

Docket Number: TC15-059
Subject Matter: 2nd Response to Commission Counsel Questions Raised During Agenda Conference Call
Request to: Native American Telecom, LLC
Request from: Commission Counsel

Question 1 – Should the definition of Intrastate Communications include the second sentence?

The Company agrees to delete the second sentence. A revised page is attached.

Question 2 – Should the phrase “interstate or foreign” in 3.1.1, be changed to “intrastate”?

Yes. A revised page is attached.

Question 3 – Why is NAT’s wording in 3.3.2 similar, but not identical to, 47 C.F.R. §51.903(d)?

Response:

Section 3.3.2 from NAT’s proposed tariff is shown below. The bracketed, italicized wording is NAT’s support for the specific wording in the tariff and why it is not exactly the same as the wording 47 C.F.R. §51.903(d).

NAT Tariff

End Office

The End Office access service category includes: (1) The switching of **calls** *[The use of “calls” rather than “access traffic” does not change the meaning of the service and is consistent with wording used in Qwest’s South Dakota access tariff. NAT does not object to changing this to “access traffic”, however]* at the **Company’s** End Office Switch and the delivery of such **calls** to or from the called party’s premises *[the wording here has been changed just because 51.903 is unnecessarily awkward]*; (2) The routing of **calls** *[The use of “calls” rather than “interexchange telecommunications traffic” does not change the meaning of the service and is consistent with wording used in Qwest’s South Dakota access tariff. NAT does not object to changing this to “interexchange telecommunications traffic”, however]* to the called party’s premises, either directly or via contractual or other arrangements with an affiliated or unaffiliated provider of interconnected VoIP service or a non-interconnected VoIP service **that does not itself seek to collect switched access charges** *[This comes from 61.26]*, regardless of the specific functions provided or facilities or technology *[the addition of the word “technology” comes from FCC 15-14 where the FCC confirmed that the VoIP symmetry rule is technology neutral]* used; or (3) Any functional equivalent of the incumbent local exchange carrier End Office access service provided by the Company **via analogous services** *[“analogous services” was added to emphasize that the service is “technology and facilities neutral.”]*

End Office access service, or its functional equivalent, includes the following rate elements: Local Switching--Originating, Local Switching—Terminating, Common Trunk Port, Interconnection Charge, Information Surcharge, and Dedicated Trunk Port charges. The End Office rate category is composed of the rate elements set forth below based on the functions performed. *[This is an exhaustive list of End Office elements. Interconnection Charge and Information Surcharge are zero for the interstate elements NAT is mirroring for intrastate services. References to Local Switching, Common Trunk Port, and Dedicated Trunk Port are in 69.106, and references to Information Surcharge and Interconnection Charge are in 69.109 and 69.124, respectively.]*

Qwest South Dakota Access Tariff

6.1 GENERAL

Switched Access Service, which is available to customers for their use in furnishing their services to end users, provides a two-point electrical communications path between a customer's premises and an end user's premises. It provides for the use of terminating, switching, transport facilities and common subscriber plant of the Company. Switched Access Service provides for the ability to originate *calls* from an end user's premises to a customer's premises, and to terminate *calls* from a customer's premises to an end user's premises in the LATA where it is provided. Specific references to material describing the elements of Switched Access Service are provided in 6.1.1 and 6.1.2, following

47 C.F.R. §51.903(d)

(d) *End Office Access Service* means:

(1) The switching of *access traffic* at the carrier's end office switch and the delivery to or from of such *traffic* to the called party's premises;

(2) The routing of *interexchange telecommunications traffic* to or from the called party's premises, either directly or via contractual or other arrangements with an affiliated or unaffiliated entity, regardless of the specific functions provided or facilities used; or

(3) Any functional equivalent of the incumbent local exchange carrier access service provided by a non-incumbent local exchange carrier. End Office Access Service rate elements for an incumbent local exchange carrier include the local switching rate elements specified in §69.106 of this chapter, the carrier common line rate elements specified in §69.154 of this chapter, and the intrastate rate elements for functionally equivalent access services. End Office Access Service rate elements for an incumbent local exchange carrier also include any rate elements assessed on local switching access minutes, including the *information surcharge* and *residual rate elements*. End office Access Service rate elements for a non-incumbent local exchange carrier include any functionally equivalent access service.

47 C.F.R. §61.26(a)(3)(ii)

The termination of interexchange telecommunications traffic to any end user, either directly or via contractual or other arrangements with an affiliated or unaffiliated provider of interconnected VoIP service, as defined in 47 U.S.C. 153(25), or a non-interconnected VoIP service, as defined in 47 U.S.C. 153(36), *that does not itself seek to collect reciprocal compensation charges* prescribed by this subpart for that traffic, regardless of the specific functions provided or facilities used.

FCC 15-14, Paragraph 3

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

47 C.F.R. §69.106(f)(1)

(1) Price cap local exchange carriers shall separate from the projected annual revenues for the **Local Switching element** those costs projected to be incurred for ports (including cards and DS1/voice-grade multiplexers required to access end offices equipped with analog switches) on the trunk side of the local switch. Price cap local exchange carriers shall further identify costs incurred for **dedicated trunk ports** separately from costs incurred for **shared trunk ports**.