



FRN: 0005-0491-27

May 12, 2005

Application No. 22

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Attention: Wireline Competition Bureau

Application is hereby made by Nevada Bell Telephone Company (NBTC) for Special Permission to waive Section 61.74 of the Commission's Rules in order to make references to Ameritech Operating Companies (Ameritech) Tariff F.C.C. No. 2, Pacific Bell Telephone Company (PBTC) Tariff F.C.C. No. 1, Southwestern Bell Telephone Company (SWBT) Tariff F.C.C. No. 73, and The Southern New England Telephone Company (SNET) Tariff F.C.C. No. 39 and in NBTC's Tariff F.C.C. No. 1.

NBTC proposes to introduce Contract Offer No. XX, The Broadband Plan, a special access discount pricing plan that is structured to include the five SBC Telephone Companies listed above, for customers located in Phase I and/or Phase II Pricing Flexibility Metropolitan Statistical Areas into Tariff F.C.C. No. 73, Section 41.

This waiver request is being submitted due to the Eligibility Criteria which requires customers to concurrently subscribe to the identical contract offers pursuant to tariffs: Ameritech Tariff F.C.C. No. 2, Section 22, Contract Offer No. YY; SWBT Tariff F.C.C. No. 73, Section 41, Contract Offer No. YY; PBTC Tariff F.C.C. No. 1, Section 33, Contract Offer No. YY and SNET Tariff F.C.C. No. 39, Section 25, Contract Offer No. YY. Concurrent subscription allows customers the opportunity to obtain discounted rates and service portability through volume commitments associated with DS3, OC-3 and OC-12 services, pursuant to any combination of the SBC Telephone Company tariffs.

With this application, NBTC requests permission to waive Section 61.74 of the Commission's Rules in order to include the above mentioned tariff references in its proposed contract tariff filing. Applications to waive Section 61.74 of the Commission's Rules are also being requested by Ameritech, SWBT, PBTC, and SNET in separate applications.

This Application letter and the appropriate illustrative tariff pages are being filed electronically today via the Federal Communications Commission's Electronic Tariff Filing System (ETFS).

Payment in the amount of \$720.00 has been electronically transmitted to the Mellon Bank in Pittsburgh, Pennsylvania, in accordance with the fee program procedures. The Form 159 is being transmitted electronically via ETFS as a proprietary document. These actions have been committed on the date established as the issued (filed) date as reflected above.

All correspondence and inquiries concerning this application should be addressed to Anisa A. Latif, Associate Director-Federal Regulatory, (202) 326-8905, 1401 I Street, N.W., Suite 400, Washington, D.C. 20005.

Sincerely,

A handwritten signature in black ink that reads "Patrick R. Doherty". The signature is written in a cursive style with a prominent initial "P".

Attachments:  
Letter  
Illustrative Tariff Pages

## ACCESS SERVICE

23. Pricing Flexibility Contract Offerings

(N)

23.YY Contract Offer No. YY - Broadband Plan - Service Offer23.YY.1 General Description

Contract Offer No. YY - the Broadband Plan is a special access discount pricing plan requiring subscription from Customer under the following Access Tariffs: Ameritech Operating Companies (Ameritech) Tariff F.C.C. No. 2, Nevada Bell Telephone Company (NBTC) Tariff F.C.C. No. 1, Pacific Bell Telephone Company (PBTC) Tariff F.C.C. No. 1, Southwestern Bell Telephone Company (SWBT) Tariff F.C.C. No. 73, and The Southern New England Telephone Company (SNET) Tariff F.C.C. No. 39. The Broadband Plan provides discounted rates (Level II as described below) subject to volume commitments as described in Section 23.YY.4 (G).

(N)

(Nx)

Services covered under this Contract Offer will be grouped into Levels:

- (1) Level I - Qualified existing access services that are already in service prior to the beginning of the Term Period are "Level I" circuits. Level I circuits will be counted toward Customer's Portability Volume Commitment, as provided in Section 23.XX.4(G) of this Contract Offer, but are not eligible for the discounts provided under this Contract Offer.
- (2) Level II - Qualified access services that are installed during the Term Period, or qualified access services that migrate from Level I to Level II as described in section 23.YY.5, are "Level II" circuits. Level II circuits will be counted toward Customer's Portability Volume Commitment and also will be eligible for the discounts provided under this Contract Offer.

(Nx)

(N)

Contract Offer No. YY is available for subscription from May xx, 2005 through June xx, 2005. This Contract Offer is not renewable.

23.YY.2 Subject Services

This Contract Offer applies to access services that qualify for pricing flexibility (hereafter referred to as Subject Services), as provided in the following tariff sections:

- (1) High Capacity Service (DS3), Nevada Bell Telephone Company Tariff F.C.C. No. 1, Section 7.11.5 for Phase 1 MSAs and Section 31.5.2.7 for Phase 2 MSAs;
- (2) OCN Point to Point (OC-3, OC-12), Ameritech Tariff F.C.C. No. 2, Section 21.3 for Phase 1 MSAs and Section 31.5.2.13 for Phase 2 MSAs.

All terms and conditions for the qualified services listed above are governed by their respective tariff sections, except as noted herein.

(N)

(x) Issued under Authority of Special Permission No. 05-xxx of F.C.C.

(This page filed under Transmittal No. XXXX)

## ACCESS SERVICE

(N)

23. Pricing Flexibility Contract Offerings (Cont'd)23.YY Contract Offer No. YY - Broadband Plan - Service Offer (Cont'd)23.YY.4 Term and Conditions(A) Term Period and Effective Date

The Term Period for this Contract Offer shall be five (5) years. The Effective Date of this Contract Offer shall be the first day of the following month after the Telephone Company receives a completed Letter of Subscription (LOS).

If the Customer elects to continue service upon the expiration of the Term Period, the Customer may; by written notification to the Telephone Company within 60 days before the expiration of the Term Period:

- (1) Extend rates, terms and conditions of this Contract Offer for one (1) additional two (2) year term; or
- (2) Select from the payment options as referred to in Section 23.YY.2 of this Contract Offer.

If, at the expiration of the Term Period, the Customer does not elect one of the options described above, the Subject Services provided under this Contract Offer will be subsequently be provided under the prevailing applicable monthly extension rates described in Section 23.YY.2 of this Contract Offer.

(B) Subscription

- (1) To subscribe to service under this Contact Offer, the Customer must submit a Letter of Subscription (LOS) to the Telephone Company.
- (2) The Customer must also concurrently subscribe to the following contract offers pursuant to the following tariffs:
  - (a) SWBT Tariff F.C.C. No. 73, Section 41, Contract Offer No. YY;
  - (b) PBTC Tariff F.C.C. No. 1, Section 33, Contract Offer No. YY;
  - (c) SNET Tariff F.C.C. No. 39, Section 25, Contract Offer No. YY;
  - (d) Ameritech Tariff F.C.C. No. 2, Section 22, Contract Offer No. YY.

(N)  
(Nx)(Nx)  
(N)

(x) Issued under Authority of Special Permission No. 05-xxx of F.C.C.

(This page filed under Transmittal No. XXXX)