

CompTel Asks Court to Compel Action on Special Access

August 10, 2011

Since 2002, purchasers of special access services from the incumbent local telephone companies have been asking the FCC to revise its pricing rules for the services. Last month, CompTel (the leading trade association for competitive carriers) and a coalition of others asked the United States Court of Appeals for the DC Circuit to require the FCC to resolve its pending special access proceeding within six months. The [CompTel petition](#) is a petition for mandamus -- a court order compelling action by the agency. The FCC has not yet responded to the petition.

This is not the first time competitive carriers have gone to the court for action. Back in 2003, the old AT&T (pre-acquisition by SBC) asked the same court to compel the FCC to act on AT&T's Petition for Rulemaking filed in 2002 to revise the special access rules. In reliance on the FCC's representations that it was diligently working the proceeding, the court required the FCC to file periodic status reports. The court eventually dismissed the AT&T mandamus petition after the FCC issued the current Notice of Proposed Rulemaking in early 2005. Six years later, the FCC has not completed that proceeding and CompTel asks the court to require a resolution.

Special access pricing was a component of the FCC's [National Broadband Plan](#). It is mentioned in two recommendations:

Recommendation 4.7: The FCC should comprehensively review its wholesale competition regulations to develop a coherent and effective framework and take expedited action based on that framework to ensure widespread availability of inputs for broadband services provided to small businesses, mobile providers and enterprise customers.

Recommendation 4.8: The FCC should ensure that special access rates, terms and conditions are just and reasonable.

The pending rulemaking was opened by [Notice of Proposed Rulemaking](#) in January 2005. The most recent Commission action was a [request for additional data](#) in October 2010.