

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICATION OF ATLAS TELEPHONE)
COMPANY, ET AL FOR AN ORDER OF THE)
COMMISSION APPROVING AN INTRASTATE)
ACCESS REFORM PLAN, TERMINATION OF)
THE OKLAHOMA HIGH COST FUND AND A)
STREAMLINED REVENUE REQUIREMENTS)
METHODOLOGY)

CAUSE NO. PUD 201 **100115**

FILED
SEP 14 2011

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

APPLICATION

COMES NOW, the undersigned rural incumbent local exchange telephone companies (RLEC's), and presents the attached plan marked as Appendix B for intrastate switched access reform ("the RLEC Plan") to the Commission for consideration and approval. The RLEC Plan sets forth the RLECs' recommendation as to the resolution of the issues addressed therein.

I. PARTIES

The Applicants are rural incumbent local exchange telephone companies subject to the authority and jurisdiction of the Commission. Respondents are all telecommunications carriers that may be obligated to contribute to the Oklahoma Universal Service Fund (OUSF) pursuant to the Oklahoma Telecommunications Act of 1997, at O.S. §§139.101 et seq. A list of Respondents, of whom the Applicants are aware of on this date and which are the same Respondents to Cause PUD 201100002 is attached hereto as Appendix A.

II. ALLEGATION OF FACTS

The current Oklahoma Access Charge Plan was approved and adopted by the Commission by Order No. 399040, issued in consolidated Cause Nos. PUD 950000117 and PUD 950000119, on January 30, 1996. That plan provides that "It is recognized by the Plan proponents that in connection with the implementation of switched local competition, the Oklahoma HCF ... and the distribution criteria established in this Plan may be revised, after notice, hearing and review by the OCC". There have been changes in circumstances since the issuance of the Commission's order approving the current access charge plan, such as the

passage and implementation of the Federal Telecommunications Act of 1996, the Oklahoma Telecommunications Act of 1997 and resulting competition among various providers of communications using different technologies, including toll providers, CMRS providers, VoIP and traditional local service providers, that necessitate a revision of the current access charge plan. The RLECs are concerned that the current level of intrastate switched access rates may be creating incentives for certain carriers to not terminate calls to RLECs' networks to the detriment of the RLECs' end user customers. Additionally, arbitrage is occurring within the current intercarrier compensation system because carriers are not providing sufficient information to allow the RLECs to accurately measure and jurisdictionalize calls terminated on their respective networks. The RLECs also are concerned that the Oklahoma High Cost Fund (OHCF) may not be sustainable without expansion of the contributors to include all carriers that have access to use the public switched telephone network (PSTN). The RLEC Plan attached hereto and incorporated herein as Exhibit A proposed by the RLECs provides a solution that addresses the disparities in their inter and intra state switched access rates and structure, funding of the OHCF, and provides for continued investment in rural Oklahoma. The RLEC Plan also provides state-wide consumer benefits and incentives for growth, while providing a stable communications environment as the network converts from legacy circuit switched services to packet services in a broadband infrastructure. This RLEC Plan allows reasonable and affordable interconnection for the use of the RLECs' networks by removing disparity between the RLECs' interstate and intrastate switched access rates and structure, expands the contribution base of the OHCF by simply terminating the OHCF with the RLECs recovering their respective lost revenues from the OUSF, and clarifies a procedure by which the RLECs may, at their option, request and receive additional funding from the OUSF to maintain rates to their respective end user customers that are reasonable and affordable.

III. LEGAL AUTHORITY

The Oklahoma Corporation Commission has jurisdiction of this matter pursuant to the provisions of Art. IX, §18 of the Oklahoma Constitution and 17 O.S. §131, *et seq.*

IV. RELIEF REQUESTED

For the reasons set forth above, the RLECs present this access reform Plan ("RLEC Plan"), which each RLEC believes is a fair and equitable resolution of the issues addressed herein and is in the public interest, and request the Commission, after notice and hearing to approve the RLEC Plan as expeditiously as possible.

Respectfully Submitted,

Rural Local Exchange Telephone Companies

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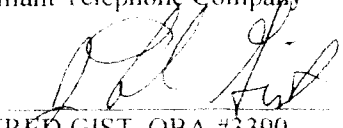
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- Craw-Kan Telephone Cooperative, Inc.
- Cross Telephone Company
- Dobson Telephone Company
- Hinton Telephone Company
- KanOkla Telephone Association
- McLoud Telephone Company
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Santa Rosa Telephone Cooperative, Inc.
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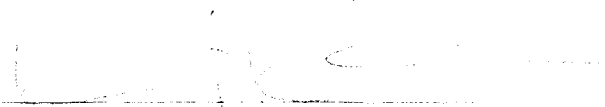
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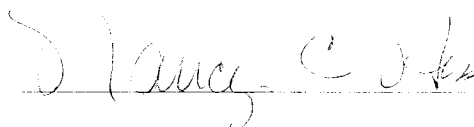
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DESCRIPTION OF THE PLAN

- A. Intrastate Switched and Special Access Tariff Changes
- B. Termination of the Oklahoma High Cost Fund
- C. Revenue Requirement Showing and Recovery
- D. General Provisions

A. Intrastate Switched and Special Access Tariff Changes

1. The Commission shall reduce all rural LEC's (RLEC's)¹ intrastate switched access tariff rates to parity with the respective LEC's interstate switched access rates and structure. All issuing carriers of the ORTC switched access tariff will move their intrastate switched access rates and structure to be in parity with their interstate switched access tariff rates and structure in one step.

2. All rural LEC's intrastate special access tariffs will be unaffected by this Plan.

B. Termination of the Oklahoma High Cost Fund (OHCF)

1. The Commission shall terminate the OHCF created by Commission Order 399040 simultaneously with termination of the OHCF the RLEC's shall recover the lost OHCF revenues from the OUSE.

C. Revenue Requirement Showing and Recovery

1. RLEC's will calculate lost revenues resulting from the reduction of intrastate switched access rates and the terminations of the OHCF and shall recover all such revenues from the OUSF as follows:

- a. *Lost Switched Access Revenue* – 100% of 2009 billed intrastate switched access revenue less the revenues produced from applying each of the

¹ RLEC's are the issuing carriers in the currently approved ORTC Oklahoma intrastate access tariff approved by the Oklahoma Corporation Commission

RLEC's new intrastate switched rates, i.e. parity with interstate switched access rates. Each RLEC shall recover the annualized revenues lost associated with each rate reduction using the method set forth in this paragraph coincident with each of the rural ILEC's rate reductions.

b. Lost OHCF Revenue – 100% of OHCF revenues lost by the RLEC as a result of the Commission's termination of the OHCF. The ILEC's recovery of its lost OHCF shall coincide with the ILEC's recovery of the lost OHCF revenues from the OUSE.

2. The funding levels established above shall be a fixed-dollar fund and shall not change for a period of sixty (60) months from the date the RLEC first receives the revenues determined under this section from the OUSE, provided, 1) if the RLEC experiences a catastrophic event that results in the RLEC losing revenues or incurring increased costs then the RLEC may receive additional OUSE funding to compensate it for the revenues lost and/or increased costs resulting from the catastrophic event; and 2) any RLEC may request funding from the OUSE as necessary to maintain rates that are reasonable and affordable upon the RLEC demonstrating its revenue requirement pursuant to the procedures set forth below.

a. Additional revenues determined in accordance with the procedures set forth below.

i. Beginning immediately upon the approval of the relief requested in this cause, any RLEC may request funding from the OUSE based on fiscal year 2009 or the most recently available data to the RLEC as necessary to maintain rates that are reasonable and affordable by using one of the following methods.

(a) For those companies in the National Exchange Carrier Association (NECA) Pool that recover from the NECA Pool based on their own cost, this would be the total of local, intrastate intralata, and intrastate interlata revenue requirements from their NECA annual cost study submission.²

(b) For companies in the NECA Pool that recover from the NECA Pool based on average schedule settlements, the Commission staff will calculate an average per line revenue requirement by dividing the total revenue requirement of all Oklahoma cost companies in the NECA Pool by the total access lines of those companies. Each average schedule company shall multiply the average per line revenue requirement by their access line count.

(c) Other cost study methodology approved by the Commission.

b. Under no circumstances will double recovery be allowed.

D. General Provisions

1. The Commission has continuing jurisdiction over the matters addressed in this cause.

2. The provisions of this access reform Plan shall remain unchanged, except with unanimous agreement of RLECs, prior to sixty (60) months after implementation. Any change to the provisions of this Plan shall not be implemented prior to sixty six (66) months after implementation of this access reform Plan.

3. The RLEC's further agree that this access reform Plan shall become binding and effective and implemented only after an order issued by the Commission

² If a RLEC has exited the NECA Pool or if the NECA pool no longer calculates costs based on current FCC Parts 32, 36 and 64 fully distributed costs, RLECs in Oklahoma will use the same FCC Part 32, 36 and 64 procedures as are currently used to calculate an intrastate revenue requirement.

adopting and approving this access reform Plan in its entirety becomes final and non-appealable. In the event this access reform Plan is not approved in its entirety, by order of the Commission, without condition or modification by the Commission, it shall be null and void and no RLEC shall be bound by any of its provisions, unless otherwise agreed to by the RLECs.

4. If the individual issued addressed herein were litigated, the individual Parties positions might be different and the terms and conditions hereof are interrelated and interdependent. Nothing contained herein shall be deemed to bind any party in any other jurisdiction outside of Oklahoma. Each individual jurisdiction has its own set of circumstances and each party's position may differ from state to state.