

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

In the Matter of the Filing by Broadvox-CLEC, LLC
For Approval of Revisions to Tariff No. 1

TC13-137

ANSWER OF BROADVOX-CLEC, LLC TO AT&T CORP.'S PETITION TO INTERVENE
AND REQUEST TO SUSPEND TARIFF AND INVESTIGATE

Broadvox-CLEC, LLC ("Broadvox"), pursuant to ARSD Section 20:10:01:15:04, answers the Petition to Intervene (the "AT&T Petition") filed by AT&T Communications of the Midwest, Inc. ("AT&T") as follows:

1. Broadvox is a foreign corporation and a registered Competitive Local Exchange Carrier (CLEC) authorized to do business in South Dakota. Broadvox's corporate headquarters is located at 75 Erieview Plaza, Suite 400, Cleveland, OH 44114.
2. Broadvox disputes the allegations set forth in paragraphs 4 and 5 of AT&T's Petition; however, in an effort to resolve this issue, Broadvox agrees to delete Section 2.5.5 of its proposed tariff modification.
3. Broadvox disputes the allegations set forth in paragraph 6 of AT&T's Petition; Broadvox changed this provision within its tariff to more closely match standardly tariffed language as used by the industry. In fact, Broadvox has reviewed and asserts that at least the following tariffs filed by similarly situated carriers have comparable provisions that do not mention payment of attorney fees by the Company to the Customer. Broadvox simply seeks the same protections enjoyed by the following carriers:

Bandwidth.com, CLEC § 2.3.2
Bullseye § 2.8.2
dishNET Wireline, LLC § 2.3.2 (C)
Ionex § 2.3.2
Neutral Tandem § 2.3.7 (C)
Sage Telecom § 2.8.2
Teleport Communications America § 2.3.7(A)(2)
YMAX Communications § 2.3.2

4. Broadvox disputes the allegations set forth in paragraphs 7 of AT&T's Petition; Broadvox has consistently filed this language in many jurisdictions, without question. AT&T's allegation that a sixty-day time frame for notification of billing dispute falls outside of industry practice is misleading. Generally speaking, an allowance of sixty days from date of the bill for billing disputes is more than reasonable. AT&T clearly seeks additional time for its own business purposes that have nothing to do with the reality of industry practices. In support of its argument, Broadvox points to the following access tariffs filed by similarly situated CLECs in South Dakota:

BullsEye Telecom, Inc. §2.10.4
Sage Telecom Communications, LLC, §2.10.4

5. Broadvox requests that the Commission allow the tariff to go into effect with the modifications above, as suspension of the tariff based on allegations in AT&T's Petition is unwarranted. Broadvox agrees to modify its tariff submission as represented above. Broadvox has additionally demonstrated that the remaining disputed item has clearly been approved by this Commission for other similarly situated carriers, is reasonable and within industry standards.

Respectfully submitted this 24th Day of January, 2014.

BROADVOX-CLEC, LLC

/s/ Nadine J. Ezzie
Filed Electronically

Nadine Ezzie, Deputy General Counsel
Telephone: 216-272-4809

CERTIFICATE OF SERVICE

Dana Hoyle hereby certifies that on the 24th of January 2014, she filed the foregoing Answer of Broadvox-CLEC, LLC to the Petition of AT&T Corp. to Intervene and Request to Suspend Tariff and Investigate, electronically with the Public Utilities Commission, with electronic copies sent to the following persons:

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