

Roseville On-Line, Inc.
931 Washington Blvd, Ste 108
Roseville, CA 95678

Subject: Request for Suspension or Revocation of Tariff

Re: Roseville Telephone Company Transmittal 93

The structure of this proposed Tariff, Transmittal 93, is so “open” in it’s meanings so vague, it would afford Roseville Telephone the opportunity to set pricing structures at a whim with absolutely no control thus creating a situation that may be very likely to generate and unfair market advantage.

Section 9.4.1 (E)(4) Responsibility of the customer

..The ISP or other Party will deal directly with it’s End-Users and will solely liable with aspect to all matters relating to the service, including installation, maintenance, and repair beyond the NID and the DEUL, billing and collections, marketing and ordering; and, **the ISP or other Party will not direct it’s End-Users to contact the Company regarding any aspect of the WADSL service.**

Concern:

The customer, not the ISP or other Party, owns the circuit from the house to the Telco. The customer has the authority to make changes to their line speeds or disconnect their service any time they wish – per Roseville Telephone.

- a. We, the ISP do not control any aspect of the line after placing the order on behalf of the customer via LOA. So if the customer has that power, and is the only one that has that power over the line between the Telco and the End-User, why would they not also call the Telco directly with line quality issues?
- b. This is the Telco’s way of putting unfair burdens on the ISP. We are not their call center and are not responsible for tracking calls with their line quality issues.

Section 9.4.1 (F)(1) Rate Elements

In Certain cases, the ISP or other Party's WADSL End-User is served via non-metallic (fiber) facilities to the premises. **In these cases the terminating equipment at the DEUL eliminated the need to install a modem/router device at the DEUL so that the end-user customer can receive WADSL service. In these cases, a WADSL Optical Activation Charge will apply each time WADSL service is activated.**

Concern:

What charge will occur for the installation and whom is it directed to?

- a. **Fiber offering concern:** Is this "Optical Activation Charge" an installation charge for the Telco to "recuperate" the operating expenses for installing the service for their customer – as far as the physical line to the customer premise is concerned?
 - a. If so, shouldn't the phone company collect their own service fees and not try to make a non-regulated company / ISP **conduct third party billing for this Tariff – which I believe is illegal?**
 - b. Is it a charge for hardware needed for their customer to obtain a fiber connection to their house that may be used for many other options besides access to the Internet via this program?
 - a. If so, shouldn't the phone company collect their own service fees and not try to make a non-regulated company / ISP **conduct third party billing for this Tariff – which I believe is illegal?**

Why should the Telco be allowed to base a fee for activation based on the need for a modem/router at the customer premise. The Telco does not provide modems/routers for the customer to gain access to the Internet, the ISP's provide the customer with this equipment.

The Telco has stated many times in meetings held at Roseville On-Line, Inc. the reason they are doing this is to:

- a. Recuperate some of the cost for the expensive equipment at the customer site. Which they acknowledge is THEIR customer at that point.
- b. They have stated this charge has absolutely nothing to do with connectivity between the Telco and the ISP.

- c. To provide a “marketing tool” for the ISP’s to compete with. The phone company has NO business worrying about providing “marketing tools” for the ISP’s. This is their way of trying to create an unfair market advantage over the smaller ISP’s since the parent company Surewest Communications owns Roseville Telephone and Surewest Internet. This way, the parent company can disburse marketing dollars to wherever it wants to allow their ISP to absorb this cost easily, thus driving out small business on an un-level playing field.
- d. They just simply don’t wish to look like the “bad guy” and tell the Fiber WADSL customers they have to pay \$200.00 for an installation fee and receive no equipment whatsoever and they never get this money back. They want to pass it on to the ISP so they can look like the one’s charging this amount.

If this Tariff is passed, it will openly and willingly facilitate the generation of an unfair market advantage for the Surewest Company owned ISP. This allows the Telco to “co-mingle” operations to create this unjust situation.

I ask that the FCC take a hard look at this Tariff and suspend, if not revoke this unfair tariff based on the broad scope and it’s “open ended” characteristics. This Tariff facilitates an uneven playing field and allows the Telco to levy “third party billing” to the ISP. Which I believe is illegal?

Again, the Optical Activation Charge is a fee, by their own admission, is to recuperate funds for the high cost of their equipment they have to place on the customer premise. And again, this equipment is used for many other things besides Internet access, including, but not limited to voice calls. The ability for Internet access is simply one of the many uses for the Telco’s customer provided by obtaining this type of connectivity at their house.

Regards,
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