

John Staurulakis, Inc. Amended Transmittal No. 198 – January 20, 2017
Brindlee Mountain Telephone LLC, SAC 250283 (Alabama)

DESCRIPTION AND JUSTIFICATION

1. Introduction

With this filing John Staurulakis, Inc. (“JSI”) is filing corrected annual ICC-CAF Tariff Review Plan (“TRP”) forms to include additional intrastate terminating access revenues to the Base Period Revenue (“BPR”) used in the calculations of ICC-CAF for Brindlee Mountain Telephone LLC (alternatively “Brindlee” or “Company”).

2. Description of Corrected Tariff Review Plans

The corrected TRPs include Halo intrastate terminating access revenues for which a petition was filed by Brindlee.¹ On December 21, 2016, the Federal Communications Commission (alternatively “FCC” or “Commission”) granted Brindlee a limited waiver to permit the Company to include additional intrastate terminating access revenues in its BPR that were not filed in each of the preceding ICC-CAF TRPs.² Corrected TRPs are provided for years 2012-13, 2013-14, 2014-15, 2015-16 and 2016-17, with the exception of the ARC True Up TRP which is not impacted by the adjusted BPR. A corrected Rate-of-Return ILEC ICC Data TRP is provided only for year 2016 as this single file reflects the recalculation for all years.

A corrected January 2017 Tariff Review Plan as filed December 19, 2016 under JSI Transmittal No. 204 for the introduction of Consumer Broadband-only Loop (“CBOL”) services is also filed this date under Amended Transmittal No. 204.

¹ Petition of Blountsville Telephone LLC, Brindlee Mountain Telephone LLC, Hopper Telecommunications LLC, Otelco Telephone LLC and Pine Belt Telephone Company, Inc. for Limited Waiver of 47 C.F.R. 51.917(b)(7)(ii), WC Docket No. 10-90 et al. (filed April 28, 2015).

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, DA 16-1417 rel. Dec. 21, 2016 (“Order”).

Brindlee has met each of the five conditions the Commission has set forth in its Order:

- First, that it terminated all of the intrastate access and if applicable, reciprocal compensation traffic (compensable 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 adjustments to reflect traffic for which compensable services that were actually provided.
- Second, that it billed Halo for such compensable 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 the provision of compensable traffic during FY 2011.
- Third, that a court or state regulatory agency of competent jurisdiction (e.g., a state commission) has made a finding of liability against Halo regarding each category of the requested compensation for such traffic.
- Fourth, that it filed a timely claim in the Halo bankruptcy case that requests compensation for such traffic, and any BPR adjustment for a study area resulting from this Order does not exceed the terminating 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.

Listed below is a summary of Halo intrastate terminating access revenue to be included in this filing as well as additional items to verify that the conditions were met. The state commission finding of liability is provided at Exhibit 1.

Intrastate Terminating Base Period Revenues (As filed 6/16/2016)	Halo Petition Per FCC DA-16-1417 that meets Third FCC Condition	How Met	Revised Intrastate Terminating Access Base Period Revenue
\$1,914,437	\$22,780	State Commission	\$1,937,217

Interstate Access Amount of Claim	Intrastate Access Amount of Claim	Local Amount of Claim	Late Payment/ Interest/ Collection/ Attorney Fees Amount of Claim	Total Amount of Claim	Bankruptcy Intrastate Filing Amount	Does BPR Adjustment Exceed Petitioner's Claim?
\$10,170	\$22,780	\$0	\$0	\$32,960	\$22,780	No – Meets Test

3. Conclusion

Brindlee has met and certified to each of the five conditions set forth in the Commission's Order. The Commission should accept the corrected BPR and Eligible Recovery adjustments.

Exhibit 1

ALABAMA PUBLIC SERVICE COMMISSION ORDER

IN THE MATTER OF :)	
)	
BELLSOUTH TELECOMMUNICATIONS, LLC,)	
d/b/a AT&T ALABAMA)	
Complainant)	
)	DOCKET 31682
v.)	
)	
HALO WIRELESS, INC.,)	
d/b/a FREEDOM COMMUNICATIONS USA, LLC)	
Defendant.)	

ORDER ON UNOPPOSED MOTION TO ENTER CONSENT JUDGMENT

BY THE COMMISSION:

On or about December 11, 2012, BellSouth Telecommunications, LLC, d/b/a AT&T Alabama (AT&T” or “AT&T Alabama”) filed with the Commission its Unopposed Motion to Enter Consent Judgment (“Unopposed Motion”) in the above-captioned matter. AT&T requests that the Commission resolve this complaint case by adopting the consent judgment in light of the facts set forth in the Unopposed Motion to Enter Consent Judgment. The Commission finds that the request is well-taken and should be granted.

The Commission hereby enters the following findings of fact and conclusions of law:

- (a) Halo has materially breached the ICA by: (1) sending landline-originated traffic to AT&T Alabama, (2) inserting incorrect charge number (“CN”) information on calls; and (3) failing to pay for facilities it has ordered pursuant to the ICA;
- (b) As a result of these breaches, AT&T Alabama is excused from further performance under the ICA;
- (c) Without this Commission quantifying any specific amount due, we hereby find that Halo is liable to AT&T Alabama for access charges on the non-local landline-originated traffic Halo has sent to AT&T Alabama for termination to AT&T Alabama’s end user customers; ^[1] and
- (d) Without this Commission quantifying any specific amount due, we hereby find that Halo is liable to AT&T Alabama for interconnection facilities charges that it has refused to pay AT&T Alabama.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That for good cause shown, the Unopposed Motion to Enter Consent Judgment is granted.

IT IS FURTHER ORDERED BY THE COMMISSION, That jurisdiction in this cause is hereby retained for the issuance of any further order or orders as may appear just and reasonable in the premises.

IT IS FURTHER ORDERED, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 29th day of August, 2013.

ALABAMA PUBLIC SERVICE COMMISSION

Twinkle Andress Cavanaugh, President

Jeremy H. Oden, Commissioner

Terry L. Dunn, Commissioner

ATTEST: A True Copy

Walter L. Thomas, Jr., Secretary

[1]

For the avoidance of doubt, we note that Halo's liability for access charges of non-local traffic that Halo sent to AT&T Alabama for delivery to third party carriers for termination to their end user customers runs to those third party carriers, rather than to AT&T Alabama.