

Working

Docket

TC01-053





210 N. Park Ave  
Winter Park, FL  
32789

P.O. Drawer 200  
Winter Park, FL  
32790-0200

Tel: 407-740-8575  
Fax: 407-740-0613  
tmi@tminc.com

May 22, 2001

**Overnight**

Mr. William Bullard, Jr.  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol  
Pierre, SD 57501

RE: Petition of For Exemption from Developing Company-specific Cost-based  
Switched Access Rates  
**Z-Tel Communications, Inc.**

Dear Mr. Bullard:

Enclosed please find an original and ten (10) copies of a petition submitted on behalf of Z-Tel Communications, Inc. for exemption from developing Company-specific cost-based switched access rates

Please acknowledge receipt of this petition by returning a date-stamped copy of this letter in the envelope provided. Any questions regarding this petition should be directed to my attention at (407) 740-3006.

Sincerely,

Monique Byrnes  
Consultant to Z-Tel Communications, Inc.

Enclosures

cc: S. Byrne, Z-Tel  
file: Z-Tel - SD Access  
tms: sda0000

RECEIVED

MAY 23 2001

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

STATE OF SOUTH DAKOTA  
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Petition of

Z-Tel Communications, Inc. )  
for exemption from developing )  
company-specific cost-based switched )  
access rates )

Docket No. \_\_\_\_\_

**PETITION**

Z-Tel Communications, Inc. ("Z-Tel"), pursuant to Administrative Rule 20:10:27:11, hereby petitions the Commission for exemption from developing company-specific cost-based switched access rates.

**I. PETITIONER**

Petitioner is a Delaware corporation. Z-Tel was granted authority to provide Local Exchange Service in South Dakota in Docket TC00-196 on March 9, 2001.

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MAY 23 2001

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

## **II. CONTACT INFORMATION**

Correspondence or communications pertaining to this petition should be directed to:

Monique Byrnes  
Consultant to Z-Tel Communications, Inc.  
Technologies Management, Inc.  
210 N. Park Avenue  
Winter Park, Florida 32789

with a copy to:

Timothy Seat  
Vice President - Regulatory Affairs  
Z-Tel Communications, Inc.  
777 South Harbour Island Boulevard, Suite 990  
Tampa Florida 33602

## **III. DESCRIPTION OF PETITION**

As a facilities-based local exchange service provider, Z-Tel also provides switched access services to interexchange carriers (IXCs). Pursuant to Administrative Rule 20:10:27:11, a telecommunications company may petition the Commission to be exempted from the requirements of developing intrastate switched access rates based on company-specific costs. In this petition, the Company demonstrates that it does not have the available resources to prepare the type of cost study which might be used to develop switched access rates and, moreover, the expense of such a cost study would far exceed any benefit which may be derived from it.

#### IV. EXEMPTION RATIONALE

Pursuant to Administrative Rule 20:10:27:06, each carrier's carrier or association shall file a tariff that is designed to recover no more than its intrastate switched access costs as determined by the Commission and developed pursuant to chapters 20:10:28 and 20:10:29, including a commission-approved return on investment. The evaluation of costs described in the Commission's Administrative Rules involves a cumbersome and complicated process of cost separations and allocation ("fully allocated" cost studies) which has historically only been relevant to rate of return regulated companies. An integral part of the ratemaking process for these companies has also included a determination of an appropriate Company-specific rate of return.

Since Z-Tel is not rate of return regulated in South Dakota -- or in any other jurisdiction -- the Company has never had any reason to evaluate its costs in the same manner as a rate of return regulated company. Consequently, the Company has neither the personnel nor the expertise to perform the cost studies which are contemplated under chapters 20:10:28 and 20:10:29.

Requiring companies like Z-Tel to prepare cost studies would diminish the potential benefits of competition in the telecommunications market by introducing unwarranted costs for new market entrants. For example, rate of return regulated Local Exchange Companies (LECs) typically have entire departments dedicated to the task of preparing fully allocated cost studies on a year-round basis. In addition, the results of such a cost study would be practically meaningless for a new market entrant which is not regulated on a rate of return basis.

Finally, since the Company is not yet operational in South Dakota, it has no South Dakota-specific data upon which to base the kinds of cost studies which are described in chapters 20:10:28 and 20:10:29.

Pursuant to Administrative Rule 20:10:27:12, the intrastate switched access rates of a telecommunications company which is granted its petition for exemption pursuant to Administrative Rule 20:10:27:11 are based on the costs of all the telecommunications companies with less than 100,000 access lines that determine switched access costs pursuant to chapters 20:10:28 and

20:10:29. Switched access rates for companies exempted pursuant to Administrative Rule 20:10:27:11 are calculated by dividing the sum of switched access revenue requirements for cost companies with less than 100,000 access lines for intraLATA and interLATA intrastate switched access traffic by the sum of switched access minutes for those same cost companies for intraLATA and interLATA intrastate switched access traffic. The Company asserts that this ratemaking approach would avoid the unnecessary burden and expense of a Company-specific cost study and subsequent rate proceeding, and would result in switched access rates which appropriately balance the needs of the Company to recover its costs and the need for just and reasonable switched access rates.

WHEREFORE, for the reasons stated above, Z-Tel Communications, Inc. petitions the Commission for exemption from developing company-specific cost-based switched access rates.

Respectfully submitted,



\_\_\_\_\_  
Timothy Seat  
Vice President - Regulatory Affairs  
Z-Tel Communications, Inc.

Dated: 5/21/01

VERIFICATION

I, Timothy Seat, hereby declare under penalty of perjury, that I am Vice President - Regulatory Affairs for Z-Tel Communications, Inc., Applicant in this proceeding; that I am authorized to make this verification on the Applicant's behalf; that I have read the foregoing petition; and that the facts stated therein are true and correct to the best of my knowledge, information and belief.



Timothy Seat  
Vice President - Regulatory Affairs  
Z-Tel Communications, Inc.

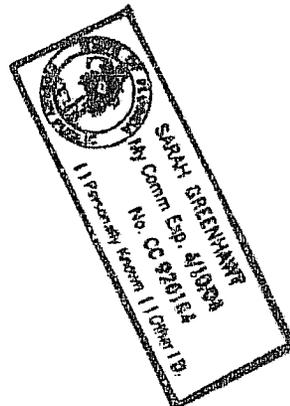
Sworn to and subscribed before me this 21 day of May, 2001.



Notary Public

My Commission expires:

4/1/04



South Dakota Public Utilities Commission  
WEEKLY FILINGS  
For the Period of May 17, 2001 through May 23, 2001

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact  
Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

**CONSUMER COMPLAINTS**

**CT01-025** In the Matter of the Complaint filed by David Artz, Plankinton, South Dakota, against Sprint Communications Company L.P. Regarding Unauthorized Switching of Services.

Complainant alleges that his long distance service was switched without his authorization. Complainant requests that he be reimbursed any fees as a result of the unauthorized switch and that he be awarded \$1,000.00 as provided by South Dakota law.

Staff Analyst: Mary Healy  
Staff Attorney: Karen Cremer  
Date Docketed: 05/18/01  
Intervention Deadline: N/A

**CT01-026** In the Matter of the Complaint filed by Thomas M. Woster, Reliance, South Dakota, against Direct One Com.Long Distance Regarding Unauthorized Telecommunications Charges and Services.

Complainant alleges unauthorized charges for long distance phone services and deceptive marketing practices, since he was unaware that he signed up for phone services when he ordered a product. The complainant requests compensation allowed by SD law, which is \$1000.00 from the company, for his time and energy spent in correcting the problem.

Staff Analyst: Charlene Lund  
Staff Attorney: Kelly Frazier  
Date Docketed: 05/21/01  
Intervention Deadline: N/A

**ELECTRIC**

**EL01-010** In the Matter of the Joint Request for Electric Service Territory Exception between Black Hills Power and Black Hills Electric Cooperative.

Black Hills Power and Black Hills Electric Cooperative have submitted a joint request for approval for relocation of an electric service territory line located in Sections 28 and 29, Township 1N, Range 7E, Black Hills Meridian, Pennington County, South Dakota. A residential subdivision located primarily in the north half of Section 29 is in the process of development. The existing electric service territory line bisects the proposed subdivision. The companies are proposing the change to the territory boundary to avoid duplication of facilities.

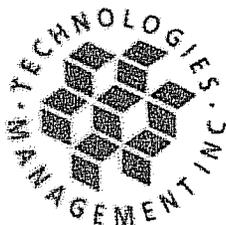
Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 05/21/01  
Intervention Deadline: 06/08/01

**TELECOMMUNICATIONS**

**TC01-053** In the Matter of the Filing by Z-Tel Communications, Inc. for an Exemption from Developing Company-Specific Cost-Based Switched Access Rates.

Z-Tel Communications, Inc. has filed a request for an exemption from developing Company-specific cost-based

TC01-053



210 N. Park Ave  
Winter Park, FL  
32789

P.O. Drawer 200  
Winter Park, FL  
32790-0200

Tel 407 740 8575  
Fax 407-740-0613  
tmi@tminc.com

May 29, 2001  
**Overnight Delivery**

Mr. William Bullard, Jr.  
Executive Director  
South Dakota Public Utilities Commission  
500 East Capitol  
Pierre, SD 57501

RE: Initial Access Services Tariff  
**Z-Tel Communications, Inc.**  
Concurrence with LECA Tariff No. 1

Dear Mr. Bullard:

Enclosed please find an original and ten (10) copies of the Concurrence of Z-Tel Communications, Inc. with LECA Tariff No. 1

Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it to me in the self-addressed stamped envelope.

Any questions you may have regarding this filing may be directed to me at (407) 740-8575. Thank you for your assistance.

Sincerely,

Monique Bynes  
Consultant to Z-Tel Communications, Inc.

Enclosure

cc: S. Byrne, Z-Tel  
file: Z-Tel - SD Access  
tms: sda0001a

RECEIVED

MAY 30 2001

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

---

REGULATIONS AND SCHEDULE OF CHARGES  
APPLICABLE TO SWITCHED ACCESS SERVICES  
WITHIN THE STATE OF SOUTH DAKOTA

**Z-Tel Communications, Inc.**

RECEIVED

MAY 30 2001

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

Z-Tel Communications, Inc. concurs in the rates, terms and conditions of Local Exchange Carrier Association, Inc., Tariff No. 1 governing Intrastate Switched Access Service as filed by the Local Exchange Carrier Association, Inc., in the State of South Dakota. Z-Tel Communications, Inc. concurs in the current Local Exchange Carrier Association, Inc., Tariff No. 1 as of January 15, 2000, as shown by the attached Tariff Checklist pages.

Z-Tel Communications, Inc., hereby expressly reserves the right to cancel or void this statement of concurrence at any time consistent with state law and the best interests of Z-Tel Communications, Inc. by filing a replacement tariff with the South Dakota Public Utilities Commission.

---

Issued: May 31, 2001  
Issued by:

Timothy Seat  
Vice President - Regulatory Affairs  
601 South Harbour Island Boulevard, Suite 220  
Tampa, Florida 33602

Effective: June 30, 2001

sda0001

TARIFF CHECKLIST  
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Issued: November 30, 1998

Effective: January 1, 1999

By: Dean Anderson  
President  
P.O. Box 920  
Clear Lake, SD 57226

TC98-090

TC00-102

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		15-8		18-3	1st
9-1		15-9		18-4	1st
		15-10		18-5	4th
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\* New This Issue

Issued: August 28, 2000

Effective: August 28, 2000

By: Dean Anderson  
 President  
 P.O. Box 920  
 Clear Lake, SD 57226

TC00-130

ACCESS SERVICE

17. Rates and Charges (Cont'd)

17.2 Switched Access Service

17.2.1 Nonrecurring Charges

	<u>Rate</u>
(A) <u>Local Transport Element - Installation Per Line or Trunk</u>	\$295.00
(B) <u>Reserved for Future Use</u>	
(C) <u>Interim NXX Translation Per Order</u>	\$181.00
Per LATA or Market Area	

17.2.2 Traffic Sensitive

Local Switching (End Office)

Per Access Minute	Originating	\$0.0168	(1)
Per Access Minute	Terminating	\$0.0240	(1)

Local Transport

Per Access Minute	\$0.0327	(1)
-------------------	----------	-----

Network Blocking Per Blocked Call

Applies to FGD only	\$0.0271
---------------------	----------

8XX Data Base Query Service

Per Query	
Basic	\$0.0079
Vertical Feature	\$0.0082

TC01-053

TECHNOLOGIES MANAGEMENT, INC.  
210 North Park Avenue  
Winter Park, Florida 32790-0200  
(407) 740-8575  
Fax: (407) 740-0613

FACSIMILE COVER SHEET

DATE: July 10, 2001

TO: NAME: Ms. Heather K. Forney, Utility Analyst

COMPANY: SD PUC

TELEPHONE: 605-773-3201 FAX: 605-773-3809

ACCOUNT NUMBER 5516

FROM: **Lori Kline, Associate Consultant**

**TECHNOLOGIES MANAGEMENT, INC.**  
**PHONE: (407) 740-8575 FAX: (407) 740-0613**

NOTES:

Heather:

Sorry about all the confusion. Attached are new pages for Z-Tel's Access tariff. If you need further information or have a question, please call. Thanks again.

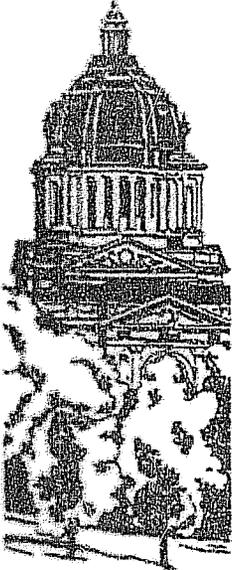
Lori Kline  
Associate to Monique Byrnes.

Fax Only  Fax & Mail  
Billing \$ \_\_\_\_\_

Pages Sent (including cover) 3

Return to Lori

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communications is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

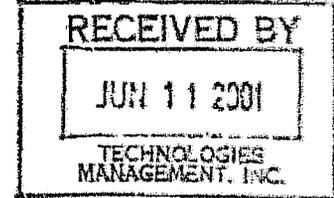


# South Dakota Public Utilities Commission



State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070

June 6, 2001



Monique Byrnes  
Technologies Management, Inc.  
PO Drawer 200  
Winter Park, FL 32790-0200

Re: TC01-053 – In the Matter of the Filing by Z-Tel Communications, Inc.  
for an Exemption from Developing Company-Specific Cost-Based  
Switched Access.

Dear Ms. Byrnes:

I received a copy of Z-Tel's concurrence with LECA Tariff No. 1. Following are modifications that must be made prior to Staff recommending approval of the tariff.

1. Tariff No. 1, Checklist Page 3 was revised for the 17<sup>th</sup> time on February 1, 2001. The Applicant included the 16<sup>th</sup> revision.
2. Page 17-1, which shows the rates for Carrier Common Line Access Service, was not enclosed with the application. A copy of said page is enclosed with the current rates shown in red.
3. Page 17-4 was also revised on February 1, 2001. A copy of said page is enclosed with the current rates shown in red.

*Z-Tel  
#2*

Once the above referenced changes have been made, Staff will be able to place this item on an agenda for approval. If you have any comments or questions, please feel free to contact me at the Commission (605) 773-3201 or via email at [heather.forney@state.sd.us](mailto:heather.forney@state.sd.us).

Sincerely,

Heather K. Forney, Utility Analyst

cc: Karen Cremer, Commission Staff Attorney  
Timothy Seat, Z-Tel

Capitol Office  
Telephone (605) 773-3201  
FAX (605) 773-3809

Transportation/  
Warehouse Division  
Telephone (605) 773-5280  
FAX (605) 773-3225

Consumer Hotline  
1-800-332-1782

TTY Through  
Relay South Dakota  
1-800-877-1113

Internet Website  
[www.state.sd.us/puc/](http://www.state.sd.us/puc/)

Jim Burg  
Chairman  
Pam Nelson  
Vice-Chairman

Debra Elofson  
Executive Director

Harlan Best  
Martin C. Bettmann  
Sue Cichos  
Karen E. Cremer  
Christopher W. Downs  
Terry Emerson  
Michelle M. Farris  
Marlette Fischbach  
Heather K. Forney  
Kelly D. Frazier  
Mary Giddings  
Lani Healy  
Mary Healy  
Lisa Hull  
Dave Jacobson  
Amy Kayser  
Jennifer Kirk  
Bob Knudde  
Delaine Kolbo  
Charlene Lund  
Gregory A. Rialow  
Keith Senger  
Rosalynne Aita West

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		15-8		18-3	1st
9-1		15-9		18-4	1st
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10-3		15-13		18-6.1	2nd
10-4		15-14		18-7	2nd
10-5		15-15		18-7.1	1st
		15-16		18-8	5th
11-1		15-17		18-9	4th
11-2		15-18			
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\* New This Issue

Issued: January 16, 2001

By: Dean Anderson  
 President  
 P.O. Box 920  
 Clear Lake, SD 57226

Effective: February 1, 2001

TC00-102

Z-Tel Communications, Inc.

South Dakota Tariff No. 3  
Original Page 17-1

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**ACCESS SERVICE**

17. Rates and Charges

17.1 Common Line Access Service

17.1.1 Carrier Common Line Access Service Rate

Regulations concerning Carrier Common Line Access are set forth in Section 3. preceding.

Access

-	Originating Per Access Minute	\$0.0377
-	Terminating Per Access Minute	\$0.0377

17.1.2 Reserved For Future Use

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Issued: July 11, 2001

Effective: July 24, 2001

Issued by:

Timothy Seat  
Vice President - Regulatory Affairs  
601 South Harbour Island Boulevard, Suite 220  
Tampa, Florida 33602

sda0001a

Z-Tel Communications, Inc.

South Dakota Tariff No. 3  
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**ACCESS SERVICE**

17. Rates and Charges

17.2 Switched Access Service

17.2.1 Nonrecurring Charges

	<u>Rate</u>
(A) <u>Local Transport Element - Installation Per Line or Trunk</u>	\$295.00
(B) <u>Reserved For Future Use</u>	
(C) <u>Interim NXX Translation Per Order Per LATA pr Market Area</u>	\$181.00

17.2.2 Traffic Sensitive

Local Switching (End Office)

Per Access Minute	Originating	\$0.0217
Per Access Minute	Termination	\$0.0217

Local Transport

Per Access Minute	\$0.0325
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Network Blocking Per Blocked Call

Applies to FGD only	\$0.0271
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8XX Data Base Query Service

Per Query	
Basic	\$0.0079
Vertical Feature	\$0.0082

Issued: July 11, 2001

Issued by:

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Vice President - Regulatory Affairs  
601 South Harbour Island Boulevard, Suite 220  
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