

May 28, 2009 Via E- Filing

Suite 300

Maitland, FL 32751

P.O. Drawer 200

Winter Park, FL

32790-0200

Tel: 407-740-8575

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www.tminc.com

2600 Maitland Center Pkwy. Renée Jenkins, Secretary of Commission

Public Utilities Commission of Ohio

180 East Broad Street

Columbus, Ohio 43266-0573

RE: Case No.: 09-448-TP-ATA Talk America Inc. d/b/a Cavalier Telephone d/b/a

Cavalier Business Communications d/b/a Cavalier Telephone and TV Application to Revise Its Local Tariff PUCO Tariff No. 4 - Tier 1 Service

Dear Ms. Jenkins:

Enclosed for filing please find the Telecommunications Application Form for Routine Proceedings, submitted on behalf of Talk America Inc. d/b/a Cavalier Telephone, d/b/a Cavalier Business Communications and also d/b/a Cavalier Telephone and TV. This filing introduces a new Tier 1 Service - Residential Basic Local Exchange Service. The Company respectfully requests this filing to become effective on June 29, 2009.

*The following documents are included with this filing:* 

Telecommunications Application Form for Routine Proceedings

- Exhibit A Superseded Tariffs (PUCO No. 4)
- Exhibit B Proposed Revised Tariff Pages (PUCO No. 4)
- Exhibit C Narrative summarizing the changes
- Exhibit D Notice Not applicable

Ouestions regarding this filing may be directed to my attention at (407) 740-3031 or via e-mail at sthomas@tminc.com. Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for this purpose. Thank you for your assistance.

Sincerely,

**Sharon Thomas** 

Consultant to Talk America Inc.

ST/im. Enclosures

> cc: Office of Ohio Utilities Consumer Counsel

> > M. Ring, Talk America, Inc.

Talk America - OH Local File:

TMS: OHL0901

## The Public Utilities Commission of Ohio TELECOMMUNICATIONS APPLICATION FORM for ROUTINE PROCEEDINGS (Effective: 1/18/2008)

In the Matter of the Application of Talk America Inc. dba Cavalier Telephone, dba	) TRF Docket No. 90-9030-TP-TRF ) Case No. 09-448-TP-ATA					
Communications, dba Cavalier Telephone and to Revise its Local Services Tariff PUCO Tariff		<ul><li>) NOTE: Unless you have reserved a Case # or are filing a Contract</li><li>) leave the "Case No" fields BLANK</li></ul>				
Name of Registrant(s) Talk America I	nc.					
	elephone, dba Cavalier	Business Communic	ations, dba Cava	llier Telephone and TV		
	num, Richmond, VA 2		·	•		
Company Web Address www.cavtel.co	m					
	Dir. Reg. Affairs	Phone 850-465-17	48 Fax	850-432-0218		
Regulatory Contact Person's Email Address	mhring@cavtel.com					
Contact Person for Annual Report Xandria I	Lemon	Phone (407) 740-	3013 Fax	(407) 740-0613		
Address (if different from above) 2600 Ma	itland Center Parkway,	Suite 300, Maitland,	FL 32751			
Consumer Contact Information Valerie H	erbenick, Department	Head, Customer Serv	ice Phone	(877) 474-4926		
Address (if different from above) 2704 Alt.	US 19 North, Palm Har	bor, FL 34683				
Motion for protective order included with filing	? ☐ Yes ⊠ No					
Motion for waiver(s) filed affecting this case? [	Yes No [Note: V	Waivers may toll any a	utomatic timefrar	ne.]		
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 <a href="www.puco.ohio.gov">www.puco.ohio.gov</a> 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.						
<u>Carrier Type</u> ☐ Other (explain below)	☐ ILEC		☐ CTS	☐ AOS/IOS		
Tier 1 Regulatory Treatment						
Change Rates within approved Range	TRF <u>1-6-04(B)</u> (0 day Notice)	TRF <u>1-6-04(B)</u> (0 day Notice)				
New Service, expanded local calling area,	ZTA <u>1-6-04(B</u> )	ZTA <u>1-6-04(B)</u> )				
correction of textual error	(0 day Notice)	(0 day Notice)				
Change Terms and Conditions, Introduce	ATA <u>1-6-04(B)</u>	ATA <u>1-6-04(B)</u>				
non-recurring service charges	(Auto 30 days)  ATA <u>1-6-04(B)</u> )	(Auto 30 days)  ATA <u>1-6-04(B)</u>				
Introduce or Increase Late Payment or Returned Check Charge	(Auto 30 days)	(Auto 30 days)				
Business Contract	CTR <u>1-6-17</u> (0 day Notice)	CTR <u>1-6-17</u> (0 day Notice)				
Withdrawal	Non-Auto)	ATW <u>1-6-12(A)</u> (Auto 30 days)				
Raise the Ceiling of a Rate	Not Applicable	SLF <u>1-6-04(B)</u> (Auto 30 days)				
Tier 2 Regulatory Treatment		,				
Residential - Introduce non-recurring	☐ TRF <u>1-6-05(E)</u>	TRF <u>1-6-05(E)</u>				
service charges	(0 day Notice)	(0 day Notice)				
Residential - Introduce New Tariffed Tier 2 Service(s)	TRF <u>1-6-05(C)</u> (0 day Notice)	TRF <u>1-6-05(C)</u> (0 day Notice)	TRF <u>1-6-05</u> (0 day Notice)	(C)		
Residential - Change Rates, Terms and	☐ TRF <u>1-6-05(E)</u>	☐ TRF <u>1-6-05(E)</u>	TRF <u>1-6-05</u>	<u>(E)</u>		
Conditions, Promotions, or Withdrawal	(0 day Notice)	(0 day Notice)	(0 day Notice)			
Residential - Tier 2 Service Contracts	CTR <u>1-6-17</u> (0 day Notice)	CTR <u>1-6-17</u> (0 day Notice)	CTR <u>1-6-17</u> (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)		☐ ACE 1-6-10	☐ ACE <u>1-6-10</u>	☐ ACE <u>1-6-10</u>		
		(Auto 30 days)	(Auto 30 days)	(Auto 30 days)		
Add Exchanges to Certificate	☐ ATA <u>1-6-09(C)</u>	☐ AAC <u>1-6-10(F)</u>	CLECs must attach a			
riad Exerializes to continuate	(Auto 30 days)	(0 day Notice)	Exchange Listing Form	1		
Abandon all Services - With Customers	☐ ABN <u>1-6-11(A)</u>	☐ ABN <u>1-6-11(A)</u>	☐ ABN <u>1-6-11(B)</u>	☐ ABN <u>1-6-11(B)</u>		
Abdition all convices with customers	(Non-Auto)	(Auto 90 day)	(Auto 14 day)	(Auto 14 day)		
Abandon all Services - Without		☐ ABN <u>1-6-11(A)</u>	☐ ABN <u>1-6-11(B)</u>	☐ ABN <u>1-6-11(B)</u>		
Customers		(Auto 30 days)	(Auto 14 day)	(Auto 14 day)		
Change of Official Name (See below)	ACN <u>1-6-14(B)</u>	ACN <u>1-6-14(B)</u>	CIO <u>1-6-14(A)</u>	CIO <u>1-6-14(A)</u>		
Change of Official Name (See Below)	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)		
Change in Ownership (See below)	ACO <u>1-6-14(B)</u>	ACO <u>1-6-14(B)</u>	CIO 1-6-14(A)	☐ CIO <u>1-6-14(A)</u>		
Change in Ownership (See below)	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice) (		
Merger (See below)	☐ AMT <u>1-6-14(B)</u>	☐ AMT <u>1-6-14(B)</u>	CIO 1-6-14(A)	☐ CIO <u>1-6-14(A)</u>		
Weiger (Occ below)	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)		
Transfer a Certificate (See below)	☐ ATC <u>1-6-14(B)</u>	☐ ATC <u>1-6-14(B)</u>	CIO 1-6-14(A)	CIO <u>1-6-14(A)</u>		
Transier a definicate (dee below)	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)		
Transaction for transfer or lease of	☐ ATR <u>1-6-14(B)</u>	☐ ATR <u>1-6-14(B)</u>	CIO 1-6-14(A)	☐ CIO <u>1-6-14(A)</u>		
property, plant or business (See below)	(Auto 30 days)	(Auto 30 days)	(0 day Notice)	(0 day Notice)		
Procedural						
<u>i roccuurai</u>						
Designation of Process Agent(s)	☐ TRF	☐ TRF	☐ TRF	☐ TRF		
= ====================================	(0 day Notice)	(0 day Notice)	(0 day Notice)	(0 day Notice)		
Section II – Carrier to Carrier (Pursuant to 4901:1-7), CMRS and Other						

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

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:
Α	The tariff pages subject to the proposed change(s) as they exist before the change(s)
В	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in
	the right margin.
С	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).

<sup>\*</sup>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.

## **AFFIDAVIT**

## Compliance with Commission Rules and Service Standards

I am an officer/agent of the applicant corporation, Sharon Thomas, Consultant to Talk America, Inc. dba Cavalier Telephone, dba Cavalier Business Communications and also dba Cavalier Telephone and TV, 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 May 28, 2009 at Maitland, Florida 32751

May 28, 2009

Sharon Thomas, Consultant to

Talk America Inc.

dba Cavalier Telephone dba Cavalier Business Communications dba Cavalier Telephone and TV

Technologies Management, Inc.

2600 Maitland Center Parkway, Suite 300

Maitland, Florida 32750

Telephone: (407) 740-3031 Email: sthomas@tmic.com

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

## **VERIFICATION**

I, Sharon Thomas, Consultant to Talk America, Inc. dba Cavalier Telephone, dba Cavalier Business Communications and also dba Cavalier Telephone and TV 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.

Than This

May 28, 2009

Sharon Thomas, Consultant to

Talk America Inc.

dba Cavalier Telephone dba Cavalier Business Communications dba Cavalier Telephone and TV

Technologies Management, Inc.

2600 Maitland Center Parkway, Suite 300

Maitland, Florida 32750

Telephone: (407) 740-3031 Email: sthomas@tmic.com

\*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

EXHIBIT A

SUPERSEDED TARIFF PAGES

## CHECK SHEET

The Page and pages listed below are inclusive and effective as of the date shown. Original and revised pages as named below contain all changes from the original tariff that are in effect on the date shown on each page.

Revision			Revision		Revision	
Sheet No.	<u>Level</u>		Sheet No.	<u>Level</u>	Sheet No.	<u>Level</u>
Title	Original		31	Original	60	Original
1	First	*	32	Original	61	Original
2	Original		33	Original	62	Original
3	Original		34	Original	63	Original
4	Original		35	Original	64	Original
5	Original		36	Original	65	Original
6	Original		37	Original	66	Original
7	Original		38	Original	67	Original
8	Original		39	First *	68	Original
9	Original		40	Original	69	Original
11	Original		41	Original	70	Original
12	Original		42	Original	71	Original
13	Original		43	Original	72	Original
14	Original		44	Original	73	Original
15	Original		45	Original	74	Original
16	Original		46	Original	75	Original
17	Original		47	Original	76	Original
18	Original		48	Original	77	Original
19	Original		49	Original	78	Original
20	Original		50	Original	79	Original
21	Original		51	Original	80	Original
22	Original		52	Original	81	Original
23	Original		53	Original	82	Original
24	Original		54	Original	83	Original
25	Original		55	Original	84	Original
26	Original		56	Original	85	Original
27	Original		57	Original	86	Original
28	Original		58	Original	87	Original
29	Original		59	Original	88	Original
30	Original					

<sup>\*</sup> Indicates Tariff Pages Included with this Filing.

Issued: August 27, 2008 Effective: August 27, 2008

By: Francie McComb, Senior Vice President – Law & Public Affairs

> 2134 W. Laburnum Case No. 90-5752-TP-TRF OHL0806

Richmond, Virginia 23227

## SECTION 5- RESIDENTIAL LOCAL EXCHANGE SERVICES

## 5.1 Residential Bundled Service Offerings <sup>1</sup>

## 5.1.1 Description

The Company offers basic local exchange service only as part of a bundle or package of telecommunications services to residential Customers.

For service packages which include unlimited local, intraLATA, and/or interLATA usage, the services are available for typical residential usage, which is presumed to be total usage that does not exceed 5,000 minutes per month of intrastate and/or interstate usage per line. If the usage threshold is reached, the Company will notify the Customer that the usage does not appear to by typical residential usage. The Company will allow the Customer an opportunity to discuss alternative services options, such as an alternative calling plan.

Residential Local exchange service lines and trunks are provided on a single party (individual) basis only. No multi-party lines are provided. Service is available on a flat rate or measured rate basis depending on the service plan selected by the Customer. Not all services may be available in all areas.

## 5.1.2 Rates and Charges

## A. Monthly Recurring Charges

Month Recurring Charges for Residential Bundled Service Offerings are billed monthly in advance. Monthly Recurring Charges and or Usage Rates are listed with each service description.

### B. Nonrecurring Charges

Nonrecurring charges are billed on the next month's bill immediately following work performed by the Company.

<sup>1</sup> This Service can only be purchased in conjunction with Unregulated and/or Detariffed Services.

Issued: April 9, 2008 Effective: April 9, 2008

By: Francie McComb, Senior Vice President – Law & Public Affairs

2134 W. Laburnum Richmond, Virginia 23227

EXHIBIT B

PROPOSED REVISED TARIFF PAGES

## CHECK SHEET

The Page and pages listed below are inclusive and effective as of the date shown. Original and revised pages as named below contain all changes from the original tariff that are in effect on the date shown on each page.

Revision			Revision			Revision	
Sheet No.	<u>Level</u>		Sheet No.	<u>Level</u>		Sheet No.	<u>Level</u>
Title	Original		31	Original		60	Original
1	Second	*	32	Original		61	Original
2	Original		33	Original		62	Original
3	Original		34	Original		63	Original
4	Original		35	Original		64	Original
5	Original		36	Original		65	Original
6	Original		37	Original		66	Original
7	Original		38	Original		67	Original
8	Original		39	First		68	Original
9	Original		39.1	Original	*	69	Original
11	Original		40	Original		70	Original
12	Original		41	Original		71	Original
13	Original		42	First	*	72	Original
14	Original		43	Original		73	Original
15	Original		44	Original		74	Original
16	Original		45	Original		75	Original
17	Original		46	Original		76	Original
18	Original		47	Original		77	Original
19	Original		48	Original		78	Original
20	Original		49	Original		79	Original
21	Original		50	Original		80	Original
22	Original		51	Original		81	Original
23	Original		52	Original		82	Original
24	Original		53	Original		83	Original
25	Original		54	Original		84	Original
26	Original		55	Original		85	Original
27	Original		56	Original		86	Original
28	Original		57	Original		87	Original
29	Original		58	Original		88	Original
30	Original		59	Original		88.1	Original

<sup>\*</sup> Indicates Tariff Pages Included with this Filing.

Issued: May 29, 2009 Effective: June 29, 2009

By: Francie McComb, Senior Vice President – Law & Public Affairs

2134 W. Laburnum Case No. 09-\_\_\_-TP-ATA Richmond, Virginia 23227 Case No. 09-\_\_\_-TP-ATA OHL0901

OHL0901

## SECTION 4.0 – SERVICE CHARGES, (Cont'd.)

#### Service Charges, (Cont'd.) 4.1

#### 4.1.3 Nonrecurring Charges - Tier 1 Residential Services

Line Installation Charge	Maximum Rate	<u>Current Rate</u>	(N)
First Line	\$80.00	\$80.00	
Each Add'l Line, Same Order	\$55.00	\$55.00	
Move / Add Charge	Maximum Rate	<u>Current Rate</u>	
First Line	\$55.00	\$55.00	
Each Add'l Line, Same Order	\$55.00	\$55.00	
Line Change Charge	Maximum Rate	<u>Current Rate</u>	
First Line	\$25.00	\$25.00	
Each Add'l Line, Same Order	\$25.00	\$25.00	
Line Disconnect Charge	Maximum Rate \$10.00	Current Rate \$10.00	
Restoration of Service charge	\$50.00	\$50.00	j
Feature Installation Charge First Line Each Add'l Line, Same Order	<u>Maximum Rate</u> \$25.00 \$25.00	<u>Current Rate</u> \$25.00 \$25.00	     (N)

Issued: May 29, 2009 Effective: June 29, 2009

By: Francie McComb, Senior Vice President – Law & Public Affairs

> 2134 W. Laburnum Case No. 09- -TP-ATA Richmond, Virginia 23227

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### SECTION 5- RESIDENTIAL LOCAL EXCHANGE SERVICES

#### Residential Bundled Service Offerings <sup>1</sup> 5.1

#### Description 5.1.1

The Company offers the local exchange services set forth in this Section 5.1 only as part of a bundle or package of telecommunications services to residential Customers.

For service packages which include unlimited local, intraLATA, and/or interLATA usage, the services are available for typical residential usage, which is presumed to be total usage that does not exceed 5,000 minutes per month of intrastate and/or interstate usage per line. If the usage threshold is reached, the Company will notify the Customer that the usage does not appear to by typical residential usage. The Company will allow the Customer an opportunity to discuss alternative services options, such as an alternative calling plan.

Residential Local exchange service lines and trunks are provided on a single party (individual) basis only. No multi-party lines are provided. Service is available on a flat rate or measured rate basis depending on the service plan selected by the Customer. Not all services may be available in all areas.

#### Rates and Charges 5.1.2

#### A. Monthly Recurring Charges

Month Recurring Charges for Residential Bundled Service Offerings are billed monthly in advance. Monthly Recurring Charges and or Usage Rates are listed with each service description.

#### B. Nonrecurring Charges

Nonrecurring charges are billed on the next month's bill immediately following work performed by the Company.

<sup>1</sup> This Service can only be purchased in conjunction with Unregulated and/or Detariffed Services.

Issued: May 29, 2009 Effective: June 29, 2009

Francie McComb. Senior Vice President – Law & Public Affairs By:

> 2134 W. Laburnum Richmond, Virginia 23227

Case No. 09- -TP-ATA OHL0901

## SECTION 5 - RESIDENTIAL LOCAL EXCHANGE SERVICES, (Cont'd.)

#### 5.2 Residential Basic Local Exchange Service - Tier 1 Service

## (N)

(N)

June 29, 2009

#### 5.2.1 General

Residential Basic Local Exchange Service is available to residential Customers for typical residential usage which is presumed to be local usage that does not exceed 5,000 minutes per month per line. If the usage threshold is reached, the Company will notify the Customer that the usage does not appear to be typical residential usage. The Company will allow the Customer an opportunity to discuss alternative services options, such as an alternative calling plan.

Residential Basic Local Exchange Service includes the following functions and features:

- Access to local dial tone;
- Access to E911, operator and directory services;
- Unlimited local calls:
- Access to interLATA and interLATA long distance services, which are priced separately;
- Access to optional calling features, which are priced separately.

#### 5.2.2 Rates and Charges

1. Nonrecurring Charges

Nonrecurring Charges, as set forth in Section 4.1.3 apply.

2. Monthly Recurring Charge

> Maximum Charge Current Charge Monthly Recurring Charge, Per Line \$30.00 \$28.95

Issued: May 29, 2009 Effective:

By: Francie McComb, Senior Vice President – Law & Public Affairs

> 2134 W. Laburnum Case No. 09- -TP-ATA OHL0901

Richmond, Virginia 23227

## EXHIBIT C

## DESCRIPTION AND TYPE OF CUSTOMERS AFFECTED

This filing introduces a basic residential local exchange service (Tier 1). No existing customers are affected by this filing. The Company respectfully requests this filing to become effective on June 29, 2009.

EXHIBIT D

CUSTOMER NOTICE

Not Applicable

This foregoing document was electronically filed with the Public Utilities

**Commission of Ohio Docketing Information System on** 

5/28/2009 3:29:34 PM

in

Case No(s). 09-0448-TP-ATA

Summary: Application To Revise Its Local Tariff - PUCO Tariff No. 4 electronically filed by Ms. Iris D. Mennens on behalf of Talk America Inc.