

Docket Number: TC13-004

Subject: First Data Request

Request to: Trans National Communications International, Inc.

Request From: South Dakota Public Utilities Commission Staff

Request Date: March 13, 2013

Request Number 1

Please provide all of TNCI's FCC filed tariff sheets containing the rates at parity with those contained in the proposed South Dakota intrastate access tariff.

Response:

Attached; please refer to Sheet No. 39.

RATES

4.1 ACCESS SERVICES

4.1.1 Switched Exchange Access

Pursuant to 47 CFR § 61.26(B), Company adopts as its own the corresponding recurring originating and terminating per minute switched exchange access rates contained in the following incumbent local exchange carrier tariffs on file with the Commission, when providing Service in the territory of the listed incumbent local exchange carrier territory:

Arkansas, Kansas, Missouri, Oklahoma and Texas

[Southwestern Bell Telephone Company Tariff FCC No. 73](#)

Arizona, Colorado, Idaho, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming

[Qwest Corporation Tariff FCC No. 1 Section 6](#)

Illinois, Indiana, Michigan, Ohio and Wisconsin

[Ameritech Operating Companies Tariff FCC No. 2 Section 6](#)

Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee

[BellSouth Telecommunications Tariff FCC No. 1 Section 6](#)

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*Material moved to Original Sheet No. 39.1 and First Revised Sheet No. 40

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Request Number 2

The cover letter in the application requests a February 11, 2013, effective date but the tariff sheets are marked with February 13, 2013, effective date. If the applicant wants a February 11, 2013, effective date, please resubmit the tariff with that effective date.

Response:

This was a typographical error on the transmittal. The February 13, 2013 tariff effective date remains unchanged.

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Request Number 3

Why is this initial tariff being labeled as Tariff No. 3? If for no reason, please resubmit as Tariff No. 1.

Response:

According to our records, our client had Tariff Nos. 1 and 2 for interexchange and local exchange services, respectively going back prior to detariffing.

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Request Number 4

Regarding proposed Sheet No. 2, in the paragraph at the top of the page, please add the words “on the sheet” at the end of the first sentence. Please delete the second sentence.

Response:

Done though unclear why this is necessary.

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Request Number 5

Regarding proposed Sheet No. 5, in the definition of “Advance Payments”, please add the word “non-retail” in front of the word “service.” In the definition of “Discontinuance or Suspension of Service”, please add the word “that” in front of the word “originates” in line 2.

Response

Please see attached.

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Request Number 6

Regarding proposed Sheet No. 8, in line 3 of the first paragraph, please explain the relevancy of “dishNET Wireline L.L.C.” or if a typographical error, please correct.

Response

Please see attached.

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Request Number 7

Regarding proposed Sheet No. 11, at the beginning of the first sentence of Section D, please add the words "Except as determined by applicable law".

Response

Please see attached.

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Request Number 8

Regarding proposed Sheet No. 13, section F, please add the language “or as determined by applicable law” after the word “Tariff” in the first line.

Response

Please see attached.

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Request Number 9

Regarding proposed Sheet No. 17, immediately after the line stating “2.3.2 Liability of the Customer” and immediately before section “A”, please add the language “Except as determined by applicable law;” In section A, line 4, please change 49-13.1 to 49-13-1.

Response

Please see attached.

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Request Number 10

Regarding proposed Sheet No. 20, please add the words “from non-retail customers.” to both the sentence following the section title “Advance Payments” and to the sentence following the section title “Deposits”.

Response

Please see attached though unclear why this is necessary as this is a non-retail tariff.

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Request Number 11

On proposed Sheet 21, section D, the company would be given 24 months to rebill for undercharging a customer, yet on proposed Sheet 22, section A, the company must receive notice of a dispute from a customer within 30 days of the bill mailing date to recognize the dispute. However on proposed Sheet 23, section C.5., it states “no action or proceeding against Company shall be commenced more than one (1) year after the Service related to the claim is rendered. Claims applicable to overbilling against Company shall be commenced no more than two (2) years after the Service related to the claim is rendered pursuant to Section 415, U.S. Code, 47 U.S.C. §415.” But on Proposed Sheet No. 24, section 2.5.3 D, it states “... the Customer shall have one hundred and twenty (120) calendar days after such bills have been mailed or otherwise rendered per the Company's normal course of business to request that the Company provide an in-depth review of the disputed amount.”

Please explain and support all of these seemingly inconsistent provisions or modify the tariff in order to clarify and provide equity between customer and company.

Response

It is important to note that the tariff is intended almost exclusively for interconnecting carriers with whom the Company has no interconnection agreement, and who terminate traffic on the Company's network on an ad hoc basis.

Given that the Company leases unbundled network elements, it is likely that call information for billing purposes may not be received on a timely basis from its underlying carriers in all instances, hence the 24 month billing for undercharging an interconnecting carrier. This period is consistent with the two year claim period by interconnecting carriers, which is based on the cited statute and consistent with FCC rulings.

The thirty day period accorded to interconnecting carriers for disputing charges is standard industry practice and is intended to encourage interconnecting carriers to address billing issues promptly, once invoices are rendered; the one year limitation on claims is also intended to encourage prompt billing dispute when information is “fresh” and limit the time that may lapse between Company billing and a dispute.

These provisions are deemed appropriate under the incidental interconnection relationship between Company and interconnecting carrier addressed in the tariff.