

John Staurulakis, Inc. Amended Transmittal No. 182 – September 19, 2014
TDS Telecom Companies-Group A
Description and Justification

1. Introduction.

With this amended transmittal John Staurulakis, Inc. (“JSI”) files corrected 2014 ICC-CAF Tariff Review Plan worksheet for TDS Telecom Companies-Group A (“TDS Telecom” or “TDS Group A Companies”) to include additional intrastate terminating access revenues to the FY 2011 Base Period Revenue (“BPR”) used in the calculations of ICC-CAF for the TDS Group A Companies.

2. Description of Tariff Filing

The corrected TRP worksheet amends Eligible Recovery amounts to include Halo intrastate terminating access revenues which were the subject of a petition for waiver filed by TDS Telecom on behalf of many of its Local Exchange Carriers.¹ On August 7, 2014 the FCC granted TDS Telecom a limited waiver² to allow for TDS to include additional intrastate terminating access revenues in its Base Period Revenue that were not filed in each of the preceding ICC-CAF Tariff Review Plans (“TRP”).

The TDS Telecom Group A companies listed at the following table meet each of the below five conditions described at paragraph 23 of the Commission’s Order and have provided the required certifications with this filing.

- *First, that it terminated all intrastate traffic sent to it by Halo for termination during FY 2011 that it seeks to add to its BPR calculations. This condition will limit BPR*

¹ TDS Telecommunications Corp. Petition for Limited Waiver of Section 51.917(c) of the Commission’s Rules, WC Docket No. 10-90 et al. (filed Aug. 9, 2012) (TDS Telecom Petition).

² Connect America Fund, WC Docket No. 10-90, Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92, Petitions for Waiver of Section 51.917(b)(7) of the Commission’s Rules, Order, FCC 14-121 rel. Aug. 7, 2014 (“Order”).

adjustments to reflect traffic for which compensable terminating access services were actually provided.

- *Second, that it billed Halo intrastate access charges for such traffic during FY 2011 or before the close of the next regular billing cycle in Fiscal Year 2012 for the amounts to be added to BPR calculations. This condition is designed to limit BPR adjustments to those relating to revenue that Petitioners attempted to collect from Halo for provision of terminating access services during FY 2011.*
- *Third, that a court or state regulatory agency of competent jurisdiction has made a finding of liability regarding the compensation for such traffic.*
- *Fourth, that it filed a timely claim in the Halo bankruptcy case requesting compensation for such traffic, and any BPR adjustment for a study area resulting from this Order does not exceed the intrastate access portion of such petitioner's bankruptcy claim for that study area. These requirements are intended to prevent Petitioners from taking actions now to increase their BPR adjustments beyond the amounts of their claims in the Halo bankruptcy case.*
- *Fifth, that its BPR adjustment amounts do not include any interest, late payment fees, collection fees, or attorney fees, in order to ensure that BPR adjustments are limited to revenue associated with compensable traffic, and do not include other types of revenue. In addition, such certification must confirm that the revenues supporting the requested BPR adjustments are not already included in the BPR calculations.³*

The following table lists each of the TDS Group A Companies that are impacted by the Halo petition, and a listing of the state commission orders which undertook decisions relating to the Halo bankruptcy case and which provide a specific finding of liability (See Exhibit 1).

SAC	Study Area Name	State PSC Docket	State PSC link to order
220351	CAMDEN Telephone & Telegraph (GA)	34219	http://www.psc.state.ga.us/factsv2/Document.aspx?documentNumber=143275
290575	TENNESSEE Telephone	11-00108	http://www.tn.gov/tra/orders/2011/1100108be.pdf
330917	MT. VERNON	9594-TI-100	http://psc.wi.gov/apps35/ERF_view/viewdoc.aspx?docid=169086

3. Calculation of Revenue

The amount of unpaid intrastate switched access revenues billed to Halo that was uncollected for each of the above TDS Group A Companies was adjusted by the uncollectible

³ *Id.* at para. 23.

factor used for the initial BPR for each study area. The adjusted amount represents the increase in the BPR calculations and is less than the claim amount in the Halo bankruptcy case for each study area.⁴

Provided at Exhibit 2 is a schedule of charges for TDS Group A Companies included in the Halo Bankruptcy case claim and to which TDS Telecom has certified accuracy.⁵ Note that the Exhibit 2 schedule includes all TDS Group A Companies consistent with the submitted revised TRPs. However, the BPR adjustments are applied only to the above-listed TDS Group A Companies which meet all required conditions of the Order.

4. Conclusion

Based on the Commission's Order and the ability of TDS Telecom to meet all identified conditions and certify thereto, the Commission should accept and adopt the corrected Eligible Recovery and ICC-CAF adjustments to effectuate the relief granted.

⁴ *Id. at para. 25.*

⁵ *Id. at para. 26.*

Exhibit 1

State Commission Finding Of Liability Regarding The Compensation For Such Traffic (Condition #3)

State	TDS Telecom Companies	State Commission Docket Number; Order Number	Date of State Commission Order	State Commission Finding for Meeting Condition #3
Georgia	Camden Telephone & Telegraph Co	GA Docket: 34219 GA Document #: 143275	July 17, 2012	<p>Link to GA Commission Order http://www.psc.state.ga.us/factsv2/Document.aspx?documentNumber=143275</p> <p>Parties in GA Docket (GA PSC Order, pg. 1 & 2) TDS Telecom (on behalf of its subsidiaries) BellSouth Telecommunications d/b/a AT&T Georgia Halo Wireless, Inc.</p> <p>Relevant Verbiage of GA Order Finding (GA PSC Order, page 15) “ORDERED FURTHER, that Halo is delivering toll traffic to the TDS Telecom Companies and said toll traffic is subject to lawfully tariffed access charges.”</p>
Tennessee	Tennessee Telephone Co	TRA Docket: 11-00108	April 18, 2012	<p>Link to TRA Order http://www.tn.gov/tra/orders/2011/1100108be.pdf</p> <p>Parties in TRA Docket (TRA Order, pg. 1, footnote 1) Concord Telephone Exchange Inc. (TDS) Humphreys County Telephone Co (TDS) Tellico Telephone Co (TDS) Tennessee Telephone Co (TDS) Crockett Telephone Co., Inc. Peoples Telephone Co West Tennessee Telephone Co., Inc. North Central Telephone Coop., Inc. Highland Telephone Cooperative, Inc. Halo Wireless, Inc.</p> <p>Relevant Verbiage of TRA Order Finding (TRA Order, pg. 21) “1. Halo Wireless, Inc. is liable to the Complainants for access charges on the intrastate interLATA and intraLATA landline traffic it has sent to the Complainants. However, nothing in this Order is intended to permit as part of these proceedings the liquidation of the amount of any claim</p>

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State Commission Finding Of Liability Regarding The Compensation For Such Traffic (Condition #3)

State	TDS Telecom Companies	State Commission Docket Number; Order Number	Date of State Commission Order	State Commission Finding for Meeting Condition #3
				<p>against Halo or to affect the debtor-creditor relationship between the Parties beyond that permitted in the <i>Order Granting Motion of TDS to Determine Automatic Stay Is not Applicable, or Alternatively, to Lift the Automatic Stay Without Waiver of 30-Day Hearing Requirement</i>, issued by the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division, in Case No. 11-42464-btr-11 on October 26, 2011. The Complainants may pursue further action for the collection of access charges in the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division, or other appropriate fora as permitted by that Court."</p>
Wisconsin	Mt. Vernon Telephone Co	WI Docket: 9594-TI-100	July 27, 2012	<p>Link to WI Commission Order http://psc.wi.gov/apps35/ERF_view/viewdoc.aspx?docid=169086</p> <p>Parties in WI Docket (WI PSC Order, pg. 1 & 2) TDS Telecom 21 ILECs in WI TDS Metrocom, LLC Wisconsin State Telecommunications Association, Inc. Wisconsin Rural Local Exchange Carriers Wisconsin Bell, Inc., d/b/a AT&T Wisconsin CenturyLink ILECs in WI Halo Wireless, Inc. Transcom Enhanced Services, Inc.</p> <p>Relevant Verbiage of WI Order Finding (WI PSC Order, pg. 7 & 8) "Third, much of the traffic at issue here is not intraMTA wireless traffic, and it is thus subject to terminating access charges. The Commission is not determining specifically which providers are owed compensation or the amount of such compensation. At this time, that matter is appropriately within the purview of ongoing bankruptcy court proceedings or other appropriate forums." [Page 7 of Order] "4. Traffic, as examined on this record, that originates before it reaches</p>

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State Commission Finding Of Liability Regarding The Compensation For Such Traffic
(Condition #3)

State	TDS Telecom Companies	State Commission Docket Number; Order Number	Date of State Commission Order	State Commission Finding for Meeting Condition #3
				Transcom and that is not intraMTA wireless, is traffic subject to access charges. Traffic that Transcom sends to Halo at the Halo-leased tower sites is not originated by Transcom at that point.” [Page 8 of Order]

EXHIBIT 2 TDS Group A Companies

			FCC Test Condition #182	FCC Test Condition 3		Bankruptcy Claims (Pre- and Post Bankruptcy Petition)					FCC Test Condition #4 and 5 (w/o legal or other fees)	
SAC	SAC	Intrastate Terminating Base Period Revenues (As filed 6/16/2014)	Halo Petition Per FCC 14-121 (That meet FCC Condition 3)	State PSC Docket	Revised State Term Access Base Period Revenue	Interstate Access Amount of Claim	Intrastate Access Amount of Claim	Late Payment Charge Amount of Claim	Local Amount of Claim	Total Amount of Claim	Bankruptcy Intrastate Filing Amount	Does BPR Adj. exceed Petitioner's Bankruptcy Claim
220351	CAMDEN Telephone & Telegraph (GA)	\$662,584	\$49,856	34219	\$712,440	\$11,635	\$101,775	\$5,713	\$0	\$119,123	\$101,775	Meets Test
431984	Oklahoma Communications, Inc.	\$459,173	\$0	No State PSC Filing	\$459,173	\$1,353	\$6,736	\$203	\$0	\$8,293	\$6,736	Meets Test
290575	TENNESSEE Telephone	\$2,356,095	\$121,307	11-00108	\$2,477,402	\$8,195	\$188,445	\$9,305	\$0	\$205,944	\$188,445	Meets Test
330917	MT. VERNON	\$204,185	\$11,304	9594-TI-100	\$215,489	\$797	\$17,771	\$331	\$0	\$18,899	\$17,771	Meets Test