

July 16, 2021

Via Email

Pamela Arluk, Chief
Competition Policy Division
Wireline Competition Bureau
Federal Communications Commission
45 L Street NE
Washington, DC 20554

Re: WC Docket Nos. 13-97, 17-97, 18-124 – Terra Nova Telecom, Inc.

Dear Ms. Arluk:

Our Firm represents Terra Nova Telecom, Inc. ("TNT"). TNT is located in Lakewood Ranch, Florida. It operates several businesses. It is a Competitive Access Provider ("CAP"), a Competitive Local Exchange Carrier ("CLEC"), and an Interconnected VoIP operator ("I-VoIP"). TNT offers I-VoIP services throughout the Continental United States, including in the state of Louisiana.¹ However, all I-VoIP services are provided on a wholesale basis. TNT has no retail customers.²

As explained below, the Louisiana Public Service Commission ("LPSC") has conditioned TNT's request for telephone numbers on submission to state regulation of TNT's wholesale services. We respectfully submit that this action exceeds the LPSC's authority under Part 52 of the rules of the Commission and is contrary to TNT's rights as a provider of I-VoIP services and/or as a private carrier. Therefore, TNT requests the Commission direct the Pooling Administrator ("PA") to issue the requested numbers to TNT.

In WC Docket No. 18-124, the Commission granted TNT direct access to telephone numbers effective July 7, 2018.³ Pursuant to this authority, TNT has requested and received telephone numbers from the North American Numbering Plan Administrator ("NANPA") and from the Pooling Administrator ("PA"). TNT complies with all applicable Commission rules and directives with respect to number access, including notification to the appropriate state commissions.

¹At the present time, TNT serves customers in the New Orleans and Baton Rouge LATAs.

² To the extent that the Federal Communications Commission ("Commission" or "FCC") might view TNT's I-VoIP operations as carrier services, TNT submits they are all private carrier services. *National Ass'n of Regulatory Util. Comm'r v. FCC*, 525 F.2d 630 (D.C. Cir. 1976), cert. denied, 425 U.S. 992 (1976) ("NARUC I"); *National Ass'n of Regulatory Util. Comm'r v. FCC*, 533 F.2d 601 (D.C. Cir. 1976) ("NARUC II"). As explained below, TNT's services are not subject to regulation in the manner proposed by the Louisiana Commission.

³ Public Notice, "Notice of Interconnected VoIP Numbering Authorization Granted [for Terra Nova Telecom, Inc.]," 33 FCC Rcd 6493 (2018).

As shown in the Declaration of Michael Ray (Exhibit A), TNT received requests from customers and prospective customers for numbers in the state of Louisiana, specifically in the Shreveport LATA. In response, TNT requested numbers from the PA and also notified the LPSC of TNT's request, as required. The LPSC, in return, notified TNT that numbers would not be provided to TNT unless TNT registered with the LPSC as a CLEC. TNT objected and explained that it was not operating as a CLEC in Louisiana (only in Florida) and, as such, should not be required to register as a CLEC in order to obtain telephone numbers needed to provide service to TNT's customers. Later discussions between the LPSC staff and TNT's counsel resulted in an altered direction that would require TNT to register as a CAP in order to obtain access to numbers.

In order to register as a CAP, TNT would be required to fill out and file the LPSC's "Utility Registration Form," Exhibit B. TNT, in the spirit of working constructively with the LPSC, indicated its willingness to fill out the registration form as a CAP but requested certain waivers or exceptions from specific requirements that seem more directed to retail service providers. Email message from Robert Jackson, counsel to TNT, to Don Dewald, Utilities Specialist, LPSC, dated July 7, 2021 (Exhibit C). Specifically, as a wholesale provider that does not serve end user customers and/or a private carrier, TNT requested to be excused from providing the information in items 7 (financial, managerial and technical capacities) and 8 (service description and service maps). Additionally, TNT requested to be excused from providing an illustrative tariff (item 11) and explanations of how the tariff addresses LPSC mandates related to the provision of services to retail customers (item 13).

In a July 9, 2021 reply by Mr. Dewald to Mr. Jackson (Exhibit D), the LPSC limited what needed to be provided. Mr. Dewald confirmed that all information required in item 7 must be provided, along with a brief history of the applicant and its operations, and a "description of the services to be offered" (item 8), but excused TNT from providing a service map. TNT was further directed to file an informational tariff that consists of "terms and conditions of service," while permitting prices to be determined on an individual case basis. Certain information identified in item 13 must still be provided.

While TNT appreciates the efforts of the LPSC to narrow its regulatory requirements to fit the facts, TNT respectfully submits that the FCC's rules and orders do not permit the LPSC to impose the above conditions on TNT's access to telephone numbers authorized in WC Docket No. 18-124. Further, the requirements exceed those permitted by the FCC for state regulation of I-VoIP services and/or private carriers.

State commissions have limited authority over telephone numbers and access thereto. The Commission has delegated to state commissions authority over number reclamation. 47 C.F.R. § 52.15(i). They can access the semi-annual Numbering Resource Utilization/Forecast ("NRUF") reports, as well as carriers' applications for initial and additional number resources. 47 C.F.R. §§ 52.15(f)(7), (g)(5). This enables state commissions to "discuss with carriers their need for numbers and to object to number requests" and even to "affirm or overturn a Numbering Administrator's decision to withhold numbers from a carrier, and to implement mandatory thousands-block number pooling." *Numbering Policies for Modern Communications*, Report & Order, 30 FCC Rcd 6839, at ¶ 27, n.88 (2015) ("VoIP Direct Access Order"). See also, 47 C.F.R. § 52.15(g)(3)(B)(iv), (g)(4).

The purpose of requiring advance notice for numbering requests was not to confer general regulatory jurisdiction over I-VoIP providers but rather, to "ensure the integrity of the number assignment process without needlessly blocking or delaying number assignments to interconnected VoIP providers." *VoIP Direct Access Order*, at ¶ 26. Indeed, the FCC specifically rejected the request of the Wisconsin Commission to impose other requirements beyond 30-days' notice and contact information on VoIP provider obtaining numbering resources. *Id.* at ¶¶ 42, *et seq.*

Also, while states can require VoIP providers to pay public interest fund fees and likely enforce certain consumer protection regulations that apply all businesses, courts have regularly prohibited broad utility-style regulation of VoIP providers. “[A]ny state regulation of an information service conflicts with the federal policy of nonregulation.” *Minnesota Pub. Utilities Comm’n v. FCC*, 483 F.3d 570, 580 (8th Cir. 2007); *Charter Advanced Servs. (MN), LLC v. Lange*, 903 F.3d 715 (8th Cir. 2018). In *Lange*, the appeals court affirmed a grant of summary judgment to Charter since its VoIP service was found to be an information service and not a telecommunications service under federal law.

Also, and to the extent the Commission were to find TNT was a carrier of sorts, it is private carrier. TNT does not serve retail customers, but only sells its services to other providers that, in turn, resell TNT’s services to retail customers. Neither does TNT hold itself out to serve all comers. Under the *NorLight* decision, TNT is a private carrier. *NorLight*, Memorandum Opinion & Order, 2 FCC Rcd 5167 (1987). Like NorLight, TNT “negotiate[s] with customers on an individualized basis.” *Id.* at ¶ 5. Its contracts are of a longer-term and stable basis like those of NorLight. *Id.* See also, *NARUC I*.

Further, the FCC preempted several state regulations as applied to NorLight, including a restriction on the carrier’s ability to serve customers other than its owners (various electric power companies), as being an undue burden on interstate services. *NorLight*, at ¶¶ 16-17. The same reasoning applies to TNT’s I-VoIP operations in Louisiana. See also, *Public Service Company of Oklahoma Request for Declaratory Ruling*, Declaratory Ruling, 3 FCC Rcd. 2327 (1988) (preempting state entry and rate regulation of private hybrid microwave systems).

Here, tying submission to common carrier regulation to access to telephone numbers negates TNT’s federal rights to access those numbers granted in the *VoIP Direct Access Order*, Part 52 of the FCC’s rules, and WC Docket No. 18-124. Limiting TNT’s access to additional telephone numbers presents a wall against TNT’s growth in the Louisiana market and constitutes a prohibition against TNT’s ability to provide intra- and interstate services in violation of 47 U.S.C. § 253(a). It is essentially a barrier to full market entry condemned by *NorLight* and *PSC of Oklahoma*. Similarly, since TNT serves only sophisticated customers that negotiate individual contracts with TNT, there is no reason for the LPSC to require access to information about TNT’s financial, managerial and technical capacities. Each of TNT’s potential customers can adequately investigate those factors before they sign an agreement for wholesale services.

Finally, the requirement to file a tariff (even as to terms and conditions), which is totally inconsistent with the right and obligation of a wholesale or private carrier to negotiated individual contracts with customers, has the effect of unlawfully subjecting TNT to rate regulation, also in violation of controlling precedent.

PAMELA ARLUK
JULY 16, 2021
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In sum, TNT respectfully requests that the Commission direct the PA to assign the requested telephone numbers to TNT and direct the LPSC to cease and desist from imposing common carrier regulation on TNT as a condition of TNT's federal rights to obtain telephone numbers in Louisiana.

Please direct any questions to the undersigned. Thank you.

Terra Nova Telecom, Inc.

By s/ Robert H Jackson
Robert H Jackson, Its Attorney

cc: Don Dewald
 H. Barlow Holley
 Michelle Sclater
 Jordan Marie Reth
 Melissa Droller Kirkel

DECLARATION OF MICHAEL RAY

I, Michael Ray, declare:

1. This Declaration is filed in support of Terra Nova Telecom, Inc.'s ("TNT") request to the Federal Communications Commission ("Commission" or "FCC") to direct the Pooling Administrator ("PA") to assign certain telephone numbers requested by TN within the state of Louisiana. If called as a witness in this matter before the Commission, I could and would competently testify to the information contained in this Declaration.

2. I am the Operations Director at TNT located at 11523 Palm Brush Trl., #401, Lakewood Ranch, FL 34202. I oversee and direct all aspects of numbering resource assignments as well as its regulatory and engineering departments. I have worked in the telecommunications industry for 24 years.

3. TNT offers IPES services throughout the Continental United States, including in the state of Louisiana.

4. TNT offers these services only on a wholesale basis to entities which use TNT's service as a component of their own various services sold to end user subscribers. TNT does not sell any services to end user subscribers nor does it provide any retail services. Neither does TNT hold itself out to the public as a retail provider of telecommunications services in Louisiana.

5. All services are provided by TNT to other entities through individually negotiated contracts that tend to be longer-term in nature and on a stable basis. TNT does not experience any regular turnover in its customers.

6. TNT provides service today in the Baton Rouge and New Orleans markets in Louisiana. TNT obtained numbering resources from the PA under the IPES program in November 2019 for Baton Rouge and in April 2019 for New Orleans. TNT is currently seeking to serve the Shreveport LATA under the same IPES program, where its resource requests have been denied.

I declare under penalty of perjury under Florida law that the foregoing is true and correct, and that this Declaration was signed by me on July 16, 2021, in Lakewood Ranch, Florida.

By:

Michael Ray

LOUISIANA PUBLIC SERVICE COMMISSION
602 North, 5th Street, 12th Floor
Galvez Building
Baton Rouge, LA 70802
Attention: Utilities Division

Date:

TSP Registration
Utility Classification [X applicable classification(s)]

Type of Authority Requested.

ILEC	CLEC	LDC/IXC	CMRS	OSP	PSP/ICSP	CAP	VoIP
<input type="checkbox"/> Yes							
<input type="checkbox"/> No							

ILEC – Incumbent Local Exchange Carrier

CAP – Competitive Access Provider

CMRS – Commercial Mobile Radio Service

LDC/IXC – Long Distance Company / Inter Exchange Carrier

OSP – Operator Service Provider

PSP - Payphone Service Provider

VoIP – Voice Over Internet Protocol

ICSP – Inmate Calling Service Provider

Application Fee in the amount of \$250 is to accompany the filing.

(General Order No. R-31891, dated March 11, 2014, Section 301.E.)

1.a. The Legal Name of the Business under which the applicant intends to operate:

(General Order No. R-31891, dated March 11, 2014, Section 301.E.1)

Click here to enter text.

1.b. Federal Tax Identification No.

Click here to enter text.

1.c. Louisiana Tax Identification No.

Click here to enter text.

1.d. The physical address and telephone number(s) of the applicant [Domicile Address:**City/State/Zip Code/Telephone Number (s)]: (General Order No. R-31891, dated March 11, 2014, Section 301.E.1)****(Physical Address)**

Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.

(Mailing Address)

Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.

1.e. Names under which the applicant intends to do business - Trade Names / DBAs:*(General Order No. R-31891, dated March 11, 2014, Section 301.E.2)*

Click here to enter text.

2. The name, address and telephone #s of the applicant's principal corporate officers:*(General Order No. R-31891, dated March 11, 2014, Section 301.E.2)***2.a.**

Name of officer:	Click here to enter text.
Title:	Click here to enter text.
Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.

2.b.

Name of officer:	Click here to enter text.
Title:	Click here to enter text.
Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.

2.c.

Name of officer:	Click here to enter text.
Title:	Click here to enter text.
Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.

2.d.

Name of officer:	Click here to enter text.
Title:	Click here to enter text.
Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.

3. If different from two (2) above, please indicate the names, addresses and telephone no.(s) of officers and or employees responsible for Louisiana operations.

3.a.

Name of officer:	Click here to enter text.
Title:	Click here to enter text.
Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.
E-Mail:	Click here to enter text.

3.b.

Name of officer:	Click here to enter text.
Title:	Click here to enter text.
Street Address:	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.
E-mail:	Click here to enter text.

4. Information about the structure of the business organization, and, where applicable, a copy of any articles of incorporation, partnership agreement or by-laws of the applicant. An applicant shall also disclose all affiliate entities offering and/or providing telecommunications services in Louisiana. (Include in Registration as "Attachment A")
(General Order No. R-31891, dated March 11, 2014, Section 301.E.5)

5. A certified copy of the applicant's authorization to do business in Louisiana. (Include in Registration as "Attachment B" – Louisiana Secretary of State Certificate)
(General Order No. R-31891, dated March 11, 2014, Section 301.E.5)

6. The name, address and telephone number of the applicant's Louisiana agent for service of process:
(General Order No. R-31891, dated March 11, 2014, Section 301.E.2)

Agent:	Click here to enter text.
Street Address/P.O. Box	Click here to enter text.
City:	Click here to enter text.
State:	Click here to enter text.
Zip Code:	Click here to enter text.
Telephone No.:	Click here to enter text.
FAX:	Click here to enter text.

7. Documentation demonstrating managerial, financial and technical abilities, including but not limited to, the following:

(a) To demonstrate financial ability, each applicant shall provide a copy of its most recent stockholders annual report and its most recent SEC 10K, or, if the applicant is not publicly traded, its most recent financial statements. If the applicant does not have separate financial

reports, it may submit applicable financial statements of an affiliate with explanation to demonstrate the financial ability of the applicant. (Include in Registration as "Attachment C")

(General Order No. R-31891, dated March 11, 2014, Section 301.E.7.a)

(b) To demonstrate managerial ability, each applicant shall attach a brief description of its history of providing telecommunications services and shall list the geographic areas in which it has been and is currently providing telecommunications services. Newly created applicants shall list the experience of each principal officer in order to show its ability to provide service. (Include in Registration as "Attachment D") (General Order No. R-31891, dated March 11, 2014, Section 301.E.7.b)

(c) Technical ability shall be indicated by a description of the applicant's experience in providing telecommunications services, or in the case of newly created companies, the applicant may provide other documentation which supports its technical ability. (Include in Registration as "Attachment E") (General Order No. R-31891, dated March 11, 2014, Section 301.E.7.c)

8. A description of the services proposed to be offered, the proposed exact geographic areas in which the services shall be offered and a map thereof. (Include in Registration as "Attachment F") (General Order No. R-31891, dated March 11, 2014, Section 301.E.8)

9. Point of Contact to Which Service or Other Customer Complaints Should be Directed:

(General Order 11-16-2014 - The Commission seeks to aid Louisiana consumers in their dealings with TSPs. In order to assist Commission Staff in performing this important function, all TSPs are hereby required to provide Commission Staff with a list of the names and direct telephone numbers of three (3) company representatives that Commission Staff may directly contact during normal business hours.)

Repair and maintenance information, including the name, address and telephone number of a Louisiana contact person responsible for and knowledgeable about the applicant's operations.

(General Order No. R-31891, dated March 11, 2014, Section 301.E.9)

Name #1:	Click here to enter text.
Title:	Click here to enter text.
Street Address/P.O. Box	Click here to enter text.
City / State / Zip Code:	Click here to enter text.
E-mail Address:	Click here to enter text.
Telephone Number:	Click here to enter text.
FAX:	Click here to enter text.

Name #2:	Click here to enter text.
Title:	Click here to enter text.
Street Address/P.O. Box	Click here to enter text.
City / State / Zip Code:	Click here to enter text.
E-mail Address	Click here to enter text.
Telephone Number:	Click here to enter text.
FAX:	Click here to enter text.

10. A list of other states where the applicant has applied to operate as a telecommunications services provider and/or to offer telecommunications services, a list of other states where the applicant is authorized to operate, and a list of those states which have denied any requested authority. (Include in Registration as “Attachment G”) *(General Order No. R-31891, dated March 11, 2014, Section 301.E.10.)*

11. Illustrative tariffs in compliance with the requirements set forth in Section 401 below. (Include in Registration as “Attachment H”) *(General Order No. R-31891, dated March 11, 2014, Section 301.E.11) & (General Order 3-11-2014 Section 401 Tariffs / Docket No. R-31891)*

All Telecommunication Service Providers (TSP) shall file tariffs with the Commission describing the services offered and the rates charged. Note: for format and content refer to Section 401 of LPSC General Order dated 3-11-2014.

CHECK LIST FOR SUBMISSION OF TARIFFS

A. Has the tariff been submitted on 8½ x 11 sheets, using one side of the paper only? *(General Order No. R-31839, dated March 11, 2014, Section 401 C.2.a)*

Yes No

B. Is each page numbered successively in the upper right-hand corner and must be marked as either an original or revised page? Example: Original Page, No. 3 or 2nd Revised Page, No. 5, cancels 1st Revised Page, No. 5. *(General Order No. R-31839, dated March 11, 2014, Section 401 C.2.b-e)*

Yes No

C. Does each page bear the Applicant’s name in the upper left-hand corner? *(General Order No. R-31839, dated March 11, 2014, Section 401 C.2.c)*

Yes No

D. Does each page have the issued date in the upper left-hand corner of the page? (The “issued date” is the date shown on the transmittal letter to the Commission referencing the tariff filing.) *(General Order No. R-31839, dated March 11, 2014, Section 401 C.2.f)*

Yes No

E. Is the name and title of the issuing officer in the upper left-hand corner of each page? *(General Order No. R-31839, dated March 11, 2014, Section 401 C.2.h)*

Yes No

F. Does the tariff contain the following information, in the order listed: *(General Order No. R-31839, dated March 11, 2014, Section 401 C.2.i)*

a. title page identifying the name, address, and telephone number of the Applicant?

Yes No

- b. A Table of Contents identifying the page location of each section in the tariff? If the tariff is less than 30 pages, the Table of Contents may serve as the subject index for the entire volume.

Yes No

- c. A definition of symbols that are used in the tariff? (The definitions must conform with General Order No. R-31839, dated March 11, 2014, Section 401 H.3)

Yes No

- d. A definition of technical terms and abbreviations? (The definitions must contain full and concise information as to the meaning of all technical and special terms and abbreviations used in the tariff.)

Yes No

- e. A description of rules and regulations? (The Rules and Regulations section must contain all rules, regulations, practices, etc. relative to providing services. The rules must be consistent with the Commission's General Orders.)

Yes No

- f. An index with an alphabetical listing of services and the page number on which they may be found?

Yes No

Questions G-J only apply to those requesting IXC authority

- g. A description of how a billable call is timed when timing begins and ends, and the method used to make this determination? (General Order No. R-31839, dated March 11, 2014, Section 1)

Yes No

- h. A description of how distance is measured for toll rating purposes and the formula used to compute it, as well as what points are used for origination and termination with respect to calculation of distance between them? (General Order No. R-31839, dated March 11, 2014, Section 1)

Yes No

- i. A description of how all relevant information pertains to a particular type of service? (General Order No. R-31839, dated March 11, 2014, Section 1)

Yes No

- j. A description of the rate schedules, charge for all services, and other data necessary to compute a monthly bill for intrastate service? (General Order No. R-31839, dated March 11, 2014, Section 1)

Yes No

12. Such other information as the Commission Staff may specifically request of any applicant.

13. Relevant Commission General Orders for TSP Authority (*Include the following in the company tariff and indicate the page number on which they may be found.*)

- A. **NSF Charges:** Does Applicant comply with the *General Order dated January 1, 2000* which establishes that the maximum NSF charge allowed is \$20.00? (Applies to all carriers.)

Yes No Page:

- B. **Deposits:** Does Applicant comply with the *General Order dated September 17, 1991*, which requires that the Applicant pay interest of 5% per annum for customer deposits retained for more than six months? (Applies to all carriers.)

Yes No Page:

- C. **Deposits:** Does Applicant comply with the *General Order dated September 17, 1991*, which provides that a telecommunications service provider may not collect deposits in excess of 2½ times the average monthly bill? (Applies to all carriers.)

Yes No Page:

- D. **Late Charges:** Does Applicant comply with the *General Order dated July 12, 1976 and February 20, 1973* which collectively state that: (1) a bill is not considered past due until 20 days after the billing date; (2) that a company may charge a maximum of 5% penalty on a past due amount; and (3) a TSP cannot charge a late fee on a previously unpaid late fee? (Applies to all except CMRS providers.)

Yes No Page:

- E. **Challenging the Validity of a Bill:** If a provision limits the time that the customer has to challenge the validity of a bill, does the tariff also include a provision regarding the Commission's authority to review billing and charges? (Applies to all carriers.)

Yes No Page:

- F. **Disconnection for Nonpayment:** *Commission General Order dated July 12, 1976* Paragraph D provides that a customer cannot be disconnected for non-payment until the bill is past due. Once the bill becomes past due, five days written notice must be given prior to disconnection of a customer for nonpayment. Is Applicant in compliance with this Order? (Applies to all except CMRS providers.)

Yes No Page:

- G. **When Charges begin and Terminate for Phone Calls:** According to the *General Order dated October 23, 1989*, TSPs, together with Alternative Operator Service providers, must provide answer supervision and cannot attempt to collect for busy or unanswered calls. Is Applicant in compliance with this Order? (Does not apply to CMRS or VoIP.)

Yes No Page:

- H. Blocking of 900, 976, and 700 Numbers:** According to the *General Order dated December 5, 1990*, the tariff must provide free blocking of 900, 976, and 700 or informational numbers to any customer requesting same. Is Applicant in compliance with this Order? (Does not apply to CMRS or VoIP.)

Yes No Page:

- I. Governing Law:** All tariffs should state that it is governed and interpreted according to the Laws of Louisiana. Is Applicant in compliance with this Order? (Applies to all carriers.)

Yes No Page:

- J. Rates:** Is Applicant in compliance with the requirement that tariffs include specified rates? (Applies to all except CMRS and non-ETC VoIP providers.)

Yes No ICB: Page:

Checklist below only for those requesting either CLEC or ETC Authority

- K. CLEC Universal Service Requirement:** If the Applicant is a CLEC, does the Applicant furnish all services that are designated as part of Universal Service, as required by Section 501 A of the Local Competition Regulations? The services are as follows: (*General Order No. R-31839, dated March 11, 2014, Section 501 A.1*)

- L. Voice grade access to the public switched network?**

Yes No Page:

- M. Touch tone capability?**

Yes No Page:

- N. White page directory listing (residential and business)?** (*General Order No. R-31839, dated March 11, 2014*)

Yes No Page:

- O. Access to directory assistance (local)?**

Yes No Page:

- P. Directory distribution?** (*General Order No. R-31839, dated March 11, 2014*)

Yes No Page:

- Q. Access to emergency (911) Service?**

Yes No Page:

- R. Access to long distance carriers and operator services?**

Yes No Page:

S. Access to the telephone relay system?

Yes No Page:

T. Access to 8xx services?

Yes No Page:

U. Lifeline rate for eligible customers? (Applies to ETCs offering Lifeline only.)

Yes No Page:

14. Fees & Taxes which “MAY” be applicable to Telecommunication Service Providers

Requirements of Telecommunication Service Providers (TSPs) to Collect and Remit Fees & Surcharges. Additional information regarding applicable surcharges and fees can be obtained by contacting the Louisiana Department of Revenue, Telephone No. (225) 219-7656 or the Louisiana Public Service Commission, Telephone No. (225) 342-4999.

(A.) Inspection and supervision fees; Utility and Carrier Inspection and Supervision Fund.

Louisiana Revised Statutes Title 45 Section 1177. Louisiana Department of Revenue Form R-5197. The Amount of the fee shall be measured by the gross receipts of each public utility from its Louisiana intrastate business.

**Louisiana Department of Revenue
P.O. Box 201
Baton Rouge, LA 70821-0201
Telephone No. (855) 307-3893**

(B.) Telecommunications tax for the Deaf. Louisiana Revised Statutes Title 45 Section 1061. Louisiana Department of Revenue Form R-5702-L

**Louisiana Department of Revenue
Excise Section
P.O. Box 201
Baton Rouge, LA 70821-9201
Tax payer Services Division
Telephone No. (225) 219-7656
Telephone No. (225) 219-2114 (TDD)**

(C.) Relay Administration Board (RAB), Louisiana Public Service Commission Order No. U-17656, dated October 17, 1990 and Louisiana Public Service Commission Order No. U-17656-A. Louisiana Public Service Commission Business & Executive Session Minutes Note: January 16, 2002, the \$0.11 (11 cent) per month line charge fee eliminated.

(D.) Louisiana State Universal Fund. Louisiana Public Service Commission, Order No. R-30480, dated February 9, 2009.

**Fund Administrator Contact Information
LaPorte, Sehrt, Romig, & Hand
Town Hall West
10000 Perkins Rowe
Suite 200
Baton Rouge, LA 70810-1797
Telephone No. (225) 296-5150**

15. Reporting Requirements (<http://lpsc.louisiana.gov/teleannualreports.aspx>)

(A.) All Telecommunication Services Providers (TSP) in Louisiana shall file with the Commission annual financial reports. The reports shall include Louisiana income statements, balances sheets, number of customers and access lines served.

(B.) One year from the date of obtaining its Certificate of Authority, and semi-annually thereafter, all Local Exchange Carriers (LECs) shall file with the Commission retail service quality reports as follows in Commission Order; Docket No. R-31300 General Order Dated July 26, 2013:

Commission Complaints per 10,000 access lines for LECs with more than 100,000 access lines; or Commission Complaints per 100 access lines for LECs with less than 100,000 access lines regarding residential telecommunications service.

If the Commission finds as a result of monitoring that the LEC's service quality is substandard as compared to other LECs, the Commission may, after notice and hearing, take action as it deems necessary and proper to assure a desirable level of service quality, including imposing a monetary penalty not exceeding ten thousand dollars (\$10,000) per violation.

Company Type	Report Name	Reference	Reporting Year	Due Date	Contents
TSPs All Carriers	Annual Financial Reports Download Form PDF Format	General Order #2 7-1-1921 & General Order 6-19-2012	Calendar Year or Fiscal Year	120 days from then end of the calendar year or fiscal year	Income statement & balance sheet Specific to Louisiana
LECs & CLECs	Service Quality Reports Download Form PDF Format	General Order 3/11/2014 Sections 302.B & 701.J.3	Semi-annually	September 30th & March 31st	Commission Complaints per 10,000 access lines for LECs with more than 100,000 access lines; or Commission Complaints per 100 access lines for LECs with less than 100,000 access lines regarding residential telecom service.

ILECs & CLECs	Local Terminating Traffic Report Download Form <u>PDF Format</u>	General Order 3/11/2014 Section 901.G	Annually	April 1st	ILECs and CLECs shall file reports with the Commission Secretary on April 1st of each year which show, by month, the volume of local terminating traffic delivered to ILECs or CLECs during the previous year.
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From: [Robert Jackson](#)
To: [Don Dewald](#)
Subject: RE: Terra Nova Telecom, Inc. Numbering Resources Request
Date: Wednesday, July 7, 2021 3:50:00 PM
Attachments: [image001.png](#)
 [image002.png](#)

Thank you both for the phone conversation and for the written materials.

I've been communicating with my Client. We have some questions.

I will assume that Terra Nova Telecom would register as a "competitive access provider" since it offers only wholesale services and none to end user customers. Some of the questions with respect to registration do not seem to fit. For example, items 7 and 8 do not seem to fit as they are seemingly geared to retail providers. Would this information need to be provided? You had indicated that the Commission was reevaluating its rules as they impact VoIP and wholesale providers, if I understood you correctly. Could TNT receive a waiver from filing that information?

Also, since TNT does not serve end users, it has no standard price list/tariff. All service agreements are negotiated individually. Could TNT be exempted from filing items 11 and 13?

Beyond registration, are there any specific regulations or reporting obligations for CAPs? None seem to fit. Also, I did not see any USF obligations for CAPs, which both makes sense and is consistent with the FCC's USF framework. Am I correct?

Is there anything else I am missing?

Thanks much for your help.

Sincerely,
Rob Jackson
Counsel for Terra Nova Telecom

From: Don Dewald <Don.Dewald@la.gov>
Sent: Wednesday, July 7, 2021 11:39 AM
To: Robert Jackson <rhj@commlawgroup.com>
Cc: Barlow Holley <Barlow.Holley@la.gov>; Arnold Chauvire <Arnold.Chauvire@LA.GOV>
Subject: RE: Terra Nova Telecom, Inc. Numbering Resources Request

Mr. Jackson,

Per our conversation, I've attached the relevant documentation for registering as a telecom service provider.

Thanks!

**Don Dewald
Utilities Specialist
LA Public Service Commission
P.O. Box 91154
Baton Rouge, LA 70821
Ph: (225) 342-5710
Fax: (225) 342-5610**



This Staff Opinion is given without prejudice to the authority of the Commission to make investigations and require any reasonably necessary action it may legally find to be in the public interest. Further, this opinion is intended to apply to this recipient only, and is based entirely on the situation described herein. Should a modification in the course of action be proposed, this opinion may be modified.

From: Robert Jackson <rjh@commlawgroup.com>
Sent: Wednesday, July 07, 2021 10:02 AM
To: Don Dewald <Don.Dewald@la.gov>
Cc: Mike Ray, MBA, CNE, CTE <mike@ntntelecom.net>
Subject: RE: Terra Nova Telecom, Inc. Numbering Resources Request

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Mr. Dewald,

I'm available today until 3 pm eastern and tomorrow morning until noon. Next week is quite flexible.

As you will note, I've copied Mike Ray.

Rob Jackson

From: Don Dewald <Don.Dewald@la.gov>
Sent: Wednesday, July 7, 2021 10:55 AM
To: Robert Jackson <rjh@commlawgroup.com>
Subject: RE: Terra Nova Telecom, Inc. Numbering Resources Request

That's fine. What time works best for you?

Don Dewald

From: [Don Dewald](#)
To: [Robert Jackson](#)
Subject: RE: Terra Nova Telecom, Inc. Numbering Resources Request
Date: Friday, July 9, 2021 4:50:20 PM
Attachments: [image001.png](#)
 [image002.png](#)

Good afternoon Mr. Jackson,

I apologize for the delay in getting back to you. The LPSC is not currently revising its telecom regulations, but Commission Staff has discussed opening a rulemaking to update the regulations and also to possibly create a separate application process for VoIP, but this is still preliminary at best. The documentation in item 7 is required of all applicants as these are used to determine the financial, technical, and managerial fitness of the company to provide the services being offered. Also, please include a brief history of the company and list other states where the applicant is authorized to provide service. For item 8, simply provide a description of the services proposed to be offered. No need to submit a map in this case.

As for Item 11, we do require all registered TSPs to provide some sort of tariff to keep on file here at the Commission's Baton Rouge office. These tariffs are illustrative/informational in nature. In the case of a CAP, the tariff may consist of terms and conditions of service only. You may also indicate in the tariff that prices are determined on an individual case basis.

Additionally, we also require that TSPs operating in Louisiana comply with certain General Orders. Of the relevant orders listed in Item 13, please include provisions in the proposed tariff for: A, B, C D, E, F, and I as these apply to CAP/VoIP carriers. These cover NSF charges, deposits, late charges, billing disputes, disconnection for non-payment, and a statement regarding the tariff being governed and interpreted in accordance with the laws of Louisiana. If the company does not have an NSF policy or does not require a deposit etc., then please indicate in the proposed tariff that the company does not require these.

Let me know if you have any other questions or require further assistance.

Thanks!

Don Dewald
Utilities Specialist
LA Public Service Commission
P.O. Box 91154
Baton Rouge, LA 70821
Ph: (225) 342-5710
Fax: (225) 342-5610



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From: Don Dewald <Don.Dewald@la.gov>
Sent: Wednesday, July 7, 2021 11:39 AM
To: Robert Jackson <rjh@commlawgroup.com>
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