

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

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|---|--|
| 1. <b>REPORT DATE:</b><br>December 27, 2005   | 2. <b>BUREAU AGENDA NO.</b><br>JAN-2006-FUS-0402*  |
| 3. <b>BUREAU:</b> Fixed Utility Services  |  |
| 4. <b>SECTION(S):</b> Telecommunications  | 5. <b>PUBLIC MEETING DATE:</b><br>January 12, 2006 |
| 6. <b>APPROVED BY:</b><br>Director: R. Rosenthal 3-5242 <i>RR</i><br>Mgr/Spvr: J. Tuzinski 3-6175 <i>JT</i><br>Legal Review: A. Arnold <i>AA</i> 7-8032 |  |
| 7. <b>PERSONS IN CHARGE:</b><br>R. Staver/Townsend 7-3861   | 9. <b>EFFECTIVE DATE OF FILING:</b><br>N/A         |
| 8. <b>DOCKET NO(s):</b><br>A-311281, A-311281F0002, A-311281F0003,<br>A-311281F0004   | <b>DOCUMENT<br/>FOLDER</b>                         |

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

(a) Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunication services as a:

- Competitive Local Exchange Carrier in the service area of Verizon Pennsylvania Inc.
- Reseller Interexchange Carrier throughout the Commonwealth of Pennsylvania,
- Facilities-Based Interexchange Carrier throughout the Commonwealth of Pennsylvania, and
- Competitive Access Provider throughout the Commonwealth of Pennsylvania.

(b) On August 26, 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**  
JAN 23 2006

11. **MOTION BY:** Commissioner Chm. Holland

**SECONDED:** Commissioner Cawley

Commissioner Shane - Yes  
Commissioner Pizzingrilli - Yes  
Commissioner Fitzpatrick - Yes

**CONTENT OF MOTION:** Staff recommendation adopted.



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

January 25, 2006

REFER TO OUR FILE

A-311281, et al

JEFFREY A RAY ESQUIRE  
 113 PLATINUM DRIVE  
 BRIDGEPORT WV 26330

DOCUMENT  
 FOLDER

Application of CityNet Pennsylvania, LLC 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-311281)

Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the Public in the service territory of Verizon Pennsylvania, Inc. in the Commonwealth of Pennsylvania.  
 (A-311281 F0002)

Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider to the Public in the Commonwealth of Pennsylvania.  
 (A-311281 F0003)

Application of CityNet Pennsylvania, LLC 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-311281 F0004)

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on January 12, 2006 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

*James J. McNulty*  
 James J. McNulty  
 Secretary

Enclosure  
 Certified Mail  
 LJM

LUTHER E TONEY II CHIEF OPERATING OFFICER  
 CITYNET PENNSYLVANIA LLC  
 113 PLATINUM DRIVE  
 BRIDGEPORT WV 26330

BRIAN MCDERMOTT COUNSEL  
 3000 K STREET NW  
 SUITE 300  
 WASHINGTON DC 20007-5116

MICHELLE R MUSSER  
 STATE 911 COORDINATOR  
 PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY  
 2605 INTERSTATE DRIVE  
 HARRISBURG PA 17110-9364

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

Public Meeting held January 12, 2006

Commissioners Present:

Wendell F. Holland, Chairman  
James H. Cawley, Vice Chairman  
Bill Shane  
Kim Pizzingrilli  
Terrance J. Fitzpatrick

Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunication services as a Reseller of Interexchange Toll Services to the Public throughout the Commonwealth of Pennsylvania

Docket Number  
A-311281

Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the Public in the service territory of Verizon Pennsylvania Inc. in the Commonwealth of Pennsylvania

Docket Number  
A-311281F0002

Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunication services as a Competitive Access Provider to the Public throughout the Commonwealth of Pennsylvania

Docket Number  
A-311281F0003

Application of CityNet Pennsylvania, LLC for approval to offer, render, furnish or supply telecommunication services as a Facilities-based Interexchange Carrier to the Public throughout the Commonwealth of Pennsylvania

Docket Number  
A-311281F0004

## ORDER

### BY THE COMMISSION:

On August 26, 2003, CityNet Pennsylvania, LLC (Applicant, CityNet, or the Company) filed Applications seeking Certificates of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§ 201, *et seq.* (TA-96),<sup>1</sup> 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 Interexchange Toll Services (IXC Reseller) throughout the Commonwealth of Pennsylvania,
- (2) As a Competitive Local Exchange Carrier (CLEC) in the service territory of Verizon Pennsylvania Inc. in the Commonwealth of Pennsylvania,
- (3) As a Competitive Access Provider (CAP) throughout the Commonwealth of Pennsylvania, and
- (4) As a Facilities-based Interexchange Carrier (IXC) throughout the Commonwealth of Pennsylvania.

The Applicant complied with notice requirements set forth in our Implementation Orders<sup>2</sup> by serving a copy of its application upon Verizon Pennsylvania

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<sup>1</sup> 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).

<sup>2</sup> *Id.*

Inc. No protests were filed. No hearings were held. Discussions with staff lead to subsequent amendments and corrections to the original application concluding with a proposed tariff filed November 14, 2005. Rates expressed in the proposed CLEC tariff are not specific. Therefore, the CLEC is not permitted to apply its tariffs until specific rates are submitted and approved. Additional tariff deficiencies are addressed elsewhere in this Order.

The Applicant is a Delaware Foreign Limited Liability Company with its principal place of business at 113 Platinum Drive, Bridgeport, WV 26330, phone (304) 848-5400, fax (304) 848-5410. Correspondence to resolve complaints may be directed to Luther E. Toney II, Chief Operating Officer, 113 Platinum Drive, Bridgeport, WV 26330, at company headquarters. The Applicant complied with 15 Pa. C.S. §4124, relating to a Foreign Business Corporation. The Applicant's registered office provider is CT Corp., 1515 Market Street – 12<sup>th</sup> Floor, Philadelphia, PA 19102. The Applicant will not be using a fictitious name. 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.

CityNet Pennsylvania, LLC proposes to provide both voice and data telecommunication services to small and medium size business customers in areas served by Verizon Pennsylvania Inc. Service will be primarily provided over a fiber-optic network built by Applicant.

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 programs, as initially set forth or as

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<sup>3</sup> 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.

subsequently enlarged or modified.<sup>4</sup> 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.<sup>5</sup>

The Commission requires that Applicants seeking to provide local telecommunications services in Pennsylvania take steps to protect the public safety of consumers.<sup>6</sup> 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

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<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).

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.

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 reseller, a CAP, and a facilities-based IXC carrier.

We conclude that the Applicant has met the requirements for certification as a CLEC, an IXC Reseller, a CAP,<sup>7</sup> and as a facilities-based IXC, 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. Staff notes that the errors in the proposed tariffs are exceedingly numerous. In accordance with 52 Pa Code §53.6, separate tariffs are required for each kind of service furnished by a public utility. In addition to multiple errors in the proposed CLEC tariff, Applicant's IXC rates are contained in the proposed CAP tariff. Likewise, Applicant's proposed CLEC Switched Access Tariff is improperly labeled under its CAP authority and contains a mixture of switched and special access services. Since Applicant is only providing service to

<sup>6</sup> See 47 U.S.C. §253(b)

<sup>7</sup> 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 IXC (intraLATA or interLATA) calling services to its customers, the utility must also have been granted CLEC and/or IXC authority by this Commission.

business customers as a bundled offering, a waiver of 52 Pa. Code §64 is not required. However, if the Company should begin to offer bundled services to residence, a waiver must be obtained prior to commencement. We shall direct the Applicant to revise the proposed tariffs in accordance with the changes noted in Appendix A of this Order.<sup>8</sup>

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 Verizon Pennsylvania Inc. 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. Further, Commission Staff makes no determination whether the Applicant's switched access rates are in compliance with Act 183 of 2004.<sup>9</sup>

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. The Applicant was provided with these options via Secretarial Letter. CityNet did not provide a separate tariff for its long distance services. Therefore, unless CityNet files a separate toll tariff for Commission approval, the Applicant's proposed IXC

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<sup>8</sup> William Townsend, 717-787-3861, 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).

<sup>9</sup> Act 183, P.L. 1398 (66 Pa. C.S. §3017(c)).

services will be deemed detariffed and subject to Pennsylvania state contract and consumer protection laws.

### 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 IXC Reseller, CLEC, CAP and Facilities-based IXC 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 and as a CAP in the Commonwealth of Pennsylvania and as a CLEC in the service territory 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 CityNet Pennsylvania, LLC at Docket No. A-311281, for authority to operate as a Reseller of Interexchange Toll Services throughout the Commonwealth of Pennsylvania is granted, consistent with this Order.

2. That the Application of CityNet Pennsylvania, LLC at Docket No. A-311281F0002, 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 CityNet Pennsylvania, LLC at Docket No. A-311281F0003, for authority to operate as a Competitive Access Provider throughout the Commonwealth of Pennsylvania is granted, consistent with this Order.

4. That the Application of CityNet Pennsylvania, LLC at Docket No. A-311281F0004 for authority to operate as a Facilities-based Interexchange Toll Services Carrier throughout the Commonwealth of Pennsylvania is granted, consistent with 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 (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 Applications. 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. 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," "Competitive Access Provider Tariff," "Facilities-based and Reseller Interexchange Carrier 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 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.

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 separate accounting records that segment its IXC, CLEC and CAP revenues.

12. 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.

13. 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.

14. 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-311281, A-311281F0002, A-311281F0003, and A-311281F0004 may be dismissed and the authority granted herein revoked without further Commission Order.

15. 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 a Reseller of Interexchange Toll Services throughout the Commonwealth of Pennsylvania; to furnish services as a Competitive Local Exchange Carrier within the service territory of Verizon Pennsylvania Inc. in the Commonwealth of Pennsylvania; to furnish services as a Competitive Access Provider throughout the Commonwealth of Pennsylvania; and to furnish services as a Facilities Based Interexchange Toll Services throughout the Commonwealth of Pennsylvania, consistent with this Order.

16. 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. \_\_\_.

17. 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

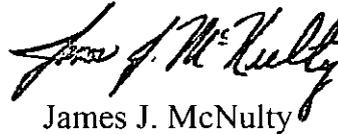
Applicant will continually update the website whenever any supplemental revisions to the tariffs are approved by the Commission such that the website tariffs are a true and accurate representation of its tariffs on file with the Commission.

- 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 tariffs upon subsequent approval of supplemental revisions to the tariffs.

18. 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.

19. That a copy of this Order be served on PEMA (Pennsylvania Emergency Management Agency).

**BY THE COMMISSION,**



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: January 12, 2006

ORDER ENTERED: **JAN 25 2006**

**CITYNET PENNSYLVANIA, LLC**  
 Proposed Tariff Deficiencies: IXC, CLEC, CAP

**Instructions:** *The following tariff deficiencies must be addressed before the tariffs can be approved and Certificates of Public Convenience issued. CityNet Pennsylvania, LLC (CityNet) must submit a copy of this Appendix with its revised compliance tariff. On that copy, note the page/sheet of the compliance tariff where the required revision is located for each item below.*

**ALL Tariffs:**

- CityNet may not label all its proposed tariffs as “No. 1.” Each tariff must carry a separate, unique number as per 52 Pa. Code §53.7(a). The Issued and Effective dates on each page must be revised to provide 1 day’s notice.

**IXC (A-311281, A-311281F0004):**

| <i>Page</i> | <i>Section</i> | <i>IXC Tariff Deficiency</i>  |
|-------------|----------------|---|
| n/a         |                | CityNet failed to submit a separate IXC tariff. Instead, CityNet attempted to combine its long distance services and rates with other tariffs. Therefore, unless CityNet files a separate toll tariff for Commission approval, the Applicant’s proposed IXC services will be deemed detariffed and subject to Pennsylvania state contract and consumer protection laws. |



| <i>Page</i> | <i>Section</i> | <i>CLEC Local Service Tariff Deficiency</i>   |
|-------------|----------------|---|
| 5           | Symbols        | Correct symbol explanations: only I, C, D are permitted per 52 Pa. Code §53.22.   |
| 6           | -              | CLEC did not request statewide authority; replace “State of Pennsylvania” with “service territory of Verizon Pennsylvania Inc.”   |
| 8 to 15     | 1              | <p>Definitions:</p> <ul style="list-style-type: none"> <li>• Access and Access Service Request – remove; not appropriate in local tariff.</li> <li>• End Office – correct reference to Bellcore (which no longer exists).</li> <li>• Exchange – delete last sentence claiming exact quantity of exchanges in PA.</li> <li>• Local Calling Area – Company may retain this definition. However, explicit calling areas are required to be listed within the tariff.</li> <li>• Local Exchange Carrier – provide a definition or fully explain the term “NECs.”</li> <li>• Subscriber Terminal – provide a definition or fully explain the term “DAL.”</li> <li>• Travel Access – remove as this service is not offered under the local tariff.</li> </ul> |
| 22          | 2.1.4 H.       | Correct reference: should be Pennsylvania Public Utility Commission   |
| 28          | 2.3.1(4)       | Correct or remove reference to non-existent Section 2.3.1(C).   |
| 29          | 2.3.1(6)       | Correct or remove reference to non-existent Section 2.3.1(D).   |
| 32          | 2.5.2          | <p>Deposits - Correct reference to Pennsylvania Public Utility Commission and provide the specific interest rate to be applied to business deposits. The Company may want to consider utilizing the residence deposit interest rate granted to local exchange carriers at Docket P-00981357, Order entered November 5, 1998. Following is sample language that may be inserted: “Interest rates on customer deposits are calculated based on the rates of the interest posted for 1-year U.S. Treasury Bills for the months of September, October and November of the previous year.”</p>   |
| 36          | 2.6.2 F.       | Insert the following: “The Bureau of Consumer Services will have primary jurisdiction over informal complaints arising under this subsection”. 52 Pa. Code §63.117.   |
| 36          | 2.6.2 H.       | Correct reference: should be Pennsylvania Public Utility Commission.  |
| 40          | 2.6.7          | Eliminate or correct reference to no-existent Section 9.6.9.  |
| 40          | 2.6.8          | Eliminate reference to “applicable regulations” as none exist at PA PUC.  |

| <i>Page</i> | <i>Section</i>            | <i>CLEC Local Service Tariff Deficiency</i>  |
|-------------|---------------------------|--|
| 40          | 2.7.1                     | Revise to comply with 52 Pa. Code §63.24. Also, correct duplicate numbering of 2.7.1.C. on the next page.  |
| 41          | 2.7.2                     | Remove the last sentence on this page which refers to non-existent sections.   |
| 42          | 2.7.4                     | See 2.7.1 and 2.7.2 above; revise to comply with 52 Pa. Code §63.24.   |
| 47          | 2.13                      | Remove reference to non-existent Section 6.1.1.  |
| 49 to<br>59 | 3.2<br>through<br>4.1.3   | <ul style="list-style-type: none"> <li>Revise to provide specific rates. As reflected on page 2 of the instant Order, “Variable” rates, stated as “minimum” and “maximum” are not permitted. See 52 Pa. Code §53.26 and 52 Pa. Code §53.59.</li> <li>Correct typographic errors appearing throughout these sections.</li> <li>Revise Section 3.8 to comply with sample toll presubscription language attached hereto.</li> </ul> |
| 60          | 4.3.2                     | Revise to comply with 52 Pa. Code §53.60, wherein promotions are limited for a duration of no longer than 6 months in any rolling 12-month period.   |
| 62 to<br>73 | 4.4.3<br>through<br>5.2.5 | Revise to provide specific rates. As reflected on page 2 of the instant Order, “Variable” rates, stated as “minimum” and “maximum” are not permitted. See 52 Pa. Code §53.26 and 52 Pa. Code §53.59.   |
| 75 to<br>76 | 5.2.14                    | Delete tariff language for long distance service; use separate IXC tariff. Since CityNet is only providing service to business customers, a waiver of 52 Pa. Code §64 is not required. However, if the Company should begin to offer bundled services to residences, a waiver must be obtained prior to commencement.  |
| 77          | 6.                        | Revise text for Universal Emergency Telephone Number Service, i.e., 911 access, and Relay Service to comply with sample text attached hereto.  |
| 82          | 8                         | Under 8.1, insert all exchanges that CityNet intends to serve including the local calling areas for each. Furthermore, CityNet’s reference to the entirety of Pennsylvania is incorrect as the instant application only seeks authority in the service territory of Verizon Pennsylvania, Inc. Also, insert the local calling area for each and every exchange.  |
| 85          | 9.4.2                     | Remove reference to Bold Directory Listing, as this is not a regulated service.  |
| 86          | 9.5.1                     | Provide explanation of terms “NAC, EUCL, and SLC” within the tariff.   |



| <i>Page</i> | <i>Section</i> | <i>CLEC Switched Access Tariff Deficiency</i>   |
|-------------|----------------|---|
| 8 to<br>11  | 1.2            | Remove references to definitions used solely for special services; transfer into a separate CAP tariff.   |
| 15 to<br>17 | 1.4            | Revise to apply to switched access services outages; currently written for end-users.   |
| 18 to<br>20 | 2.1            | Revise to apply to switched access services outages; currently written for end-users.   |
| 39 to<br>40 | 3.5 – 3.6      | Note: The Commission makes no determination whether the Company's switched access rates are in compliance with Act 183, P.L. 1398 (66 Pa. C.S. §3017(c)). |
| 41 to<br>59 | 4              | Transfer all special services and references into a separate CAP tariff.  |
| 65          | 7              | Delete section relating to reciprocal compensation, as negotiated interconnection agreements are required for this service.                               |



## SAMPLE LANGUAGE

### Toll Presubscription

- A. Toll Presubscription is a procedure whereby a customer designates to the Telephone Company the IntraLATA and InterLATA Toll Providers, i.e., Interexchange Carriers (IXCs) which the customer wishes to be the carriers of choice for toll calls. Such calls are automatically directed to the designated carrier(s) without the need to use carrier access codes or additional dialing to direct the calls to the designated carrier. Toll presubscription does not prevent a customer, who has presubscribed to a toll carrier, from using carrier access codes or additional dialing to direct calls to an alternative toll carrier on a per call basis.

Each carrier will have one or more access codes assigned to it for various types of service. When an end user selects a carrier as its preferred IXC, only one access code of that carrier may be incorporated into the switching system of the Telephone Company permitting access to that carrier by the end user without dialing an access code. Should the same end user wish to use other services of the same carrier, it will be necessary for the end user to dial the necessary access code(s) to reach that carrier's other service(s).

An IXC must use Feature Group D (FGD) Switched Access Service to qualify as a presubscription toll provider unless prior arrangements have been made with or by the Telephone Company. IXCs must submit an Access Service Request (ASR) to the Telephone Company.

Selection of toll presubscription provider by an end user is subject to the terms and conditions following.

- B. At the option of the IXCs, the nonrecurring charge for a change in toll presubscription, as provided herein, may be billed to the IXCs, instead of the end user. This may involve charges resulting from end-user initial free choice Preferred Interexchange Carrier (PIC), as specified in C.1 following.
- C. Presubscription Charge Application
1. End user choices for toll presubscription:
    - Designating an intraLATA and interLATA IXC(s) as primary carrier(s) thereby requiring no access code to access those IXCs' service. End users are not required to choose the same IXC for intraLATA and interLATA toll presubscription. Other nonpresubscribed IXCs are accessed by dialing 10XXX, 101XXXX, or other required codes.
    - Choosing no carrier as a primary carrier thus requiring 10XXX or 101XXXX code dialing to access all IXCs.

2. If a new customer cannot decide upon presubscription IXCs, the Telephone Company may extend a 30-day period following completion of the initial service request to make a choice without charge. In the interim, the customer will be assigned as a 'No-PIC' and must dial an access code to make toll calls.
  
3. If an IXC elects to discontinue Feature Group, the IXC is obligated to contact, in writing, all end users who have selected the canceling IXC as their preferred toll provider. The IXC must inform the end users that it is canceling its Feature Group D Service, request that the end user select a new IXC, and state that the canceling IXC will pay the PIC change charge as provided herein. The IXC must provide written notification to the Telephone Company that this activity has taken place.

Following the IXC's discontinuance of service, the Telephone Company will bill the canceling IXC the change charge for each end user that is currently designated to the IXC at the time of discontinuance.

4. An unauthorized PIC change is a change in the presubscribed IXC that the end user denies authorizing. PIC disputes for end users are resolved through an investigative process.

If an unauthorized change in toll presubscription occurs, the IXC making the unauthorized change will be assessed a charge for unauthorized change in presubscription as provided in G.2 following. In addition, the IXC will be assessed the applicable charge for returning the end user to the preferred IXC.

If an unauthorized change in intraLATA and interLATA presubscription occurs at the same time, on the same Business/Residence line, and the presubscribed IXC is the same carrier for intraLATA and interLATA, presubscription change charges as provided herein and the Telephone Company's corresponding F.C.C. Access Tariff apply. In addition, the IXC will be assessed the applicable charges for returning the end user to the preferred IXC as herein and in the Telephone Company's corresponding F.C.C. Tariff.

E. End User Charge Discrepancy

1. When a discrepancy is determined regarding an end user's designation of a presubscription IXC, the following applies depending upon the situation described:
  - A signed letter of authorization takes precedence over any order other than subsequent, direct customer contact with the Telephone Company.
  - When two or more orders are received for an end user line generated by telemarketing, the date field on the mechanized record used to transmit

PIC change information will be used as the PIC authorization date. The order with the latest application date/time determines customer choice.

- If an end user denies requesting a change in toll presubscription as submitted by an IXC, and the IXC is unable to produce a letter of authorization, signed by the end user, the IXC will be assessed all applicable change charges. The nonrecurring change charges are provided herein. The IXC will also be assessed the presubscription change charge as specified herein, which was previously billed to the end user.

## 2. Verification of Orders for Telemarketing

Neither the IXC or the Telephone Company shall submit a PIC change order generated by outbound telemarketing unless and until the order has first been confirmed in accordance with the F.C.C.'s current anti-slamming practices and procedures.

## F. PIC Switchback Option-Business/Residence

PIC Switchback is an option under which no investigation activities are performed by the Telephone Company when an end user denies requesting a change in primary toll carrier submitted by the IXCs. The IXC participating in PIC Switchback will be billed the PIC Switchback Charge, and the presubscription change charge, as specified herein, to switch the end user to the end user's previous carrier.

When the Telephone Company is contacted by an end user who denies requesting a change in primary toll carrier, the end user will be credited the charge assessed for the disputed change in carrier, and will be switched back to the previous IXC at no charge. If this service is made available by the Telephone Company, IXCs may subscribe to or cancel PIC Switchback Service on 30 days' notice to the Telephone Company by submitting a written request. A letter of authorization from the IXC will not be requested or accepted at a later date in the event of dispute of the charges assessed under the PIC Switchback option.

This option in no way relieves an IXC of the F.C.C. requirements for verifying all PIC orders obtained by outbound telemarketing prior to submitting those orders, or instituting steps to obtain verification of orders submitted to the Telephone Company.

In addition, the end user has the option of initiating a complaint to the F.C.C. or the Pennsylvania Public Utility Commission's Bureau of Consumer Services concerning unauthorized changes in toll presubscription.

[INSERT RATES HERE]

**SAMPLE LANGUAGE - 911****GLOSSARY OF TERMS**

**Host Telephone Company:** The service provider, which is also the telecommunications public utility that provides 9-1-1 service to the county/municipality, and that houses the Automatic Location Identification (ALI)/MSAG data used for providing 9-1-1 service.

**Telephone Company:** A telecommunications public utility regulated by the Pennsylvania Public Utility Commission and which has or requests access to the county/municipality 9-1-1 system or connection to the serving selective router, including, but not limited to, local exchange carriers and competitive local exchange carriers. This term is synonymous with 'service provider'.

**Content:** The data elements of the MSAG including (but not necessarily limited to) the data elements that are entered into the following fields A-I of a standard MSAG record:

- A. Tax area record
- B. Locality
- C. Street
- D. Thoroughfare
- E. Directional [where required]
- F. Even (E), odd (O), or all (A) [applied to house numbers]
- G. Low-high range of house numbers
- H. PSAP (Public Safety Answering Point)
- I. LAT/LONG (Latitude/Longitude) [where required]

**Formatting, Format:** Shall include changes to the identity of fields, order of fields, and number and arrangement of data elements in each field, and a telephone company's rearrangement or regrouping of such data, without changing the MSAG content, for purposes of validating against MSAG records.

**REGULATIONS**

1. The Telephone Company will comply with the Protocols as set forth in, and in the form of Service Provider E-9-1-1 Protocols, Service Provider E-9-1-1 Questionnaire and Testing Procedures in accordance with the Petition of Bell Atlantic-Pennsylvania, Inc. for a Declaratory Order (MSAG); Docket No. P-0097 1203; Settlement Agreement of all Parties and Joint Petition entered August 7, 1998.
2. The Telephone Company is indemnified under the Public Safety Emergency Telephone Act, Act 78 of 1990.
3. The Telephone Company's liability and insurance provisions are fully stated in its tariff's General Regulations.

4. Cases of Service interruptions affecting public health and safety shall receive priority attention under any and all conditions, particularly in time of disaster. Every appropriate resource will be utilized. The service provider will make reasonable best efforts to have its system fully functional as soon as possible, unless conditions beyond the service provider's control prevent service restoration.
5. The service provider will not use the county's/municipality's MSAG for any purpose that is not directly related to and required for the provision of 9-1-1 service.
6. The Host Telephone Company will install the county's/municipality's MSAG in 'read/write' format and will not modify the content of the MSAG unless requested or permitted to do so by the county/municipality. A request to modify content by the Host Telephone Company shall be responded to by the county/municipality within (10) business days or the request is deemed to be approved. The request shall be in writing and shall set forth in reasonable detail the proposed modification and all reasons in support. The request shall be granted provided the modification is necessary for the Host Telephone Company's provision, maintenance, or upgrading of the 9-1-1 service.
7. The Telephone Company shall not otherwise modify the content of the MSAG, but may make formatting changes approved by the county/municipality necessary to enable the MSAG to conform to the telephone company's information system(s). The request shall be in writing and shall set forth in reasonable detail the formatting changes and all reasons in support. The county/municipality shall respond to the request in ten (10) business days or the request is deemed to be approved. The request shall be granted provided the formatting change does not impair the integrity and accuracy of the MSAG database. For the purposes of this regulation, a content or formatting change does not include the use of the MSAG content in telephone companies' operational support systems to validate customer information for input to the ALL database.
8. The service provider will not sell, lease, rent, loan or provide, or transfer the county's/municipality's MSAG to any other person(s) or entity(ies) without the express written authorization of the county's/municipality's 9-1-1 coordinator, or his or her designee.
9. The Telephone Company will not, without the written consent of the county/municipality, modify or create any derivative of the county's/municipality's MSAG, except as follows: one (1) mirror image copy of the MSAG may be made in electronic form for archival purposes (the copy may be made in read/write format by the host telephone company, but shall be made solely in read-only format by all other telephone companies), and the telephone company may make a mirror image copy, solely in read-only format and only for database reconciliation, address verification for new connections of service, and other functions that are necessary to ensure that the name and address information provided by the service provider to the county/municipality is accurate and conforms to the county's/municipality's MSAG form

**SAMPLE LANGUAGE: Pennsylvania Telecommunications Relay Service**

1. General

The Pennsylvania Telecommunications Relay Service (PA TRS) is a relay telecommunication service for the deaf, hearing and/or speech disabled population of the Commonwealth. The service permits telephone communications between individuals with hearing and/or speech disabilities who must use a Text Telephone and individuals with normal hearing and speech as provided in AT&T Communications of Pennsylvania, Inc.'s Tariff Telephone PA. P.U.C. No. 13.

2. Surcharge

In addition to the charges provided in this tariff and other intrastate toll tariffs in which this Company concurs, a surcharge will apply to all residence and business access lines served by this Company. This surcharge applies regardless of whether or not the access line uses the PA TRS.

The surcharge serves as the funding vehicle for the operation of the PA TRS, and shall be calculated by the Pennsylvania Public Utility Commission (the Commission). The Commission shall compute the PA TRS surcharge each year and notify local exchange carriers of the surcharge amount to be applied for the twelve-month period commencing with July 1 of each year.

The Commission may revise the surcharge more frequently than annually at its discretion.

Tariff revisions will be filed whenever the Commission calculates a new surcharge amount and notifies the Company.

The following surcharge rates apply to all customer bills issued on or after July 1, 2005.

|                                       |          |
|---------------------------------------|----------|
| [Per residence access line, per month | \$0.07]* |
| Per business access line, per month   | \$0.10   |

Centrex lines will be charged on an equivalency basis as determined by the Commission.

3. Rates

Local calls will be charged at the applicable local flat rate or local measured service rate, except for calls originating from Pay Telephones, which shall be completed free of charge.

\*CityNet can exclude residence reference

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 3 day of FEB, 2006,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of January 25, 2006 at Docket No. A-311281, et al on behalf of:

MICHELLE R MUSSER  
STATE 911 COORDINATOR  
PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY  
2605 INTERSTATE DRIVE  
HARRISBURG PA 17110-9364

Michelle R M  
Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

SECRETARY'S BUREAU RECORD RETENTION  
PA PUBLIC UTILITY COMMISSION  
KEYSTONE BUILDING 2<sup>ND</sup> FLOOR  
400 NORTH STREET  
Harrisburg, PA 17105-3265

RECEIVED  
2006 FEB - 6 AM 10:18  
SECRETARY'S BUREAU  
PA P.U.C.