

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

In the Matter of the Filing by MCImetro)
Access Transmission Services, L.L.C.,)
d/b/a/ Verizon Access Transmission) Docket No. TC08-042
Services for Approval of its Access)
Services Tariff)

**PETITION FOR INTERVENTION BY AT&T COMMUNICATIONS OF THE
MIDWEST, INC., ON FILING BY MCIMETRO ACCESS TRANSMISSION
SERVICES, L.L.C., D/B/A/ VERIZON ACCESS TRANSMISSION SERVICES
FOR APPROVAL OF FILING OF TARIFF NO. 2 FOR SWITCHED ACCESS
SERVICES**

AT&T Communications of the Midwest, Inc., (“AT&T”) petitions to intervene in the above captioned proceeding. In its Transmittal No. 08-1, Tariff No. 2 filed April 22, 2008, MCIMetro Access Transmission Services, L.L.C., d/b/a/ Verizon Access (“Verizon”) introduce a new switched access tariff which includes 8YY Toll Free Transit Traffic Service with a requested effective date of May 22, 2008.

AT&T protests Verizon Access’ Switched Access tariff because portions of the proposed service are vague and ambiguous because they inadequately describe the 8YY service and how the rates are intended to be applied. The tariff also does not require complete compliance with the Multiple Exchange Carrier Access Billing (“MECAB”) guidelines to ensure that all carriers handling this traffic have billing agreements and the necessary records to bill for the services provided to complete these calls. AT&T has

communicated with Verizon Access and hopes to be able to resolve these concerns on a business-to-business basis. However, pending resolution through this process, AT&T respectfully requests that the Commission suspend and investigate the above-referenced tariff for the reasons described below:

1. Disaggregation Required to Avoid Over-Billing.

Verizon Access' proposed transit charges need to be disaggregated to make it clear that only the applicable portion of the blended rate will be charged as assurance against over billing or double-billing. The proposed tariff states that "[n]o charges for the carrier common line charge, the local switching charge nor the end office port charge are incorporated into the rate."¹ The proposed transit rates, however, blend the rate elements that are being applied. This blending makes it impossible to identify what specific access elements are being applied and thereby conduct a verification of whether those functions are being provided (as well as how the billed charges are calculated). The blended rates create the potential that Verizon could overbill IXCs for functions that it does not perform. The proposed blended rate may not comport with statutes, the intent and/or rules of the Commission.

2. Compliance with MECAB.

In its proposed tariff, Verizon Access states that "Records exchange, rating, and billing for Toll Free 8YY Transit Traffic Service is subject to the provisions of the Multiple Exchange Carrier Access Billing ("MECAB")."² However, the proposed tariff fails to make clear that the third party providers with whom it interconnects must comply with MECAB. According to the MECAB guidelines, all providers on the route must

¹ Verizon proposed Tariff Section 5.2.3.1.4, original page no. 58.

² *Ibid.*

agree to comply with MECAB prior to implementation. Lack of agreement with the third parties will likely result in inaccurate billing and allow such third parties to send traffic originating outside the LATA and/or state to the Incumbent Local Exchange Carrier ("ILEC") for handoff to an IXC. When Verizon Access is jointly providing this Service with more than one LEC, it is important that all involved LECs agree on a billing arrangement which is consistent with MECAB guidelines. Moreover, the proposed tariff must make clear that there should be coordination and record exchange requirements among the involved LECs in jointly provisioning toll free inter-exchange delivery service under the proposed tariff.

3. Potential Over-Recovery.

Verizon Access' proposed Toll Free 8YY Transit Traffic Service offers both a Direct and an Indirect Transit option. If the 8YY call is delivered to the IXC over a Direct End Office Trunk ("DEOT"), the tariff provides that the "...Toll Free 8YY Direct Transit Minute of Use Rate will apply. If the call is instead delivered to the IXC indirectly via another LEC tandem, [the] Toll Free 8YY indirect Transit Minute of Use rates will apply".³ This option proposes a \$.007855 per minute of use rate is to be assessed.⁴ AT&T questions whether it is appropriate to bill an IXC both the facilities charge for the full DEOT facility (provided as either a DS1 or a DS3, pursuant to Section 5.2.3.1.1) while concurrently billing a per minute usage on calls transversing that facility. If these provisions remain unchanged, carriers like AT&T will end up unfairly paying twice for these services. Consequently, AT&T respectfully requests that the Commission suspend this tariff revision to allow for further investigation and necessary adjustment.

³ Verizon proposed Tariff Section 6.2.3, original page no. 65.

⁴ Verizon proposed Tariff Section 6.4.4.3, original page no. 67.

WHEREFORE AT&T requests that it be granted intervention status in this proceeding.

Respectfully submitted this 9th day of MAY, 2008.

OLINGER, LOVALD, MCCAHERN & REIMERS, PC

/s/ filed electronically

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CERTIFICATE OF SERVICE

William M. Van Camp hereby certifies that on the 9th day of May 2008, he mailed by United States mail, first class postage thereon prepaid, a true and correct copy of the Petition for Intervention by AT&T Communications of the Midwest, Inc., Matter of the Filing by MCImetro Access Transmission Services, L.L.C., d/b/a/ Verizon Access Transmission Services for Approval of its Filing of Tariff No.2 for Switched Access Services to the following at their last known addresses, to-wit:

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