

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: November 8, 2004	2. BUREAU AGENDA NO. NOV-2004-FUS-0497*
3. BUREAU: Fixed Utility Services	
4. SECTION(S): Telecommunications	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Rosenthal 3-5242 <i>RAC</i> Mgr/Spvr: Tuzinski 3-6175 Legal Review: Arnold 7-8032 <i>AA</i>	November 18, 2004
7. PERSONS IN CHARGE: Goklaney 3-4454	9. EFFECTIVE DATE OF FILING: N/A
8. DOCKET NO.: A-311294 A-311294F0002 A-311294F0003	

**DOCUMENT
FOLDER**

10. (a) **CAPTION** (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

- (a) Application of DigitalSpeed Communications, Inc. ("Company") for approval to offer, render, furnish, or supply telecommunication services to the Public as a Reseller of Interexchange Toll services and Competitive Access Provider throughout the Commonwealth of Pennsylvania and as a Competitive Local Exchange Carrier in the service territory of Verizon Pennsylvania, Inc. within the Commonwealth of Pennsylvania.
- (b) On November 25, 2003, the subject application was filed. No protests were filed, and no hearings were held.
- (c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

DOCKETED
DEC 01 2004

10. **MOTION BY:** Commissioner Chm. Holland
SECONDED: Commissioner Bloom

Commissioner Thomas - Yes
Commissioner Pizzigrilli - Yes
Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 24, 2004

A-311294
A-311294F0002
A-311294F0003

MELISSA S CONWAY
KELLEY DRYE & WARREN LLP
1200 19TH STREET NW SUITE 500
WASHINGTON DC 20036

DOCKETED
JAN 07 2005

Application of Digital Speed Communications, Inc., for approval to offer, render, furnish, or supply telecommunications services as an Interexchange Toll Reseller, to the Public, in the Commonwealth of Pennsylvania.

Application of DigitalSpeed Communications, Inc., for approval of the right to begin to offer, render, furnish, or supply telecommunication services as a Competitive Local Exchange Carrier, to the Public, in the Commonwealth of Pennsylvania

Application of DigitalSpeed Communications, Inc., for approval of the right to begin to offer, render, furnish, or supply telecommunication services as a Competitive Access Provider, to the Public, in the Commonwealth of Pennsylvania.

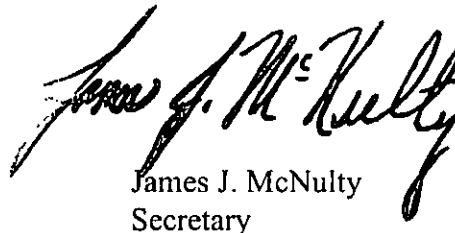
**DOCUMENT
FOLDER**

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on November 18, 2004 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,


James J. McNulty
Secretary

fg
encls
cert. mail

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265**

Public Meeting held November 18, 2004

Commissioners Present:

Wendell F. Holland, Chairman
Robert K. Bloom, Vice Chairman
Glen R. Thomas
Kim Pizzingrilli

DOCKETED
JAN 07 2005

Application of DigitalSpeed Communications, Inc. for approval to offer, render, furnish or supply telecommunication services as an Interexchange Toll Reseller to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311294

Application of DigitalSpeed Communications, Inc. for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311294F0002

Application of DigitalSpeed Communications, Inc. for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311294F0003

ORDER

**DOCUMENT
FOLDER**

BY THE COMMISSION:

On November 25, 2003, DigitalSpeed Communications, Inc. (“Applicant”) filed Applications seeking Certificates of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§201, *et seq.*, (TA-

96)¹ and to Chapter 11 of the Public Utility Code (Code) (66 Pa. C.S. §1101, *et seq.*) evidencing authority to provide the following telecommunication services to the public in the Commonwealth of Pennsylvania:

- (1) As a Reseller of intra and interLATA Interexchange Toll Services (IXC) throughout the Commonwealth of Pennsylvania,
- (2) As a Competitive Local Exchange Carrier (CLEC) in the service territory of Verizon Pennsylvania, Inc. within the Commonwealth of Pennsylvania, and
- (3) As a Competitive Access Provider (CAP) throughout the Commonwealth of Pennsylvania

The Applicant complied with notice requirements set forth in our Implementation Orders² by serving a copy of its application upon Verizon Pennsylvania, Inc. No protests were filed. No hearings were held.

The Applicant is a domestic corporation with its principal place of business at 1811 Chestnut Street, Suite 304, Philadelphia, PA 19103, phone (215) 963-7200, fax (215) 963-7227. Correspondence to resolve complaints may be directed to Joseph A. Polito, Jr., Vice President, at company headquarters. The Applicant complied with 15 Pa. C.S. §1306, relating to a business-stock domestic corporation. The Applicant's registered office provider is M Burr Keim Company, Philadelphia County. The Applicant will not be using a fictitious name. The Applicant understands that if it plans to cease doing business within the

¹ Market entry requirements, in light of the policy objectives of the TA-96, for telecommunication service providers are set out in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799 (*Implementation Order*: June 3, 1996; and *Implementation Reconsideration Order*: September 9, 1996).

² *Id.*

Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing.

The Applicant has one affiliate Innovative Communications, Inc. that is an entity under common ownership with an address of 1811 Chestnut Street, Suite 304, Philadelphia, PA 19103. Innovative Communications, Inc. does business in Pennsylvania as a telecommunications consulting company and is not a jurisdictional public utility. The Applicant does not have any predecessors. The Applicant has no affiliates rendering or predecessors which rendered public utility service outside Pennsylvania.

The Applicant is not presently doing business in Pennsylvania as a public utility. The Applicant proposes to operate as an Interexchange Toll Reseller and Competitive Access Provider throughout the Commonwealth of Pennsylvania and as a Competitive Local Exchange Carrier in the service territory of Verizon Pennsylvania, Inc. within the Commonwealth of Pennsylvania.

The Applicant proposes to operate as an Interexchange Toll Reseller and provide services which include but are not limited to switched and dedicated basic toll voice service, toll-free, travel card, calling card, private line, and data services. The Applicant proposes to operate as a Competitive Access Provider and Competitive Local Exchange Carrier and provide services which include but are not limited to local exchange service, dedicated and special access service. The Applicant will initially offer local service by reselling the facilities of other certificated local exchange carriers.

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.³ A CLEC Applicant is expected to adhere to the requirements relative to universal service and lifeline programs, as initially set forth or as subsequently enlarged or modified.⁴ Also, per federal rules, CLECs are required to ensure the efficient usage of their numbering resources and are required to semi-annually report their utilization and forecast data to the North American Numbering Plan Administrator. See 47 C.F.R. § 52.5 et.seq. Any CLEC failing to comply with state and/or Commission orders related to numbering may be subject to the reclamation of their numbering resources as well as fines pursuant to the Public Utility Code, 66 Pa.C.S. § 3301. See *Implementation of Numbering Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released March 31, 2000 – NXX Code Reclamation*, Docket No. M-00001373 (Order entered August 22, 2000), 30 Pa. B. 4701 (September 2, 2000)(Commission established process for reclaiming NXX codes from carriers who have failed to activate them within 6 months of their availability for assignment to customers.)

Further, Section 253(b) of the TA-96 permits a state Commission to impose, on a competitively neutral basis and consistent with the Universal Service Section, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunication services, and safeguard the rights of consumers. In response, we articulated explicit concerns relative to an applicant's financial fitness, tariff compliance, and rates.⁵

³ See, e.g., *MFS, Intelenet, et al.*, Docket Nos. A-310203, F0002, *et al.*, (October 4, 1995; July 31, 1996; and August 7, 1997); *Pa. PUC v. Bell*, Docket No. R-00963578; *Pa. PUC v. GTE*, Docket No. R-00963666, *Global Order*, Docket Nos. P-00991648 and P-00991649, as well as other CLEC proceedings.

⁴ *Universal Service Invest.*, Docket No. I-00940035 (January 28, 1997).

The Commission requires that Applicants seeking to provide local telecommunications services in Pennsylvania take steps to protect the public safety of consumers.⁵ One means of ensuring the public safety of consumers in the increasingly competitive telecommunications marketplace is to ensure that new entrants provide their consumers with access to a seamless communications infrastructure for emergency services, such as 911. Therefore, in accordance with the notarized Affidavit (item #22 in the Application), the Applicant avers that it has contacted each county or municipal authority where it intends to provide CLEC telecommunication service and made the necessary arrangements for the provisioning of emergency 911 service.

Prior to approving an application for authority to provide local telecommunications services in Pennsylvania, the Commission seeks to ensure the financial fitness of the Applicant. In this case, the Applicant has provided financial information to support its Application. We therefore conclude that the Applicant has demonstrated that it is financially capable of providing telecommunication services as a CLEC, an IXC toll reseller, and a CAP.

We conclude that the Applicant has met the requirements for certification as a CLEC, an IXC toll reseller, and a CAP, consistent with this Order. Premised upon our review of the Applications and the proposed tariffs, and consistent with our Orders, the Code, our Regulations and the TA-96, we conclude that the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy. We note, however deficiencies in the proposed tariffs. See Appendix A.

⁵ *Blue Ribbon*, Docket No. A-310442 (April 25 and August 4, 1997).

⁶ See 47 U.S.C. §253(b)

We shall direct the Applicant to revise the proposed tariffs in accordance with the changes noted in Appendix A of this Order.⁷ The Applicant shall thereafter file its Initial Tariffs reflecting the requested changes on or before sixty (60) days from the date of entry of this Order. Copies of the Initial Tariffs shall also be served upon the same entities receiving service of the original Applications, including the ILECs. If the time required for such resolution and filing exceeds sixty (60) days, the Applicant may request an extension of an additional sixty (60) days with the Commission's Secretary. Thus, if the Initial Tariffs are not filed within 60 days (120 days including the extension) of the entry of this Order, the Applications will be dismissed and the authority granted herein will be revoked without further Commission Order. To the extent that the proposed tariffs contain rates, the Initial Tariffs may become effective on one (1) day's notice from the date upon which they are filed and served.

Conclusion

Accordingly, we shall grant the Applications. The Applicant has had provisional authority under our *Implementation Order* (p. 7, para. B.1.c.4) and our *Implementation Reconsideration Order* (p. 5) to provide the proposed CLEC, IXC toll reseller and CAP services pursuant to its proposed tariffs during the pendency of the application process. Upon the establishment of filed rates and the approval of the Initial Tariffs, a Certificate of Public Convenience shall be issued evidencing the Applicant's authority to provide services as an IXC toll reseller and a CAP in the Commonwealth of Pennsylvania, and as a CLEC in the service

⁷ Nikhil S. Goklaney 717-783-4454 is the contact in the PUC's Bureau of Fixed Utility Services. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, the TA-96, or our Regulations or Orders will be deemed inoperative and superseded. (52 Pa. Code §64.213).

territory of Verizon Pennsylvania, Inc., consistent with this Order and our decisions in the *MFS* and such other proceedings; **THEREFORE,**

IT IS ORDERED:

1. That the Application of DigitalSpeed Communications, Inc. at Docket No. A-311294, for authority to operate as an Interexchange Toll Reseller throughout the Commonwealth of Pennsylvania is granted, consistent with this Order.

2. That the Application of DigitalSpeed Communications, Inc. at Docket No. A-311294F0002, for authority to operate as a Competitive Local Exchange Carrier within the service territory of Verizon Pennsylvania, Inc. is granted, consistent with this Order.

3. That the Application of DigitalSpeed Communications, Inc. at Docket No. A-311294F0003, for authority to operate as a Competitive Access Provider throughout the Commonwealth of Pennsylvania is granted, consistent with this Order.

4. That the Applicant is directed to revise its proposed tariffs to reflect the changes noted in Appendix A of this Order.

5. That the Applicant shall file its Initial Tariffs consistent with the requisite changes noted in Appendix A of this Order, within sixty (60) days after the date of entry of this Order. The Applicant shall serve copies of its Initial Tariffs on each entity receiving a copy of the original Applications. The Initial Tariffs may become effective on or after one (1) days' notice from the date upon

which they are filed and served. The Initial Interexchange Toll Reseller Tariff shall be labeled "Interexchange Toll Reseller Toll Tariff." The Initial Competitive Local Exchange Carrier Tariff shall be labeled "Competitive Local Exchange Carrier Tariff." The Initial Switched Access Tariff shall be labeled "Switched Access Tariff". The Initial Competitive Access Provider Tariff shall be labeled "Competitive Access Provider Tariff."

6. That the Applicant shall comply with all the provisions of the Public Utility Code, as now exist or as may be hereafter amended, and with all pertinent rules, regulations, and Orders of the Pennsylvania Public Utility Commission, now in effect or as may be prescribed by the Pennsylvania Public Utility Commission, including but not limited to: the *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; the *Universal Service Investigation*, Docket No. I-00940035; the *Global Order*, Docket No. P-00991648, *et al.*, and the *NXX Code Reclamation*, Docket No. M-00001373.

7. That if the Applicant expands its local service into new counties in its currently authorized area of Verizon Pennsylvania, Inc., Applicant shall contact the appropriate 911 coordinators, complete an Application for 911 Service for each, and provide the service list to said 911 coordinators with its tariff revisions as verification that arrangements are underway for the provisioning of Emergency 911 service in the additional exchanges.

8. That if the Applicant should desire to expand its service territory to that of additional incumbent local exchange carriers, Applicant shall file an Application to amend its Certificate of Public Convenience and comply with all the requirements of the Application including the completion of the affidavit and requirements thereto concerning Emergency 911 service.

9. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right to the Applicant.

10. That the Applicant maintain separate accounting systems for its IXC toll reseller, CLEC, and CAP operations.

11. That the Applicant shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates within 30 days of this Order.

12. That the Applicant shall make 711 abbreviated dialing available to access Telecommunications Relay Service and to arrange its switching equipment to translate these calls to the assigned toll-free number, (888) 895-1197, in order to route calls to the Telecommunications Relay Service Provider, in accordance with Commission's Order entered on February 4, 2000 at Docket No. M-00900239.

13. That in the event that the Applicant has not, on or before sixty (60) days (120 days including an approved extension) from the date of entry of this Order, complied with the requirements set forth herein, the Applications at Docket Nos. A-311294, A-311294F0002, and A-311294F0003 may be dismissed and the authority granted herein revoked without further Commission Order.

14. That upon the establishment of filed rates and the approval of the Initial Tariffs, Certificates of Public Convenience shall be issued authorizing the Applicant to furnish services as an Interexchange Toll Reseller, as a

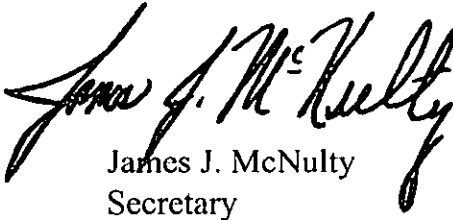
Competitive Local Exchange Carrier in the service territory of Verizon Pennsylvania, Inc., and as a Competitive Access Provider within the Commonwealth of Pennsylvania, consistent with this Order.

15. That changes and/or additions made to the approved, filed tariffs shall be made in the form of supplements, consecutively numbered in the order of their filing dates, and the tariff designation shall be in the following manner: Supplement No. __ to Tariff Telephone Pa. P.U.C. No. __.

16. That the Applicant shall add its Pennsylvania tariffs to its website, if it has one. If the Applicant does not maintain a website, the PA Public Utility Commission will host its tariffs on the Commission's website. Within 30 days of the filing of its initial tariffs, the Applicant shall add the tariffs to its website and mark it "Pending." Within 30 days of receipt of its Certificates of Public Convenience, the Applicant shall make any required modifications to the tariffs on its website and remove the "Pending" notation. Thereafter the Applicant will continually update the website whenever any supplemental revisions to the tariffs are approved by the Commission such that the website tariffs are a true and accurate representation of its tariffs on file with the Commission. The Applicant shall contact Cyndi Page (717-787-5722; cypage@state.pa.us) of the Commission's Communications Office, to create a link from the Commission's website to the Applicant's website. If the Applicant does not maintain a website, the Applicant shall contact Cyndi Page to have its tariffs added to the Commission's website; and to update the tariff upon subsequent approval of supplemental revisions to the tariffs.

17. That if the Applicant plans to cease doing business within the Commonwealth of Pennsylvania, it shall request authority from the Commission for permission prior to ceasing.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: November 18, 2004

ORDER ENTERED: **NOV 24 2004**

DigitalSpeed Communications, Inc
Docket Nos. A- 311294; A-311294F0002; and A-311294F0003
Proposed tariffs for Interexchange Toll Reseller Services;
Competitive Local Exchange Carrier Service; and
Competitive Access Provider

DigitalSpeed Communications is seeking a Certificate of Public Convenience to provide telecommunications services as delineated above. DigitalSpeed Communications filed proposed initial tariffs for CLEC, IXC Toll Reseller, Switched Access and CAP services with its Applications. The proposed tariffs contain certain deficiencies that are discussed herein. These deficiencies must be addressed by the Company before the tariffs can be approved and the Certificates of Public Convenience issued.

Please submit a copy of this Appendix with your revised compliance tariff. On that copy please note the page/sheet of the compliance tariff where the required revision is located for each item below.

Tariff deficiencies noted – IXC Reseller (A-311294)

1. Issued and Effective dates on all pages of the initial tariff should be added in accordance with ordering paragraph No. 5.
2. Correct the tariff designation to “Telephone Pa. P.U.C. No. 1.” on all tariff page headers.
3. Delete “Resold Interexchange Services Tariff” from all page headers.
4. Title page, delete “Pennsylvania Telecommunications Tariff of.”
5. Title page, the Initial Interexchange Toll Reseller tariff shall be labeled “Interexchange Toll Reseller tariff.”
6. Page 16 Section 2.10.1, the Company is advised that it may not immediately discontinue furnishing service to customers. The Company may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency. This is in accordance with 52 Pa. Code § 64.51. An exception to this is 52 Pa. Code § 64.75 when suspension is based on occurrences harmful to person or property.

7. Page 16 Section 2.10.2, the Company is advised that it may suspend telephone service to a dwelling only for any of the reasons listed in 52 Pa. Code § 64.61. The Company is advised that it may suspend service only after serving a 7 day written notice on the customer and it may terminate service only after at least 10 days have passed since suspension of service.

Tariff deficiencies noted – CLEC (A-311294F0002)

1. This tariff does not contain exchange areas and corresponding local calling areas within which the Company proposes to provide local exchange service. The Company is advised that its local exchange tariff must contain exchange areas and the corresponding local calling areas must at a minimum be the same as that of the incumbent local exchange carrier.
2. The Company is advised that it must provide 2 free local directory assistance calls to residential customers.
3. Issued and Effective dates on all pages of the initial tariff should be added in accordance with ordering paragraph No. 5.
4. Correct the tariff designation to “Telephone Pa. P.U.C. No. 2.” on all tariff page headers
5. Delete “Competitive Local Exchange Services Tariff” from all page headers.
6. Title page, the Initial Competitive Local Exchange Carrier tariff shall be labeled “Competitive Local Exchange Carrier Tariff.”
7. Title Page - delete “Pennsylvania Telecommunications Tariff of.”
8. Title Page - replace “telecommunications” with “local exchange carrier” and insert “in the service territory of Verizon Pennsylvania, Inc.” before “within the Commonwealth of Pennsylvania.”
9. Title Page - insert as last sentence on this page “Portions of this tariff which are inconsistent with Title 52 and 66 of the Pennsylvania Code will be deemed inoperative.
10. Title Page and on Page 7, provide references to Exchange Maps in the ILEC tariffs Verizon Pennsylvania Telephone Pa. P.U.C. No. 180A, 182, 182A, 185B and 185C which show the exchange area boundaries for the exchange areas in which the Company is proposing to offer service.

11. Page 4, Table of Contents, incorrect page numbers and descriptions have been assigned to several sections of the tariff. **Correct** assigned page numbers and descriptions as follows:

Description	Sheet number
3.7. 900/976 Blocking	72
3.8 Toll Blocking	74
3.9 Caller ID Blocking	74
3.10 Link Up America	76
3.11 Lifeline Service	79
3.12 Pa. TRS	86
3.13 Taxes and Surcharges	88
3.14 Promotions	89
3.15 ICB	90
3.16 Discounts	90
3.17 Business Networked Switched Services	91
Section 4 – Universal Emergency Telephone Services	122
4.1 General	122
4.2 Regulations	122
4.3 Enhanced Universal Emergency Telephone Number Service	124
4.4 911/E-911 Protocols	127
Section 5 – IntraLATA Toll Presubscription	131
5.1 IntraLATA Toll Presubscription	131

12. Page 7, Application of tariff, correct language to read “This tariff contains the rates applicable to the provision of competitive local exchange carrier services in the service territory of Verizon Pennsylvania, Inc. within the Commonwealth of Pennsylvania. Exchange Maps in Verizon Pennsylvania’s tariff Telephone Pa. P.U.C. No. 180A, 182, 182A, 185B and 185C show the exchange area boundaries for the exchange areas in which the Company offers service.”
13. Page 23, delete Section 2.1.1. The Company has only applied for authority to operate as a CLEC in the service territory of Verizon Pennsylvania, Inc.
14. Page 32, delete Section 2.7.6 and 2.7.7 they are a repeat of 2.7.4 and 2.7.5.
15. Page 37, Section 2.11.4, delete “Billing is payable upon receipt and past due thirty days after issuance and posting of invoice.” The Company must comply with 52 Pa. Code § 64.12 which states that “The due date for payment of a monthly bill shall be at least 20 days from the date of mailing by the LEC to the customer.”
16. Page 38, Section 2.11.5, 52 Pa. Code § 64.132 states that Billing disputes may be brought to the attention of the Company orally or in writing by the customer. In order to facilitate the tariff should state the mailing address and telephone number where the customers can send or call in their billing disputes. The tariff must also state that in order to be timely filed an informal complaint must be filed with the Commission

within 10 days of the date on which the LEC mailed the written summary to the customer and that the Bureau of Consumer Services will have primary jurisdiction over all complaints arising under Chapter 64 of 52 Pa. Code.

17. Page 40 Section 2.13.1, the Company is advised that it may not immediately discontinue furnishing service to customers. The Company may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency. This is in accordance with 52 Pa. Code § 64.51. An exception to this is 52 Pa. Code § 64.75 when suspension is based on occurrences harmful to person or property.
18. Page 40 Section 2.13.2, the Company is advised that it may only suspend telephone service to a dwelling only for any of the reasons listed in 52 Pa. Code § 64.61. The Company is advised that it may terminate service only after at least 10 days have passed since suspension of service.
19. Page 45 Section 2.14.5, In compliance with P-00981357 Order entered November 5, 1998 Interest on Customer Deposits is to be paid at the average rate of 1 year Treasury Bills for the months of September, October, and November of the previous year.
20. Pages 48 to 53, The Company should clearly explain the service offered for the “Local Unlimited”, “Extended Unlimited”, “Local Valu-Pak”, and “Local Standard” rates for business customers.
21. Business and Residential Service Rates on pages 48 to 58 have been determined based on a combination of rate classes A to I and call bands 1 to 6 whereas exchange areas have not been classified into rate classes and call bands therefore it becomes impossible to determine the rates for exchange areas. The Company must classify exchange areas into rates classes and call bands so that rates can be clearly determined.
22. Page 54, The Company should clearly explain the service offered for the “Local Unlimited”, “Extended Unlimited”, “Metro Unlimited”, “Metro Plus Unlimited”, “Standard Usage”, “Budget Usage”, “Hometown Plus”, “Hometown Plus +” rates for residential customers. The Company should define “USOC” and “NRC”. The Company must in compliance with 66 Pa. C.S. § 1324 offer all residential customers a flat rate service. The Company is also advised that in accordance with 52 Pa. Code § 64.21 charges for basic service shall be billed separately from charges for all other services.
23. This is a local exchange carrier tariffs and should only contain local services and rates. Toll and long distance services and rates such as Intrastate IntraLATA Business MTS Rates, Intrastate IntraLATA Business Calling Plan Rate, Complex Intrastate Rate – Voice Grade and Complex Intrastate Rates – Digital Data appearing on pages 58 to 70 should appear in the Interexchange Toll Reseller tariff and not in this tariff.

24. Page 73 has been left blank. If the Company desires to leave a page blank please notate the page with "This page has intentionally been left blank."
25. Page 75 has been left blank. If the Company desires to leave a page blank please notate the page with "This page has intentionally been left blank."
26. Page 80 Section 3.11.2.C, Lifeline service, an applicant for Lifeline service must be a current participant in one of the DPW programs **and** be able to provide proof of income at or below 150% of the federal poverty guidelines. Replace "or" with "**and**."
27. Page 81 contains substantial amount of blank space. If the Company desires to leave blank space in a page please notate the page with "This space has intentionally been left blank."
28. Page 84 has been left blank. If the Company desires to leave a page blank please notate the page with "This page has intentionally been left blank."
29. Page 86 Section 3.12.2.C. the Pa. TRS surcharge rate for bills issued on or after July 1, 2004 is \$0.07 per residence access line per month and \$0.13 per business access line per month.
30. Pages 123, 125, 129, 133, and 135 have been left blank. If the Company desires to leave a page blank please notate the page with "This page has intentionally been left blank."

Tariff deficiencies noted –Switched Access Tariff (A-311294F0002)

1. Issued and Effective dates on all pages of the initial tariff should be added in accordance with ordering paragraph No. 5.
2. Correct the tariff designation on all tariff pages to "Telephone Pa. P.U.C. No. 4."
3. Title page, the Initial Switched Access Tariff shall be labeled "Switched Access Tariff."
4. Page 7 Section 2.1.1 the Company's tariff may not contain regulations, rates and charges applicable to the provision of access service provided by Broadview Net Plus to its customers. Correct this to say that this tariff contains regulations, rates and charges applicable to the provision of access service provided by the Company to its customers.
5. Page 8 Section 2.2.3.1 refers to Individual Case Basis in Section 2.10. The tariff does not contain Section 2.10. Please correct reference to Section 2.9 for Individual Case Basis.

6. The Company is in the business of conveying or transmitting messages or communications and hence must delete the sentence "The Company does not undertake to transmit messages under this tariff" from Section 2.3.1 on page 9. The Company should also delete the sentence "The Company does not warrant that its facilities and services meet standards other than those set forth in this tariff" since the Company is subject to Telephone Quality Service Standards as laid out in 52 Pa. Code Chapter 63 Subchapter E
7. Page 11 Section 2.3.3.1 replace "Part A. 64.401, Appendix A, of the FCC's rules and regulations" with "rules and regulations instituted by the Pennsylvania Public Utility Commission."
8. Page 19 delete "Broadview Net Plus" from Section 2.5 paragraphs 1 and 2 and from Section 2.6.1 since this is a DigitalSpeed Communication tariff.
9. Page 30 Section 2.8, replace reference to "Bell Atlantic – Pennsylvania" with "Verizon Pennsylvania, Inc."

Tariff deficiencies noted – CAP (A-311294F0003)

1. Issued and Effective dates on all pages of the initial tariff should be added in accordance with ordering paragraph No. 5.
2. Correct the tariff designation on all tariff pages to "Telephone Pa. P.U.C. No. 3."
3. Delete "Competitive Access Provider" from all page headers.
4. Title page, change language appearing in all caps to "Regulations and schedule of charges governing Competitive Access Provider service within the Commonwealth of Pennsylvania."
5. Title page, in the paragraph that appears on this page replace "applicable to the furnishing of competitive access services" with "applicable to Competitive Access Provider service."
6. Page 37 Section 2.13.1, the Company is advised that it may not immediately discontinue furnishing service to customers. The Company may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency. This is in accordance with 52 Pa. Code § 64.51. An exception to this is 52 Pa. Code § 64.75 when suspension is based on occurrences harmful to person or property.