

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

- 2-1. The definition of *Common Channel Signaling Network (CCSN)* is deleted from South Dakota Tariff No. 2, but the term is used on page 24 multiple times. Explain the rationale for deleting the definition.

We have added this back in. The rationale throughout was to remove any unnecessary or irrelevant definitions, but since we are retaining the definitions on page 24, we should retain this one as well.

- 2-2. The definition of *Customer-provided Tandem* is deleted from South Dakota Tariff No. 2, but the term is used on page 11. Explain the rationale for deleting the definition.

This definition was removed when the use of that term had been eliminated in the initial filing. Since that paragraph has been put back in (at the request of Centurylink), we have put this definition back in as well.

- 2-3. The definition of *End Office Switch* is deleted from South Dakota Tariff No. 2, but the term is used on pages 23, 64, 65, 72, and 84. Explain the rationale for deleting the definition.

To avoid potential conflict or confusion, this definition was combined with the "Central Office" definition on Page 8.

- 2-4. The definition of *Exit Message (EXM)* is deleted from South Dakota Tariff No. 2, but the term is used on page 81. Explain the rationale for deleting the definition.

It is not identified on page 81 as a defined term (e.g., by being capitalized), but we have added it back in to ensure that the tariff is clear.

- 2.5 The definition of *Host Office* is deleted from South Dakota Tariff No. 2, but the term is used on page 23. Explain the rationale for deleting the definition.

Since the Company does not have a host-remote architecture, the definition on page 23 that uses Host Office has now been removed for the sake of clarity.

- 2.6 The definition of *Hub* is deleted from South Dakota Tariff No. 2, but the term is used on page 11. Explain the rationale for deleting the definition.

This definition was removed when the use of that term had been eliminated in the initial filing. Since that paragraph has been put back in (at the request of Centurylink), we have put the definition of Hub back in as well.

- 2.7 The definition of *Initial Address Message (IAM)* is deleted from South Dakota Tariff No. 2, but the term is used on page 8 and 81. Explain the rationale for deleting the definition.

It is not identified on page 81 as a defined term (e.g., by being capitalized), but we have added it back in to ensure that the tariff is clear.

- 2.8 The definition of *Local Tandem Switch* is deleted from South Dakota Tariff No. 2, but the term is used on page 81. Explain the rationale for deleting the definition.

(SD Staff removed this question)

- 2.9 Explain the rationale for introducing the definition of *Non-Carrier*.

This is an effort to be clearer about the term "Carrier" which is used at various times (capitalized and uncapitalized) throughout the tariff. By saying what a Carrier is not, it makes the positive use of that term clearer.

- 2.10 The definition of *Pay Telephone* is deleted from South Dakota Tariff No. 2, but the term is used on page 21. Explain the rationale for deleting the definition.

The Company does not serve Payphone Service Providers, so the term Pay Telephone has been removed from page 21 as well for clarity.

- 2.11 The definition of *Payphone Service Provider (PSP)* is deleted from South Dakota Tariff No. 2, but the term is used on page 20 if Pay Telephone remains a term. Explain the rationale for deleting the definition.

The Company does not serve Payphone Service Providers, so the use of the term has been removed from page 20 as well for clarity.

- 2.12 The definition of *Point of Interconnection* is deleted from South Dakota Tariff No. 2, but the term is used on page 19. Explain the rationale for deleting the definition.

The deleted definition was originally in reference to ILEC Expanded Interconnection service. The context of its more generic use on page 19 is self-explanatory.

- 2.13 A (T) is located beside the definition of *Query* on page 22, but no textual changes are located there. Are textual changes intended for the definition?

This definition should have had the word "Company" removed (as it was in the Company's FCC tariff). The change is to make it clear that the Company may use a third-party database provider.

- 2.14 Explain the change from 8XX to 8YY on page 23.

These terms are often used interchangeably, but 8YY was substituted as the more current industry term. Most FCC Orders in the last few years refer to 8YY rather than 8XX.

- 2.15 The definition of *Switching System* is deleted from South Dakota Tariff No. 2, but the term is used on pages 6, 8, 15, 23, and 26. Explain the rationale for deleting the definition.

This definition was replaced by the more comprehensive "Switch" definition. The term "switching system" is not identified as a defined term (not capitalized) and the meaning of this phrase is clearly captured in the following portion of the new definition: A "switch" is a device, software, or any technical arrangement that performs or accomplishes switching. We added "or system" after "arrangement" for greater clarity.

- 2.16 The definition of *Tandem-Switched Transport* is deleted from South Dakota Tariff No. 2, but the term is used on pages 64, 69, 71, 84, and 86. Explain the rationale for deleting the definition.

While it was removed as a definition, the description of this service in Section 3 was revised and clarified. The intent is to avoid any potential confusion or conflict between the definitions and the service descriptions.

- 2.17 On pages 31, 38, 46, 50, and 63, the issue date and effective date are incorrect on the redlined version of the tariff. Please correct as needed.

See attached.

- 2.18 In Section 2.10.4 (A.), what is considered a "reasonable period of time after the invoice has been issued..."

The current tariff contains timeframes the Company considers reasonable. The FCC, however, has discouraged carriers from placing time limits on disputes that may be more restrictive than what is allowed based on Commission rules. This revision keeps the tariff consistent with the Company's FCC tariff where "reasonable period of time" would end up being determined as part of a dispute proceeding.

- 2.19 Explain the rationale for including 2.26 *Partial Tariff Invalidation Clause* on page 63.

As the provision indicates, the intent is to make it clear that the entire tariff (or even portions thereof) is not rendered unenforceable just because of a single unenforceable provision, rate or term. Many carriers are now routinely including this provision in their tariffs.

- 2.20 On page 71, Section 3.3.1 (D.), the paragraph states that the "TST rate category is composed of the rate elements set forth in (1) through (4)..." and yet there is only a (1) and (2) following. Explain this discrepancy.

This was an error and has been corrected.

2.21 According to FCC Rule 47 C.F.R. § 61.26 sub-part (c), "If an ILEC to which a CLEC benchmarks its rates, pursuant to this section, lowers the rate to which a CLEC benchmarks, the CLEC must revise its rates to the lower level within 15 days of the effective date of the lowered ILEC rate." Explain why the switched access rate changes are proposed to be effective on July 31, 2015 instead of July 16, 2015 or earlier.

In the Order driving this Rule (paragraph 807), the FCC was a bit clearer:

Because we retain the CLEC benchmark rule during the transition, we allow competitive LECs an extra 15 days from the effective date of the tariff to which a competitive LEC is benchmarking to make its filing(s). We emphasize that the rates that are filed by the competitive LEC must comply with the applicable benchmarking rate. As is the case now, we decline to adopt rules governing the rates that competitive LECs may assess on their end users.

The key term here is "make its filing(s)." CLECs have the option of making FCC tariff filings on 1 or 15-day intervals, and these are not equivalent. A 15-day filing has "deemed lawful" status rather than the 1-day filing's "presumed lawful" status.