

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held April 14, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
John F. Coleman, Jr., Vice Chairman
Ralph V. Yanora

Application of GC Pivotal, LLC for Approval to Offer, A-2019-3013120
Render, Furnish, or Supply Telecommunications Services to
the Public in the Commonwealth of Pennsylvania as an
Interexchange Carrier Reseller

Application of GC Pivotal, LLC for Approval to Offer, A-2019-3013121
Render, Furnish, or Supply Telecommunications Services to
the Public in the Commonwealth of Pennsylvania as a
Competitive Local Exchange Carrier in the Service Territories
of: Verizon Pennsylvania LLC; Verizon North LLC; The
United Telephone Company of Pennsylvania LLC d/b/a
CenturyLink; and Windstream Pennsylvania LLC

ORDER

BY THE COMMISSION:

On September 19, 2019, GC Pivotal, LLC (Applicant) filed an Application seeking Certificates of Public Convenience under our orders issued pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§ 201 *et seq.*, (TA-96)¹ and 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 an Interexchange Carrier Reseller (IXC Reseller)² throughout the Commonwealth of Pennsylvania; and

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

² Section 3018(b)(2) of the Code, 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, our regulation at 52 Pa. Code § 63.104 outlines the disclosure requirements for filing and maintaining tariffs or operating as a detariffed IXC. The Applicant has elected to operate as a detariffed IXC, subject to Pennsylvania state contract and consumer protection laws.

- (2) As a Competitive Local Exchange Carrier (CLEC) in the service territories of Verizon Pennsylvania LLC; Verizon North LLC; The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink; and Windstream Pennsylvania LLC within the Commonwealth of Pennsylvania.

The Applicant was granted provisional authority pursuant to our Secretarial Letter of February 8, 2022, to provide the proposed IXC Reseller services and CLEC services in the service territories of Verizon Pennsylvania LLC and Verizon North LLC pursuant to its proposed tariffs during the pendency of the application process. As required by 52 Pa. Code § 5.14, the Application also was published in the *Pennsylvania Bulletin*.³ The Applicant was granted a waiver concerning publishing notice of its Application in newspapers of general circulation. The protest period for this Application expired March 7, 2022. The assigned utility code is 3113340.

The Applicant complied with notice requirements set forth in our *TA-96 Implementation Orders* 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. No protests were filed. No hearings were held.

Information concerning the Applicant is as follows:

- The Applicant is currently certificated as a Competitive Access Provider.⁴
- The Applicant is a Delaware Corporation with its principal place of business at 7900 Tysons One Place, Suite 1450, McLean, VA 22102, telephone (703) 442-5500.
- The Applicant complied with Pennsylvania law relating to a foreign limited liability company.
- The Applicant's registered office provider within Pennsylvania is Corporation Service Company, 2704 Commerce Drive, Harrisburg, PA 17110.
- The Applicant's Pennsylvania Emergency Management Agency contact is Mike Winston, Vice President, 7900 Tysons One Place, Suite 1450, McLean, VA 22102, telephone (703) 442-5500.

³ See 52 Pa. B. 1227 (February 19, 2022).

⁴ See Docket No A-2011-2233262 (Order entered August 15, 2011).

- Correspondence to resolve complaints may be directed to Mike Winston, Vice President, 7900 Tysons One Place, Suite 1450, McLean, VA 22102, telephone (703) 442-5500.
- The Applicant will not be using a fictitious name.
- The Applicant is operating as a public utility in other states: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New York, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.
- The Applicant has affiliates or predecessors within Pennsylvania: GTT Americas, LLC and GTT Communications, Inc. Neither company is a jurisdictional public utility.
- The Applicant has affiliates or predecessors rendering public utility service outside Pennsylvania: Access Point, Inc.
- The instant Application was filed as part of a Transfer of Control filing associated with the Applicant's acquisition of assets and operations from Access Point, Inc.⁵

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 such operations.

GC Pivotal, LLC currently operates as a Competitive Access Provider in Pennsylvania. The Applicant seeks to expand its authority to include the provision of IXC Reseller and CLEC services. These services will be offered through the purchase of UNEs and via commercial agreements with underlying ILECs and through the resale of wholesale services. The Applicant

⁵ Application at 4. Applicant's parent company, GTT Americas, LLC, acquired the stock of Access Point, Inc.'s parent company, Access Point Communications, Inc. *See Application of Access Point, Inc. for Approval of the Transfer of Indirect Control to GTT Americas, LLC, Nunc Pro Tunc*, Docket No. A-2020-3021995.

proposes to market its services to business and institutional (government) customers as well as other carriers.

Issues affecting CLECs and other certificated carriers have been addressed in a number of Commission proceedings.⁶ 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.⁷ 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 orders related to numbering may be subject to the reclamation of their numbering resources as well as fines pursuant to Section 3301 of the 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 (Commission established process for reclaiming NXX codes from carriers that have failed to activate them within six months of their availability for assignment to customers).

Further, Section 253(b) of TA-96 permits a state Commission to impose, on a competitively-neutral basis and consistent with universal service provisions, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunications services, and safeguard the rights of consumers. In response, we articulated explicit concerns relative to an applicant's financial fitness, tariff compliance, and rates.⁸ In this case, the Applicant has provided financial information to support

⁶ *See, e.g.*, Policy Statement adopted July 11, 2019, Docket No. M-2018-3004578, 49 *Pa.B.* 5003 (Aug. 31, 2019), 52 Pa. Code § 69.3701 (requiring the reporting and assessment of *all* gross intrastate operating revenues including all actual or *de facto* wholesale revenues), *petition for allowance of appeal dismissed Broadband Cable Assoc. of Pa. v. Pa. PUC* (Pa. Cmwlth., 1085 CD 2019, Jan. 24, 2020) (*Zero Revenue Reporters Policy Statement*); *MFS Intelenet et al.*, Docket Nos. A-310203F0002 *et al.* (Orders entered October 4, 1995; July 31, 1996; and August 7, 1997); *Pa. PUC v. Bell*, Docket No. R-00963578 (Order entered February 6, 1997); *Pa. PUC v. GTE*, Docket No. R-00963666 (Order entered May 9, 2002); *Joint Petition of Nextlink Pennsylvania, Inc. et al.*, Docket Nos. P-00991648 and P-00991649 (Order entered September 30, 1999), *aff'd sub nom. Bell Atlantic-Pennsylvania, Inc. v. Pa. PUC*, 763 A.2d 440 (Pa. Cmwlth 2000), *vacated in part sub nom. MCI Worldcom Inc. v. Pa. PUC*, 844 A.2d 1239 (Pa. 2004) (state court lacked jurisdiction to review unbundled network elements) (*Global Order*); as well as other proceedings.

⁷ *See Universal Service Investigation*, Docket No. I-00940035 (Order entered January 28, 1997).

⁸ *See Application of Blue Ribbon Rentals II, Inc., d/b/a Talk One America, for Authority to Begin to Offer, Render, Furnish, or Supply Competitive Local Exchange Telecommunication Services to the Public in the Commonwealth of Pennsylvania*, Docket No. A-310442 (Orders entered April 25 and August 4, 1997).

its Application. We conclude that the Applicant has demonstrated that it is financially capable of providing telecommunications services as a CLEC and IXC Reseller.

Applicants are also required to be technically and managerially capable of providing public utility service. In the notarized affidavit in the Application, the Applicant swears and affirms its ability and commitment to providing the proposed services in full compliance with all provisions of Pennsylvania and federal law. Additionally, we again note that no entities contested the fitness of the Applicant. We therefore conclude that the Applicant has sufficiently demonstrated that it possesses the requisite technical and managerial fitness elements to provide the proposed services.

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, the Applicant avers that it has contacted by certified letter each county or municipal authority where it intends to provide CLEC telecommunications services 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 and IXC Reseller, 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 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.⁹ The Applicant shall thereafter file its Initial Tariffs reflecting the requested changes on or before sixty days from the date of entry of this Order. The Applicant may file its Initial Tariffs electronically, consistent with Commission rules.¹⁰ Copies

⁹ Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, TA-96, our regulations, or Orders will be deemed inoperative and superseded.

¹⁰ See *Final Rulemaking to Permit Electronic Filing*, Docket No. L-00070187 (Order entered May 23, 2008).

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 days, the Applicant may request an extension of an additional sixty days with the Commission's Secretary. Thus, if the Initial Tariffs are not filed within sixty 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. Any tariff provisions contained in the Initial Tariffs regarding limitation of liability inconsistent with any applicable laws, rules and regulations will be deemed inoperative and superseded.

To the extent that the proposed tariffs contain rates, the Initial Tariffs may become effective on one 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 Chapter 30 of the Code, 66 Pa.C.S. § 3017(c).

Carriers are required to provide telecommunications service to customers in Pennsylvania within one year of certification.¹¹

In accordance with the affidavit that accompanied the Application, the Applicant has agreed to abide by all applicable federal and state laws and regulations and by the decisions of the Commission. We remind the Applicant that, in accordance with our *TA-96 Implementation Orders*, a public utility that seeks Commission certification or that is certificated in Pennsylvania to provide telecommunications service, as defined by state and federal law, must provide the service in full compliance with all applicable provisions of Pennsylvania and federal law. This includes compliance with Section 1511 of Pennsylvania's Business Corporation Law, 15 Pa. C.S. § 1511,¹² when siting facilities/equipment in public rights-of-way. Failure to comply with

¹¹ For complete details regarding this requirement, including consequences for non-compliance, see *Final Order Regarding the Commission's Plan to Implement a One-Year Timeframe for Inactive Telecommunication Carriers to Provide Service on an Annual Basis within the Commonwealth of Pennsylvania*, Docket No. M-2011-2273119 (Order entered July 19, 2012).

¹² 15 Pa. C.S. § 1511(e) provides as follows: "A public utility corporation shall have the right to enter upon and occupy streets, highways, waters and other public ways and places for one or more of the principal purposes

applicable law may result in fines being imposed against a public utility or in the suspension or revocation of the utility's Certificate of Public Convenience, consistent with due process.

We remind the Applicant that certificated public utilities in Pennsylvania are required to file with the Commission an accurate annual financial report and an accurate separate statement of all gross intrastate (wholesale and retail) revenues for fiscal assessment purposes, as received from operations conducted pursuant to the authority granted by the Commission's certification order.¹³ Additional reporting of intrastate retail revenues is also required for the purpose of Pennsylvania Universal Service Fund contribution assessments. Failure to comply with applicable reporting requirements may result in billing for back payments due and the imposition of fines and/or other lawful remedies, including revocation of certification, consistent with due process.

Conclusion

Accordingly, consistent with the aforementioned statutory criteria in the Code and also with our Orders, our regulations, and TA-96, we shall grant the Application. A Certificate of Public Convenience shall be issued evidencing the Applicant's authority to provide services as a IXC Reseller. Upon the 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 LLC, Verizon North LLC, The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, and Windstream Pennsylvania LLC, consistent with this Order, our decisions cited herein, and such other proceedings; **THEREFORE,**

IT IS ORDERED:

1. That the Application of GC Pivotal, LLC at Docket No. A-2019-3013120, for authority to operate as an Interexchange Carrier Reseller throughout the Commonwealth of

specified in subsection (a) and ancillary purposes reasonably necessary or appropriate for the accomplishment of the principal purposes, including the placement, maintenance and removal of aerial, surface and subsurface public utility facilities thereon or therein. Before entering upon any street, highway or other public way, the public utility corporation shall obtain such permits as may be required by law and shall comply with the lawful and reasonable regulations of the governmental authority having responsibility for the maintenance thereof."

¹³ See 66 Pa.C.S. § 510(b); see also 52 Pa. Code §§ 63.31 *et seq.* We note that flexibility for the Applicant's system of accounts is provided by our own annual reporting regulations for competitive local exchange carriers that the Applicant may also utilize. See generally 52 Pa. Code §§ 63.31(3) and 63.32(c).

Pennsylvania is granted, consistent with this Order, and that a Certificate of Public Convenience be issued evidencing such approval.

2. That the Application of GC Pivotal, LLC at Docket No. A-2019-3013121, for authority to operate as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania LLC, Verizon North LLC, The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, and Windstream Pennsylvania LLC is granted, consistent with this Order.

3. That GC Pivotal, LLC shall either eFile or submit an original copy 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. **GC Pivotal, LLC is directed to identify any changes made to the proposed Initial Tariffs that are in addition to the changes noted in Appendix A.** GC Pivotal, LLC 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.

4. That an Initial Tariff shall be labeled on its face according to the respective authority: "Competitive Local Exchange Carrier Tariff," and "Competitive Local Exchange Carrier Switched Access Tariff."

5. That GC Pivotal, LLC 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 those identified in this Order.

6. That if GC Pivotal, LLC expands its local service into new counties in its currently authorized area of Verizon Pennsylvania LLC, Verizon North LLC, The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink, and Windstream Pennsylvania, LLC, GC Pivotal, LLC 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.

7. That if GC Pivotal, LLC should desire to expand its service territory to that of additional incumbent local exchange carriers, GC Pivotal, LLC 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.

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

9. That GC Pivotal, LLC shall maintain accurate accounting records that properly classify and segment its Interexchange Carrier Reseller, Competitive Local Exchange Carrier, and Competitive Access Provider revenues from its operations within the Commonwealth and file with the Commission an accurate annual financial report and an accurate separate statement of all gross intrastate (wholesale and retail) revenues for fiscal assessment purposes.

10. That GC Pivotal, LLC shall maintain accurate accounting records that properly classify and segment its gross retail intrastate revenues for purposes of the Pennsylvania Universal Service Fund contribution assessment report.

11. That in accordance with Commission Orders entered on October 5, 2005, at Docket No. M-00041857 and on August 21, 2006, at Docket No. L-00050176, GC Pivotal, LLC shall follow the reporting requirements outlined at the following website:
http://www.puc.pa.gov/telecom/docs/Reporting_Requirements.docx.

12. That GC Pivotal, LLC 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.

13. That GC Pivotal, LLC 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.

14. That in the event that GC Pivotal, LLC 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-2019-3013121, and A-2019-3013120 shall be dismissed and the authority granted herein revoked without further Commission Order.

15. That upon the approval of the Initial Tariffs, a Certificate of Public Convenience shall be issued authorizing GC Pivotal, LLC to furnish services as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania LLC; Verizon North LLC; The United Telephone Company of Pennsylvania LLC d/b/a CenturyLink; and Windstream Pennsylvania LLC within the Commonwealth of Pennsylvania, consistent with this Order.

16. 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. __.

17. That GC Pivotal, LLC shall add its Pennsylvania tariffs to its website within thirty (30) days of the filing of its Initial Tariffs and mark them "Pending." Within thirty (30) days of receipt of its Certificate of Public Convenience, GC Pivotal, LLC shall make any required modifications to the tariffs on its website and remove the "Pending" notation. Thereafter, GC Pivotal, LLC will continually update the website whenever any supplemental revisions to the tariffs are approved by the Commission such that the website tariff is a true and accurate representation of its tariff on file with the Commission.

18. That within thirty (30) days of receipt of its Certificate of Public Convenience, GC Pivotal, LLC shall contact Cyndi Page ((717) 787-5722; cypage@pa.gov) of the Commission's Office of Communications to create a link from the Commission's website to GC Pivotal, LLC's website.

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

20. That a copy of this Order be served on the Bureau of Registration and Taxpayer Management in the Pennsylvania Department of Revenue and the Pennsylvania Emergency Management Agency Bureau of 9-1-1 Programs.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: April 14, 2022

ORDER ENTERED: April 14, 2022

GC Pivotal, LLC
Docket Nos. A-2019-3013121
Proposed tariffs for Competitive Local Exchange Carrier Service

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 A-2019-3013121, Tariff No. 3

1. Correct the Title to read:

COMPANY NAME
COMPETITIVE LOCAL EXCHANGE CARRIER
Regulations and Schedule of Charges
2. All Pages: Enter issued and effective dates as per ordering paragraph.
3. All Pages: Need to add name of responsible person in footer.
4. Various Pages: Revise Verizon’s legal Company names to read Verizon Pennsylvania LLC and Verizon North LLC.
5. Various Pages: Change Embarq to read CenturyLink.
6. Liability: The limitations of liability tariff provisions should be generally consistent with the Commission’s relevant Policy Statement at 52 Pa. Code § 69.87 and the Commission Order under Docket No. M-00981209.
7. Check Sheet: Missing Page 10 under Preface Section.
8. Missing: Statement that if bill is paid by the mail, the date of the postmark will be considered the date of payment as per 52 Pa Code § 53.84.
9. Missing: Statement of compliance with Chapter 64 in the Billing Standards, Residence Section of Tariff.
10. Missing: Statement that reads “must personally contact someone and they have 3 days from contacting the business to suspend or terminate “under Business Customer terminations/suspension of service section.
11. Preface, Pages 1-7: Remove asterisks.

12. Preface, Page 6: Missing Section 7 for pages 9, 10, and 11.
13. Preface, Page 2: Under Section 2 missing page 51.
14. Preface, Page 4: Under Section 3 missing pages 163-169.
15. Preface, Page 5: Under Section 5, there are only 58 pages in the tariff. Need to remove Pages 59-66.
16. Preface, Page 6: Under Section 7, there are only 16 pages in the Tariff. Need to remove Pages 17-25.
17. Preface, Page 7: Under Section 16, there are only 34 pages in the Tariff. Need to remove Pages 35-39.
18. Preface, Page 10: Remove yellow highlight from the text.
19. Section 1, Pages 1-7 Definitions: Only include definitions of terms used in the tariff. Either remove the following or provide a reference to Commission staff as to where in this tariff these terms are used: "Account Codes," "Collocation," "Dedicated Inbound Calls," "Dedicated Outbound Calls," "Dial Pulse," "Direct Outward Dial," "Dual Tone Multi-Frequency," "Duplex Services," "In-Only," "Local Interconnection Trunking Service," "Minimum Point of Presence," "Shared Inbound Calls," "Shared Outbound Calls," "Tandem," and "Usage Based Charges."
20. Section 2, Page 3 2.1.3 (D): Remove "legal fees and court costs." The Commission does not empower parties to collect their legal fees from other parties via the tariff. This must be dealt with in court proceedings or negotiations between the parties.
21. Section 2, Page 20 2.3.2: Remove "attorney fees." The Commission does not empower parties to collect their legal fees from other parties via the tariff. This must be dealt with in court proceedings or negotiations between the parties.
22. Section 2, Page 48 2.13.2: Need to change both surcharges to \$0.04. Need to change the date above the rates to August 1, 2021.
23. Section 14: Need to add that ICB rates are to be filed with the Commission upon request.
24. Section 16: Need to re-number after page 26.

Tariff deficiencies noted – CLEC Switched Access Tariff A-2019-3013121 No. 2

1. Correct the Title to read:

COMPANY NAME
COMPETITIVE LOCAL EXCHANGE CARRIER
SWITCHED ACCESS TARIFF
Regulations and Schedule of Charges

2. 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 LLC Telephone Pa. P.U.C. Nos. 180A, 182, 182A, 185B and 185C; Verizon North LLC Telephone Pa P.U.C. Nos. 1, 3, 5, and 6; United Telephone Company of Pennsylvania d/b/a CenturyLink P.U.C. No. 27, and Windstream Pennsylvania LLC. Pa. P.U.C. No.7.
3. All Pages: Enter issued and effective dates as per ordering paragraph.
4. All Pages: Need to add name of responsible person in footer.
5. Preface, Page 1 Check Sheet: Title Page listed twice, please remove one of them.
6. Preface, Pages 1 and 2 Check Sheet: Remove the asterisks.
7. Section 1, Pages 2-8 Definitions: Only include definitions of terms used in the tariff. Either remove the following or provide a reference to Commission staff as to where in this tariff these terms are used: “Answer Supervision,” “Automatic Number Identification,” “Bps,” “CIC,” Customer Premise Equipment,” “DS3,” “Dual Tone Multifrequency,” “Equal Access,” “Host Office,” “N/A,” “OC-3,” “OC-12,” “OC-48,” “On-Hook,” “Originating Direction,” “PIC Authorization,” “Presubscription,” “Private Line,” “Special Access,” “Terminating Direction,” “VoIP Provider Partner,” and “VoIP Services.”
8. Section 2, Page 7 2.8.2: Remove “attorney fees.” The Commission does not empower parties to collect their legal fees from other parties via the tariff. This must be dealt with in court proceedings or negotiations between the parties.
9. Section 2, Page 37: The next page should be Page 38, but it is shown as Page 33. Need to change Page 33 to read Page 38.
10. Section 5: Missing Page 3. Page 3 is listed on Check Sheet. Either add a Page 3 or delete Page 3 from Check Sheet.
11. Check Rates that they are updated as per PA PUC Order entered May 21, 2020, at Docket No. M-2012-2291824, which implements the Federal Communications Commission’s Order released on November 18, 2011.

12. Liability: The limitations of liability tariff provisions should be generally consistent with the Commission's relevant Policy Statement at 52 Pa. Code § 69.87 and the Commission Order under Docket No. M-00981209.