

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Aventure Communication Technology, L.L.C.) **Transmittal No. 6**
FCC Tariff No. 3)
)
)

**AVENTURE COMMUNICATION TECHNOLOGY, L.L.C.
RESPONSE TO PETITION OF SPRINT COMMUNICATIONS
COMPANY, L.P. TO REJECT OR, IN THE ALTERNATIVE, TO
SUSPEND AND INVESTIGATE**

Aventure Communication Technology, L.L.C. (“Aventure”)¹ pursuant to 47 C.F.R. § 1.773(b)(1)(iii), hereby responds to the Petition of Sprint Communications Company, L.P. (“Sprint”) to Reject or, in the Alternative, to Suspend and Investigate Aventure's Tariff F.C.C. No. 3. Sprint fails to offer any credible arguments to support rejection or suspension of Aventure’s FCC Tariff No. 3 (the “Tariff”), Transmittal No. 6 (the “Transmittal”) filed on December 15, 2011.

Sprint states that: "As a CLEC engaged in traffic stimulation, Aventure is required to file a revised tariff benchmarking its switched access to the lowest interstate switched access rate of a price cap LEC in the state." (Petition, pp. 1-2.) That is precisely what Aventure did in its Transmittal. It removed the rate schedules that are included in its current tariff for its Northwest Iowa Telephone Company and Western Iowa Telephone Association territories, and left only the rate schedule that matches the Qwest switched access rates in Iowa. Qwest is the price cap-

¹ Aventure is a competitive local exchange carrier (“CLEC”) that holds Certificates of Authority in Iowa, Nebraska and South Dakota.

regulated incumbent local exchange company (ILEC) with the lowest switched access rates in that state. The switched access rate schedule in Transmittal No. 6 is exactly the same rate schedule included in Section 3.7.1 of Aventure's existing tariff, which was deemed lawful by effect of § 204(a)(3) of the Communications Act.

Sprint does not argue that Qwest is not the price cap-regulated ILEC with the lowest switched access rates in Iowa. In fact, it acknowledges that the Qwest rates are the appropriate rates to which Aventure's rates should be benchmarked. (Petition, p. 3.) Rather, Sprint appears to object to what it believes will be Aventure's application of those rates to future billed access usage. For instance, in footnote 7 of its Petition, Sprint supposes: "Based upon previous billing by Aventure, Sprint *believes* Aventure's switched access rate *would be* determined as follows..." (Petition, p. 3, emphasis added.)

Aventure's tariff makes it clear that Aventure intends to bill access charges only for functions that it performs. For instance, in the Transmittal it added Section 3.1.6, which states in part: "The Company will not charge for functions not performed by the Company, its affiliated or unaffiliated provider of VoIP service." Sprint's supposition about how the legitimately benchmarked rates in Aventure's tariff might be imposed on future access traffic is not a proper basis for rejecting Aventure's Transmittal. To the extent that Sprint has concerns about future Aventure access billing, it can follow the procedures provided under Aventure's tariff and any other legal recourse available to it to dispute those charges.

Sprint asserts that, if not rejected outright, Aventure's tariff filing should be suspended because it "meets the requirements for suspension under Section 1.773(a)(ii) of the Commission's rules. (Petition, p. 4). Notably, Sprint cites only the first two of four criteria set forth in the Commission's rules for suspension. First, it argues that there is "a

very high probability that the tariff would be found to be unlawful after an investigation..." (Petition, p. 4.) However, Sprint has presented no arguments that demonstrate that Aventure's tariff is or might be determined to be unlawful. In fact, the Qwest-benchmarked rates included in the tariff are the same rates that were deemed lawful under Aventure's Transmittal No. 5.

Second, Sprint argues that "the harm to competition caused by the filing greatly outweighs the injury to the public arising from the unavailability of the service provided by the tariff." (Petition, pp. 4-5.) Sprint offers absolutely no support for this conclusion and, in fact, it is nonsensical, because rejection or suspension of the current tariff would leave Aventure's existing, higher rates for access service in place.

Sprint completely ignores the third and fourth tests set forth in Section 1.773(a)(ii) of the Commission's rules. The third requires a finding that "irreparable injury will result if the tariff filing is not suspended," and the fourth, "that the suspension would not otherwise be contrary to the public interest." There is no basis for a finding of irreparable injury. As noted above, Sprint's objection to the tariff is its future application. Sprint and other carriers will have ample opportunities to dispute future access bills, should they believe them to be inconsistent with the Commission's rules. Aventure is quite certain that, given Sprint's history of disputing and refusing to pay access charges, it will avail itself of those opportunities and will certainly not suffer "irreparable injury." Moreover, as noted above, if the Transmittal is rejected or suspended, the existing, higher rates will remain in place.

CONCLUSION

For the reasons stated above, the Bureau should conclude that the Sprint's arguments are without merit and that its request to reject or suspend Aventure

Tariff No. 3, Transmittal No. 6 is unfounded. The tariff filing made by Aventure should be allowed to become effective as filed as of 12:01 am Eastern on December 30, 2011.

Dated: December 27, 2011

Respectfully submitted,

By: /s/ Sharon Thomas
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*For Aventure Communication
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CERTIFICATE OF SERVICE

I, Sharon Thomas, hereby certify that on this 27rd day of December, 2011, I caused a true and correct copy of the foregoing AVENTURE COMMUNICATION TECHNOLOGY, L.L.C.'S RESPONSE TO PETITION OF SPRINT COMMUNICATIONS COMPANY, L.P. TO REJECT OR, IN THE ALTERNATIVE, TO SUSPEND AND INVESTIGATE to be served on the following parties:

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