

Pricing Policy Division Rejects All American Telephone Company's New Interstate Access Tariff

Legal Alert
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Garvey Schubert Barer Legal Update, May 28, 2010.

The FCC's Pricing Policy Division has rejected an interstate access tariff filed by All American Telephone Company, Inc. (All American). The tariff, F.C.C. No. 3, was filed by All American on May 7, 2010, to replace All American's Tariff F.C.C. Nos. 1 and 2 for "Regulations, Rates and Charges Applying to the Provision of Access Service for Connection to Interstate Communications Facilities and Services." See *In the Matter of All American Telephone Company, Inc. Tariff F.C.C. No. 3*, WCB/Pricing File No. 10-07, Transmittal No. 4, DA 10-922 (rel. May 21, 2010).

The Division rejected the tariff as "patently unlawful, in violation of sections 61.2 and 61.25 of the [FCC's] rules and section 203 of the Communications Act" because it did not specify the charges for the services All American provides. Section 61.2 of the FCC's rules requires that tariffs contain clear and explicit explanatory statements regarding the rates and regulations. Section 61.5 of the FCC's rules requires the filing carrier to specifically identify in its tariff the rates being cross-referenced so as to leave no doubt as to the exact rates that would apply. Although the tariff cross referenced Beehive Telephone Companies' rates in NECA Tariff F.C.C. No. 5, and stated that the applicable recurring rates would be at or below the rates for equivalent services tariffed by the NECA incumbent LECs, the Division concluded that All American's tariff did not provide the exact rates that would be charged and thus violated the FCC's tariffing rules. The tariff was to become effective on May 14, 2010.