

Docket Number: TC15-059
Subject Matter: Third Data Request
Request to: Native American Telecom, LLC
Request from: South Dakota Public Utilities Commission Staff

From 8/12/15 – Native American Telecom, LLC’s Redlined Tariff Pages

3-1. Refer to 1st Revised Page 7, the definition of “Call”: Explain what an “equivalent facility” is compared to the “Company’s switch”.

This change is to clarify that the service is technology neutral. In paragraph 3 of FCC 15-14, the FCC said *“In this declaratory ruling, we remove a question surrounding the VoIP symmetry rule and confirm that it is technology and facilities neutral. It does not require, and has never required, an entity to use a specific technology or its own facilities in order for the service it provides to be considered the functional equivalent of end office switching.”*

3-2. Refer to 1st Revised Page 8, the definition of “Central Office”: the old definition was similar to other companies’ tariffs. Explain the reason for the revision.

This change is to clarify that the service is technology neutral, and that termination of traditional end user loops is not a component of end office switching.

3-3. Refer to 1st Revised Page 10, the definition of “Customer”: explain the difference between a customer utilizing a service versus a customer subscribing to a service.

This change is to clarify that it is the use of the service that makes a company a customer under the tariff, not some sort of subscription. It also makes it consistent with the tariffs pre-existing “constructive order” provisions.

3-4. Refer to 1st Revised Page 64, section 3.1.1: the definition in the current tariff was similar to other companies’ tariffs. Explain the reason for the significantly revised definition.

This revision was to update and clarify the service based on technological and regulatory changes that have occurred since the original legacy definition was first implemented.

3-5. Refer to 1st Revised Page 68, section 3.3: to correspond with the tariff change of removing the Common Line rate category, the sentence “In addition to the *three* rate categories...” needs to be edited to *two*.

A revised page is attached.

3-6. Refer to 1st Revised Page 69, section 3.3.1 (A), sentence two: Access Tandem Switching is listed as a possible rate element for the company, but it does not currently have a rate tariffed for tandem switching. Explain why this is included in the definition.

Tandem Switching is part of the Switched Transport rate *category* (from an industry/regulatory perspective), so that is in accurate statement. The tariff, however, does not further describe Tandem Switching or include a rate since it is not part of what the Company currently offers.

3-7. Refer to 1st Revised Page 81, section 3.6.1 (D): explain why the sentence, “Bills will be accurate and contain sufficient supporting detail to allow customers to account for the charges and to verify their accuracy in a reasonable and timely fashion,” is being removed?

This is a superfluous provision and there does not appear to be anything comparable in the ILEC’s intrastate access tariff.

3-8. Refer to 1st Revised Page 81, section 3.6.1 (D): will the company not be providing customers with hard copies of their bills?

It is my understanding that hardcopy billing is now the exception rather than the rule. The Company will provide hardcopy bills upon request, however.

3-9. Refer to 1st Revised Page 84, section 3.7, footnote 1, sentences 3 and 4: the addition of these sentences require an (N) symbol instead of a (T) symbol.

A revised page with the correct margin notes is attached.

3-10. Refer to 1st Revised Page 87, section 3.8.2 (A) and (B): the terminating rates should also have (R) symbols beside them.

A revised page with the correct margin notes is attached.

From 8/27/15 Revision of Tariff Pages

3-11. Refer to 1st Revised Page 86, section 3.8.1 (C):

a. The originating rate of “Tandem Switched Transport – Facility charge – Per Access Minute, per Mile” is higher than CenturyLink’s.

The Company mirrors the ILEC interstate rates for originating and terminating. While this one rate element is higher than CenturyLink’s corresponding intrastate rate, the interstate rates *overall* are much lower.

b. The originating rate of “Tandem Switched Transport – Termination – Per Access Minute” is higher than CenturyLink’s originating rate of “Tandem Transmission – Over 0 to 8 [miles]”.

The Company mirrors the ILEC interstate rates for originating and terminating. While this one rate element is slightly higher than CenturyLink’s intrastate rate for the lower mileage band, the interstate rates *overall* are much lower.

c. The rates elements in a. and b. above conflict with 1st Revised Page 63, section 2.27, where the “rate elements have been priced consistent with the rate elements of the lowest price Price Cap LEC in SD, CenturyLink.” Also, in the Stipulation as to CenturyLink’s Withdrawal from South Dakota Public Utilities Commission Docket TC11-087, NAT committed to “making direct connection available to CenturyLink at rates identical to those CenturyLink offers...” Please make the proper edits to the tariff making the rate elements consistent with CenturyLink.

A revised page with this wording is attached:

“rate elements have been priced consistent with the *interstate* rate elements of the lowest priced Price Cap LEC in SD, CenturyLink.”

And

It is the intention of this tariff that those rate elements remain priced consistent with, and be no higher than, *the interstate rates* of that Price Cap LEC.

3-12. Refer to 1st Revised Page 63, section 2.27, third sentence: “In the event that LEC makes price or service changes that result in an inadvertent mispricing of any of the rate elements for the switched access services, or the functionally equivalent services, *then the lower LEC rate shall be automatically adopted as the applicable rate.*” Explain how this new provision is in accordance with South Dakota Codified Laws 49-31-12.2 and 49-31-19.

This provision is intended to clarify the Company’s strict adherence to ILEC-based rate caps; however, a revised page is attached to remove this provision.

From 9/30/15 Revised/Redlined Tariff Pages and from 9/30/15 Responses to Staff's Data Request 2

3-13. Refer to 1st Revised Page 22 and Data Request 2.13: should the removal of "Company" use a (C) instead of a (T) as this signifies that the company may use a third-party database provider, thus changing a condition of the definition?

This was a clarification change only, but we don't object to changing the margin note.

3-14. What customer information do third-party providers (contracted by Native American Telecom) have access to?

None. The database query simply identifies the IXC associated with the 8YY number for call routing purposes.

3-15. Refer to 1st Revised Page 31, section 2.7.3: "Providers" is not defined. Does this reference providers contracted by Native American Telecom or by other carriers, and explain what a "provider" in this section would be defined as?

The term "common carrier" is a specific industry term that may not encompass every type of provider the Company could use to establish connections. There are providers of services that may not meet the potentially restrictive definition of common carrier.