



PUBLIC NOTICE

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DA 17-631
June 29, 2017

PARTIES ASKED TO REFRESH THE RECORD REGARDING 8YY ACCESS CHARGE REFORM

WC Docket Nos. 10-90 and 07-135; CC Docket No. 01-92

Comment Date: July 31, 2017

Reply Comment Date: August 15, 2017

By this Public Notice, the Wireline Competition Bureau (Bureau) invites interested parties to update the record on issues raised by the Commission in the *2011 ICC Transformation FNPRM* with respect to access charges for 8YY (toll free) calls.¹

On May 19, 2017, the Ad Hoc Telecommunications Users Committee (Ad Hoc) filed an *ex parte* letter, urging the Commission to “restore the historic treatment of 8YY traffic for access charge purposes, pursuant to which carriers are required to apply the per minute charges for terminating traffic to the originating or ‘open’ end of 8YY calls.”² Ad Hoc also notes AT&T’s recent observation that arbitrage and access stimulation schemes are increasingly shifting to 8YY service.³

In light of the developments that have occurred in the relevant markets since the *2011 ICC Transformation FNPRM*, including the transition of certain terminating switched access rates to bill-and-keep, and any changes in 8YY traffic volumes, we seek to refresh the record on 8YY access charges. For example, we seek comment on whether we should adopt a distinct resolution for 8YY originating traffic and how such a resolution would be implemented. We encourage commenters to submit updated data on the relative proportion of 8YY originated minutes to traditional originated minutes to support any

¹ *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform – Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92 and 96-45; WT Docket 10-208, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 18111, paras. 1303-1304 (2011) (*2011 ICC Transformation FNPRM*).

² Letter from Colleen Boothby, Counsel to Ad Hoc Telecommunications Users Committee, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 et al. at 1 (filed May 19, 2017) (*Ad Hoc Ex Parte*).

³ *Id.* at 2.

proposed resolution. We also invite parties to address other 8YY-related intercarrier compensation issues raised in the record of the *2011 ICC Transformation FNPRM* and to update the record on 8YY-related developments that have occurred since the release of the *2011 ICC Transformation Order*.⁴

Interested parties may file comments and reply comments on or before the respective dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

The proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In

⁴ Cf. *2011 ICC Transformation Order FNPRM* 26 FCC Rcd at 18115, para. 1314 (inviting parties to comment on "any rate elements or charges that require additional reform").

⁵ 47 CFR §§ 1.1200 *et seq.*

proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Irina Asoskov, Pricing Policy Division, Wireline Competition Bureau at (202) 418-2196 or via email at Irina.Asoskov@fcc.gov.

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