



State of Utah
Department of Commerce
Division of Public Utilities

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December 10, 2012

TO: PUBLIC SERVICE COMMISSION

FROM: DIVISION OF PUBLIC UTILITIES

Chris Parker, Director
Bill Duncan, Manager, Telecommunications and Water
Paul M. Anderson, Utility Technical Consultant

RE: Docket No. 12-2180-T03 All West Communications, Inc. filing to revise Terminating Local Transport Termination Charge up from recently revised rates that were required in the FCC's November 18, 2011 Report and Order and Further Notice of Proposed Rulemaking in WC Docket Nos. 10-90, etc (FCC 11-161).

ISSUE:

All West Communications (All West) is filing this modification to its existing Access Service Tariff, to correct rates that were lowered too far. The new rate is based on new information from the FCC that required NECA to recalculate All West's eligible recovery from the Connect America Fund (CAF). The new access rate change implements the first step in transitional intrastate access service rate reductions as mandated in the Federal Communications Commission's November 18, 2011 Report and Order and Further Notice of Proposed Rulemaking in WC Docket Nos. 10-90, etc. (FCC 11-161).

RECOMMENDATION: Approve Tariff Modification

On October 25, 2012 the Division recommended to the Commission to approve the tariff modification. On October 30 the Division recommended that the Commission hold the recommendation because the Division required further review due to other interpretations of the FCC Order (DA 12-1430) that All West based its correction of the transitional rate on that had come to light.

After the Division further reviewed the proposed tariff modification with new information and advice from FCC Investigation Order 12-147A1 it determined that the revised tariff rate was in compliance with the *Designation Order* as shown in paragraph 13 and the

NECA tariff was acceptable for most RLECs including All West. The Division therefore believes that the proposed tariff modification is appropriate and recommends approval.

cc: Matt Weller, President, All West Communications, Inc.
Justin Jetter, Assistant Attorney General, Utah Attorney General's Office
Kira M. Slawson, Attorney, Blackburn & Stoll, LC
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