

Docket Number: TC21-126
Subject Matter: First Data Request
Request to: Clear Rate Communications, LLC
Request from: South Dakota Public Utilities Commission Staff
Date of Request: 1/12/2022
Responses Due: 1/26/2022

- 1-1. Staff had been in contact with Clear Rate in late 2021 about telecommunications customers in South Dakota.
 - a) Did Clear Rate require any deposits or prepayments from any of those customers? **No**
 - b) Also, what tariff was/is Clear Rate using to provide services to these customers? – **Filed with SD PUC.**
- 1-2. Refer to section 2.5 on page 15. How long are the contracts offered by Clear Rate to its customers? **Customers are asked to commit to a 12 month contract.**
- 1-3. How Does Clear Rate ensure customers understand the contract length and the obligations of the contract they are agreeing to? How are the contract length and obligations communicated to the customer? - **Clear Rate communicates the length of the contract in our initial sales call to the customer and is reiterated in the Clear Rate Quality Control Call. If customers are 65 years or older, or have a legitimate reason for not wanting Clear Rate services, they are not required to fulfill the contract term.**
- 1-4. Refer to docket TC20-051. In the application on page 5 and in response to Staff data request 1-7 Clear Rate agreed to not offer any prepaid services, including prepaid calling cards, and Clear rate will not accept or require any deposits or advanced payments without approval of the Commission. Confirm that Clear Rate is continuing to comply with this agreement. **Confirmed. Clear Rate is complying with the agreement not to offer any prepaid services, including prepaid calling cards, and Clear Rate will not accept or require any deposits or advanced payments.**
- 1-5. Refer to Section 2.11.3.C. on page 30. Confirm that invoices are sent but payments are not due until after the services have been provided. **Confirmed. Payments are not due until services have been rendered.**
- 1-6. Refer to Section 2.11.3.G. on page 31. Explain how payments can be due 30 days from the invoice mailing date and then are considered “past due” if unpaid, when the invoices themselves are sent out in advance of the month in which services are provided and each month is considered 30 days (section 2.11.3F). Wouldn’t this be a “prepayment” for services since payment is due prior to all or on the last day of services being received? **Clear Rate contends that this is not a “prepayment” for services. By the time the payment is due, the customer has already been provided services. Clear Rate does not take action until the account is 30 days past due.**
- 1-7. Refer to section 2.11.3.G. on page 31. Explain an instance where Clear Rate would not bill someone for 24 months and then decide they want to collect the unbilled charges from the previous 24 months. **Clear Rate is not aware of any instance where we have not billed a customer for 24 months and then decided to collect the unbilled charges.**

- 1-8. Has Clear Rate ever gone back and collected an unbilled item for any period of time after the fact? **Yes, through our regular auditing process we will occasionally, in rare circumstances, find clerical errors which require an adjustment to the following months bill.**
- 1-9. Refer to the agreement mentioned in DR1-4 and TC20-051. Does Clear rate agree to remove the “Deposits and Advanced Payments” language listed in section 2.13.2 on page 35 and in section 2.13.3 on page 36 and replace it with some language stating “Deposits and Advanced Payments” are not required or allowed without prior approval by the Commission? **Yes, Clear Rate agrees to remove the “Deposits and Advanced Payments” language listed in section 2.13.2.**
- 1-10. Refer to the Originating Tandem Transmission Fixed and Per Mile rates on page 65. ARSD 20:10:27:02.01 says CLEC cannot have rates that exceed that of the RBOC. The current Originating rates listed are higher than the RBOC rates. Revise the Fixed and Per Mile rates to be in compliance with the South Dakota Administrative Rule. **Clear Rate Communications has updated and submitted an updated tariff as of January 31, 2022, to reflect the correct rates based on the South Dakota Administrative Rule.**
- 1-11. Refer to the Tandem Switching Charge on page 65. Confirm this is the non-8YY rate. If so, mark this rate on the sheet as Non-8YY. Provide the Joint Tandem Switch rate pursuant to FCC20-143 that was effective July 1, 2021. **Clear Rate Communications has updated and submitted an updated tariff as of January 31, 2022, to reflect the correct rates based on the South Dakota Administrative Rule.**
- 1-12. Refer to the Common Transport Multiplexing rate on page 65. ARSD 20:10:27:02.01 says CLEC cannot have rates that exceed that of the RBOC. The current Originating rate exceeds that of the RBOC. Revised the Common Transport Multiplexing rate to be in compliance with the South Dakota Administrative Rule. **Clear Rate Communications has updated and submitted an updated tariff as of January 31, 2022, to reflect the correct rates based on the South Dakota Administrative Rule.**
- 1-13. Refer to the Local End Office Switching Originating rate on page 6. Confirm this is the 8YY rate. If so, mark this rate on the sheet as Non-8YY. Provide the Local End Office Switching Originating 8YY rate. **Clear Rate Communications has updated and submitted an updated tariff as of January 31, 2022, to reflect the correct rates based on the South Dakota Administrative Rule.**
- 1-14. Refer to the End Office Shared Port Originating rate on page 66. ARSD 20:10:27:02.01 says CLEC cannot have rates that exceed that of the RBOC. The current Originating rate exceeds that of the RBOC. Revised the End Office Shared Port rate to be in compliance with the South Dakota Administrative Rule. **Clear Rate Communications has updated and submitted an updated tariff as of January 31, 2022, to reflect the correct rates based on the South Dakota Administrative Rule.**
- 1-15. Refer to the 800 CIC, per call rate on page 66. ARSD 20:10:27:02.01 says CLEC cannot have rates that exceed that of the RBOC. The current 800 CIC, per call rate exceeds that of the RBOC. Revised the 800 CIC, per call rate to be in compliance with the South Dakota Administrative

Rule. Clear Rate Communications has updated and submitted an updated tariff as of January 31, 2022, to reflect the correct rates based on the South Dakota Administrative Rule.