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|  | **PENNSYLVANIA**  **PUBLIC UTILITY COMMISSION**  **Harrisburg, PA 17105-3265** | | |  |
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|  | | Public Meeting held May 06, 2010 | | |
| Commissioners Present: | |  | | |
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| James H. Cawley, Chairman | | | | |
| Tyrone J. Christy, Vice Chairman | | | | |
| Wayne E. Gardner | | | | |
| Robert F. Powelson | | | | |
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| Application of IntelePeer, 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 in the service territories of: | | |  | |
| Verizon Pennsylvania Inc. | | | A-2010-2152263 | |
| Verizon North Inc., and  The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink | | | A-2010-2152271  A-2010-2152174 | |
| Application of IntelePeer, Inc. for approval to offer, render, furnish or supply telecommunication services as a Reseller of Interexchange Toll Services to the public in the Commonwealth of Pennsylvania. | | | A-2010-2152282 | |
| Application of IntelePeer, Inc. for approval to offer, render, furnish or supply telecommunication services as a Facilities-based Interexchange Carrier to the public in the Commonwealth of Pennsylvania. | | | A-2010-2152284 | |
| Application of IntelePeer, Inc. for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider to the public in the Commonwealth of Pennsylvania. | | | A-2010-2152286 | |
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ORDER

**BY THE COMMISSION:**

On December 23, 2009, IntelePeer, Inc. (Applicant) filed an Application seeking Certificates of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. § § 201, *et seq*., (TA-96)[[1]](#footnote-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:

1. As a Competitive Local Exchange Carrier (CLEC) in the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink within the Commonwealth of Pennsylvania,
2. As a detariffed Reseller and Facilities-based Interexchange Carrier (IXC)[[2]](#footnote-2) throughout the Commonwealth of Pennsylvania, and
3. As a Competitive Access Provider (CAP) throughout the Commonwealth of Pennsylvania.

The Applicant was granted provisional authority pursuant to our Secretarial Letter of January 15, 2010 to provide the proposed IXC Reseller/Facilities-based Interexchange Carrier (detariffed) and CAP services throughout the Commonwealth of Pennsylvania and CLEC services in the Verizon service areas pursuant to its proposed CLEC tariffs during the pendency of the application process. The assigned utility code is 3111706.

The Applicant complied with notice requirements set forth in our *TA-96* *Implementation Orders*[[3]](#footnote-3) by serving a copy of its Application upon the aforementioned incumbent local exchange carriers, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Attorney General. Pursuant to the Secretary’s discretion at 52 Pa. Code § 5.14(b), the Applicant was granted a waiver concerning publishing notice of its Application in newspapers of general circulation in the CenturyLink territory. No protests were filed. No hearings were held.

Information concerning the Applicant is as follows:

* The Applicant is a Delaware Corporation with its principal place of business at 2855 Campus Drive, Suite 200, San Mateo, California 94403, telephone (650) 525-9200, facsimile (650) 287-2628.
* The Applicant complied with 15 Pa. C.S. § 4124, relating to a foreign corporation.
* The Applicant’s registered office provider within Pennsylvania is: Corporation Service Company, 2704 Commerce Drive, Harrisburg, Pennsylvania 17110.
* The Applicant’s Pennsylvania Emergency Management Agency contact is Andre Simone at 2855 Campus Drive, Suite 200, San Mateo, California 94403, telephone (650) 525-9200, facsimile (650) 287-2628.
* Correspondence to resolve complaints may be directed to Andre Simone or Todd Smith, telephone (650) 529-9200, facsimile (650) 287-2628, at company headquarters.
* The Applicant will not be using a fictitious name.
* The Applicant has no affiliates or predecessors within Pennsylvania. Neither the Applicant nor any affiliate operates as a public utility in other states.

The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing.

Applicant seeks authority to provide Facilities-Based and Resold Local Exchange and Interexchange telecommunications services in Pennsylvania. Applicant will offer basic Local Exchange services consisting of Interexchange Toll services and Toll Free services to business and residential customers. In addition to these services, the Applicant will also offer Facilities-based Local Exchange service via commercial wholesale agreements with incumbents or Applicant’s own facilities, or a combination thereof.

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.[[4]](#footnote-4) A CLEC Applicant is expected to adhere to the requirements relative to universal service programs, as initially set forth or as subsequently enlarged or modified.[[5]](#footnote-5) 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 federal 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.[[6]](#footnote-6) In this case, the Applicant has provided financial information to support its Application. We conclude that the Applicant has demonstrated that it is financially capable of providing telecommunication services as a CLEC, an IXC Reseller/Facilities-based Interexchange Carrier, and as a CAP.

The Commission requires that Applicants seeking to provide local telecommunications services in Pennsylvania take steps to protect the public safety of consumers. 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 telecommunications service and made the necessary arrangements for the provisioning of emergency 911 service.

We conclude that the Applicant has met the requirements for certification as a CLEC, an IXC Reseller/Facilities-based Interexchange Carrier, and as a CAP,[[7]](#footnote-7) consistent with this Order. Premised upon our review of the Application 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.

We shall direct the Applicant to revise the proposed tariffs in accordance with the changes noted in Appendix A of this Order.[[8]](#footnote-8) 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. The Applicant may file its Initial Tariffs electronically, consistent with Commission Rules.[[9]](#footnote-9) Copies of the Initial Tariffs shall also be served upon the same entities receiving service of the original Application, including the incumbent local exchange carriers. 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 Application will be dismissed and the authority granted herein will be revoked without further Commission Order.

We note that the Commission will only approve tariff provisions regarding limitation of liability consistent with law. The Commission does not have jurisdiction to determine liability or award monetary damages. Any tariff provisions contained in the Initial Tariffs regarding limitation of liability found to be inconsistent with any applicable laws, rules and regulations will be deemed inoperative and superseded. Any claim against the public utility and/or public utility’s customer regarding liability outside the limited scope of the tariff must be filed in court for determination of liability and monetary damages.

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.

Further, the Commission makes no determination whether the Applicant’s switched access rates are in compliance with Act 183 of 2004.[[10]](#footnote-10)

**Conclusion**

Accordingly, we shall grant the Application. We shall issue Certificates of Public Convenience evidencing the Applicant’s authority to provide services as an IXC Reseller and Facilities-based Interexchange Carrier upon entry of this order. Also, upon the establishment of filed rates and approval of the Initial Tariffs, Certificates of Public Convenience shall be issued evidencing the Applicant’s authority to provide services as a CLEC in the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, and as a CAP in the Commonwealth of Pennsylvania, consistent with this Order and our decisions in the *MFS Intelenet* and such other proceedings; **THEREFORE,**

**IT IS ORDERED:**

1. That the Application of IntelePeer, Inc. at Docket Nos. A‑2010‑2152263, A-2010-2152271, and A-2010-2152174, for authority to operate as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, is granted, consistent with this Order.
2. That the Application of IntelePeer, Inc. at Docket No. A‑2010‑2152282, for authority to operate as a Reseller of Interexchange Toll Services throughout the Commonwealth of Pennsylvania, is granted, consistent with this Order and that a Certificate of Public Convenience be issued evidencing such approval.
3. That the Application of IntelePeer, Inc. at Docket No. A‑2010‑52284, for authority to operate as a Facilities-based Interexchange Carrier throughout the Commonwealth of Pennsylvania, is granted, consistent with this Order and that a Certificate of Public Convenience be issued evidencing such approval.
4. That the Application of IntelePeer, Inc. at Docket No. A‑2010-2152286, for authority to operate as a Competitive Access Provider throughout the Commonwealth of Pennsylvania, is granted, consistent with this Order.
5. That the Applicant shall either eFile or submit an original and three copies of its Initial Tariffs consistent with the requisite changes noted in Appendix A of this Order within sixty (60) days (120 days including an approved extension) after the date of entry of this Order. **The Applicant is directed to identify any changes made to the proposed initial tariffs that are in addition to the changes noted in Appendix A.** The Applicant shall serve copies of its Initial Tariffs on each entity receiving a copy of the original Application. The initial tariffs may become effective on or after one (1) day’s notice from the date upon which they are filed and served.
6. That an Initial Tariff shall be labeled on its face according to the respective authority: “Competitive Local Exchange Carrier Tariff,” “Competitive Local Exchange Carrier Switched Access Tariff,” and “Competitive Access Provider Tariff.”
7. 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 this Commission, now in effect or as may be prescribed by this 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.
8. That if the Applicant expands its local service into new counties in its currently authorized areas of Verizon Pennsylvania Inc., Verizon North Inc., and The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, Applicant shall contact the appropriate 911 coordinators, complete appropriate documents 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.
9. 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.
10. 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.
11. That the Applicant maintains accurate accounting records that segment its CLEC, IXC, and CAP revenues in the state.
12. That in accordance with Commission Orders entered on October 5, 2005 at M‑00041857 and on August 21, 2006 at L-00050176, the Applicant shall follow the reporting requirements outlined at the following website: <http://www.puc.state.pa.us/telecom/docs/Reporting_Requirements0409.doc>
13. That the Applicant shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates within thirty (30) days of entry of this Order.
14. 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 the Commission’s Order entered on February 4, 2000, at Docket No. M-00900239.
15. 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 Application at Docket Nos. A‑2010-2152263, A-2010-2152271, A-2010-2152174, and A‑2010-2152286 shall be dismissed and the authority granted herein revoked without further Commission Order.
16. That upon the approval of the Initial Tariffs, Certificates of Public Convenience shall be issued authorizing the Applicant to furnish services as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink and to furnish services as a Competitive Access Provider throughout the Commonwealth of Pennsylvania, consistent with this Order.
17. That changes and/or additions made to an approved, filed tariff 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.\_\_\_.
18. That the Applicant shall add its Pennsylvania tariffs to its website:

* Within 30 days of the filing of its Initial Tariffs, the Applicant shall add the tariffs to its website and mark them “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 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 tariffs upon subsequent approval of supplemental revisions to the tariffs.

1. 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.
2. That a copy of this Order be served on the Pennsylvania Department of Revenue, Bureau of Corporation Tax and the PEMA (Pennsylvania Emergency Management Agency) Bureau of 9-1-1 Programs.



**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: May 6, 2010

ORDER ENTERED: May 7, 2010

APPENDIX A

IntelePeer, Inc.

Docket Nos. A-2010-2152263, A-2010-2152271, A-2010-2152174, and A-2010-2152286

Proposed tariffs for

Competitive Local Exchange Carrier Service and

Competitive Access Provider

The proposed tariffs contain certain deficiencies that must be addressed by the Applicant before the tariffs can be approved and the Certificates of Public Convenience issued. **The Applicant must submit a copy of this Appendix with its revised compliance tariffs. On that copy, please note the page/sheet of the compliance tariffs where the required revision is located for each item below.**

**Tariff deficiencies noted – CLEC Local Tariff No. 2**

1. Correct the Title to read:

INTELEPEER, INC.

COMPETITIVE LOCAL EXCHANGE CARRIER

Regulations and Schedule of Charges

For Business and Residential Customers

1. Title Page: Change Embarq to CenturyLink.
2. All Pages: Enter issued and effective dates as per ordering paragraph.
3. All Pages: Change header to PA P.U.C. Telephone Tariff No. 1.
4. Definitions, Page 11: Remove “DEFINITIONS (Cont’d)”.
5. Various Pages: Correct spacing and formatting errors. Most sections will need to be aligned to the left and font needs to be consistent throughout the entire tariff.
6. Various Pages: Replace Embarq with CenturyLink.
7. Sections 2.2 and 2.3, Pages 15-21: Liability: Remove or revise any portion of this section that does not fit within the scope of 52 Pa. Code §69.87 and the Commission Order under Docket No. M-00981209. S*ee* <http://www.pabulletin.com/secure/data/vol29/29-17/659.html>.
8. Section 2.4.2 B. 2, Page 23: Delete this subsection as discussed with Nguyen T. Vu and remove “or” in subsection 1.
9. Sections 2.4.2 C. & 2.4.2 D, Page 24: Revise to comply with 52 Pa. Code § 63.301. Also, be advised, Company must file appropriate tariffs, notify the various 911 coordinators and follow abandonment procedures when cancelling service.
10. Section 2.4.3, Page 24: Pursuant to 52 Pa. Code §63.206(b), add language to this section indicating that a final bill will be issued within 42 days of a customer initiated disconnection.
11. Section 2.5.2, Page 25: Remove the last the sentence of this section as the Commission does empower parties to collect their collection fees from other parties.
12. Section 2.6.1. Page 27: Remove space in the first sentence.
13. Section 2.12, Pages 34-37: Revise to comply with 52 Pa. Code § 64.61-111. There is a two step process before service may be terminated. The first step requires sending a notice of suspension at least 7 days before the date of proposed suspension. When at least 10 days have passed since suspension of service, the company may terminate service for failure to remedy the original grounds for suspension.
14. Section 2.18, Page 40: Correct spacing.
15. Section 2.19, Page 40: Delete this section as it pertains to IXC service and is not applicable to a CLEC tariff.
16. Section 2.20, Page 43: Remove “**SECTION 2. RULES AND REGULATIONS (Cont’d)”**.
17. Section 2.20.3, Page 46: Correct spacing errors.
18. Section 3.1, Page 49: Add language to indicate that promotional offerings will be filed as a tariff supplement. Be advised; promotional offerings cannot last more than 6 months in any 12 month rolling period.
19. Section 3.2, Page 49: Delete the first sentence as this refers to the section of the Global Settlement Order that is directed at Verizon. Also, add language stating that ICB rates will be filed with Commission upon request.
20. Section 3.4, Page 51: Delete the last sentence in this section as it is beyond the scope of this tariff.
21. Section 3.6.2, Page 53: Add the applicable non-recurring charge(s) for subsequent Per-Line Blocking to this section or add to Section 4 (Rates and Charges).
22. Section 4.2.1, Page 127: Correct typo in subsection (a) as discussed with Nguyen T. Vu Band 1 rate is $.08.
23. Section 5.1.2, Page 143: Correct “as specified in 5.1.2.1” to “as specified in 5.1.3 A.” Also, add appropriate rates for Toll Presubscription to the bottom of this section.
24. Section 5.2.2, Page 149: Add July 1, 2009 as the effective date for the TRS surcharge to the bottom of this section.
25. Section 5.3, Page 151: Rename this section **5.2 Telecommunications Cont’d** and make the subsection **5.2.3 Rates** as this pertains to the TRS section.

**Tariff deficiencies noted – CLEC Switched Access Tariff No. 3**

1. Correct the Title to read:

INTELEPEER, INC.

COMPETITIVE LOCAL EXCHANGE CARRIER

SWITCHED ACCESS TARIFF

Regulations and Schedule of Charges

1. Add the following text to the Title Page after the above:

* The Company will mirror the exchange area boundaries as stated in the tariffs of Verizon Pennsylvania Inc. Telephone Pa. P.U.C. Nos. 180A, 182, 182A, 185B and 185C; Verizon North Inc. Telephone Pa. P.U.C. Nos. 1, 3, 5, and 6; and United Telephone Company of Pennsylvania Pa. d/b/a CenturyLink P.U.C. No. 27.

1. All Pages: Enter issued and effective dates as per ordering paragraph.
2. All Pages: Change header to PA P.U.C. Telephone Tariff No. 2.
3. Various Pages: Replace Embarq with CenturyLink.
4. Various Pages: Correct font so that it is consistent throughout the entire tariff.
5. Definitions, page 9: Correct spacing error in the Act definition.
6. Section 2.1, Pages 22-26: Liability: Remove or revise any portion of this section that does not fit within the scope of 52 Pa. Code §69.87 and the Commission Order under Docket No. M-00981209. S*ee* <http://www.pabulletin.com/secure/data/vol29/29-17/659.html>. Also, remove reference to attorney’s fees (Section 2.1.5, Page 25) as the Commission does not empower parties to collect their legal fees from other parties. This matter must be dealt with in court proceedings or negotiations between the parties.
7. Section 2.6.2, Page 37: In accordance with 52 Pa. Code § 53.84, add information to Section 2.6.2 that clearly specifies whether, if bills are paid by mail, the date of the postmark will be considered the date of payment.
8. Section 2.6.4, Page 43: Change reference to Pa. 52 Code § 63.206 (b).
9. Section 2.6.5 C, Page 47: Add the billing percentage (BP) factor to this section as it is not sufficient to reference the billing percentage factor from another tariff.
10. Section 2.6.6, Page 48: Add space between the first two words of this section. Also, change reference for Access Order Modifications 3.1.1 B.
11. Section 2.7.2 F, Page 52: Remove “; or” and replace with a period.
12. Section 2.7.3, Page 53: Correct spacing error in the subsection title.
13. Section 2.8.1, Page 54: Correct spacing error in the subsection title.
14. Section 2.8.1. A, Page 55: Delete this section as it does not apply to switched access rates.
15. Section 2.8.3, Page 58: Correct spacing error in the section title.
16. Section 3.1.1. D, Page 72: Insert a tab space after the section number and the section title.
17. Section 3.1.3 B. 2, Page 87: Correct spacing error in “transmission” at the end of this section.
18. Section 3.2.1, Page 91: Delete this section as the appropriate Presubscription language has been provided in the CLEC tariff.
19. Section 3.2.2, Pages 92-94: Delete this section as Number Portability does not fall within the Commissions’ jurisdiction and therefore is beyond the scope of this tariff.

**Tariff deficiencies noted – CAP Tariff No. 4**

1. All Pages: Enter issued and effective dates as per ordering paragraph.
2. All Pages: Change header to PA P.U.C. Telephone Tariff No. 3.
3. Page 1: Change header from Original Page 1 to Title Page.
4. Pages 2-62: Renumber all pages starting with Check Sheet as Original Page 1.
5. Page 5, Table of Contents: Make appropriate changes pursuant to this order.
6. Page 11, Definitions: Correct spacing error in the Non-Recurring Charge definition.
7. Page 14, Section 1.1.2: Remove or revise this section. The Company’s tariff does not contain a Section 3.1.3 (A).
8. Pages 17-20, Section 2.1.5: Remove or revise any portion of this section that does not fit within the scope of 52 Pa. Code §69.87 and the Commission Order under Docket No. M-00981209. S*ee* <http://www.pabulletin.com/secure/data/vol29/29-17/659.html>.
9. Page 17, Section 2.1.4 (B): Remove this section. Pursuant to 52 Pa. Code § 63.24, the Company is required to provide allowances for service interruptions except when service is interrupted by the negligence or willful act of the customer.
10. Page 20, Section 2.1.5: Remove the reference to attorneys’ fees. The Commission does not empower parties to collect their legal fees from other parties. This matter must be dealt with in court proceedings or negotiations between the parties.
11. Page 34, Section 2.6.4: Change reference to Pa. 52 Code § 63.206 (b).
12. Page 35, Section 2.6.5: Correct spacing error in subject title.
13. Page 36, Section 2.7: Delete reference to section 2.1.4 (B) as this section will be deleted as directed above.
14. Page 40, Section 2.7.3: Correct spacing error in subject title.
15. Page 41-45, Section 2.8.1: Remove this section as this would pertain to a CLEC Switched Access tariff.
16. Page 60, Section 4.2: Add language indicating that ICB rates will be filed with Commission upon request.
17. Page 62, Page 62: Add language stating that promotional offerings will be filed a tariff supplement.

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); herein *TA‑96 Implementation Orders*. [↑](#footnote-ref-1)
2. 66 Pa C.S. § 3018(b)(2) gives IXCs the option to (1) file and maintain tariffs with the Commission, (2) file and maintain price lists with the Commission, or (3) detariff. Further, 52 Pa. Code § 63.104 outlines the disclosure requirements for filing and maintaining tariffs or operating as a detariffed IXC. The Applicant was provided with these options via Secretarial Letter and has elected to operate as a detariffed IXC, subject to Pennsylvania state contract and consumer protection laws. [↑](#footnote-ref-2)
3. *Id.* [↑](#footnote-ref-3)
4. *See, e.g., MFS Intelenet, et al.,* Docket Nos. A-310203F0002, *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. [↑](#footnote-ref-4)
5. *Universal Service Investigation.,* Docket No. I-00940035 (January 28, 1997). [↑](#footnote-ref-5)
6. *Blue Ribbon,* Docket No. A-310442 (April 25 and August 4, 1997). [↑](#footnote-ref-6)
7. CAP authority may not be used to access the Public Switched Network or toll calling. If a utility with CAP authority wishes to provide access to the Public Switched Network or to provide local or interexchange (intraLATA or interLATA) calling services to its customers, the utility must also have been granted CLEC and/or Interexchange authority by this Commission. [↑](#footnote-ref-7)
8. 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. [↑](#footnote-ref-8)
9. *See Final Rulemaking to Permit Electronic Filing*, Docket No. L-00070187, Order Entered May 23, 2008. [↑](#footnote-ref-9)
10. Act 183, P.L. 1398 (66 Pa. C.S § 3017(c)). [↑](#footnote-ref-10)