

Docket Number: TC12-114  
Subject Matter: Response to First Data Request  
Request to: Broadvox-CLEC, LLC  
Request from: South Dakota Public Utilities Commission Staff  
Date of Request: August 24, 2012  
Response Date: February 19, 2013

1. On page 14, section 2.5.4, line 2 of the proposed tariff, please replace the word "Ohio" with "South Dakota".

Please see attached. This section was removed entirely.

2. Please strike all references to arbitration or comply with the South Dakota statutes and case law pertaining to arbitration.

Please see attached.

3. On page 16, sections 2.7.1 and 2.7.2 of the proposed tariff, at the beginning of each of these sections, please add the language "Subject to SDCL 49-13-1, 49-13-1.1 or any other applicable law,".

Please see attached.

4. On page 17, sections 2.7.6, 2.7.7, 2.7.9, and 2.7.11 of the proposed tariff, please add the language "Subject to SDCL 49-13-1, 49-13-1.1 or any other applicable law," at the beginning of each section.

Please see attached.

5. On page 18, sections 2.8.1, 2.8.2, 2.8.3, and 2.8.4 of the proposed tariff, please add the language "Subject to SDCL 49-13-1, 49-13-1.1 or any other applicable law", at the beginning of each section.

Please see attached.

6. Regarding page No. 27 of the proposed tariff, it is noted that the certificate of authority granted to Broadvox in TC09-012 restricted Broadvox from accepting or requiring deposits or advance payments without prior approval of the Commission. Would Broadvox agree to remove the language found on page 27, page 28, and page 33 section 2.15.1 regarding advance payments and deposits?

Yes – please see attached

In the alternative, would Broadvox formally request that the order in TC09-012, be amended to clarify that the restrictions specified apply only to service provided to end users as opposed to switched access customers? If so, please submit such a request.

7. On page 39, section 2.20.4(A) of the proposed tariff, please add the language Subject to SDCL 49-13-1, 49-13-1.1 or any other applicable law, and”, at the beginning of this section.

Please see attached.

8. Please request a waiver of the specific provisions in rules ARSD 20:10:29:10, 20:10:29:12, and 20:10:29:16 that state "the per minute charge is equal for both originating and terminating traffic."

Please see attached.

9. On page 69, section 3.11.1 of the proposed tariff, please provide an explanation of how the Carrier Common Line – terminating charge was derived and provide the calculation of same.

This rate mirrors the ILEC rate.

10. SDCL 49-31-12.7 only permits the filing of tariffs for emerging and noncompetitive telecommunications services. Please remove all sections that do not comply with this statute.

The BNA section was removed. This should be the only service appearing in the tariff that is not traditional intrastate access service.

11. Please explain the legal relationship between Infotelcom and Broadvox-CLEC, LLC.

Infotelecom is an affiliate company of Broadvox-CLEC, LLC. Broadvox-CLEC's ultimate parent, Broadvox, Inc. and Infotelecom, each have common ownership. Broadvox-CLEC, LLC, is in the process of transferring all of Infotelecom's assets and customer base to Broadvox-CLEC as the result of an asset purchase agreement.

12. Is Broadvox-CLEC, LLC currently providing switched access services in South Dakota? If yes, when did Broadvox-CLEC, LLC begin providing switched access services? If no, when does the company anticipate it will begin providing switched access services?

No. Service should begin during the first quarter of 2013.