

**STATE OF NEW HAMPSHIRE**

## Inter-Department Communication

**DATE:** July 31, 2014  
**AT (OFFICE):** NHPUC

**FROM:** Michael Ladam, Assistant Director of Telecommunications

**SUBJECT:** DT 14-160, Intrastate Access Tariff Filings by Competitive Local Exchange Carriers (CLECs)

**TO:** Commissioners  
Debra Howland, Executive Director  
Kate Bailey, Director, Telecommunications

**Executive Summary:** Two CLEC telephone utilities filed proposed intrastate access tariff revisions on June 18<sup>th</sup> and June 20<sup>th</sup>, 2014, and the Commission extended the review period for these filings on June 30<sup>th</sup>, 2014. Six additional CLEC telephone utilities filed proposed intrastate access tariff revisions between July 16<sup>th</sup> and July 18<sup>th</sup>, 2014. Staff has reviewed these eight filings and determined that they comply with relevant rules and orders. Staff recommends that the Commission allow these eight revisions to take effect on July 31, 2014.

**Background and Analysis:** Federal Communications Commission (FCC) rules and orders require that CLEC intrastate rates for terminating access service be no higher than the rates of the Incumbent Local Exchange Carrier (ILEC) in the area. In each of these eight filings the ILEC is Northern New England Telephone Operations, LLC (FairPoint). FairPoint in this area is a "price cap carrier" under FCC rules.

The price cap carrier calculates and reports to the FCC a "terminating end-office composite rate" (composite rate) that provides a per-minute average of some but not all of its terminating rate elements (tandem switching and trunking charges are not included in the composite rate). FairPoint has calculated and reported to the FCC a composite rate of \$0.003281 per minute. The price-cap carrier is not required to use the composite rate instead of separate rate elements, and FairPoint does not use it.

CLECs have flexibility in how they structure their access tariffs. They are not required to use the same set of rate elements as each other, or as the price cap carrier. These eight CLECs have proposed to satisfy the FCC rate cap by one of three methods:

- a) Using only terminating rate elements that also appear in the price cap carrier access tariff, with the CLEC charging the same or a lower rate; or
- b) Using a composite rate no higher than the reported price-cap carrier composite rate, plus additional rate elements not associated with the end office which are no higher than those adopted by the price cap carrier; or

- c) Using a single terminating rate instead of all terminating rate elements, with that single rate no higher than the sum of the composite plus the price cap carrier's other terminating access rates.

Four companies filed proposed tariff revisions under Option A. These companies are: ACN Communications Services, Inc.; Bullseye Telecom, Inc; Hypercube Telecom, LLC; and Level 3 Communications, LLC. Staff has confirmed that each of these filings establishes terminating rates at or below FairPoint's rates, in compliance with FCC rules and orders. Staff recommends that the Commission allow these four tariff revisions to take effect July 31, 2014.

One company (Freedom Ring Communications LLC) filed a proposed tariff revision under Option B. Staff has confirmed that the composite rate and other rate elements in this filing are at or below the FairPoint equivalents. Staff recommends that the Commission allow this tariff revision to take effect on July 31, 2014.

Three companies filed proposed tariff revisions under Option C. These companies are: CRC Communications LLC; Granite Telecommunications, LLC; and TNCI Operating Company LLC. Staff has confirmed that the single rates in these filings are no higher than the sum of FairPoint's composite rate plus other FairPoint terminating access rates. Staff recommends that the Commission allow this tariff revision to take effect on July 31, 2014.

Several companies filed documents purporting to propose tariff revisions, which did not include actual rates but instead referred to federal filings or even to company web sites. New Hampshire RSA 378:1 requires public utilities to file schedules "showing the rates, fares, charges, and prices" for their services. Staff has notified these companies that these filings are incomplete.

Two companies that do not provide non-VoIP / IP-enabled voice services to end-users, and are therefore not public utilities under New Hampshire law, submitted documents as tariffs. Since the Commission has no authority to accept or reject any such filing, Staff has notified the companies that the documents will not be acted upon.

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- b) Serve an electronic copy with each person identified on the Commission's service list and with the Office of Consumer Advocate.**
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