

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

AT&T CORP.,	)	
	)	
Complainant,	)	Case No. 16-1104-TP-CSS
	)	
v.	)	
	)	
TSC COMMUNICATIONS, INC.,	)	
	)	
Respondent.	)	

---

ANSWER AND COUNTERCLAIM  
OF RESPONDENT TSC COMMUNICATIONS, INC.

---

Now comes Respondent TSC Communications, Inc. ("TSCCI") and for its Answer to the Complaint of Complainant AT&T Corp. ("AT&T") and counterclaim states as follows:

First Defense

1. In response to the allegations of paragraph 1, TSCCI admits that it charged AT&T for intrastate access services since at least January 1, 2009, but denies that those rates are unlawful or that it was prohibited from charging for intrastate intercarrier traffic at any point in time. TSCCI's most recent certification letter filed in Public Utilities Commission of Ohio ("Commission") Case No. 10-2387-TP-COI is attached as Exhibit 1 and incorporated by reference herein. TSCCI denies the allegations of paragraph 1 not specifically admitted herein.

2. In response to the allegations in paragraph 2, TSCCI admits that the Commission has jurisdiction over this Complaint, and denies the remainder of the allegations in paragraph 2.

3. TSCCI denies for lack of knowledge the allegations contained in the first sentence of paragraph 3, but admits the remaining allegations contained in that paragraph.

4. TSCCI admits the allegations contained in paragraphs 4 through 9.

5. TSCCI denies the allegations contained in paragraph 10. TSCCI has been lawfully charging the tariff rates approved by the Commission in Case No. 01-1348-TP-ATA effective on November 30, 2001.

6. TSCCI admits the allegations contained in paragraph 11.

7. TSCCI denies the allegations contained in paragraphs 12 and 13 and states that the Commission Orders speak for themselves.

8. In response to paragraph 14, TSCCI admits that the quoted language is from its intrastate access service tariff approved in Commission Case No. 01-1348-TP-ATA effective on November 30, 2001. TSCCI denies the remaining allegations contained in paragraph 14, stating that Federal Communications Commission ("FCC") rules speak for themselves.

9. TSCCI denies the allegations contained in paragraph 15.

10. TSCCI admits the allegations contained in paragraph 16.

11. TSCCI denies the allegations contained in paragraphs 17 and 18.

12. TSCCI admits the allegations contained in paragraph 19.

13. In response to the allegations contained in paragraphs 20 through 32, TSCCI denies that its rates were out of compliance with Commission Orders and denies the remaining allegations in those paragraphs in that the Commission Orders speak for themselves. *See Exhibit 1.*

14. In response to the allegations contained in paragraph 33, TSCCI admits that at all times since January 1, 2009, it has charged AT&T NECA rates for the switched access service it provided, and denies the remaining allegations for lack of knowledge.

15. In response to the allegations contained in paragraph 34, TSCCI admits that it received a letter from AT&T's counsel dated March 26, 2015, which is attached as Exhibit 14 to

the Complaint, but denies the paraphrase of the letter stating that the letter speaks for itself.

16. TSCCI denies the allegations contained in paragraph 35.

17. TSCCI admits the allegations contained in paragraph 36.

18. In response to the allegations contained in paragraph 37, TSCCI admits that AT&T did not pay its access charges in full beginning on February 1, 2015, but denies the remaining allegations for lack of knowledge.

19. In response to the allegations contained in paragraph 38, TSCCI denies for lack of knowledge the allegations in first two sentences and denies the remaining allegations.

20. TSCCI denies the allegations contained in paragraphs 39 and 40.

21. TSCCI denies all allegations of the Complaint not expressly admitted herein.

#### Second Defense

22. AT&T has failed to set forth reasonable grounds for the Complaint.

#### Third Defense

23. AT&T's claims are barred in whole or in part by the filed-rate doctrine.

#### Fourth Defense

24. TSCCI has breached no legal duty owing to AT&T and its services and practices at all relevant times have been in full accordance with the applicable provisions of law and accepted standards within the telephone industry.

#### Fifth Defense

25. AT&T's claims are barred in whole or in part by the voluntary payment doctrine.

Sixth Defense

26. AT&T's claims are barred in whole or in part by the applicable period of limitations, laches, and the like.

COUNTERCLAIM

Now comes TSCCI and for its Counterclaim against AT&T and states as follows:

1. AT&T has admitted in paragraphs 37 and 38 of the Complaint that it has not paid TSCCI all amounts TSCCI has billed AT&T for intrastate access charges.
2. TSCCI has lawfully charged AT&T for intrastate access and is entitled to have its bills paid in full.
3. AT&T owes TSCCI approximately \$270,000 for unpaid intrastate access service that TSCCI has provided AT&T through the end of April 2016, and continues to increase each month the bills are not paid.

WHEREFORE, TSCCI respectfully demands that the Commission dismiss the Complaint, grant the Counterclaim, and grant all other necessary and further relief to which TSCCI is entitled.

Respectfully submitted,

/s/William A. Adams

William A. Adams, Counsel of Record  
BAILEY CAVALIERI LLC  
10 West Broad Street, Suite 2100  
Columbus, OH 43215-3422  
(614) 229-3278 (telephone)  
(614) 221-0479 (fax)  
William.Adams@baileycavalieri.com  
*Attorneys for Respondent*  
*TSC Communications, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing *Answer to Complaint and Counterclaim of Respondent TSC Communications, Inc.* was served this 28<sup>th</sup> day of June, 2016, by electronic transmission upon the following:

Mark R. Ortlieb  
AT&T Services, Inc.  
225 West Randolph, Floor 25D  
Chicago, IL 60606  
mo2753@att.com

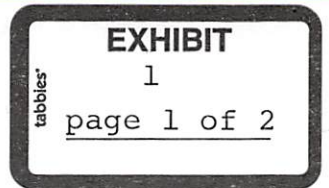
Dennis G. Friedman  
Mayer Brown LLP  
71 South Wacker Drive  
Chicago, IL 60606  
dfriedman@mayerbrown.com

/s/William A. Adams

William A. Adams, Counsel of Record



*Telecommunications.  
Service. Community.*



May 31, 2016

Ms. Barcy McNeal  
Commission Secretary  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

Re: TSC Communications, Inc.  
Intrastate Carrier Access Reform; Case No. 10-2387-TP-COI

Dear Ms. McNeal:

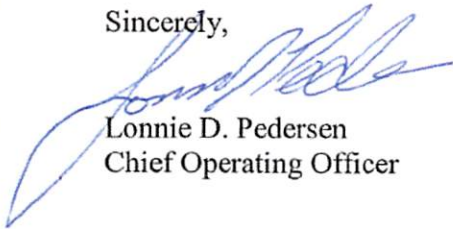
This letter is being filed pursuant to the May 4, 2016 Entry in the above referenced case. TSC Communications, Inc. ("TSCCI") hereby affirms that its intrastate access rates comply with the competitive local exchange company criteria set forth in 47 C.F.R. § 51.911.

In particular, TSCCI affirms that its intrastate access rates conform to the access rate cap required for rural CLECs in 47 C.F.R. § 61.26(e). The PUCO approved TSCCI's rural CLEC intrastate access rate tariff in Case No. 01-1348-TP-ATA, effective on November 30, 2001. In accordance with its tariff, TSCCI has been charging the current applicable NECA access rates, which are incorporated by reference into the tariff, since that time.

As mentioned, TSCCI has been in compliance with 47 C.F.R. § 51.911 in this same way since 2011. To the extent necessary, any prior letters or communications filed in this docket are hereby so clarified.

If you have any questions, please feel free to call me at 419-739-2200.

Sincerely,



Lonnie D. Pedersen  
Chief Operating Officer

telserco.com

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/31/2016 10:33:15 AM

in

Case No(s). 10-2387-TP-COI

Summary: Correspondence Compliance letter regarding intrastate carrier access reform submitted on behalf of TSC Communications, Inc. electronically filed by Mrs. Kimberly C Klingler on behalf of Pedersen, Lonnie D Mr.

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**6/28/2016 9:29:20 AM**

**in**

**Case No(s). 16-1104-TP-CSS**

Summary: Answer and Counterclaim of Respondent TSC Communications, Inc. electronically filed by Mr. William A. Adams on behalf of TSC Communications, Inc.