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August 18, 2005

Application No. 20

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

Attention: Wireline Competition Bureau

Application is hereby made for Special Permission for a waiver of Sections 69.104(o) and 69.130 of the Commission's Rules to file revisions to the John Staurulakis, Inc. Tariff F.C.C. No. 1, Access Service (JSI Tariff) to establish provisions related to the application of Multiline Business End User Common Line (MLB EUCL) charges on DS1 Channel Service and to introduce a DS1 Line Port rate element for Concord Telephone Company (CTC), an issuing carrier for JSI Tariff F.C.C. No. 1. CTC operates in the state of North Carolina.

In an order released July 19, 2004<sup>1</sup> the Commission granted a partial, interim waiver of Section 69.104(q) to enable rate-of-return carriers to file revisions related to the number of MLB EUCL charges that carriers may assess upon customers that obtain derived channel DS1 service where the customer provides the terminating channelization equipment.

This request is similar to that made by the National Exchange Carrier Association (NECA) in its Application No. 1035 filed on August 10, 2004. In its application, NECA requested waiver of Sections 69.104(o) and 69.130 in order to tariff regulations for DS1 Channel Service and a line port rate for DS1 Channel Service pursuant to the *Interim Waiver*. The Commission granted NECA limited waiver of these rules in Special Permission No. 04-058. Limited waiver of Section 69.104(o) allowed NECA to file regulations for DS1 Channel Service without recalculating the MLB EUCL for the resulting reduction in lines subject to the MLB EUCL. NECA indicated that the lost revenues from the reduction in billed MLB EUCL charges would

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<sup>1</sup> See National Exchange Carrier Association Petition to Amend Section 69.104 of the Commission's Rules, WC Docket No. 04-259, RM-10603, *Order Granting Petition for Rulemaking, Notice of Proposed Rulemaking, and Order Granting Interim Partial Waiver*, 19 FCC Rcd 13591, FCC 04-174 (rel. July 19, 2004), (*Interim Waiver*), (granting, in relevant part, partial interim waiver of Section 69.104 of the Commission's rules to all similarly situated rate-of-return carriers, including those that did not formally request the waiver, that wish to avail themselves of the waiver).

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not be recovered in any way from the Interstate Common Line Support (ICLS) fund. Limited waiver of Section 69.130 allowed NECA to set its DS1 Line Port rate equal to the rate for ISDN Primary Rate Interface (PRI) Line Ports.

Three issuing carriers for JSI Tariff FCC No. 1 bill EUCL charges, pursuant to the JSI Tariff, CTC, Warwick Valley Telephone Company, and Interstate Telephone Company. The remaining issuing carriers for the JSI Tariff do not bill EUCL charges pursuant to the JSI Tariff, instead billing EUCL charges pursuant to NECA Tariff F.C.C. No. 5 (NECA Tariff). Warwick Valley Telephone Company and Interstate Telephone Company do not wish at this time to avail themselves of the *Interim Waiver*.

As requested by NECA in its application and granted by the Commission in its Special Permission, JSI also requests a waiver of Section 69.104(o) for an interim period to enable it to file the regulations shown in Section 4.6.9 of the attached illustrative tariff page without recalculating the MLB EUCL charges for CTC. CTC currently charges a tariffed rate of \$8.44 which is below the MLB EUCL \$9.20 maximum rate cap. Notwithstanding maintaining the current tariffed rate, CTC would report to the NECA Common Line Pool (CL Pool) and for purposes of ICLS at the higher \$8.45 rate in order that neither the Pool nor the ICLS will be impacted by the effect of reduced MLB EUCL revenue.

Based on the most recent annual filing for CTC, under which CTC's current MLB EUCL charge of \$8.44 was calculated, the MLB EUCL rate would increase by \$0.01 due to reduced MLB EUCL demand caused by tariffing of DS 1 Channel Service. See Exhibit 3. The total annual reduction in MLB EUCL revenues resulting from this calculation would be \$15,439 for the 39 customers expected to order the proposed DS1 Channel Service. See Exhibit 1. As shown by Exhibit 2, because CTC will report revenues to the NECA CL Pool at \$8.45 per MLB EUCL line, CTC will absorb the estimated \$6,744 loss in revenue and thus there will no impact on the NECA CL Pool or ICLS. The MLB EUCL rate to be recalculated for the 2006 mandatory annual filing to be effective July 1, 2006 will reflect the lower MLB EUCL demand resulting from the availability of Channelized DS1 service from which point forward there would be no difference between MLB EUCL charges and MLB EUCL revenue reported to the NECA CL Pool.

As also requested by NECA in its application and granted by the Commission, JSI requests a waiver of Section 69.130 for CTC to tariff a DS1 Line Port rate equal to the current rate for ISDN PRI Line Ports. Additionally, JSI requests waiver of section 69.130 to allow CTC to tariff ISDN PRI Line Port and ISDN-BRI Line Port rates at the current NECA Tariff F.C.C. No. 5 rates of \$23.51 and \$2.23 respectively. Since the MAG<sup>2</sup> Filing under Transmittal No. 57 effective January 1, 2002, CTC has complied with the requirement to remove the excess line port costs for ISDN from the traffic sensitive revenue requirement. CTC calculates total line port costs for

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<sup>2</sup> See *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers*, CC Docket No. 00-256, *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, *Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation*, CC Docket No. 98-77, *Prescribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers*, CC Docket No. 98-166, *Second Report and Order and Further Notice of Proposed Rulemaking* in CC Docket No. 00-256, *Fifteenth Report and Order* in CC Docket No. 96-45, and *Report and Order* in CC Docket Nos. 98-77 and 98-166, 16 FCC Rcd 19613 (2001).

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purposes of making MAG adjustments but has not at this time calculated separately the line port costs for ISDN or DS1 Channels. Waiver of Section 69.130 would allow CTC to continue to maintain parity with NECA port rates. CTC will develop cost-based Line Port rates for its 2006 annual access filing.

A grant of these waivers now will permit JSI to file on behalf of CTC the proposed tariff revisions related to the *Interim Waiver* in a manner similar to NECA Transmittal No. 1035 filed on August 10, 2004 under the authority of Special Permission No. 04-058. Once effective, the revisions will allow CTC to immediately begin applying the new regulations in support of its customers' needs for lower overall costs related to DS1 Channel Service similar to that available for NECA end user tariff participants. JSI is providing illustrative tariff pages for the proposed changes to be made under special permission.

Pursuant to Section 61.17 of the Commission's Rules, the original of this letter, Form 159, and a check for \$720.00 have been sent via overnight delivery to the Mellon Bank, Pittsburgh, Pennsylvania, as of this date.

Please direct all correspondence and inquiries concerning this filing to me at the above address or phone number or through email at [sduncan@jsitel.com](mailto:sduncan@jsitel.com).

Sincerely,



Scott Duncan  
Staff Director-Regulatory Affairs

Enclosures  
Illustrative Tariff Pages  
Illustrative Exhibits

cc: Concord Telephone Company

JSI Interstate Access Tariff FCC No. 1  
Application No. 20  
Attachment A

FCC Registration Numbers (FRNs)  
**August 18, 2005**

John Staurulakis, Inc. FRN 0003-7481-42

**JSI ISSUING CARRIER**

**FRN**

Warwick Valley Telephone Company – NY/NJ	0005-5691-99
Concord Telephone Company - NC	0003-7620-10
Atlantic Telephone Membership Corporation - NC	0004-0615-86
Farmers Telephone Cooperative, Inc. - SC	0001-8870-25
Hargray Telephone Company, Inc. - SC	0001-8867-04
Horry Telephone Cooperative, Inc. - SC	0001-8869-44
Millington Telephone Company, Inc. - TN	0004-3095-48
Mt. Horeb Telephone Company - WI	0002-7190-45
Pineland Telephone Cooperative, Inc. - GA	0001-8566-73
Rock Hill Telephone Company - SC	0001-8887-18
Lancaster Telephone Company - SC	0001-8892-45
Fort Mill Telephone Company - SC	0001-8896-17
Home Telephone Company - SC	0001-8868-45
Star Telephone Membership Corporation - NC	0001-9609-62
Interstate Telephone Company - GA	0003-7335-81
Smart City Telecommunications LLC d/b/a Smart City Telecom	0005-0260-75
Bluffton Telephone Company, Inc.	0005-0581-51