

**DESCRIPTION AND JUSTIFICATION**  
**John Staurulakis, Inc. Tariff F.C.C. No. 1**  
**Transmittal No. 89**  
**Issued December 1, 2003**  
**Effective December 16, 2003**  
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**1. INTRODUCTION**

With this filing, John Staurulakis, Inc. ("JSI") proposes to add Smart City Telecommunications LLC d/b/a/ Smart City Telecom ("SCT") as an issuing carrier to JSI Tariff FCC No. 1 effective December 16, 2003. Corresponding to adding SCT as an issuing carrier to JSI Tariff FCC No. 1, SCT is canceling SCT Tariff FCC No. 1 effective December 16, 2003.

**2. DESCRIPTION OF TARIFF FILING**

SCT Tariff FCC No. 1 references the regulations contained in National Exchange Carrier Association ("NECA") Tariff FCC No. 1 pursuant to the blanket waiver of Sections 61.54(a), 61.54(j), and 61.74(a) of the Commission's Rules granted to carriers filing under Section 61.39 by the Common Carrier Bureau in DA 88-1893, released December 9, 1988. Under DA 88-1893, the Commission requires that carriers reference NECA rate regulations *in toto*. To respond to circumstances unique to SCT, SCT needs for certain services to provide services under regulations and rate structures different than those in NECA Tariff FCC No. 5. Thus, to have both the flexibility to have unique regulations and rate structures and the convenience of a group tariff, SCT has elected to become an issuing carrier in JSI Tariff FCC No. 1 and cancel SCT Tariff FCC No. 1 effective December 16, 2003.

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The filing to add SCT as an issuing carrier for JSI Tariff FCC No. 1 does not change any rate; all rates charged by SCT under JSI Tariff FCC No. 1 effective December 16, 2003 will be the same as the rates currently charged under SCT Tariff FCC No. 1.

All services currently offered under SCT Tariff FCC No. 1 will be offered by SCT under JSI Tariff FCC No. 1.

No new services with respect to those offered by SCT will be introduced in this filing. The following services being introduced in this filing for JSI Tariff FCC No. 1 serve only, at this time, to include regulations in JSI Tariff FCC No. 1 for services currently offered by SCT:

- 1) ATM-CRS Access Service
- 2) Wholesale DSL Transport
- 3) Provision of Synchronous Optical Channel Service Channel Termination under mileage-sensitive rates.
- 4) Provision of Synchronous Optical Channel Service under the term and volume discount plan applicable to SCT's current Synchronous Optical Channel Service rates.

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In order to facilitate comparison of the tariffs involved in this filing, JSI is providing the following attachments to this Description and Justification.

**Attachment 1: Comparison of NECA Tariff FCC No. 5 to JSI Tariff FCC No. 1**

**Attachment 2: Comparison of SCT Tariff FCC No. 1 Section 17 (Rates) to JSI Tariff FCC No. 1 Section 17**

### **3. CONCLUSION**

Based on the foregoing, JSI believes that the revisions proposed in this transmittal, including the addition of SCT as an issuing carrier for JSI Tariff FCC No. 1 and the modifications to regulations necessary to support SCT's current interstate access services are reasonable and the Commission should permit this transmittal to become effective on December 16, 2003.

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## Comparison of NECA Tariff FCC No. 5 to JSI Tariff FCC No. 1

<i><b>NECA Tariff FCC No. 5</b></i>	<i><b>JSI Tariff FCC No. 1</b></i>	<i><b>Note</b></i>
1. Application of Tariff	1. Application of Tariff	JSI Tariff FCC No. 1 Section 1 is reflective of NECA Tariff FCC No. 5 Section 1.
2. General Regulations	2. General Regulations	JSI Tariff FCC No. 1 Section 2 is reflective of NECA Tariff FCC No. 5 Section 2. In Transmittal 88, JSI recently made revisions to reflect NECA Tariff FCC No. 5 tariff revisions during 2003 respecting deposits and PIU factors.
3. Federal Universal Service Charge and ISDN Line Ports	3. Carrier Common Line Access Service and Federal Universal Service Charge	JSI will eliminate references to Carrier Common Line in JSI Tariff FCC No. 1 in a later filing.
4. End User Access Service	4. End User Access Service	JSI Tariff FCC No. 1 Section 4 is reflective of NECA Tariff FCC No. 5 Section 4.
5. Access Ordering	5. Access Ordering	JSI Tariff FCC No. 1 Section 5 is reflective of NECA Tariff FCC No. 5 Section 5.
6. Switched Access Service	6. Switched Access Service	JSI Tariff FCC No. 1 Section 6 is reflective of NECA Tariff FCC No. 5 Section 6.
7. Special Access Service	7. Special Access Service	JSI Tariff FCC No. 1 Section 7 is reflective of NECA Tariff FCC No. 5 Section 7. Because Smart City Telecom Tariff FCC No. 1 contained rates for Synchronous Optical Channel Service reflecting mileage-based Channel Terminations and Term and Volume Discount rate options different than those of NECA Tariff FCC No. 1 and JSI Tariff FCC No. 5, in Transmittal 89 JSI is introducing regulations to provide for Synchronous Optical Channel Service mileage-based Channel Termination rates and optional Term and Volume Discount terms and conditions.
8. Digital Subscriber Line Access Services	8. Reserved for Future Use	Digital Subscriber Line Access Services Regulations are contained in JSI Tariff FCC No. 1 Section 16.

<b><i>NECA Tariff FCC No. 5</i></b>	<b><i>JSI Tariff FCC No. 1</i></b>	<b><i>Note</i></b>
9. Directory Assistance Service	9. Reserved for Future Use	Current JSI Tariff FCC No. 1 Issuing Carriers and Smart City Telecom do not provide interstate directory assistance service. Therefore, JSI Tariff FCC No. 1 does not contain regulations for interstate directory assistance service. DA listings are provided to IXC's and other ILEC's under contract for provision their provision of interstate DA respecting the Issuing Carrier or Smart City Telecom's customers.
10. Special Federal Government Access Services	10. Special Federal Government Access Services	JSI Tariff FCC No. 1 Section 10 is reflective of NECA Tariff FCC No. 5 Section 10.
11. Special Facilities Routing of Access Services	11. Special Facilities Routing of Access Services	JSI Tariff FCC No. 1 Section 11 is reflective of NECA Tariff FCC No. 5 Section 11.
12. Specialized Service Or Arrangements	12. Special Construction	Notwithstanding difference in titles, Special Construction in JSI Tariff FCC No. 1 is reflective of NECA Tariff FCC No. 5 regulations for Specialized Service or Arrangements.
13. Additional Engineering	13. Additional Engineering	JSI Tariff FCC No. 1 Section 13 is reflective of NECA Tariff FCC No. 5 Section 13.
14. Exceptions to Access Service Offerings	14. Reserved for Future Use	There are no exceptions applicable to Smart City Telecom. As there are no exceptions for issuing carriers for JSI Tariff FCC No. 1, Section 14 is not used in JSI Tariff FCC No. 1.

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<b><i>NECA Tariff FCC No. 5</i></b>	<b><i>JSI Tariff FCC No. 1</i></b>	<b><i>Note</i></b>
15. Access Service Interfaces and Transmission Specifications	15. Access Service Interfaces and Transmission Specifications	JSI Tariff FCC No. 1 Section 15 is reflective of NECA Tariff FCC No. 5 Section 15.
16. Public Packet Data Network	16. Public Packet Data Network	<p>In JSI Tariff FCC No. 1, all Public Packet Data Network services are tariffed in Section 16. Thus, DSL regulations are in Section 16 rather than Section 8 as is the case for NECA Tariff FCC No. 5.</p> <p>Smart City Telecom Tariff FCC No. 1 included company specific regulations for Wholesale DSL at Section 8 and ATM-CRS Service regulations in Section 16. In Transmittal 89, JSI is adding Section 16.7 introducing ATM-CRS Service regulations reflective of the existing Smart City Telecom regulations. JSI did not previously have regulations for ATM-CRS Service. JSI is also adding in Transmittal 89 new Section 16.8 introducing Wholesale DSL Service reflective of the regulations in Smart City Telecom Tariff FCC No. 1.</p>

**Transmittal No. 89****Description and Justification****Comparison of SCT Tariff FCC No. 1 Section 17 (Rates) to JSI Tariff FCC No. 1 Section 17**

Note: The section numbers within in JSI Tariff FCC No. 1 for Smart City Telecom interstate access rates correspond to the numbers used in Smart City Telecom Tariff FCC No. 1. Additionally, all references to rate regulations from Section 17 in the existing Smart City Telecom FCC Tariff FCC No. 1 correspond to the rate regulation section number in JSI Tariff FCC No. 1 with the exception of the following rate sections.

	<i>Section for SCT Rate in JSI Tariff FCC No. 1</i>	<i>Section for SCT Rate in SCT Tariff FCC No. 1</i>	<i>NECA Regulation Section Referenced in SCT Tariff FCC No. 1</i>	<i>Regulation Section Referenced in JSI Tariff FCC No. 1</i>	<i>Notes</i>
1	17.1.1	17.1.1	3 (which references NECA Section 3)	3	No Differences in Regulations
2	17.1.2	17.1.2	4.1 (which references NECA Section 4.1)	NECA Tariff FCC No. 5	No Differences in Regulations: JSI
3	17.2.4	17.2.4	3.8 and 6.4		Rate Section 17.2.4 is Reserved for Future Use in JSI Tariff FCC No. 1.
4	17.2.7	17.2.7	NECA Tariff FCC No. 5	6.5, 6.6	The Section 6 references are the same as those in NECA Tariff F.C.C. No. 5 Section 17.2.7, referencing the Switched Access Assumed Minute of Use provisions in Section 6.
5	17.3.1	17.3.1	7.3 (which References NECA Section 7.3)	7.3	
6	17.4.8	17.4.8	8.1	16.8	JSI DSL regulations are contained in JSI Tariff FCC No. 1 Section 16, not Section 8 as in NECA Tariff FCC No. 5.
7	17.4.9	17.4.9	8.1	16.7	