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AZ CORP COMMISSION  
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July 5, 2013

Via FedEx

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Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

Arizona Corporation Commission  
**DOCKETED**

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Re: Commission Staff's Third Set of Data Requests to Conterra Ultra  
Broadband, LLC; Docket No. T-20869A-12-0499

Dear Sir or Madam:

Enclosed are an original and 13 copies of Conterra Ultra Broadband, LLC's ("Conterra") response to the Commission staff's third set of data requests regarding Conterra's Application for a Certificate of Convenience and Necessity to provide Cellular Backhaul Transport (Carrier Grade Ethernet or TDM Connectivity and Transport) and Access Networks and Broadband Networks (Carrier Grade Ethernet and Voice Connectivity Transport) within the State of Arizona. Exhibit PJG 3.4 contains confidential information and is being submitted pursuant to the existing protective order regarding this application. Please note that all responses to the data requests are provided by Angela C. Lee, Conterra's Vice President, Corporate Counsel and Secretary unless otherwise indicated.

We have included an extra copy of Conterra's response and would appreciate if you would date-stamp that copy and return it in the enclosed self-addressed, stamped envelope. If you have any questions regarding the response, please contact me. Thank you for your consideration of this matter.

Respectfully submitted,

Thomas F. Bardo  
Counsel for Conterra Ultra  
Broadband, LLC

TFB:tbm  
Enclosures  
cc: Ms. Pamela J. Genung (w/encls.) (by email)

**ARIZONA CORPORATION COMMISSION  
STAFF'S THIRD SET OF DATA REQUESTS TO  
CONTERRA ULTRA BROADBAND, LLC  
DOCKET NO. T-20869A-12-0499**

**Please make sure each numbered item and each part of the item is answered completely. In order for Staff to continue with its review of this Application, the following information must be submitted:**

**PJG 3.1. For further clarification of Conterra's Response to PJG 2.3, Conterra indicated that it has an application pending before the Georgia Public Service Commission for authorization to provide CLEC services. In the remaining twenty-one (21) states where Conterra is currently providing services, please indicate for each of those states whether:**

At the outset, Conterra provides the following updates to the information contained in Item A.19 of its application for a certificate of convenience and necessity:

- A. The Georgia Public Service Commission has approved Conterra's application for authorization to provide CLEC services in Georgia. In recent months, Conterra also has received authorizations to provide telecommunications services in New Mexico, Virginia and Texas.
- B. Conterra hereby updates and amends the list of states specified in Item A.19 where it currently provides service to include the following states: Georgia, Kansas, Maine, Michigan, New Mexico, North Carolina, Pennsylvania, South Carolina, Texas, Utah, Vermont, Virginia and West Virginia.
  - a. **An application will be filed for authorization to provide telecommunications services in that state;**

Listed below are states where Conterra has applications pending for authorization to provide CLEC services. At this time, Conterra is uncertain as to whether it will file applications for authorization to provide CLEC or other telecommunications services in additional states.

- b. **An application is pending for authorization to provide telecommunications services in that state; or**

Conterra has pending applications for authorization to provide CLEC services in the following states: Alabama, Arkansas, Florida, Mississippi, North Carolina, Oklahoma, South Carolina and Tennessee.

- c. An application is not necessary for authorization to provide the type of telecommunications services Conterra is providing in that state.**

According to Kelley Boan, Conterra's Regulatory/E-Rate Specialist (2101 Rexford Road, Suite 200E, Charlotte, NC 28211), the services provided by Conterra are not regulated, and thus no application is necessary, in the following states set forth above where the company provides service: Kansas, Maine, Michigan, Pennsylvania, Utah, Vermont and West Virginia.

**PJG 3.2 For further clarification of Conterra's Response to PJG 2.5, Conterra indicated that its "customers may be either retail end-users or wholesale reusers, depending on the type of entity served." Please clarify whether dial tone service will be or is provided to retail end-users.**

Conterra does not provide dial tone service to retail end-user customers currently, and has no plans to provide dial tone service to retail end-user customers in the future.

**PJG 3.3 Are any of the telecommunications services that Conterra intends to offer in Arizona switched dial tone services?**

Conterra does not plan to offer switched dial tone service to customers in Arizona.

**PJG 3.4 For further clarification to Staff's question PJG 2.6, please provide a spreadsheet identifying the maximum rates for services offered in each state, not by customer, in which Conterra is providing telecommunications services similar to those services that Conterra intends to provide in Arizona. Staff's intent is to compare the maximum rates in other states to the Arizona proposed maximum rates that Conterra provided in Section 4.1 of its proposed replacement Original Page No. 21 contained in PJG 1.12.**

Please see attached Exhibit PJG 3.4 listing maximum rates for the services offered by Conterra in each state where it provides service. Conterra submits this information pursuant to the existing protective order regarding this application.

**PJG 3.5 Are the customers identified in confidential Exhibit 2.6 Conterra's customers or is Conterra providing service for another service provider (e.g. AT&T, Sprint, etc.)? In other words, are there any carriers paying Conterra to serve these customers?**

Conterra serves a small number of carriers. For example, in South Carolina, Conterra supplies transport to Spirit Telecom, which resells transport to the local school district. Conterra also is supporting Verizon Business Solutions ("Verizon") in Pennsylvania and has a number of contractual arrangements with Verizon in Pennsylvania.

**PJG 3.6 Based on the schematic provided in Exhibit PJG 1.1, please identify where the Public Service Telephone Network ("PSTN") is located. Is the PSTN located in what is labeled as "POP, Carrier Hotel, Switch Center"?**

Yes, in the diagram provided in Exhibit PJG 1.1, the PSTN is located in the POP, Carrier Hotel, Switch Center.

**PJG 3.7 Will Conterra be providing telecommunications services in Arizona via its own facilities, leased facilities, or a combination of both?**

Conterra will provide telecommunications services in Arizona primarily using Conterra's own facilities. However, Conterra may lease services or dark fiber from other carriers where it is more cost-effective to do so.

**PJG 3.8 Please confirm whether or not Conterra's network is similar to a Distributed Antenna System ("DAS").**

No, Conterra's network is not similar to a DAS.

**PJG 3.9 In Exhibit PJG 1.12, Conterra's proposed tariff replacement page labeled Original Page No. 21 contains the abbreviation "MBMW." Please identify what that abbreviation stands for and include a definition of MBMW in Conterra's proposed tariff by providing a replacement page within Section 1—Definitions.**

MBMW stands for "megabits via microwave transmission." Attached as Exhibit PJG 3.9 is a replacement page for Conterra's proposed tariff revised to include a definition of MBMW.

**PJG 3.10. Please specify whether Conterra will be offering a hybrid telecommunications service in Arizona (e.g. hybrid meaning both fiber and microwave are being used to provide service).**

Yes, Conterra will offer a hybrid telecommunications service in Arizona where such an arrangement will be cost-effective.

**PJG 3.11 If Conterra does intend to offer a hybrid telecommunications service in Arizona, is there a separate maximum rate for a hybrid service? If so, please provide an updated tariff page reflecting that rate.**

Conterra does not maintain a separate maximum rate for a hybrid service. All of Conterra's pricing is based upon total cost of service regardless of the medium used.

**PJG 3.12 Does Conterra currently provide telecommunications service in Arizona?**

At this time, Conterra is providing service in Arizona via microwave only.

**PJG 3.13 If Conterra is currently providing telecommunications service in Arizona, what date did Conterra commence service in Arizona?**

Conterra began providing service in Arizona as described in Item PJG 3.12 above on November 1, 2008.

**PJG 3.14 If Conterra is providing telecommunications service in Arizona, please specify why Conterra is now requesting a CC&N in Arizona.**

Conterra has applied for a certificate of convenience and necessity to provide telecommunications service in Arizona because Conterra is receiving orders from customers for services to be provided via fiber optic media rather than via microwave. Conterra believes that current right of way access regulations in Arizona provide advantages to holders of a certificate of convenience and necessity in deploying fiber.

**EXHIBIT PJG 3.4**  
**CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER**  
**REDACTED**

**EXHIBIT PJG 3.9**

## **SECTION 1 - DEFINITIONS**

**Access Line** - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to Carrier's location or switching center.

**Authorization Code** - A numerical code, one or more of which may be assigned to a Customer to enable Carrier to identify the origin of service of the Customer so it may rate and bill the call. All authorization codes shall be the sole property of Carrier and no Customer shall have any property or other right or interest in the use of any particular authorization code. Automatic numbering identification (ANI) may be used as or in connection with the authorization code.

**Company** - Conterra Ultra Broadband, LLC

**Common Carrier** - An authorized company or entity providing telecommunications service to the public.

**Commission** - The Arizona Corporation Commission

**Customer** - The person, firm, corporation or other entity which subscribes to, utilizes, or enters into arrangements for Carrier's telecommunications services and is responsible for payment of Carrier's services.

**Dedicated** -- A facility or equipment system or subsystem set aside for the sole use of a specific Customer or End User.

**Holiday** - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

**Telecommunications** - The transmission of voice, data, facsimile, signaling, metering, or other similar communications.

**MBMW** - Megabits via Microwave Transmission

**WAN**: Wide Area Network

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