

(202) 659-5990

INDEPENDENT TELEPHONE &
TELECOMMUNICATIONS ALLIANCE

By: /s/ Joshua Seidemann

Joshua Seidemann

Vice President, Regulatory Affairs

1300 Connecticut Ave., NW Suite 600

Washington, DC 20036

(202) 355-1388

EASTERN RURAL TELECOM
ASSOCIATION

By: /s/ Ray J. Riordan

Ray J. Riordan

General Counsel

7633 Ganser Way

Suite 202

Madison, WI 53719

(608) 829-3530

WESTERN TELECOMMUNICATIONS
ALLIANCE

By: /s/ Gerald Duffy

Gerry Duffy

Counsel for WTA

317 Massachusetts Ave. N.E.,

Suite 300 C

Washington, DC 20002

(202) 548-0202

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Associations' Reply was served this 14th day of March, 2008 by electronic filing and email to the persons listed below.

By: /s/ Elizabeth R. Newson
Elizabeth R. Newson

The following parties were served:

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Lynne Hewitt Engledow
Pricing Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554
Lynne.Engledow@fcc.gov

Best Copy and Printing, Inc.
Room CY-B402
445 12th Street SW
Washington, DC 20554
fcc@bcpiweb.com