April 22, 2015

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

RE: WC Docket No. 14-228

Dear Ms. Dortch:

On Monday, April 20, 2015, Josh Seidemann representing NTCA – The Rural Broadband Association ("NTCA"), Colin Sandy representing the National Exchange Carrier Association ("NECA"), Gerry Duffy representing WTA – Advocates for Rural Broadband ("WTA"), and Jerry Weikle (via telephone) representing the Eastern Rural Telecommunications Association ("ERTA") met with Pam Arluk, Robin Cohn, Victoria Goldberg, Michael Jacobs, Rhonda Lien, Deena Shetler and Douglas Slotten of the Wireline Competition Bureau, and Peter Trachtenberg of the Wireless Telecommunications Bureau, to discuss intraMTA wireless traffic disputes and issues.

The Rural Associations indicated that many of their member local exchange carriers ("LECs") are among the more than 850 defendants in the approximately seventy intraMTA lawsuits brought by Sprint Communications Company, L.P. ("Sprint"), and MCI Communications Services, Inc. and Verizon Select Services Inc. ("MCI/Verizon") in various federal district courts around the country. Most of these lawsuits are presently included in Multidistrict Litigation before the United States District Court for the Northern District of Texas (Civil Action No. 3:14-MD-2587-D; MDL No. 2587). Initial motions to dismiss are presently scheduled to be filed with that court on May 1, 2015.

The Rural Associations continue to support the Petition for Declaratory Ruling of the LEC Coalition that initiated this proceeding. In addition to the arguments advanced by the LEC Coalition and others, the Rural Associations reiterated: (a) that the intraMTA rule was adopted to address traffic exchange arrangements between commercial mobile radio service ("CMRS") providers and local exchange carriers ("LECs"), and has focused upon such CMRS-LEC relationships without ever previously being extended or interpreted by the Commission to allow its invocation directly by interexchange carriers ("IXCs") and other transiting or intermediary service providers; and (b) that, even if they had been eligible to invoke the rule, Sprint and MCI/Verizon would not be entitled to its benefits because they wholly failed to provide the timely notice and information (e.g., cell site, sampling and/or traffic study data) necessary to satisfy the implementation requirement of the intraMTA rule that parties cooperate to identify, measure and/or estimate their intraMTA traffic.\footnote{Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, First Report and Order, 11 FCC Red 15499 (1996) ("Local Competition Order"), at paras. 1034 and 1043; Connect America Fund, Report and Order and Further Notice of Proposed Rulermaking, 26 FCC Red 17663 (2011) ("USF/ICC Transformation Order"), at paras. 990 and 1006.}

\footnote{Local Competition Order, at para. 1044; USF/ICC Transformation Order at n.2132.}
The Rural Associations ask that the Commission issue a declaratory ruling promptly to terminate an industry-wide controversy that not only is running up litigation costs, but also is producing operational and financial uncertainty regarding potential damages that discourages investment. In particular, the Rural Associations urge the Commission to declare that retroactive refunds or damages are not appropriate or just given the absence of any prior indication that the intraMTA rule was intended or permitted to be invoked by IXC's. Sprint and MCI/Verizon have yet to provide any reasonable or credible explanation why they both paid access charges for many years without complaint or dispute for alleged intraMTA traffic they were exchanging over access trunks, or why they both failed to “discover” the intraMTA rule until 2014.

Pursuant to Section 1.1206(b) of the Commission's Rules, this submission is being filed for inclusion in the public record of the referenced proceedings.

Respectfully submitted,

[Signature]
Gerard J. Duffy
WTA Regulatory Counsel

Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP
2120 L Street NW (Suite 300)
Washington, DC 20037
Telephone: (202) 659-0830
Email: gjd@bloostonlaw.com

cc: Pam Arluk
   Robin Cohn
   Victoria Goldberg
   Michael Jacobs
   Rhonda Lien
   Deena Shetler
   Douglas Slotten
   Peter Trachtenberg