



PATRICK D. CROCKER
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September 2, 2009

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

e-FILED VIA DIS SYSTEM

Re: FIDELITY TELECOM, LLC
Case No. 09-718-TP-ACE

Dear Sir or Madam:

In accordance with Staff Member, Cheryl Williams' request, attached please find the following:

1. Original page 17, section 2.3.2 under claims please add the following sentence to the first paragraph: Subject to the limitation of liability language in section 2.1.4. By adding, this language clarifies this section.

Please see Page 17.

2. Original page 19, section 2.5.2, 2.5.2.1, 2.5.2.2, 2.5.2.3, 2.5.2.4, Billing and Collection of Charges, Original page 22, section 2.5.6, Discontinuance of Service, Original page 23, section 2.6, 2.6.1, 2.6.2, 2.6.3, Allowances for Interruptions of Service, and section 2.7, 2.7.1, Cancellation of Service all should be removed from the tariff because the MTSS paragraph on page 4 covers all these services.

Please see Pages 19 – 20 and 22 - 24.

3. Tariff: Pg 21, 2.5.4, The address for Service Monitoring Enforcement- the floor is 7th not the 10th

Please see Page 21.

4. Pg. 22, 2.5.5.4, The reference to telecommunications has been removed from 4901:01-17, so the tariff should reflect the change, if the company wants to keep the 180 days that is fine, just don't quote the rule.

Please see Page 22.



CROCKER & CROCKER, P.C.

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5. Pg 29, 3.1.8.1, Non-recurring charges for residential customers: In accordance with OAC 4901:1-05-06 (D):

“Customers enrolling in or changing a regulated service not provided by contract shall be allowed to change or switch the service ordered at least one time after that service initiated without incurring any charge to make that change or switch, so long as the change or switch is made within thirty days of the postmark of the welcome letter corresponding to the customer’s original service order. This does not preclude the company from charging for the original service establishment charges for the period such service was used, any special construction charges, and usage charges.”

Please see Page 29.

6. Original page 29, section 3.1.8.1, Non-Recurring Charges please remove the maximum amount for the presubscription change because there is not a maximum for this service just the flat rate of \$5.50 for manual and \$1.25 for electronic per the Commission carrier-to-carrier rules in case number 06-1344-TP-ORD.

Please see Page 29.

7. Original page 30 & 31, section 3.1.8.2, Monthly Recurring Charges, please explain why Fidelity is proposing to charge such a high rate compared to other CLECs for a local exchange line per month. Is the rate part of a package deal? The Commission does not believe that the rate is in the range of a just and reasonable rate and should be change.

Please see Pages 30 – 31.

8. Original page 38, section 3.6, Vanity Telephone Numbers, does Fidelity already have vanity telephone numbers within its number inventory if so the language can remain but if Fidelity do not have numbers within its number inventory for this please remove this section from the tariff.

Please see Page 38.

Very truly yours,

CROCKER & CROCKER, P.C.

Patrick D. Crocker
PDC/tld

LOCAL EXCHANGE SERVICES

SECTION 2 – REGULATIONS2. Regulations (Cont'd)2.3 Obligations of the Customer (Cont'd)

- (g) not creating or allowing to be placed or maintained any liens or other encumbrances on the Company's equipment or facilities; and
- (h) making Company facilities and equipment available periodically for maintenance purposes at a time agreeable to both the Company and the Customer. No allowance for interruptions in service will be made for the period during which service is interrupted for such purposes.

2.3.2 Claims

Subject to the limitation of liability language in Section 2.1.4., and with respect to any service or facility provided by the Company, Customer shall indemnify, defend and hold harmless the Company from all claims, actions, damages, liabilities, costs and expenses, including reasonable attorneys' fees for:

- (a) any loss, destruction or damage to property of the Company or any third party, or the death of or injury to persons, including, but not limited to, employees or invitees of either the Company or the Customer, to the extent caused by or resulting from the negligent or intentional act or omission of the Customer, its employees, agents, representatives or invitees; or
- (b) any claim, loss damage, expense or liability for infringement of any copyright, patent, trade secret, or any proprietary or intellectual property right of any third party, arising from any act or omission by the Customer, including, without limitation, use of the Company's services and facilities in a name not contemplated by the agreement between the Customer and the Company.

2.4 Customer Equipment and Channels2.4.1 General

A Customer may transmit or receive information or signals via the facilities of the Company.

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Dated _____, in Case No. ____-____-TP-ACE

Issued by: Ron Kohn, Managing Member
FIDELITY TELECOM, LLC
23250 Chargin Blvd, Suite 250
Beachwood, OH 44122

LOCAL EXCHANGE SERVICES

SECTION 2 – REGULATIONS2. Regulations (Cont'd)2.4 Customer Equipment and Channels (Cont'd)

2.4.3.3 Facilities furnished under this tariff may be connected to Customer provided terminal equipment in accordance with the provisions of this tariff.

2.4.4 Inspections

2.4.4.1 Upon reasonable notification to the Customer, and at a reasonable time, the Company may make such tests and inspections as may be necessary to determine that the Customer is complying with the requirements set forth in Section 2.4.2.2 for the installation, operation, and maintenance of Customer-provided facilities and equipment to Company-provided facilities and equipment. No credit will be allowed for any interruptions occurring during such inspections.

2.5 Payment Arrangements2.5.1 Payment for Service

The Customer is responsible for payment of all charges for service and facilities furnished by the Company to the Customer or its Joint or Authorized Users.

2.5.2 Reserved for Future Use

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LOCAL EXCHANGE SERVICES

SECTION 2 – REGULATIONS**2. Regulations (Cont'd)****2.5.3 Disputed Bills**

The date of the dispute shall be the date the Company receives sufficient documentation to enable it to investigate the dispute. The date of the resolution is the date the Company completes its investigation and notifies the Customer of the disposition of the dispute.

- 2.5.4 Checks with insufficient funds or non-existing accounts will be assessed a fee as follows, except as may be waived under appropriate circumstances.

<u>Maximum</u>	<u>Current</u>
\$30.00	\$25.00

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LOCAL EXCHANGE SERVICES

SECTION 2 – REGULATIONS

- 2.5.4 Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

FIDELITY TELECOM, LLC
23250 Chargin Blvd, Suite 250
Beachwood, OH 44122

Telephone: (216) 593-0300
Facsimile: (866) 549-6489
Toll Free: (888) 756-9706

Any objection to billed charges should be reported promptly to the Company. Customer is responsible for all nondisputed charges. If after investigation and review by the Company, a disagreement remains as to the disputed amount, the customer may file an appropriate complaint with the PUCO in accordance with the Commission's rules of procedure:

Service Monitoring and Enforcement Department
Public Utilities Commission of Ohio
180 East Broad Street, Seventh Floor
Columbus, OH 43215-3793

Toll Free Telephone: 1-800-686-7826
TTY Toll Free Telephone: 1-800-686-1570

From 8:00 AM to 5:00 PM (EST) weekdays or at www.puco.ohio.gov.

Residential customer may also contact the Ohio Consumers' Counsel for assistance with complaint and utility issues at:

Toll Free: 1-877-742-5622

From 8:00 AM to 5:00 PM (EST) weekdays or at www.pickocc.org.

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LOCAL EXCHANGE SERVICES

SECTION 2 – REGULATIONS**2.5.5 Deposits**

2.5.5.1 To safeguard its interests, the Company may, pursuant to the Minimum Telephone Standards as codified in Chapter 4901:1-5 of the Ohio Administrative Code, require a Customer to make a deposit prior to or at any time after the provision of service to the Customer to be held by the Company as a guarantee of the payment of rates and charges. A deposit may be required if the Customer does not otherwise satisfactorily establish credit under the criteria set forth in Chapter 4901:1-5 of the Telephone Service Standards as codified in Chapter 4901:1-5 of the Ohio Administrative Code. All deposits will be handled pursuant to the Minimum Telephone Service Standards as codified in Chapter 4901:1-5 of the Ohio Administrative Code. A deposit does not relieve the Customer of the responsibility for the prompt payment of bills on presentation. The deposit will not exceed an amount equal to:

- (a) two month's average monthly bill for all regulated local exchange services for the ensuing twelve months, plus thirty percent (30%) of estimated monthly recurring charges.

2.5.5.2 Reserved for future use.

2.5.5.3 When a service or facility is discontinued, the amount of a deposit, if any, will be applied to the Customer's account and any credit balance remaining will be refunded within 45 days from the date of termination. Before the service or facility is discontinued, the Company may, at its option, return the deposit or credit it to the Customer's account.

2.5.5.4 Reserved for future use.

2.5.6 Reserved for Future Use

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LOCAL EXCHANGE SERVICES

SECTION 2 – REGULATIONS

2. Regulation (Cont'd)

2.6 Reserved for Future Use

2.7 Reserved for Future Use

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LOCAL EXCHANGE SERVICES

SECTION 2 – REGULATIONS2. Regulation (Cont'd)2.7 Reserved for Future Use (Cont'd)2.7.1 Reserved for Future Use (Cont'd)2.8 Transfer and Assignments

Neither the Company nor the Customer may assign or transfer its rights or duties in connection with the services and facilities provided by the Company without the written consent of the other party, except that the Company may assign its rights and duties (a) pursuant to any sale or transfer of substantially all the assets of the Company; or (b) pursuant to any financing, merger or reorganization of the Company.

2.9 Notices and Communications

2.9.1 The Customer shall designate on the Service Order an address to which the Company shall mail or deliver all notices and other communications, except that Customer may also designate a separate address to which the Company's bills for service shall be mailed.

2.9.2 The Company shall designate on the Service Order and address to which the Customer shall mail or deliver all notices and other communications, except that Company may designate a separate address on each bill for service to which the Customer shall mail payment on that bill.

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LOCAL EXCHANGE SERVICES

SECTION 3 – SERVICE DESCRIPTIONS AND RATES**3.1.8 Local Exchange Service - Rates and Charges**

A Local Exchange Service Customer will be charged applicable Non-Recurring Charges, monthly Recurring Charges and Message charges

a. **Non-recurring charges for residential customers:**

In accordance with OAC 4901:1-05-06 (D), Customers enrolling in or changing a regulated service not provided by contract shall be allowed to change or switch the service ordered at least one time after that service initiated without incurring any charge to make that change or switch, so long as the change or switch is made within thirty days of the postmark of the welcome letter corresponding to the customer's original service order. This does not preclude the company from charging for the original service establishment charges for the period such service was used, any special construction charges, and usage charges.

3.1.8.1 Non-Recurring Charges

	<u>Maximum</u>	<u>Actual</u>	
		<u>Residential</u>	<u>Business</u>
Service Connection Charge per line	\$100.00	\$37.35	\$37.35
Subsequent account changes (Changes, Additions per order	\$250.00	\$41.55	\$41.55
Presubscription Change			
Manual change	---	\$5.50	\$5.50
Electronic change	---	\$1.25	\$1.25
Optional Feature Activation (per order)	---	\$7.30	\$7.30

NOTE: Non-recurring account change charges will not apply during the initial 30 day period following completion of a service order.

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LOCAL EXCHANGE SERVICES

SECTION 3 – SERVICE DESCRIPTIONS AND RATES3. Service Descriptions (Cont'd)3.1.8 Local Exchange Service (Cont'd)3.1.8.2 Monthly Recurring ChargesRESIDENTIAL FLAT RATE LOCAL EXCHANGE SERVICE

Flat Rate Local Exchange Service provides a Customer with a single, analog voice-grade telephonic communications channel that can be used to place or receive one call at a time. Flat Rate Local Exchange Service lines are provided for the connection of Customer-provided wiring, telephone, facsimile machines or other station equipment. Local exchange service lines and trunks are provided on a single party (individual) basis only. No multi-party lines are provided. Flat Rate Local Exchange Service includes unlimited local exchange calling per month.

Recurring charges for Flat Rate Local Exchange Service are billed monthly in advance. Non-recurring charges for installation or rearrangement of service are billed on the next month's bill immediately following work performed by the Company.

	<u>Maximum</u>	<u>Actual</u> <u>Residential</u>
Nonrecurring Set-up Fee Per Account	\$100.00	\$35.00
Local Exchange Line Per Month	\$100.00	\$29.95

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LOCAL EXCHANGE SERVICES

SECTION 3 – SERVICE DESCRIPTIONS AND RATES

3. Service Descriptions (Cont'd)3.1.8 Local Exchange Service (Cont'd)3.1.8.2 Monthly Recurring Charges (Cont'd)BUSINESS FLAT RATE LOCAL EXCHANGE SERVICE

Business Saver, a local exchange service available to business Customers, provides the Customer with a local exchange access line, unlimited local usage and unlimited access to Calling Features at no additional charge.

1) Service Features

Business Saver provides the following:

- A. Local Exchange Service: Local Exchange Access Line and unlimited local exchange calling.
- B. Calling Features: Unlimited access to all optional features at no additional charge¹.

2) Rates

A. Initiation Fee

	<u>Maximum</u>	<u>Actual</u>
Per Account ²	\$100.00	\$60.00

B. Local Exchange Service

Includes Local Exchange Access line, unlimited local usage and unlimited Call Management features.

	<u>Monthly Rate Per Line</u>	
	<u>Maximum</u>	<u>Actual</u>
1 line	\$100.00	\$39.95
Add'l lines	\$100.00	\$31.95

¹ Calling features added after initial service installation will be billed a Service Order Change Charge.

² Initiation fee will be billed on a final invoice only if the Customer cancels service within the first billing period.

LOCAL EXCHANGE SERVICES

SECTION 3 – SERVICE DESCRIPTIONS AND RATES3. Service Descriptions (Cont'd)3.4 Directory Listings (Cont,d)

3.4.5.9 Non-Recurring Charges: Non-Recurring charges associated with Directory Listings are as follows:

	<u>Maximum</u>	<u>Actual</u>	
		<u>Residential</u>	<u>Business</u>
Primary Listing	N/C	N/C	N/C
Non-published Number	\$15.00	\$2.50	\$2.50
Additional listing on 2 nd or 3 rd lines	---	\$0.99	*
Additional listing on 1 st line	---	\$5.95	*
Non-listed Number	---	\$2.50	*
Alternate Listing	---	\$6.50	*
Reference Listing	---	\$6.50	*
Foreign Listing	---	\$6.50	*

3.5 Emergency Services (Enhanced 911): Allows Customers to reach appropriate emergency services including police, fire and medical services. Enhanced 911 has the ability to selectively route an emergency call to the primary E911 provider so that it reaches the correct emergency service located closest to the caller. In addition, the Customer's address and telephone information will be displayed to the primary E911 provider for display at the Public Service Answering Point (PSAP). Charges for Enhanced 9-1-1 will be a pass through of the charge imposed by the ILEC.

3.6 Reserved for Future Use

* Detariffed services available to business customers are located in the Company Pricing Guide.

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in

Case No(s). 09-0718-TP-ACE

Summary: Tariff tariff revisions electronically filed by Mr. Patrick D. Crocker on behalf of FIDELITY TELECOM, LLC