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FILE

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**Cleartel**  
COMMUNICATIONS

12124 High Tech Avenue  
Orlando, FL 32817

09-28-TP-SLF

January 9, 2009

**Via Overnight Delivery**

Renee Jenkins, Commission Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street, 13<sup>th</sup> Floor  
Columbus, Ohio 43215-3793

PUCO

2009 JAN 12 AM 9:12

RECEIVED-DOCKETING DIV

**Re: nii communications, Ltd. PUCO No. 1 Revision  
90-9303-TP-TRF**

Dear Mrs. Jenkins:

Per staff's request please withdraw the previous filing in connection with the Regulatory Recovery Fee and replace with the attached. In accordance with 4901:1-6-14, enclosed for filing please find the Application Form for Routine Proceedings. The following documents are included with this filing:

*Telecommunications Application Form for Routine Proceedings*

*Exhibit A-Superseded Tariff Pages*

*Exhibit B-Proposed Revised Tariff Pages*

*Exhibit C-Summary of Changes*

*Exhibit D-Customer Notice*

*Exhibit E-Customer Notice Affidavit*

Questions regarding this filing may be directed to my attention at (407) 215-9736 or via email at [jvillanueva@cleartel.com](mailto:jvillanueva@cleartel.com).

Thank you for your assistance.

Sincerely,

*Jamie Villanueva*  
Jamie Villanueva  
Regulatory Affairs Manager

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.  
Technician SM Date Processed JAN 12 2009



**The Public Utilities Commission of Ohio**  
**TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS**  
(Effective: 01/18/2008)

In the Matter of the Application of nii communications, Ltd. )  
To introduce an Administrative Recovery Fee )  
) )  
) )

TRF Docket No. 90-9303-TP-TRF

Case No. **-TP-**

NOTE: Unless you have reserved a Case # or are filing a Contract, leave the "Case No" fields BLANK.

Name of Registrant(s) nii communications, Ltd.

DBA(s) of Registrant(s) \_\_\_\_\_

Address of Registrant(s) 12124 High Tech Avenue, Suite 100, Orlando, Florida 32817

Company Web Address www.cleartel.com

Regulatory Contact Person(s) Ms. Jamie Villanueva

Phone 407-215-9736

Fax 877-612-3027

Regulatory Contact Person's Email Address jvillanueva@cleartel.com

Contact Person for Annual Report Xandria Lemon

Phone 407-740-3013

Address (if different from above) 2600 Maitland Center Parkway Maitland FL 32751

Consumer Contact Information Ms. Awilda Santiago

Phone 877-612-4226

Address (if different from above) \_\_\_\_\_

Motion for protective order included with filing? ☐ Yes ☒ No

Motion for waiver(s) filed affecting this case? ☐ Yes ☒ No [Note: Waivers may toll any automatic timeframe.]

**Section I – Pursuant to Chapter 4901:11-6 OAC – Part I – Please indicate the Carrier Type and the reason for submitting this form by checking the boxes below. CMRS providers: Please see the bottom of Section II.**

NOTES: (1) For requirements for various applications, see the identified section of Ohio Administrative Code Section 4901 and/or the supplemental application form noted.

(2) Information regarding the number of copies required by the Commission may be obtained from the Commission's web site at [www.puco.ohio.gov](http://www.puco.ohio.gov) under the docketing information system section, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the Commission.

<b>Carrier Type</b> <input type="checkbox"/> Other (explain below)	<input type="checkbox"/> ILEC	<input checked="" type="checkbox"/> CLEC	<input type="checkbox"/> CTS	<input type="checkbox"/> AOS/IOS
<b>Tier 1 Regulatory Treatment</b>				
Change Rates within approved Range	<input type="checkbox"/> TRF 1-6-04(B) (0 day Notice)	<input type="checkbox"/> TRF 1-6-04(B) (0 day Notice)		
New Service, expanded local calling area, correction of textual error	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)	<input type="checkbox"/> ZTA 1-6-04(B) (0 day Notice)		
Change Terms and Conditions, Introduce non-recurring service charges	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Introduce or Increase Late Payment or Returned Check Charge	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)	<input type="checkbox"/> ATA 1-6-04(B) (Auto 30 days)		
Business Contract	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)		
Withdrawal	<input type="checkbox"/> ATW 1-6-12(A) (Non-Auto)	<input type="checkbox"/> ATW 1-6-12(A) (Auto 30 days)		
Raise the Ceiling of a Rate	Not Applicable	<input checked="" type="checkbox"/> SLF 1-6-04(B) (Auto 30 days)		
<b>Tier 2 Regulatory Treatment</b>				
Residential - Introduce non-recurring service charges	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)		
Residential - Introduce New Tariffed Tier 2 Service(s)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(C) (0 day Notice)	
Residential - Change Rates, Terms and Conditions, Promotions, or Withdrawal	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	<input type="checkbox"/> TRF 1-6-05(E) (0 day Notice)	
Residential - Tier 2 Service Contracts	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	<input type="checkbox"/> CTR 1-6-17 (0 day Notice)	
Commercial (Business) Contracts	Not Filed	Not Filed	Not Filed	
Business Services (see "Other" below)	Detariffed	Detariffed	Detariffed	
Residential & Business Toll Services (see "Other" below)	Detariffed	Detariffed	Detariffed	

## Section I – Part II – Certificate Status and Procedural

Certificate Status	ILEC	CLEC	CTS	AOS/IOS
Certification (See Supplemental ACE form)		<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)	<input type="checkbox"/> ACE 1-6-10 (Auto 30 days)
Add Exchanges to Certificate	<input type="checkbox"/> ATA 1-6-09(C) (Auto 30 days)	<input type="checkbox"/> AAC 1-6-10(F) (0 day Notice)	CLECs must attach a current CLEC Exchange Listing Form	
Abandon all Services - With Customers	<input type="checkbox"/> ABN 1-6-11(A) (Non-Auto)	<input type="checkbox"/> ABN 1-6-11(A) (Auto 90 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Abandon all Services - Without Customers		<input type="checkbox"/> ABN 1-6-11(A) (Auto 30 days)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)	<input type="checkbox"/> ABN 1-6-11(B) (Auto 14 day)
Change of Official Name (See below)	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACN 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Change in Ownership (See below)	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ACO 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Merger (See below)	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> AMT 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transfer a Certificate (See below)	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATC 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
Transaction for transfer or lease of property, plant or business (See below)	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> ATR 1-6-14(B) (Auto 30 days)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)	<input type="checkbox"/> CIO 1-6-14(A) (0 day Notice)
<b>Procedural</b>				
Designation of Process Agent(s)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)	<input type="checkbox"/> TRF (0 day Notice)

## Section II – Carrier to Carrier (Pursuant to 4901:1-7), CMRS and Other

Carrier to Carrier	ILEC	CLEC		
Interconnection agreement, or amendment to an approved agreement	<input type="checkbox"/> NAG 1-7-07 (Auto 90 day)	<input type="checkbox"/> NAG 1-7-07 (Auto 90 day)		
Request for Arbitration	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)	<input type="checkbox"/> ARB 1-7-09 (Non-Auto)		
Introduce or change c-t-c service tariffs,	<input type="checkbox"/> ATA 1-7-14 (Auto 30 day)	<input type="checkbox"/> ATA 1-7-14 (Auto 30 day)		
Introduce or change access service pursuant to 07-464-TP-COI	<input type="checkbox"/> ATA (Auto 30 day)			
Request rural carrier exemption, rural carrier suspension or modification	<input type="checkbox"/> UNC 1-7-04 or 1-7-05 (Non-Auto)	<input type="checkbox"/> UNC 1-7-04 or 1-7-05 (Non-Auto)		
Pole attachment changes in terms and conditions and price changes.	<input type="checkbox"/> UNC 1-7-23(B) (Non-Auto)	<input type="checkbox"/> UNC 1-7-05 (Non-Auto)		
<b>CMRS Providers</b> See 4901:1-6-15	<input type="checkbox"/> RCC [Registration & Change in Operations] (0 day)		<input type="checkbox"/> NAG [Interconnection Agreement or Amendment] (Auto 90 days)	
<b>Other*</b> (explain) _____				

\*NOTE: During the interim period between the effective date of the rules and an Applicant's Detariffing Filing, changes to existing business Tier 2 and all toll services, including the addition of new business Tier 2 and all new toll services, will be processed as 0-day TRF filings, and briefly described in the "Other" section above.

All Section I and II applications that result in a change to one or more tariff pages require, at a minimum, the following exhibits. Other exhibits may be required under the applicable rule(s). ACN, ACO, AMT, ATC, ATR and CIO applications see the 4901:1-6-14 Filing Requirements on the Commission's Web Page for a complete list of exhibits.

Exhibit	Description:
A	The tariff pages subject to the proposed change(s) as they exist before the change(s)
B	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.
C	A short description of the nature of the change(s), the intent of the change(s), and the customers affected.
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s).

**Section III. – Attestation**

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

**AFFIDAVIT**

***Compliance with Commission Rules and Service Standards***

I am an officer/agent of the applicant corporation, nii communications, Ltd., and am authorized to make this statement on its behalf.

I attest that these tariffs comply with all applicable rules, including the Minimum Telephone Service Standards (MTSS) Pursuant to Chapter 4901:1-5 OAC for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, including the Minimum Telephone Service Standards, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date) January 9, 2009 at 12124 High Tech Avenue, Suite 100, Orlando, Florida 32817

\* Jamie Villanueva  
Jamie Villanueva, Regulatory Manager

(Date) 1/9/09

- This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

**VERIFICATION**

I, Jamie Villanueva, verify that I have utilized the Telecommunications Application Form for Routine Proceedings provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

\* Jamie Villanueva  
Jamie Villanueva, Regulatory Manager

(Date) 1/9/09

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\*Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

***Send your completed Application Form, including all required attachments as well as the required number of copies, to:***

**Public Utilities Commission of Ohio  
Attention: Docketing Division  
180 East Broad Street, Columbus, OH 43215-3793**

***Or***

***Make such filing electronically as directed in Case No 06-900-AU-WVR***

**NII COMMUNICATIONS, LTD**

**EXHIBIT A**

**EXISTING AFFECTED TARIFF PAGES**

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**LOCAL EXCHANGE AND INTEREXCHANGE SERVICE**

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**SECTION 2 - REGULATIONS (CONT'D)**

**2.5     Billing and Payments**

The following provisions shall apply to all service:

**2.5.1     Payment for Service**

The customer is responsible for payment of all charges for services furnished by the Company to the customer or its Joint or Authorized customers.

**2.5.2     Billing and Collection of Charges**

2.5.2.1     Bills will be rendered monthly to customers consistent with content requirements of Ohio Administrative Code 4901:1-5-15.

2.5.2.2     All service and monthly Recurring Charges are due and payable on the 14 the day after the postmark on the bill.

2.5.2.3     The Company shall present invoices for recurring charges monthly to the Customer, in advance of the month in which such service is provided.

2.5.2.4     For new customers or existing customers whose service is disconnected, the charge for the fraction of the month in which service was furnished will be calculated on a pro-rated basis. For this purpose, every month is considered to have 30 days. 2.5.2.5 Amounts not paid on the due date of the bill will be considered past due. Interest at a rate of 1.5% per month may be applied to any unpaid amount commencing 30 days after the statement date.

2.5.2.6     A check return charge will be assessed for checks with insufficient funds or nonexisting accounts. The Company may waive the check return charge under appropriate circumstances.

**Maximum**

Check Return Charge     \$25.00

**2.5.2.7     Payment Convenience Fee**

Customers making credit card or check payments by calling in to our customer service and/or payment assistance departments will be assessed a \$5.00 Payment Convenience Fee the day of the transaction.

|  
(N)  
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ISSUE DATE: October 24, 2008

EFFECTIVE DATE: November 24, 2008

Issued by the Public Utilities Commission of Ohio  
In Case Number 05-31-TP-ACE  
TRF No. 90-9303-TP-TRF

Mr. Randall P. Muench, President and Chief Marketing Officer, nii communications, Ltd.

**NII COMMUNICATIONS, LTD**

**EXHIBIT B**

**PROPOSED REPLACEMENT TARIFF PAGES**

**LOCAL EXCHANGE AND INTEREXCHANGE SERVICE****CHECK SHEET**

Pages of this tariff, as indicated below, are effective as of the date shown at the bottom of the respective pages. Original and revised pages, as named below, comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

PAGE	REVISION		PAGE	REVISION	PAGE	REVISION
1	2 <sup>nd</sup> Revised		26	Original	51	Original
2	5 <sup>th</sup> Revised	*	27	Original	52	1 <sup>st</sup> Revised
					52.1	1 <sup>st</sup> Revised *
3	Original		28	Original	53	Original
4	Original		29	Original	54	Original
5	Original		30	Original	55	Original
6	Original		31	Original	56	Original
7	Original		32	First	57	Original
8	Original		33	Original	58	Original
9	Original		34	Original	59	1 <sup>st</sup> Revised
10	Original		35	Original	60	Original
11	Original		36	Original	61	Original
12	Original		37	Original	62	Original
13	Original		38	Original	63	Original
14	Original		39	Original	64	1 <sup>st</sup> Revised
15	Original		40	Original	65	Original
16	Original		41	Original		
17	Original		42	Original		
18	Original		43	Original		
19	Original		44	Original		
20	Original		45	1 <sup>st</sup> Revised		
21	Original		46	1 <sup>st</sup> Revised		
22	Original		47	1 <sup>st</sup> Revised		
23	Original		48	Original		
24	Original		49	Original		
25	Second	*	50	Original		

\* - indicates those pages included with this filing

ISSUE DATE: January 12, 2009

EFFECTIVE DATE: February 11, 2009

Issued by the Public Utilities Commission of Ohio

In Case Number 08-802-TP-ATA

TRF No. 90-9303-TP-TRF

Mr. Randall P. Muench, President and Chief Marketing Officer, nii communications, Ltd.



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**LOCAL EXCHANGE AND INTEREXCHANGE SERVICE**

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**SECTION 2 - REGULATIONS (CONT'D)**

**2.5 Billing and Payments**

The following provisions shall apply to all service:

**2.5.1 Payment for Service**

The customer is responsible for payment of all charges for services furnished by the Company to the customer or its Joint or Authorized customers.

**2.5.2 Billing and Collection of Charges**

2.5.2.1 Bills will be rendered monthly to customers consistent with content requirements of Ohio Administrative Code 4901:1-5-15.

2.5.2.2 All service and monthly Recurring Charges are due and payable on the 14 the day after the postmark on the bill.

2.5.2.3 The Company shall present invoices for recurring charges monthly to the Customer, in advance of the month in which such service is provided.

2.5.2.4 For new customers or existing customers whose service is disconnected, the charge for the fraction of the month in which service was furnished will be calculated on a pro-rated basis. For this purpose, every month is considered to have 30 days. 2.5.2.5 Amounts not paid on the due date of the bill will be considered past due. Interest at a rate of 1.5% per month may be applied to any unpaid amount commencing 30 days after the statement date.

2.5.2.6 A check return charge will be assessed for checks with insufficient funds or nonexisting accounts. The Company may waive the check return charge under appropriate circumstances.

Maximum

Check Return Charge      \$25.00

**2.5.2.7 Payment Convenience Fee**

Customers making credit card or check payments by calling in to our customer service and/or payment assistance departments will be assessed a \$5.00 Payment Convenience Fee the day of the transaction.

**2.5.2.8 Administrative Recovery Fee**

An Administrative Recovery Fee will be charged per Customer, per line, per month for all wholesale business Customers to help recover the Company's regulatory and administrative costs.

Per line Charge: \$2.95

(N)

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ISSUE DATE: January 12, 2009

EFFECTIVE DATE: February 11, 2009

Issued by the Public Utilities Commission of Ohio

In Case Number 08-802-TP-ATA

TRF No. 90-9303-TP-TRF

Mr. Randall P. Muench, President and Chief Marketing Officer, nii communications, Ltd. (T)

## **NII COMMUNICATIONS, LTD**

### **EXHIBIT C**

#### **SUMMARY OF CHANGES**

This tariff revision is being submitted in accordance with Rule 4901:1-05(g), to introduce an Administrative Recovery Fee to help recover the company's regulatory and administrative costs. This fee is due to regulatory changes adopted by the Federal Communications Commission that resulted in higher costs for gaining access to filing incumbent networks.

Included is a listing of Changes made to the tariff:

- 6<sup>th</sup> Revised Page 2    Updates Check Sheet
- 2<sup>nd</sup> Revised Page 25    Introduces an Administrative Recovery Fee

**NII COMMUNICATIONS, LTD**

**EXHIBIT D**

**CUSTOMER NOTICE**

A copy of the notice to all customers is included in this Exhibit.

*In response to increased costs associated with providing local telephone service, if approved by the OH PUC, an Administrative Recovery Fee will appear on your bill in the amount of \$2.95. The new charge will be effective on February 11, 2009. Affected customers have a right to file an objection with the commission within 15 days of the filing of the SLF application. We firmly believe that even with this increase we continue to offer a highly competitive value when compared to other major providers. We appreciate your business and look forward to continuing to provide you with quality phone service.*

**NII COMMUNICATIONS, LTD**

**EXHIBIT E**

**CUSTOMER NOTICE AFFIDAVIT**

NII COMMUNICATIONS, LTD.

STATE OF: FLORIDA

SS:

COUNTY OF: ORANGE

AFFIDAVIT

I Ms. Jamie Villanueva, am an authorized agent of the applicant, nii communications, Ltd. and am authorized to make this statement on its behalf. I attest that customer notices accompanying this affidavit were sent to affected customers through a bill message in January, 2009, in accordance with Rule 4901:1-6-16, Ohio Administrative Code. I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 9, 2009 at 12124 High Tech Avenue, Suite 100, Orlando, Florida 32817

/s/ Jamie Villanueva  
Ms. Jamie Villanueva 1/9/09  
Regulatory Manager  
nii communications, Ltd.  
12124 High Tech Avenue, Suite 100  
Orlando, Florida 32817

Subscribed and sworn to before me this

1/9/09  
Date

Awilda Santiago  
Notary Public  
My Commission Expires:

