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January 26, 2012

Ms. Betty McCauley  
Secretary  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43266-0573

PUCO

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RECEIVED-DOCKETING DIV

Re: *Onvoy, Inc. d/b/a Onvoy Voice Services*  
*VoIP-PSTN Tariff Revised January 20, 2012*  
*(Originally Filed December 23, 2011 and*  
*Previously Corrected December 30, 2011)*  
Case No. 11-6021-TP-ATA

Dear Ms. McCauley:

On November 18, 2011, the Federal Communications Commission ("FCC") issued a Report and Order reforming the universal service and intercarrier compensation systems on a nationwide basis (the "FCC Order").<sup>1</sup> A number of local exchange carriers in Ohio have filed revisions to their intrastate switched access tariffs to reflect implementation of the FCC's new "VoIP-PSTN" intercarrier compensation regime. Onvoy, Inc. d/b/a Onvoy Voice Services ("Onvoy") also filed revisions to its intrastate switched access tariff, most recently on January 20, 2012. However, Onvoy's tariff revisions are still inconsistent with the FCC Order. Thus, Verizon asks the Commission to order Onvoy to file a revised version of its above-referenced tariff.

The FCC Order establishes that, in the absence of an agreement between carriers, the current default intercarrier compensation rates for non-local VoIP-PSTN traffic will be equal to interstate access rates.<sup>2</sup> However, Onvoy's tariff only would apply interstate access rates to some – but not all – of the relevant VoIP-PSTN traffic. In particular, Section 10.1(D) of

<sup>1</sup> *Connect America Fund*, WC Docket No. 01-90, *et al.*, Report and Order and Further Notice of Proposed Rulemaking (November 18, 2011), ¶¶ 933-975; 47 C.F.R. § 51.913(a).

<sup>2</sup> *See, e.g.*, FCC Order at ¶ 933.

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Onvoy's tariff proposes to determine the volume of traffic to be billed at interstate switched access rates by applying a Percent VoIP Usage ("PVU") factor only to "[a] Customer delivering traffic to Company." In other words, the tariff only contemplates a PVU for (and, thus, the application of interstate rates to) traffic that *originates* in IP format and is delivered by a customer to Onvoy – not traffic from Onvoy to a customer that *terminates* in IP format.

This is inconsistent with the FCC Order and the VoIP-PSTN regulation promulgated pursuant to that order, which clearly apply to traffic "exchanged between a local exchange carrier and another telecommunications carrier in [TDM] format that *originates and/or terminates* in IP format . . . ."<sup>3</sup> Indeed, in discussing tariffing of its new regime, the FCC contemplated that "information the *terminating* LEC has about VoIP customers it is serving" would be used (in addition to the originating carrier's information about its VoIP usage) "to identify the relevant traffic subject to the VoIP-PSTN intercarrier compensation regime."<sup>4</sup> Even Onvoy's own tariff elsewhere recognizes that interstate switched access rates should apply to "traffic exchanged with Customers when such traffic *originates and/or terminates* in Internet Protocol format . . . ."<sup>5</sup> But, by applying the PVU only to "Customer[s] delivering traffic to Company," Section 10.1(D) of the Onvoy tariff excludes otherwise eligible traffic that terminates in IP format. This would unfairly burden Onvoy's access customers by applying intrastate access charges to traffic that must be billed at interstate rates under the FCC's new rules.

In addition, while the Onvoy tariff requires Onvoy's customers to provide a PVU, it does not contemplate the application of a PVU from Onvoy itself. As such, the tariff does not take into account traffic that Onvoy originates or terminates on its own network in IP format. This may be because Onvoy currently does not provide VoIP services to its retail customers. If so, Onvoy should be required to certify to that fact. But, in any event, the tariff should provide for separate Onvoy and customer factors — and thus take into account explicitly the manner in which calls are originated or terminated by Onvoy's own end-user customers — since such an approach would not require any tariff amendments (just factor changes) if and when Onvoy begins providing VoIP-based end-user services. This is the approach that was taken in the tariffs that were filed by Verizon and a number of other carriers.

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<sup>3</sup> 47 C.F.R. § 51.913(a) (emphasis supplied); *see also* FCC Order ¶ 940.

<sup>4</sup> FCC Order ¶ 963 (emphasis supplied).

<sup>5</sup> Section 10.1(B) (emphasis supplied).

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The Commission should order Onvoy to refile a corrected version of its tariff to ensure that Onvoy implements the VoIP-PSTN intercarrier compensation regime as the federal rules require.

Sincerely,

A handwritten signature in black ink, appearing to read 'BER', followed by a long horizontal flourish.

Barth E. Royer  
Counsel for Verizon

cc: Mary T. Buley, Onvoy, Inc.  
([mary.buley@onvoy.com](mailto:mary.buley@onvoy.com))