

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Uniform Cover and Calendar Sheet**

<p><b>1. REPORT DATE:</b> September 21, 1999</p>	<p><b>2. BUREAU AGENDA NO.:</b> SEP-1999-FUS-0566*</p>
<p><b>3. BUREAU:</b> Fixed Utility Services</p>	<p><b>5. PUBLIC MEETING DATE:</b> September 30, 1999</p>
<p><b>4. SECTION(S):</b> Telecommunications</p>	<p align="right"><b>DOCUMENT FOLDED</b></p> <p align="center"><b>DOCKETED</b></p> <p align="center">OCT 13 1999</p> <p align="right">KJR</p>
<p><b>6. APPROVED BY:</b>                  Director: Rosenthal 3-5242                  Supervisor: Wagner 3-6175                  Legal Review by: Arnold 7-8032</p>	
<p><b>7. PERSONS IN CHARGE:</b>                  Barrett/Spandra/Berzonsky 3-4454</p>	
<p><b>8. DOCKET NO.:</b> A-310820 A-310820F0002</p>	

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

(a) Amended Application of SNiP Link, LLC for approval to offer, render, furnish, or supply telecommunications services as a Reseller and Facilities-Based Provider of Local Exchange Services to the public in the Commonwealth of Pennsylvania

Application of SNiP Link, LLC for approval to offer, render, furnish, or supply telecommunications services as a Reseller of Toll Services to the public in the Commonwealth of Pennsylvania

(b) On April 27, 1999, the original CLEC application was filed. On July 14, 1999, a protest was filed by Commonwealth Telephone Company. On July 27, 1999, the CLEC application was amended in response to the protest. On August 4, 1999, Commonwealth filed a letter advising that it would withdraw the protest if the amended application were approved. On June 16, 1999, the Toll Reseller application was filed.

(c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed draft Order approving the applications.

Order Doc. # 151154

Calendar Doc. # 151164

**10. MOTION BY:** Commissioner Chm. Quain

Commissioner Rolka - Yes  
 Commissioner Brownell - Yes  
 Commissioner Wilson - Yes

**SECONDED:** Commissioner Bloom

**CONTENTS 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

A-310820  
A-310820F0002

OCTOBER 4, 1999

STEVEN AUGUSTINO ESQUIRE  
KELLEY DRYE & WARREN LLP  
1200 19TH STREET NW STE 500  
WASHINGTON DC 20036

DOCUMENT  
FOLDER

DOCKETED  
OCT 06 1999

Amended Application of SNiP Link, LLC for approval to offer, render, furnish or supply telecommunications services as a reseller and Facilities-Based Provider of Local Exchange Services to the public in the Commonwealth of Pennsylvania

Application of SNiP Link, LLC for approval to offer, render, furnish or supply telecommunications services as a reseller of Toll Services to the public in the Commonwealth of Pennsylvania

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on September 30, 1999, in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty,  
Secretary

KJR

smk  
Enclosure  
cert. mail

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

Public Meeting held September 30, 1999

Commissioners Present:

John M. Quain, Chairman  
Robert K. Bloom, Vice Chairman  
David W. Rolka  
Nora Mead Brownell  
Aaron Wilson, Jr.

Amended Application of SNiP Link, LLC for approval to offer, render, furnish, or supply telecommunications services as a Reseller and Facilities-Based Provider of Local Exchange Services to the public in the Commonwealth of Pennsylvania

Docket Number:  
A-310820

Application of SNiP Link, LLC for approval to offer, render, furnish, or supply telecommunications services as a Reseller of Toll Services to the public in the Commonwealth of Pennsylvania

Docket Number:  
A-310820F0002

**DOCUMENT  
FOLDER**

**ORDER**

**DOCKETED**  
OCT 06 1999

**BY THE COMMISSION:**

Before us for review are two applications with proposed tariffs filed by SNiP Link, LLC ("Applicant"). On April 27, 1999, the Applicant filed an Application of SNiP Link, LLC for approval to offer, render, furnish, or supply telecommunications services as a Reseller and Facilities Based Provider of Local Exchange Services to the public in the Commonwealth of Pennsylvania. This Application was subsequently amended on July 27, 1999, when the Applicant, for reasons discussed more fully below, filed an Amendment to Application which

modified the description of its proposed service territory from that which was set forth in its Application as originally filed. The Applicant further requested that the caption of this proceeding be revised to reflect the amendment to the Application. Also, On June 16, 1999, the Applicant filed an Application of SNIp Link, LLC for approval to offer, render, furnish, or supply telecommunications services as a Reseller of Toll Services to the public in the Commonwealth of Pennsylvania.

By its Applications, the Applicant seeks Certificates of Public Convenience pursuant to Chapters 11 and 30 of the Public Utility Code ("Code"), 66 Pa. C.S. §§ 1101, *et seq.*, and §§ 3001, *et seq.*, and to the Telecommunications Act of 1996 ("TA-96")<sup>1</sup>, 47 U.S.C. §§ 201, *et seq.*, evidencing authority to provide telecommunications services as a Competitive Local Exchange Carrier ("CLEC") and as a Reseller of Toll Services to residential and business customers in the Commonwealth of Pennsylvania.

The Applicant complied with Section 5.14 of our Regulations, 52 Pa. Code §5.14, relating to applications requiring notice.

The Applicant is a New Jersey limited liability company with its principal place of business at 100A Twinbrigde Drive, Pennsauken, New Jersey 08110. Correspondence to resolve complaints may be directed to SNIp Link, LLC, customer service representatives at that address. Customers may also contact a customer service representative by calling 888-764-7600, toll free.

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<sup>1</sup> Market entry requirements for telecommunications service providers in light of the policy objectives of TA-96 are set forth 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).

The Applicant is not currently doing business in Pennsylvania and has no affiliates or predecessors doing business either in Pennsylvania or outside of Pennsylvania. Furthermore, the Applicant has no affiliates providing service to or receiving service from the Applicant.

In its CLEC Application as originally filed, the Applicant stated that it proposed to offer local exchange telecommunications services on a statewide basis, excepting those exchanges served by companies that have had interconnection obligations suspended by the Commission. The Applicant served copies of its CLEC Application upon Bell Atlantic-PA, GTE North, Inc., Commonwealth Telephone Company, and Sprint/United. The Applicant stated that it will not be a rural telephone company.

On July 14, 1999, Commonwealth Telephone Company (“Commonwealth”) filed a Protest of Commonwealth Telephone Company to the Application of SNIIP Link, LLC, (“Protest”) pursuant to 52 Pa. Code §5.51. In its Protest, Commonwealth asserted that the Applicant’s proposed service territory included the service territory of Commonwealth, which is a rural telephone company as defined under Section 3(a)(47) of TA-96. Accordingly, Commonwealth argued that the Applicant must adhere to the consolidated entry procedures for applicants seeking to provide service in the service territory of a small LEC as set forth in our Implementation Order and Implementation Reconsideration Order.<sup>2</sup> Commonwealth further argued that the Applicant failed

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<sup>2</sup> “Pursuant to these procedures, an applicant must submit to the small LEC a bona fide request for interconnection under § 251(f)(1)(A) of the Act, and a request for universal service designation under Section 214(e)(2) committing to provide service throughout the small LEC’s service territory. The Commission’s grant or denial of such applications will be subject to normal procedures under 66 Pa. C.S. §§ 1101 and 1103

to comply with the consolidated procedures, and that it failed to meet the burdens imposed on it under the requirements of these procedures. Thus, Commonwealth requested that the Applicant's CLEC Application be denied.

On July 27, 1999, the Applicant filed its Amendment to Application which modified its proposed CLEC service area to specifically exclude the service territory of Commonwealth. Subsequently, on August 3, 1999, Commonwealth filed a letter with the Commission stating that it supports the amendment to the CLEC Application, and that it will withdraw its Protest if the amended CLEC Application is approved by the Commission.

By its amended CLEC Application, the Applicant seeks authority to provide competitive local exchange services to residential and business customers on both a facilities and resale basis. Initially, the Applicant expects to provide service predominantly through the resale of the underlying local exchange carrier's services and facilities, utilizing its own facilities to provide service as they are deployed. The Applicant intends to offer local exchange service, data service and private line service. The specific types of services the Applicant plans to offer include, but are not limited to, Local Calling, Extended Local Service, Centrex, Direct Inward/Outward Dialing Options, Customer Calling Features, Private Branch Exchange, Individual Business Line, Foreign Exchange Service, Dual Party Relay and Other Special Needs Services, 911 Emergency Service, ISDN, SMDS, Frame Relay Service, and Private Line Service. The Applicant may also offer local services by utilizing the switching and transport capacity of other

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and the traditional public interest standard, which is consistent with the standards contained in § 254 of the 1996 Act.” (Implementation Reconsideration Order, p. 6).

existing telecommunications providers pursuant to negotiated or tariffed arrangements.

By its Toll Services Reseller Application, the Applicant seeks authority to provide toll services as a reseller on a statewide basis. The Applicant expects to provide service through the resale of the services and facilities of other certificated carriers. Specifically, the Applicant intends to offer a wide range of interexchange services including, *inter alia*, MTS, WATS, 1+, and toll-free 800/888 services.

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.<sup>3</sup> 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.<sup>4</sup> Further, Section 253(b) of 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.<sup>5</sup>

The Applicant has provided financial information to support its Applications. We, therefore, conclude that the Applicant has demonstrated that it is financially capable of providing CLEC and Toll Reseller Services to the public.

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<sup>3</sup> See, e.g., *MFS*, 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-0093666, as well as other CLEC proceedings.

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

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

We conclude that the Applicant has met the requirements for certification as a CLEC and as a Reseller of Toll Services, 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 TA-96, we conclude that the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy as contemplated by Section 3009(b)(4) of the Code. We note, however deficiencies in the proposed tariffs. See Appendix A.

We shall direct the Applicant to revise the proposed tariffs in accordance with the changes noted in Appendix A of this Order.<sup>6</sup> The Applicant shall thereafter file its Initial CLEC and Toll Services Reseller 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. Because the proposed tariffs contain rates, the Initial Tariffs may become effective on one (1) day's notice from the date on which they are filed and served.

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<sup>6</sup> Edward Berzonsky, 717-783-4454, is the FUS contact. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, TA-96, or our Regulations or Orders will be deemed inoperative and superseded. (52 Pa. Code §64.213).

## 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 and Toll Reseller 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, Certificates of Public Convenience shall be issued evidencing the Applicant's authority to provide services as a CLEC and a Reseller of Toll Services in the Commonwealth, consistent with this Opinion and Order and our decisions in the *MFS* and such other proceedings; **THEREFORE,**

### **IT IS ORDERED:**

1. That the caption of this proceeding be revised to read as indicated on the first page of this Order.
  
2. That the Amended Application of SNiP Link, LLC filed at Docket No. A-310820 for approval to operate as a Competitive Local Exchange Carrier in the Commonwealth of Pennsylvania in the service territories of Bell Atlantic-PA, GTE North Incorporated, and Sprint/United, is granted, consistent with this Order.
  
3. That the Application of SNiP Link, LLC filed at Docket No. A-310820F0002 for approval to operate as a Reseller of Toll Services in 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 Competitive Local Exchange Carrier Tariff, 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 a copy of its Initial Tariff on each entity receiving a copy of the original Application. Because the proposed tariff contains rates, the Initial Tariff may become effective on one (1) day's notice from the date on which it is filed and served. The Initial Competitive Local Exchange Carrier Tariff shall be labeled "Competitive Local Exchange Carrier Tariff."

6. That the Applicant shall file its Initial Toll Services Reseller Tariff, 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 a copy of its Initial Tariff on each entity receiving a copy of the original Application. Because the proposed tariff contains rates, the Initial Tariff may become effective on one (1) day's notice from the date on which it is filed and served. The Initial Toll Services Reseller Tariff shall be labeled "Toll Services Reseller 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 the Pennsylvania Public Utility Commission, now in effect or as may be prescribed by the Pennsylvania Public Utility Commission, including but not limited to: *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; and *Universal Service Investigation*, Docket No. I-00940035.

8. 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.

9. That the Applicant file such affiliated interest agreements as may be necessary relative to any transactions with affiliates.

10. That, in the event 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 Amended Application at Docket No. A-310820 and the Application at A-310820F0002 may be dismissed and the authority granted herein revoked without further Commission Order.

11. That, upon the establishment of filed rates and the approval of an Initial Tariff, a Certificate of Public Convenience shall be issued authorizing the Applicant to furnish services as a Competitive Local Exchange Carrier in the Commonwealth of Pennsylvania in the service territories of Bell Atlantic-PA, GTE North Incorporated, and Sprint/United.

12. That, upon the establishment of filed rates and the approval of an Initial Tariff, a Certificate of Public Convenience shall be issued authorizing the Applicant to furnish services as a Reseller of Toll Services in the Commonwealth of Pennsylvania.

**BY THE COMMISSION,**



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: September 30, 1999

ORDER ENTERED: **OCT -4 1999**

**SNiP Link, LLC  
Tariff Deficiencies/Corrections**

**Competitive Local Exchange Carrier Tariff (A-310820)**

**1. Tariff Designation**

The tariff should be designated as "Telephone Pa P.U.C. No. 1" in the upper right portion of each page (52 Pa. Code §§ 53.7, 53.8, 53.21).

**2. Title Page**

-- The service territory to which the tariff applies should be set forth on this page, or alternatively, a reference should be made on this page to a separate page within the body of the tariff which describes this territory, or to the maps in Appendix A of the tariff if these maps completely define the proposed service territory (52 Pa. Code § 53.21(4)).

-- The name, title and address of the officer, administrative official or agent by whom the tariff is issued should be set forth on this page (52 Pa. Code § 53.21(9)).

**3. Original Page No. 15**

This page should contain only the following three symbols and their explanations (52 Pa. Code § 53.22):

- (I) -- To signify a change
- (D) -- To signify a rate decrease
- (C) -- To signify a rate increase

**4. Original Page No. 17**

This page should contain an explicit description of the Company's proposed service territory, or should contain a reference to the maps in Appendix A of the tariff if these maps completely define the proposed service territory (52 Pa. Code § 53.21(4)).

**5. Original Page No. 27**

**Section 2.1.3 TERMS AND CONDITIONS**

In Paragraphs C) and D) of this section, the requirement that residential customers give at least 30 days notice before discontinuing service should be changed to at least 5 days notice (52 Pa. Code § 64.53).

**6. Original Page No. 46**

**Section 2.5.2 BILLING AND COLLECTION CHARGES**

Add the following information to Paragraph G) of this section (52 Pa. Code §§ 64.131-64.171):

- Brief description of the rights and duties of Customer and Company pending resolution of disputes and complaints
- Statement of Customer's option to file a complaint with the Commission's Bureau of Consumer Services if a dispute cannot be resolved to the mutual satisfaction of Customer and Company
- Address and Phone number of Commission's Bureau of Consumer Services as follows:

Pennsylvania Public Utility Commission  
Bureau of Consumer Services  
P.O. Box 3265  
Barto Building  
231 State Street  
Harrisburg, PA 17105  
717-783-5187 or 800-782-1110

**7. Original Page No. 48**

**Section 2.5.4 DEPOSITS**

-- The following language should be added to this section (52 Pa. Code § 64.34):

- "The Company shall provide an explanation of applicable credit and deposit procedures to each Customer or applicant for service."
- "If a deposit or payment of an outstanding residential account is required before furnishing service, the Company shall inform the applicant in writing of the reasons for denial of credit and how to

obtain service. Existing Customers will be informed of the reasons for denial of credit before suspension of service.”

- In Paragraph A), Item 1), the word “of” which appears between the words “charges” and “\$50.00” should be changed to “or.”
- The first sentence of Paragraph D) should be changed to read as follows: “Deposits held will accrue interest at a rate specified by the Pennsylvania Public Utility Commission.”

**8. Original Page Nos. 49-50**

Section 2.5.5 DISCONTINUANCE OF SERVICE

Paragraphs (B), (D), (E), and (F) under this section should be modified to indicate the following:

- The Customer will receive at least 7 days notice prior to suspension regardless of the grounds upon which suspension is sought (except in cases of a Customer’s failure to comply with the material terms of a payment agreement for toll of nonbasic service or both) (52 Pa. Code § 64.71), unless such grounds involve the endangerment of a person or the possibility of physical harm to the Company’s service delivery system (52 Pa. Code § 64.75).
- When at least 10 days have passed since suspension of service, the Company may, after giving proper notice, terminate service for failure to pay a reconnection fee and to remedy the original grounds for suspension (52 Pa. Code §§ 64.121-64.123).

**9. Original Page No. 55**

Section 2.9 TRANSFERS AND ASSIGNMENTS

In the first sentence under this section, the last clause should be modified to read as follows: “. . . except that the Company may, after receiving approval from the Pennsylvania Public Utility Commission, assign its rights and duties:”

**10. Original Page No. 93**

Section 6.2.5 RATES

Rates for Residential Exchange Service must be set forth in the tariff.

**11. Original Page No. 100**

Section 6.4.2 MISCELLANEOUS NONRECURRING CHARGES

The numbering of subsections under this section should begin with “1.” instead of “2.”

**12. Original Page No. 101**

This page is missing footnote number (2), which is cited in Item g. under subsection 3. CHARGES.

**13. Original Page No. 102**

Section 6.5 DIRECTORY ASSISTANCE SERVICE

This section should indicate that Residence Customers are allowed two Directory Assistance calls per month at no charge.

**14. Original Page No. 139**

Section 6.11.2 REGULATIONS

In the last heading under this section, the first letter of the word "Call" should be capitalized.

**15. Original Page No. 268**

Section 8.5.3 RATES

The amount of "\$13.50" appearing under Item no. 1 of this section should be moved to be directly aligned under the heading "Per Month."

**16. Original Page No. 324**

-- Section 9.1.1 GENERAL

In the fourth sentence under this section, the word "Thus" which begins the sentence should be changed to "This."

-- Section 9.1.2 TELECOMMUNICATIONS RELAY SERVICE RATES

The rates listed under this section should be changed to the currently applicable rates of \$0.06 per residence access line and 0.12 per business access line.

**17. Original Page No. 326**

Section 9.2.3 RATES

In the parenthetical material at the end of the first sentence under this section, the first letters of the words "Dial" and "Tone" should be capitalized.

**18. IntraLATA Toll Presubscription**

The Company must file an IntraLATA Toll Presubscription Plan with the Commission, and include language in its tariff to provide for IntraLATA Toll Presubscription for its customers in compliance with orders issued by the FCC implementing the dialing parity requirement of section 251(b)(3) of the Telecommunications Act of 1996, as well as Commission orders issued at Docket No. I-00940034.

## **Toll Services Reseller Tariff (A-210820F0002)**

### **1. Tariff Designation**

The tariff should be designated as "Telephone Pa P.U.C. No. 2" in the upper right portion of each page (52 Pa. Code §§ 53.7, 53.8, 53.21).

### **2. Original Page No. 4**

This page should contain only the following three symbols and their explanations (52 Pa. Code § 53.22):

- (I) -- To signify a change
- (D) -- To signify a rate decrease
- (C) -- To signify a rate increase

### **3. Original Page No. 18**

Section 2.10.1

-- Item (c) under this section should be designated with a lower case "c."

-- In Item (d) under this section, the section number cited at the end of the first sentence should be corrected to read "2.10.1(c)."

### **4. Original Page No. 21**

Section 2.12.3

The word "Customerprovided" in the first sentence under this section should be corrected to read "Customer-provided."

### **5. Original Page No. 23**

Section 2.14 Payment Arrangements

The heading for this section appears two times on the same line.

### **6. Original Page No. 29**

Section 2.14 Payment Arrangements

-- The subsection designated as "2.14.3" under this section should be changed to "2.14.4."

-- The last paragraph designated as "2.14.4.E" under subsection 2.14.4 should be changed to "2.14.4.F."

7. **Original Page No. 38**

Section 2.18 Transfers and Assignments

The middle portion of the paragraph appearing under this section should be modified, beginning on the third line, to read as follows: “. . . except that the Company may, after receiving approval from the Pennsylvania Public Utility Commission, assign its rights and duties . . .”