Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of ) WC Docket No. 14-2298
Petition for Declaratory Ruling to Clarify the ) CC Docket Nos. 10-90-, 14-228
Applicability of the IntraMTA Rule to LEC-IXC Traffic and Confirm That Related IXC )
Conduct is Inconsistent with the ) Communications Act of 1934, as Amended, )
and the Commission’s Implementing Rules )
and Policies )

COMMENTS OF TEXAS RURAL LECS

I. INTRODUCTION

The Texas Rural LECS are a group of local exchange carriers (“LECS”) providing phone
service in rural Texas. A list of the companies represented in this group is attached as “Exhibit A.” Each of the Texas Rural LECS are listed as Defendants in Civil Action No. 3:14-MD-2587-D (MDL No. 2587) currently pending in the United States District Court for the Northern District of Texas, Dallas Division. The cases consolidated in that proceeding are part of the multitude of lawsuits referred to in the petition for declaratory ruling in this Docket.

II. COMMENTS

The Texas Rural LECS submit these brief comments in response to the Public Notice1 seeking comment on a petition for declaratory ruling regarding the applicability of the intraMTA rule to local exchange carrier (LEC) - interexchange carrier (IXC) traffic.2 The Texas Rural

LECs support the request of the Petitioners and would request that the FCC issue a ruling confirming that the intraMTA rule does not apply to LEC charges billed to an IXC when the IXC carries traffic to or from a LEC via tariffed switched access services. As stated in the Petition, while IXCs have operated under the principle for 18 years, that the intraMTA rule does not preclude LECs, from collecting access charges from IXCs for intraMTA wireless traffic that those IXCs exchange with LECs by means of switched access services, only recently have Sprint, Verizon, and Level 3 begun asserting that access charges do not apply to this traffic, and have sought refunds, withheld payment, and initiated lawsuits. The Texas Rural LECs agree that the FCC has primary jurisdiction over the intercarrier compensation issues and must rule on the substantive issues presented in the Petition in order to provide direction and guidance for the numerous pending lawsuits.

The Texas Rural LECs generally support the arguments set forth in the Petition and would ask that an order be issued consistent with arguments as set forth in the request consistent with the FCC’s prior directives on the intra MTA rule.

III. CONCLUSION

The Texas Rural LECs support the petition for declaratory ruling and ask for the FCC to issue a ruling confirming that the intraMTA rule does not preclude LECs from collecting access charges from IXCs for intraMTA wireless traffic routed through IXCs. The Texas Rural LECs reserve the right to file reply comments.
RESPECTFULLY SUBMITTED,

Texas Rural LECS

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February 9, 2015
EXHIBIT “A”

CAP ROCK TELEPHONE COOPERATIVE, INC.

TAYLOR TELEPHONE COOPERATIVE, INC.

CENTRAL TEXAS TELEPHONE COOPERATIVE, INC.

HILL COUNTRY TELEPHONE COOPERATIVE, INC.

CAMERON COMMUNICATIONS

WEST PLAINS TELECOMMUNICATIONS, INC.