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

In the Matter of July 1, 2010 Annual Access Charge Tariff Filings Minnesota Independent Equal Access Corporation Tariff F.C.C. No. 1 Transmittal No. 23	)	WCB/Pricing File No. 10-03

MINNESOTA INDEPENDENT EQUAL ACCESS CORPORATION COMMENTS ON PETITION FOR RECONSIDERATION OF AT&T CORP.

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Minnesota Independent Equal Access Corporation ("MIEAC"), through its undersigned attorneys, respectfully submits the following comments on the Petition for Reconsideration filed by AT&T Corp. ("Petition for Reconsideration") on July 29, 2010. These comments are submitted without prejudice to MIEAC's pending and unopposed Motion to Dismiss the Petition for Reconsideration, filed with the Commission on August 9, 2010. MIEAC continues to assert that AT&T's Petition for Reconsideration is procedurally improper and seeks relief that the Commission lacks authority to grant.

I. INTRODUCTION AND SUMMARY

Although MIEAC reduced its Centralized Equal Access rates in its 2010 biennial access tariff filing, AT&T still argues that the rates are too high. It specifically contests MIEAC's uncollectible revenues and corporate operations expenses, in both cases basing its objections on MIEAC's pending litigation with a single large IXC customer, Sprint, which has disputed and refused to pay MIEAC's bills, despite the Commission's policy prohibiting such self-help.

MIEAC is between the proverbial rock and a hard place. If, as AT&T contends, the company cannot recoup losses from bad debt as long as there is any possibility of recovering those losses in litigation, it would have to await the outcome of the lengthy litigation process before having any remedy for unlawful self-help by its IXC customers. Further, if the company were unsuccessful in litigation, it would potentially be considered improper retroactive ratemaking to seek recovery of those losses after the fact through an increased revenue requirement.

On the other hand, MIEAC recognizes that, although it is not currently overearning, it potentially could overearn prospectively after a successful outcome to its litigation against Sprint. MIEAC commits that, if and when this occurs, it will voluntarily reduce its revenues to the extent necessary to prevent overearning during the TRP period, July 1, 2010 through June 30, 2012. Although the Commission clearly has authority under Sections 205 and 208 to prescribe lower rates prospectively if MIEAC recovers the amounts due from Sprint, MIEAC will take this action voluntarily and promptly to avoid any need for such proceedings.

As explained below, MIEAC's accounting for its uncollectible revenues is proper under both the Part 32 rules and Generally Accepted Accounting Principles. Further, AT&T has not shown any plausible basis for investigating MIEAC's corporate operations expenses. Therefore, AT&T's petition should be denied, even if it were not subject to dismissal on procedural grounds.

II. BACKGROUND

MIEAC is a provider of Centralized Equal Access ("CEA") services in Minnesota. By *Memorandum Opinion, Order and Certificate*, File No. W-P-C-6400, released August 22, 1990, the Commission's Common Carrier Bureau (Domestic Facilities Division) granted MIEAC's Section 214 Application, as amended, to lease and operate transmission facilities in order to provide centralized equal access service to inter-exchange carriers through a centralized switching facility. The Division found that the public interest would be served by MIEAC's proposed network for the aggregation of equal access traffic in Minnesota. By *Order Granting Certificate*

of Authority to Provide Equal Access Service, Docket No. P3007/NA-89-76, issued January 10, 1991, the Minnesota PUC granted MIEAC Certificates of Public Convenience and Authority to provide centralized equal access services within the State of Minnesota.

MIEAC operates a robust statewide network of centralized tandem switches, fiber optic SONET systems and digital access cross-connect systems. It operates three (3) tandem switches that are fully utilized to provide capacity as well as physical and network redundancy. MIEAC does not serve any end users, and does not operate any end offices. It provides service exclusively to interexchange carriers ("IXCs") for access to and from the end offices operated by "routing exchange carriers," which include numerous small LECs operating in rural areas throughout Minnesota. MIEAC offers IXCs the opportunity to interconnect with its system at defined points of interconnection. MIEAC's tandem switching and transport services enable IXCs to aggregate their long distance traffic at a single point for the completion of that traffic to and from the local exchanges of many independent telephone companies. MIEAC also provides centralized presubscription and equal access routing services.

MIEAC's interstate services are regulated by the Commission under traditional cost-based rate-of-return regulation. MIEAC is therefore subject to the Commission's 11.25% earnings prescription,[1] and files a biennial tariff review plan and (as necessary) access tariff revisions in even-numbered years pursuant to 47 CFR § 61.38 and § 69.3(f)(1).

Although AT&T claims to be challenging "rate increases" by MIEAC,[2] the fact is that MIEAC has not increased its interstate rates in at least six years. This year, MIEAC actually

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[1] The 11.25% rate of return was originally adopted in *Represcribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers*, 5 FCC Rcd 7507, *erratum*, 6 FCC Rcd 80 (1990), *recon.*, 6 FCC Rcd 7193 (1991), *aff'd, Illinois Bell Telephone Co. v. FCC*, 988 F.2d 1254 (D.C. Cir. 1993). In 2001, the Commission terminated its pending represcription proceeding and indefinitely stayed its rules requiring periodic represcription of the rate of return. *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, 16 FCC Rcd 19613, paras. 208, 210 (2001) (subsequent history omitted).

[2] Petition for Reconsideration at 1.

reduced its rates in two filings. First, on June 10, 2010, MIEAC filed Transmittal No. 22, which changed pricing regulations for originating toll-free 8YY calls with the effect of reducing the revenues from this category of traffic by approximately $516,000 per year. This transmittal took effect on June 25, 2010, without any comment or protest by any party.

Second, on June 24, 2010, MIEAC filed Transmittal No. 23, proposing to reduce its interstate terminating tandem switching rate on seven days' notice, pursuant to 47 U.S.C. § 204(a)(3), resulting in an additional revenue reduction of approximately $594,000 per year. On June 28, 2010, AT&T filed a petition requesting that the Commission suspend for one day, investigate, and issue an accounting order with respect to Transmittal No. 23. MIEAC filed its Opposition to that petition with the Commission on June 29, 2010. On July 1, the Bureau issued a Public Notice announcing that AT&T's petition had been denied and that Transmittal No. 23 had taken effect, as scheduled, on the same day.[3]

Twenty-eight days after the price reduction proposed in Transmittal No. 23 had taken effect, AT&T filed a Petition for Reconsideration in which it once again asked the Commission to "suspend for one day, investigate, and order an accounting" of MIEAC's tariff revisions. Petition for Reconsideration at 9. The Pricing Policy Division issued a Public Notice on August 9, 2010, soliciting comments on the Petition for Reconsideration.[4] In its Notice, the Pricing Division specifically requested comments on expenses reported by MIEAC in its Tariff Review Plan relating to (a) uncollectible revenues resulting from an unjustified refusal by a single IXC customer to pay its bills; and (b) increased legal expenses that are partially caused by this payment dispute.

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[3] Public Notice, "Protested Tariff Transmittals, Action Taken," WCB/Pricing File No. 10-03, DA 10-1252 (Pricing Policy Div. released July 1, 2010).

[4] Public Notice, "Comment Sought on AT&T Petition for Reconsideration", WCB/Pricing File No. 10-03, DA 10-1469 (Pricing Policy Div. released Aug. 9, 2010).

III. MIEAC CORRECTLY ADJUSTED ITS REVENUES FOR UNCOLLECTIBLES

In its Tariff Review Plan, MIEAC reported that it had been unable to collect $1.45 million in interstate access charges during calendar year 2009,[5] and projected uncollectibles of $1.3 million for the test year (July 2010-June 2011).[6] These uncollectible revenues result entirely from the refusal of a single IXC customer, Sprint, to pay bills for MIEAC services that Sprint ordered and used.

A. The Sprint Dispute

Sprint is one of MIEAC's largest customers.[7] It has been a customer since MIEAC began offering service, for both originating and terminating services, and until recently had always paid its bills reliably. (Indeed, before 2009, MIEAC had no substantial uncollectible revenues.)

Beginning with MIEAC's May 1, 2009, invoice, and continuing through the present, Sprint has disputed and refused to pay any of MIEAC's billed charges. Sprint claims that MIEAC's bills are improper because of the alleged conduct of one of the interconnected rural local exchange carriers to which some of Sprint's terminating traffic is routed. Sprint alleges that the rural local exchange carrier in question is involved in "access stimulation" arrangements with third parties (such as free conference calling providers) to generate incoming calls in order to generate additional access revenue for the rural local exchange carrier, of which the carrier then pays a portion to the conference calling provider. Sprint claims that, because (it alleges) the underlying access stimulation scheme is unlawful, the traffic carried by MIEAC is not "access" traffic subject to MIEAC's tariffs, and therefore that MIEAC cannot lawfully charge Sprint for this traffic.

Further, Sprint has refused to pay MIEAC for *any* originating or terminating traffic, regardless of whether or not it originates from or terminates to a carrier involved in an alleged

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[5] Table COS-1(H), row 110.

[6] Table COS-1(P), row 110.

[7] Because MIEAC only serves IXCs, not end users, it has only a small number of customers, of which the four largest account for a substantial portion of its revenues.

access stimulation scheme, on the theory that by doing so it recoups amounts it paid to MIEAC before May 2009 for allegedly unlawful billings. Significantly, although Sprint claims that MIEAC benefits from the alleged access stimulation scheme by billing for the traffic it carries, it has not alleged at any time that MIEAC itself engaged in any act to stimulate traffic to its interconnected rural local exchange carrier, or that MIEAC has any financial or other relationship (other than as an interconnected common carrier) either with the terminating rural local exchange carrier or with the third-party entities such as conference calling providers for the Sprint traffic that MIEAC carries.[8]

MIEAC firmly believes that Sprint's claims are without any merit whatsoever. Even assuming that all of Sprint's allegations of an access stimulation scheme are true, Sprint has not asserted that MIEAC is a participant in such alleged scheme. As a common carrier, MIEAC has a legal duty to accept any traffic that Sprint delivers to its point of interconnection, and to route that traffic to the terminating rural local exchange carrier.[9] MIEAC has a concomitant right to receive reasonable compensation for the services it provides. If MIEAC refused to carry this traffic based on alleged practices of the terminating carrier, it would be in violation of clearly-stated Commission policy.[10] And, as a practical matter, MIEAC cannot disconnect Sprint's service for non-payment because of the potential impact on thousands of Minnesota residential and business customers, as well as Sprint customers nationwide trying to place calls to Minnesota, whose service would be disrupted by such action. Further, none of the tools typically

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[8] Sprint's theories are set forth in its Answer and Counterclaim, in Case No. 10-cv-02550-RHK-FLN, United States District Court for the District of Minnesota, filed July 19, 2010.

[9] Sprint, however, was not and is not under any legal or practical compulsion to use MIEAC's services. It could have routed its traffic to the terminating local exchange carrier by other means, because MIEAC's terminating services are subject to competition. Sprint *voluntarily chose* to route its traffic over MIEAC's network.

[10] *Establishing Just and Reasonable Rates for Local Exchange Carriers; Call Blocking by Carriers*, Declaratory Ruling, 22 FCC Rcd 11629 (2007).

available to common carriers to control uncollectible expense, such as deposit or advance payment requirements, would assist MIEAC in collecting the amounts owed by Sprint.

Likewise, by its refusal to pay MIEAC's tariffed charges while it is disputing them, Sprint is violating the Commission's policy against self-help. In a case where MCI refused to pay for some private line circuits in the belief that it was legally entitled to a lower rate, the Commission found that "MCI's self-help approach is contrary to Section 203 of the Communications Act …. *We cannot condone MCI's refusal to pay the tariffed rate for voluntarily ordered services.*"[11] As the Common Carrier Bureau later put it, "[a] customer, even a competitor, is not entitled to the self-help measure of withholding payment for tariffed services duly performed but should first pay, under protest, the amount allegedly due and then seek redress if such amount was not proper under the carrier's applicable tariffed charges and regulations."[12] Unfortunately, this policy is increasingly being disregarded by some carriers.[13] So far, MIEAC has only been affected by Sprint's self-help, but it is aware that other carriers throughout the country are being affected by similar actions by a number of IXCs.

MIEAC has taken every reasonable step to collect its lawful charges for the services it has provided to Sprint. It promptly rejected Sprint's dispute and demanded payment, entered into lengthy settlement discussions with Sprint, and sought informal mediation by the Commission staff, which proved to be unsuccessful. It then brought suit against Sprint in the U.S. District

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[11] *MCI Telecommunications Corp. v. American Tel. & Tel. Co.*, 62 FCC 2d 703, 706 (1976) (emphasis supplied), *recon. denied*, 74 FCC 2d 184 (1979); *accord*, *Communique Telecomm.*, 10 FCC Rcd 10399, 10405 (Com. Car. Bur. 1995); *Business Choice Network v. AT&T*, 7 FCC Rcd 7702, 7702 (Enf. Div. 1992).

[12] *Brooten v. AT&T*, 12 FCC Rcd 13343, 13351 n.53 (Com. Car. Bur. 1997).

[13] The Commission has ruled that it does not have jurisdiction under Section 208 over a complaint by a common carrier against its customer. *U.S. Telepacific Corp.* v. *Tel-America of Salt Lake City, Inc.*, 19 FCC Rcd 24552 (2004). Even accepting this as correct, however, the agency need not sit idly by while a customer is engaging in conduct that the Commission has expressly declared to be unlawful. It could, for example, conduct an inquiry under Section 403, or give notice of apparent liability for a forfeiture under Section 503(b); but, to MIEAC's knowledge, it has never done so in a case of a customer improperly exercising self-help.

Court for Minnesota; that case is currently pending, and is still in the preliminary pleading stage, with no way to predict the date of a final decision. Sprint continues to refuse to pay any of MIEAC's charges while the case is pending.

B. Impact on MIEAC's Rate Filing

It is well-established that "[u]ncollectible revenues are included in interstate revenue requirements to reflect properly billed revenues which cannot be collected."[14] As the Pricing Policy Division has explained:

> The Commission's ratemaking policies for incumbent LECs also account for interstate uncollectibles and provide for their recovery through interstate access charges. For rate-of-return carriers, uncollectibles are reflected in the rate base that they use to calculate the 11.25% allowed rate of return. An increase in uncollectibles will result in higher rates the following year.[15]

AT&T argues that MIEAC's billings to Sprint are not properly regarded as uncollectible amounts because MIEAC has brought suit to recover these amounts, and "MIEAC does anticipate collecting [them]."[16] However, contrary to AT&T's implication, neither the Commission's rules nor generally accepted accounting principles (GAAP) require that a carrier wait until there is *no possibility whatsoever* of collecting a disputed account before treating it as uncollectible.[17] Rather, § 32.1171(a) permits carriers to charge off amounts that " have been found to be impracticable of collection," which clearly is not the same as "impossible" to collect. Similarly, under FASB Staff Accounting Bulletin No. 104, a company may recognize revenue only when "col-

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[14] *Annual 1988 Access Tariff Filings*, 3 FCC Rcd 1281, para. 245 (Com. Car. Bur. 1987).

[15] *National Exchange Carrier Association, Inc., Tariff FCC No. 5, Transmittal No. 95*, 17 FCC Rcd 21757, para. 3 (Pricing Pol. Div. 2002).

[16] Petition for Reconsideration at 4, emphasis omitted.

[17] The Commission's accounting rules are designed to be consistent with GAAP "to the extent regulatory considerations permit." 47 CFR §§ 32.1, 32.16.

lectibility is reasonably assured";[18] not, as AT&T would have it, when collectability is even remotely possible. MIEAC's practices, moreover, are consistent with those of other access service providers which are experiencing increases in uncollectibles resulting from customer self-help. MIEAC understands that other providers also have reported similar self-help exposures as uncollectibles in their Tariff Review Plans, in at least one case in an amount much larger than MIEAC's, which was not contested by AT&T .

Although MIEAC firmly believes that it is entitled to collect the disputed amounts from Sprint, it cannot be certain that the legal process will result in a favorable outcome. MIEAC therefore reasonably concluded that these revenues would be impracticable of collection within the test year, and accounted for them as uncollectibles.

C. AT&T's "Double Recovery" Theory Would Unjustly Penalize Common Carriers

AT&T's principal argument in its Petition for Reconsideration seems to be that if MIEAC is successful in enforcing its claim against Sprint through litigation, there is a "significant potential for double recovery of those amounts"; that is, the same amounts collected from Sprint would also be included in the revenue requirement.[19] What AT&T ignores is the converse potential of *non-recovery* if MIEAC were unable to collect fully from Sprint in court and also unable ever to recover any of these losses through its revenue requirement because of the prohibition on retroactive ratemaking.

The key regulatory postulate that AT&T disregards is that ratemaking must be prospective, not retrospective. If MIEAC is unable to collect its tariffed rates despite using every available means to do so, it cannot later retroactively recover those losses from ratepayers. "The rule against retroactive ratemaking prohibits a commission from prescribing rates to recoup a utility's

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[18] SEC Staff Accounting Bulletin (SAB) 104, Revenue Recognition (as codified in SAB Topic 13), 68 Fed. Reg. 74435, 74437 (Dec. 23, 2003).

[19] Petition for Reconsideration at 4.

past losses for transactions that have already taken place."[20] However, the nature of the litigation process is such that MIEAC must project bad debt losses in advance, when they are necessarily uncertain (and may still be avoided through a successful outcome in litigation), unlike most other types of expenses which are reasonably foreseeable in advance. In this case, MIEAC has already lost the opportunity to increase its rates to recover any of the $1.45 million that Sprint refused to pay during calendar year 2009, as well as additional amounts that were unpaid during the first six months of 2010, which caused its rate of return to fall well below 11.25%. If MIEAC does not prevail in court, or is unable to collect fully on a judgment against Sprint, it would have no opportunity to recoup these losses through rate increases; its stockholder would bear the loss entirely.

Under AT&T's approach, MIEAC would very likely also have to forfeit any chance of recovering revenues lost due to Sprint's refusal to pay during the two-year tariff period starting July 1, 2010. There is a distinct possibility that MIEAC's civil suit against Sprint will still be pending when the next access tariff filing is due in June 2012.[21] If the case were not resolved until after that filing, then under AT&T's theory MIEAC would never have any opportunity to recover through its revenue requirement any underearnings that it might experience during the 24 months ending June 30, 2012.

Further, AT&T's theory coupled with the increasing (though improper) exercise of self-help by carrier customers would pose a serious threat to small carriers like MIEAC. As noted earlier, a large portion of MIEAC's revenues are derived from a few large IXCs. If the Commis-

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[20] *Qwest Corp. v. Koppendrayer*, 436 F.3d 859 (8th Cir. 2006), *citing BP West Coast Prod., LLC v. FERC*, 374 F3d 1263, 1301 (D.C. Cir. 2004); *Pac. Gas & Elec. Co. v. FERC*, 373 F3d 1315, 1319-20 (D.C. Cir. 2004); *Consol. Edison Co. of New York v. FERC*, 347 F3d 964, 969 (D.C. Cir. 2003).

[21] The median time from filing to trial in civil cases in the District of Minnesota was 27 months for the fiscal year ending Sept. 30, 2009. Administrative Office of the United States Courts, *Federal Court Management Statistics*, available at http://www.uscourts.gov/viewer.aspx?doc=/cgi-bin/cmsd2009.pl.

sion adopted AT&T's approach, the company would be left without any way to replace the cash flow lost during the pendency of litigation against customers engaging in unlawful self-help. The fact that the company may indeed be entitled to full recovery plus interest at some indefinite time in the future is little consolation, because it must pay its operating expenses as they come due and cannot postpone them until the litigation is over. This is a particular threat to CEA carriers like MIEAC, because the bulk of their revenues are derived from a small number of customers. The Commission should not interpret the Communications Act as requiring a regulated carrier to stand idly by and suffer unlimited exposure to losses when faced by unreasonable and unlawful conduct by a customer.

On the other hand, if MIEAC *is* able to recover some or all of its claim against Sprint, any *potential* over-earnings can properly be addressed at that time by reducing the amount of MIEAC's projected uncollectibles for the test year, recalculating its projected earnings and reducing its revenues prospectively to the extent necessary to prevent those projected earnings from exceeding the authorized rate of return.[22] Although MIEAC's rates currently are deemed lawful by virtue of 47 USC § 204(a)(3), the Commission has stated clearly that this provision only protects rates against retrospective challenges, and not against prescription of new rates prospectively.[23]

Although the Commission has power to compel such a rate reduction under Sections 201(b) and 205, MIEAC is willing to commit now that, upon its full or partial recovery of underpayments from Sprint, and upon being reasonably assured that future billings to Sprint will be collectible, it will reduce its projected uncollectibles, recalculate its projected earnings and

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[22] Therefore, the payphone compensation case cited by AT&T, Petition for Reconsideration at 5, is not apposite here. In that order, the Commission prescribed a uniform default rate applicable to all payphone operators based on industry-wide cost projections; there was no opportunity to adjust an individual payphone provider's rate prospectively based on changed circumstances applicable only to that particular provider.

[23] *Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996,* 12 FCC Rcd 2170, paras. 20-21 (1997).

reduce its revenues[24] voluntarily to the extent necessary to prevent its forecasted earnings from exceeding the authorized 11.25% rate of return for the current two-year monitoring period.

IV. MIEAC'S CORPORATE OPERATIONS EXPENSES ARE REASONABLE

In its Petition for Reconsideration, AT&T makes the same arguments about MIEAC's corporate operations expenses that were contained in its Petition to Suspend. MIEAC explained in its June 29, 2010, filing in this proceeding that AT&T's allegations take line items out of context and ignore the reasonableness of MIEAC's overall test year expenses, which are only about $700,000 greater than for 2009, despite a 29% increase in terminating tandem switching minutes for the 2010-2011 test year.

Although AT&T claims that all of MIEAC's corporate operations expenses should be investigated, the only specific expense it identifies as allegedly unreasonable is legal fees.[25] As MIEAC explained in its June 29 filing, it projects a significant increase in legal expense in the test year, due in part (but not entirely) to the litigation with Sprint. AT&T seems to suggest (Petition for Reconsideration at 6) that these legal fees account for most or all of the $2.1 million increase in the corporate operations category, but this is not the case. Total projected legal fees for the test year are $609,000, of which approximately $430,000 is specifically allocated for the Sprint litigation. Other components of the increase in this category were previously described in the Declaration of Fritz Hendricks filed by MIEAC on June 29, 2010.[26]

AT&T's argument that MIEAC should not count Sprint-related legal fees as an expense because it is seeking to recover them in court[27] fails for the same reasons as discussed in the previous section. Although MIEAC is indeed seeking to recover its legal fees from Sprint

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[24] This reduction may be accomplished by reducing recurring rate elements, by a one-time credit, or by some combination of both.

[25] Petition for Reconsideration at 5-6.

[26] *See* Declaration of Fritz Hendricks, at ¶¶ 22-25.

[27] Petition for Reconsideration at 6.

pursuant to 47 USC § 206, and believes it should be entitled to do so, this recovery is far from certain. The fact remains that recovery of legal fees from an opposing party is the exception, not the rule, in the American system,[28] and MIEAC cannot prudently forecast recovery of these amounts as "reasonably assured" at least until the court enters a judgment in its favor. To the extent that MIEAC actually is reimbursed for any of the projected expenses, it will adjust its rates pursuant to the commitment made in the previous section.

In any event, MIEAC reasonably forecasts a continuing increase in legal expenses even apart from the Sprint litigation. As the Commission is aware, intercarrier compensation disputes among IXCs, LECs, and other carriers have been increasing dramatically in both frequency and dollar amount in recent years. The Sprint dispute is merely an extreme case of a trend that is affecting the entire industry, and likely will continue to do so at least until the Commission completes and implements its reform of the intercarrier compensation system. MIEAC regrettably must anticipate that it will continue to incur expenses for outside lawyers to assist it in resolving these issues as they arise.

V. CONCLUSION

MIEAC emphasizes that, as stated in its pending Motion to Dismiss, the Commission has no authority to grant the relief sought by AT&T. Even if it had such authority, however, there would be no good cause to suspend or investigate MIEAC's interstate rates, as explained above. For these reasons, the Commission should deny the petition of AT&T to reconsider its decision of July 1, 2010, permitting MIEAC Transmittal No. 23 to become effective.

[28] *See, e.g., Alyeska Pipeline Service Co. v. Wilderness Society,* 421 U.S. 240, 247 (1975).

Respectfully submitted,

/s/

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September 8, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of September, 2010, I caused true and correct copies of the foregoing Comments to be served on all parties as shown on the Service List below.

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