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August 23, 2006

BY OVERNIGHT DELIVERY

TD PAL Coordinator
Telecommunications Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: Sunesys, Inc.
U-6991-C
Schedule Cal. P.U.C. CLC 1-T; Advice Letter No. 2

Dear Sir/Madam:

In compliance with the requirements of D.96-10-066 and CTF Administrative Letter No. 13, enclosed are the appropriate tariff sheets of Sunesys, Inc. addressing the applicability of the Commission's California Teleconnect Fund (CTF) discounts to the company's services, namely:

- 1st Revised Cal. P.U.C. Sheet No. 2 (Cancels 1st Original Cal. P.U.C. Sheet No. 2)
- 1st Revised Cal. P.U.C. Sheet No. 3 (Cancels 1st Original Cal. P.U.C. Sheet No. 3)
- Original Cal. P.U.C. Sheet No. 44.1
- Original Cal. P.U.C. Sheet No. 44.2
- Original Cal. P.U.C. Sheet No. 44.3
- Original Cal. P.U.C. Sheet No. 44.4
- Original Cal. P.U.C. Sheet No. 44.5
- Original Cal. P.U.C. Sheet No. 44.6

As demonstrated at Original Cal. P.U.C. Sheet No. 44.4, the company's Gigabit Ethernet Service shall be considered a "functional equivalent" under the CTF program.

This advice letter with attachments may be viewed on Sunesys' website at www.sunesys.com.

If there are any questions regarding the distribution of this advice letter, call (267) 927-2000.

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Anyone may protest this advice letter to the California Public Utilities Commission. The protest must set forth the specific grounds on which it is based, including such items as financial and service impact. A protest must be made in writing and received within 20 days of the date this advice letter was filed with the Commission. The address for mailing or delivering a protest to the Commission is:

Director, Telecommunications Division
505 Van Ness Avenue, Room 3210
San Francisco, CA 94102

If you have e-mail capability, the protest must also be e-mailed to the Telecommunications Division at TD_PAL@cpuc.ca.gov. A copy of the protest must be mailed or faxed (267) 927-2090 to Sunesys on the same date it is mailed or delivered to the Commission. If this advice letter was served via e-mail, the protest must be served to Sunesys via e-mail at Paul.Bradshaw@infrasourceinc.com.

We would like this filing to become effective September 8, 2006.

Respectfully submitted,

Jeffrey E. Rummel
Attorney for Sunesys, Inc.
Attachments

content.txt

Date 08/23/2006
Advice Letter No. 2

List of files on this CD

content.txt	List of files on this CD
PAL.pdf	PAL Sheet
Letter.pdf	Advice Letter No. 2
Sheets.pdf	Tariff Sheets

**CALIFORNIA PUBLIC UTILITIES
COMMISSION**
Advice Letter Filing Summary Sheet
(PAL)

(Date Filed / Received Stamp by CPUC Industry Division)

Date AL served on parties: _____

Company Name: Sunesys, Inc.

CPUC Utility Number U-6991-C

Address: 202 Titus Avenue

LEC IEC IER

City, State, ZIP:: Warrington, PA 18976

CLC CLR CMRS

Filing AL #: 2 **Requested Effective Date:** 9/8/2006

NRF Category (if applicable): _____

Name:

Email Address:

Phone No.:

Fax No.:

Filer

Jeffrey Rummel, Esq.

rummelj@arentfox.com

202-715-8479

202-857-6395

Certif.

Paul Bradshaw

Paul.Bradshaw@infrasourceinc.com

267-927-2000

No. Tariff
Sheets: 8

(Name, email address & Phone and FAX numbers are Required for "Filer")

Annual Revenues: \$ N/A **Tariff Schedules:** CLC 1-T **Keyword:** Decision/Resolution Compliance

Subject of filing: CTF Compliance Filing
(Service(s) included)

Authorization for filing: 96-10-066
(Resolution #, Decision #, etc.)

Related service: N/A
(Other service, replacement AL filing)

Rate Element(s) affected and % change: N/A
(Non-recurring and / or recurring)

Notes/Comments: N/A
(Other information & reference to advice letter, etc.)

File Protest and/or Correspondence to:
Director, Telecommunications Division
505 Van Ness Ave., San Francisco, CA 94102
and if you have email capability, ALSO email to:
TD_PAL@cpuc.ca.gov
Protest also must be served on utility:
(see utility advice letter for more information)

LEC = Local Exchange Carrier
IEC = Interexchange Carrier
CLC = Competitive Local Carrier
IER = Interexchange Carrier Reseller
CLR = Competitive Local Carrier Reseller
CMRS = Commercial Mobile Radio Service

(FOR CPUC USE ONLY)

- WTS Required
- Resolution Required
- Executive Action Resolution Req'd.
- TD Suspension on: ___ / ___ / ___
- Comm. Suspension on: ___ / ___ / ___
TECH/447580.1
- Resolution No.: T - _____

Supv. / Analyst _____ / _____

Due Date to Supv.: _____

Analyst Completion Date: _____

Supervisor Approval Date: _____

AL / Tariff Effective Date: _____

Sunesys, Inc.
202 Titus Avenue
Warrington, Pennsylvania 18976

Schedule Cal. P.U.C. CLC 1-T
1st Revised Cal. P.U.C. Sheet No. 2
Cancels 1st Original Cal. P.U.C. Sheet No. 2

Competitive Local Carrier Tariff

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Advice Letter No. 2

Date Filed: August 24, 2006

Issued by Lawrence P. Coleman, President

Decision No. 96-10-066

Effective: _____

Competitive Local Carrier Tariff

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Competitive Local Carrier Tariff

RULES (Cont'd)

Rule 24 - Discounts on Advanced Services

(N)

A. Availability of Discounts on Advanced Services (DAS)

In Decision 96-10-066, the California Public Utilities Commission (CPUC) established the California Teleconnect Fund (CTF). This program provides discounts on telecommunications services delineated herein to qualifying schools, libraries, hospitals and health clinics, and community based organizations, approved by the CPUC, as described below. If state funding for the CTF is exhausted, participants will be backbilled for all discounts advanced by the Company that the Commission does not fund.

1. Entities Qualified to Receive Discounts on Advanced Services ("DAS")

The following entities are qualified to receive DAS upon approval by the CPUC:

- a. Schools. Public and non-profit schools providing elementary or secondary education, which do not have endowments of more than \$50 million.
- b. Libraries. Libraries that are eligible for participation in statebased plans for funds under Title III of the Library Services and Construction Act.
- c. Hospitals and Health Clinics. Hospital district owned hospitals and health clinics, municipal and county government owned and operated hospitals and health clinics.
- d. Community Based Organizations (CBOs). Tax exempt organizations offering health care, job training, job placement, educational instruction, or a non-profit CBO operating a community technology center engaged in diffusing technology into a local community, and training a local community that has limited or no access to the Internet and other technologies shall qualify for the discount rate for CBOs. A "tax exempt organization" shall refer to an organization described in Section 501 (c)(3) or 501 (d) of the Internal Revenue Code, Title 26 of the United States Code.

(N)

Competitive Local Carrier Tariff

RULES (Cont'd)

Rule 24 - Discounts on Advanced Services, cont.

(N)

2. Services Eligible for DAS

Customers that have been approved by the CPUC to participate in this program are eligible to receive discounts on the monthly recurring charges for the following services, or their functional equivalents¹:

- a. Measured Business Service
- b. Switched 56
- c. Integrated Services Digital Network (ISDN) Service
- d. T-1 or DS1 equivalent
- e. High Capacity Digital Service, including but not limited to DS3
- f. Optical Carrier Network (OCN) Point to Point Service

There is no limit on the number of subsidized lines that a participating entity may have.

Eligible participants must notify the Company, as required by the CPUC, for which of these services they want discounts applied.

3. Discounts Applicable to Eligible Services

a. Hospitals, Health Clinics, and CBOs

Participating hospitals, health clinics, and CBOs shall be entitled to a 50% discount off the entire tariffed rates or negotiated/contract rates, whichever are lower, for services identified in 2. preceding.

b. Schools and Libraries

Participating schools and libraries shall be entitled to a 50% discount off tariffed rates or negotiated/contract rates, whichever are lower, for services identified in 2. preceding, after first deducting the applicable E-rate discounts. The 50% discount shall be calculated as follows:

(N)

Competitive Local Carrier Tariff

RULES (Cont'd)

Rule 24 - Discounts on Advanced Services, cont.

3. Discounts Applicable to Eligible Services, cont.

- (1) If the customer has not been approved to receive E-rate discounts, whether or not an application is pending, the 50% discount will be applied to all services (eligible for DAS) after deducting a statewide average E-rate discount (determined by the CPUC) from the billed amount.
- (2) If the customer has been approved to receive E-rate discounts, the 50% discount will be applied to the services after deducting the actual E-rate discounts from the billed amount.
- (3) The statewide average discount is deducted from the customer's services solely for purposes of calculating the DAS discount. The statewide average discount shall be added back to the billed amount for payment by the customer. However, when the customer receives its approved E-rate benefit, the customer's account will be retroactively adjusted to reflect the approved E-rate.

The following schools and libraries shall be entitled to a 50% discount off the entire tariffed rates or negotiated/contract rates, whichever are lower, for services identified in 2. preceding: small schools as defined in Section 42283 of the Education Code, participants whose E-rate applications have been denied, and participants who subscribe to services that are ineligible for E-rate discounts.

(N)

(N)

Competitive Local Carrier Tariff

RULES (Cont'd)

Rule 24 - Discounts on Advanced Services, cont.

(N)

B. Functional Equivalents

The following services are to be considered functional equivalents:

Gigabit Ethernet Service.¹ Such service is the functional equivalent of SBC California's "GigaMAN (Gigabit Ethernet Metropolitan Area Network)" service.² The Company's Gigabit Ethernet Service, like this service, is used to connect gigabit ethernet switches from one customer location to another at 1 Gbps. Both the Gigabit Ethernet Service and the GigaMAN product provides the electronics on both ends of dedicated fiber facilities enabling the interconnection between sites to take place. The service is the highest speed offering in the Transparent LAN family of services, which includes 10/100 Mbps ethernet, 4/15 Mbps token ring, FDDI and ESCON. The industry term is "Transparent LAN Service". Transparent LAN Services provide LAN interconnection service between LANs with a native rate interface and typically connect customer locations in a Metropolitan Area Network (MAN).

C. Billing

Customers will receive the discounts described in this Rule, within two (2) billing periods of the eligible services being provided.

D. Special Conditions

For any fiscal year in which the State of California budget is approved with zero funding for the California Teleconnect Fund (CTF) or for any fiscal year in which the Executive Director of the California Public Utilities Commission (CPUC) determines that the approved CTF funding level will be insufficient to reimburse the Company for its CTF claims for the entire fiscal year, the Company will suspend CTF discounts to qualifying Schools, Libraries, Government and District Owned Hospitals, Government and District Owned Health Clinics, and Community Based Tax Exempt Organizations. In the event of such a suspension, all services billed at CTF discounted rates will be converted to and billed at the regular tariffed or contracted rates.

¹ See Schedule Cal. P.U.C. CLC 1-T, 1st Original Cal. P.U.C. Sheet No. 6, herein.

² See SBC California tariff, Schedule Cal. P.U.C. No. A2, 4th Revised Sheet 158.3, Rule 2.1.41 (Specifying the functional equivalence of this SBC California service to Hicap DS-1 service).

(N)

Competitive Local Carrier Tariff

RULES (Cont'd)

Rule 25 - California Teleconnect Fund Surcharge

This surcharge provides the funding for the discounted advanced services provided to qualifying schools, libraries, hospitals and health clinics, and community based organizations (See Rule No. 24 preceding).

Pursuant to Resolution T-16888, a surcharge of 0.13% will be applied to all end user telecommunication intrastate services, both within a service area and between service areas. This percentage rate will take effect on January 1, 2006. This surcharge will appear on subscribers' bills as the California Teleconnect Fund Surcharge. This surcharge will remain in effect until otherwise ordered by the Commission.

The Company shall not be liable for any and all penalties, losses or damages sustained by any carrier, or its customers, as a result of its use and concurrence of the Public Program Surcharge rates and the Commission Reimbursement Fee rate contained in the Company tariffs under Resolution T-16901.

The Company shall not be liable for any and all claims arising out of any act or omission by the Company as a result of a carrier's use and concurrence of the Public Program Surcharge rates and the Commission Reimbursement Fee rate contained in the Company tariffs under Resolution T-16901.

The Company shall be indemnified, defended and held harmless by all carriers against any claims, loss or damage arising from a carrier's use and concurrence in the Public Program Surcharge rates and the Commission Reimbursement Fee rate contained in the Company's tariffs under Resolution T-16901.

The surcharge applies to all monthly service billed in advance and for all usage billed on or after January 1, 2006, except as noted below. The surcharge applies to all recurring and nonrecurring rates and charges for services provided under the Company's tariff schedules, all Category III services and new or modified General Order 96-A contracts executed after September 15, 1994.

Exceptions:

- One-way Radio Paging Service
- Universal Lifeline Telephone Service (basic monthly exchange services)
- COPT Service - (Partial) Coin Sent Paid
- Semi-Public Coin Box Service - (Partial) Coin Sent Paid
- Public Telephone Service - (Partial) Coin Sent Paid
- IntraLATA Message Toll Telephone Service (Partial) Coin Sent Paid, Coin Station Service, and Coin Person Service
- General Order 96-A Contracts executed prior to September 15, 1994

Competitive Local Carrier Tariff

RULES (Cont'd)

Rule 25 - California Teleconnect Fund Surcharge, cont.

- Access charges billed to carriers that have a certificate of public convenience and necessity
- SBC Messaging Category III Services
- SBC Directory Advertising
- 175-T Section 18 - Services for Resale

The following taxes and surcharges are not revenues and should not be included:

- Surcharge to Fund California Public Utilities Commission Reimbursement Fee
- Universal Lifeline Telephone Service Surcharge
- Deaf and Disabled Surcharge
- California High Cost Fund-A Surcharge
- California High Cost Fund-B Surcharge
- California Teleconnect Fund Surcharge
- FCC Federal Subscriber Line Charge

(N)

(N)