

Docket Number: TC15-059
Subject Matter: Response to Commission Counsel Questions Raised During Agenda Conference Call
Request to: Native American Telecom, LLC
Request from: Commission Counsel

Use of Interstate instead of intrastate in definition of CLEC

- Revised to say “interstate or intrastate.”

Use of Interstate instead of intrastate in 3.1.1

- Revised from “the functional equivalent of the incumbent local exchange carrier interstate exchange access services...” to “the functional equivalent of the incumbent local exchange carrier **intrastate** exchange access services...”

Use of Interstate instead of intrastate in 2.10.4.B.

- Revised from “Customer transmitted an interstate telecommunications...” to “Customer transmitted an **intrastate** telecommunications.”

Consistency of 2.10.4.B with FCC ruling on payment of disputed invoices

- This is the tariff language that resulted *after* the FCC rejected a CLEC’s earlier version of the provision. The FCC ruling involved Northern Valley Communications, LLC, where the FCC rejected an earlier version of the tariff . The relevant page from that Order is attached. The language that appears in that CLEC’s tariff now (see attached) is what is in NAT’s proposed tariff.

The intent of that language is for the carrier to pay billed amounts, even if the precise rate or rate application may be in dispute, for access traffic it acknowledges it sent to the CLEC’s network.

In Section 2.25 why is the additional language needed?

- This section draws from the FCC’s VoIP-Symmetry Declaratory Ruling (FCC 15-14) to make it clear that VoIP symmetry rule is technology and facilities neutral, and that interstate rates apply to all Toll VoIP-PSTN traffic.

Paragraph 3: ***In this declaratory ruling, we remove a question surrounding the VoIP symmetry rule and confirm that it is technology and facilities neutral.***

Why does 3.3.2 differ from the FCC definition in 51.903?

- This is the Company's description of the service and is intended to incorporate important aspects from the Federal Regulations, as well as the FCC's CAF Order and VoIP-Symmetry Declaratory Ruling. The Company does not believe it is inconsistent with any of those sources.

Where did 3.1.1 come from?

- This is the Company's description of the service and is intended to incorporate important aspects from the Federal Regulations, as well as the FCC's CAF Order and VoIP-Symmetry Declaratory Ruling. The Company does not believe it is inconsistent with any of those sources.

Why the last sentence in the 3.7 footnote?

This provision addresses an issue the Company faced in an earlier dispute. An IXC questioned why the Company did not use a tandem that was physically closer to the Company. NAT does, however, use the same tandem location as the ILEC that serves the same area as NAT. Additionally, the geographically closer tandem was essentially inaccessible. It is not reasonable, therefore, for an IXC to demand mileage billing based on a closer, but inaccessible, tandem.