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Mr. Reece McAlister
Executive Secretary
Georgia Public Service Commission
244 Washington Street, Suite 127
Atlanta, Georgia 30334

RE: Docket No. 21905-U; Request for Expedited Declaratory Ruling as to the Applicability of Intrastate Access Tariffs of Blue Ridge Telephone Company, Citizens Telephone Company, Plant Telephone Company and Waverly Hall Telephone, LLC to the Traffic Delivered to Them by Global NAPs, Inc.

Dear Mr. McAlister:

Please accept this letter pursuant to O.C.G.A. § 50-13-17(a). The Initial Decision filed on April 8, 2008, contains dicta which is of great concern to Verizon and may also raise issues with a broader group of telecommunications companies.

Verizon did not intervene in this case because the initial scope of the docket was quite limited. Importantly, the findings of facts supporting the Initial Decision are correct. However, as more fully discussed below, certain dicta in the Initial Decision would adversely affect Verizon and its Georgia operations if it became the Commission's order. We fully discuss the language of concern below and have attached a "red-lined" version of the Initial Decision depicting the areas of concern and the remedial edits that will address this issue.

It was not until the post hearing briefs were filed that certain unnecessary interpretations of SB 120 (now codified as O.C.G.A. § 46-5-222) and of FCC decisions related to Voice over Internet Protocol ("VoIP") and IP-enabled services became a part of this docket.

Had these issues appeared in the initial pleadings and notices of the proceeding, Verizon would have intervened and actively advocated its position. This docket was noticed as a dispute between the independent telecommunications companies referenced above and Global NAPs ("GNAPs") regarding the payment of terminating intrastate access charges, with two specific questions to be resolved by the proceeding: whether the Independent Companies' respective

intrastate access tariffs apply to the terminating traffic identified as GNAPs traffic; and whether GNAPs provided sufficient factual evidence supporting GNAPs' assertion that the traffic it delivers over the PSTN to the Independent Companies is exempt from the Commission's jurisdiction.

Verizon had no interest in contesting the applicability of the independent companies' access tariffs, and the record wholly supported the fact that the traffic being terminated is traditional voice traffic, which would mean that intrastate access charges apply to such traffic. Verizon had no dispute over those matters and would not have intervened to protect any rights or interests. Because the terminating traffic in question is voice traffic, there is no reason for the Commission to address either VoIP or IP-enabled traffic issues.

Verizon has no intention of disturbing the proposed result of the Hearing Officer's recommendation. Rather, our concerns can be addressed without having any material impact on the Initial Decision—requiring GNAPs to compensate the Independent Companies their appropriate intrastate access charges for the termination of GNAPs' voice traffic.

The Initial Decision finds that the terminating traffic in question from GNAPs was traditional voice traffic. There is, therefore, no need for the Commission to speculate upon what law might apply if the traffic were not traditional voice traffic. The Initial Decision unnecessarily goes further in two respects: 1) its interpretation of SB 120; and 2) a discussion of the state of VoIP and IP-enabled services at the Federal Communications Commission ("FCC").

The Initial Decision makes several references to SB 120, now codified at O.C.G.A. § 46-5-222. The statutory provision relates to the Commission's jurisdiction over broadband service, VoIP and wireless service. The Initial Decision states that SB 120 distinguishes between wholesale and retail services and implies that the Commission has jurisdiction over intercarrier compensation related to those services.

Regardless of whether the statute contemplates such a distinction or some intercarrier compensation jurisdiction by the Commission, an interpretation of the statute is not related to the outcome of the case, is unnecessary, may have unintended consequences, and will generate considerable controversy. To prevent these results, Verizon suggests that the language in question be deleted. The Commission should not consider issues related to SB 120 until such issues are squarely presented in a case or controversy.

Verizon is also concerned with the unnecessary discussion of VoIP and IP-enabled services. Again, since the terminating traffic of GNAPs was ruled to be totally voice-related, there is no reason for the Commission to make statements on issues where there are no facts in evidence and that are unnecessary to arrive at the decision. The Initial Decision contains several paragraphs that speak to the status of VoIP and IP-enabled traffic. This discussion has no bearing on the outcome of the case and Verizon requests that it be deleted.

Verizon's request is simple. The Initial Decision and the Commission's order in this case should be limited to the case and controversy presented by the parties. Dicta that may result in

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unintended consequences and controversy should be avoided. For the Commission's convenience, Verizon's proposed deletions are attached in red-lined format.

Respectfully submitted this 8th day of May,

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MAW/cg
Enclosure

cc: Dulaney L. O'Roark III