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| PUC logo | COMMONWEALTH OF PENNSYLVANIAPENNSYLVANIA PUBLIC UTILITY COMMISSIONP.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

August 22, 2013

Docket No. R-2013-2374641

 Utility Code: 311435

CAREY ROESEL

TECHNOLOGIES MANAGEMENT INC

2600 MAITLAND CENTER PARKWAY SUITE 300

MAITLAND FL 32751

Re: Neutral Tandem-Pennsylvania, LLC

Revisions to Switched Access Services Tariff PA P.U.C. No. 1

Dear Mr. Roesel:

On July 19, 2013, Neutral Tandem-Pennsylvania, LLC (the Company) submitted Supplement No. 4 to its intrastate switched access services Tariff No. 1, effective August 19, 2013. The instant filing was made in compliance with the Pennsylvania Public Utility Commission’s (Commission) Order that was entered on April 18, 2013,[[1]](#footnote-1) to implement certain provisions of the November 18, 2011 FCC Order.[[2]](#footnote-2)

The Company’s proposed intrastate switched carrier access service revenue and rate reductions amount to $0.00.

Commission Staff has reviewed this supplement. Suspension or further investigation does not appear warranted at this time. Therefore, in accordance with 52 Pa. Code, the tariff revisions contained in this supplement are effective by operation of law according to the effective dates contained on each page, and the case will be closed. However, this does not constitute a determination that the revisions are just, lawful, and reasonable, but only that suspension or further investigation does not appear warranted at this time. This is without prejudice to any formal complaints timely filed against said tariff revisions, and the revisions may be subject to true-up to the extent they are subsequently found to be unlawful, unjust, or unreasonable. Furthermore, in accordance with our April 18 Order, the tariff submissions and supporting data are potentially subject to “any joint state-federal investigation or enforcement action.”[[3]](#footnote-3)

We note that the Commission has filed an appeal of the FCC Order that directed the submission of these tariff filings.[[4]](#footnote-4) Commission Staff’s review of this tariff filing is without prejudice to the impact that the federal appeal or related developments may have on this filing, and the effective rates in this tariff filing may be subject to true-up, including refunds in accordance with Section 1312 of the Public Utility Code (66 Pa. C.S. § 1312). All local exchange carriers (LECs) should maintain records sufficient to comply with the Commission’s record keeping requirements and, in addition, those set forth by the FCC. Any LECs failure to do so may impact its ability to address the interplay of the tariff filing addressed in this Secretarial Letter and any subsequent developments.

We further note that Supplement No. 4, which decreases certain intrastate switched access rate elements, contains an effective date of August 19, 2013. In accordance with our April 18 Order and the FCC Order, the decrease of these intrastate switched access rate elements should have gone into effect either July 1 or July 2, 2013. Our April 18 Order notes:

“In addition, we encourage ILECs and CLECs that operate under this Commission’s jurisdiction and directly or indirectly exchange switched access traffic with other telecommunications carriers or other communications entities, to engage in appropriate informal consultations, information exchange, and resolution regarding any issue that may arise following the submission of the required tariffs. Such informal consultations and information exchange can be carried out under the appropriate confidentiality protections of proprietary data and can lead to the avoidance of costly formal complaint litigation before the Commission.”[[5]](#footnote-5)

In accordance with the above, we expect that, in the event that any ILECs and/or CLECs were charged rates not in compliance with our April 18 Order and the FCC Order, those ILECs and/or CLECs will be made whole.

**In accord with Docket No. M-00981052 and Secretarial Letters issued September 28, 2000, and November 30, 2001, a Pennsylvania telecommunications carrier is required to maintain its most current Commission-approved tariff and any pending tariff supplements on its website with a link to the Commission’s website.  However, staff was unable to access the Company’s current tariff online. Therefore, within 10 days of the date of this letter, the Company is directed to update its online tariffs and provide confirmation to Melissa Derr at** **mderr@pa.gov****.**

 **Further, please be advised that Commission Staff 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)).**

In addition, the Commission reminds all LECs that their migration information should be checked for accuracy. You can find this information at <http://www.puc.state.pa.us/utility_industry/telecommunications/local_service_migration.aspx>. If this contact is no longer current or needs updated, contact Cyndi Page of the Commission’s Communications Office at (717) 787-5722 or cypage@pa.gov.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code § 5.44, file a petition with the Commission within 20 days of the date of this letter. If you have any questions in this matter, please contact Derek Vogelsong, Telco Section, Bureau of Technical Utility Services at (717) 787-3861 or devogelson@pa.gov.



 Sincerely,

##  Rosemary Chiavetta

##  Secretary

cc: Melissa Derr, TUS

1. *Implementation of the Federal Communications Commission’s Order of November 18, 2011 As Amended or Revised and Coordination with Certain Intrastate Matters*, Docket No. M-2012-2291824, Order Entered April 18, 2013 (April 18 Order). [↑](#footnote-ref-1)
2. *See* FCC Order adopted October 27, 2011, and Released November 18, 2011, and further revised and clarified by Order February 3, 2012: *In the Matter of Connect America Fund*, WC Docket No. 10-90; *A National Broadband Plan for Our Future*, GN Docket No. 09-51; *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135; *High-Cost Universal Service Support*, WC Docket No. 05-337; *Developing an Unified Intercarrier Compensation Regime*, CC Docket No. 01-92; *Federal-State Joint Board on Universal Service,* CC Docket No. 96-45; *Lifeline and Link-Up*, WC Docket No. 03‑109; *Universal Service Reform - Mobility Fund*, WT Docket No. 10-208. The FCC has issued additional reconsideration and clarification Orders in the same proceeding and the issuance of further such FCC rulings is anticipated (FCC Order). [↑](#footnote-ref-2)
3. April 18 Order at 8. [↑](#footnote-ref-3)
4. This appeal is currently pending before the U.S. Court of Appeals for the 10th Circuit. *Commonwealth of Pennsylvania, Pennsylvania Public Utility Commission* v. *Federal Communications Commission and the United States of America*, Docket Nos. 11-9900 and 11-9585 (10th Cir. filed December 5, 2011). [↑](#footnote-ref-4)
5. April 18 Order at 8. [↑](#footnote-ref-5)