



August 25, 2020

VIA ECFS

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

**RE: 8YY Access Charge Reform, WC Docket No. 18-156**

Dear Ms. Dortch:

On Monday, August 24, 2020, the undersigned on behalf of NTCA–The Rural Broadband Association (“NTCA”) spoke via telephone with Lisa Hone, Gil Strobel, David Zesiger, Al Lewis, Doug Slotten, Peter Beane, Jonathan Cannon, and Ahuva Battam from the Wireline Competition Bureau regarding matters in the above-referenced proceeding.

In prior advocacy in this proceeding, NTCA has raised concerns that parties may seek to leverage migration of intercarrier compensation rates to bill-and-keep as a basis for shifting interconnection responsibilities and thereby foisting additional costs upon rural local exchange carriers (“RLECs”) atop any rate reductions. For these reasons, building upon a comparable rule established in 2011 as part of the migration of intraMTA traffic to bill-and-keep, NTCA has advocated for the establishment of a default rule that would preclude parties from unilaterally dictating changes to existing financial responsibilities for interconnection and transport. *See, e.g., Ex Parte* Letter from Michael R. Romano, Sr. Vice President, NTCA, to Marlene H. Dortch, Secretary, Federal Communications Commission (the “Commission”), WC Docket No. 18-156, *et al.* (filed May 18, 2020); *Ex Parte* Letter from Michael R. Romano, Sr. Vice President, NTCA, to Marlene H. Dortch, Secretary, Commission, WC Docket No. 18-156, *et al.* (filed March 9, 2020); *see also* 47 C.F.R. § 51.709(c); *Connect America Fund, et al.*, WC Docket No. 10-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 18040 (2011), at ¶¶ 999-1000.

By contrast, NTCA explained during the conversation that merely stating that the Commission did not intend for the adoption of a bill-and-keep rate regime to result in changes to interconnection responsibilities would be insufficient, as certain parties may still see the absence of an express prohibition or a clear default rule on shifting such transport responsibilities as an opening to dictate such changes from RLECs nonetheless. I observed that this was the reasoning behind the Commission’s adoption of such a default rule in 2011, and I urged the Commission at the very least to make explicit in any upcoming order with respect to 8YY traffic that, in the absence of mutual agreement, no party may force a change to any RLEC’s existing interconnection points that define financial responsibility for interconnection and transport of calls pursuant to any tariff, contract, or other arrangement even if the intercarrier compensation rates applicable under such vehicles may be altered by a Commission order. *See Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage*, WC Docket No. 18-155, Report and Order and Modification of Section 214 Authorizations, 34 FCC Rcd 9035, 9049 (2019), at ¶ 34; *Northern Valley Communications, LLC*, Memorandum Opinion and Order, 35 FCC Rcd 6198, 6213 (2020), at ¶ 30.

Marlene H. Dortch  
August 25, 2020  
Page 2 of 2

Thank you for your attention to this correspondence. Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS.

Sincerely,

/s/ Michael R. Romano  
Michael R. Romano  
Senior Vice President –  
Industry Affairs & Business Development  
NTCA–The Rural Broadband Association

cc: Lisa Hone  
Gil Strobel  
David Zesiger  
Al Lewis  
Doug Slotten  
Peter Beane  
Jonathan Cannon  
Ahuva Battam