



September 6, 2011

Via Electronic Delivery

Ms. Jaelyn A. Brillong, Commission Secretary
New York Department of Public Service
Three Empire State Plaza
Albany, NY 12223

Re: Petition of Local Telecommunications Services - NY, LLC for a Certificate of Public Convenience and Necessity

Dear Ms. Brillong:

Please accept the attached Petition for a Certificate of Public Convenience and Necessity submitted on behalf of Local Telecommunications Services - NY, LLC. The Telecommunications Company Critical Information (TCCI) Form is also included with this filing.

Under separate cover, the Company will submit its proposed initial tariff via ETS.

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 that is provided for this purpose. Any questions you may have pertaining to this filing may be directed to me at (407) 740-3011 or via email at stthomas@tminc.com. Thank you for your assistance.

Sincerely,

/s/Sharon Thomas

Sharon Thomas, Consultant to
Local Telecommunications Services - NY, LLC

Enclosures

ST/im.

cc: Erik Levitt, Local Telecommunications Services - NY, LLC
file: Local Telecommunications Services - NY Local
tms: NY11100

**BEFORE
THE STATE OF NEW YORK PUBLIC SERVICE COMMISSION**

IN RE: Petition of)
Local Telecommunications Services - NY, LLC) Docket No.: _____
for a Certificate of Public)
Convenience and Necessity)
Within the State of New York)

**PETITION FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY**

Local Telecommunications Services - NY, LLC (“Applicant”) respectfully requests issuance of a Certificate of Public Convenience and Necessity to provide intrastate resold and facilities-based telecommunications service within the state of New York. Pursuant to 16 NYCRR §§ 21.1(f) and 21.7 of the Commission's Rules of Procedure, Applicant submits the following information:

1. Identification of Applicant and Principal Business Office

Business Office

Erik B. Levitt, President & Chief Executive Officer
Local Telecommunications Services - NY, LLC
401 East 34th. Street, #N27J
New York, NY 10016
Telephone: 212-796-5500
Email: elevitt@endstream.com

Regulatory Contact

Erik B. Levitt, President & Chief Executive Officer
Local Telecommunications Services - NY, LLC
401 East 34th. Street, #N27J
New York, NY 10016
Telephone: 212-796-5500
Email: elevitt@endstream.com

1. Continued

Officers

The following individual is an officer of Local Telecommunications Services - NY, LLC and may be contacted at the Company's headquarters located 401 East 34th. Street, #N27J, New York, NY 10016:

Erik B. Levitt President / CEO

2. Commission Contact for Consumer Complaints

Erik B. Levitt, President & Chief Executive Officer
Local Telecommunications Services - NY, LLC
401 East 34th. Street, #N27J
New York, NY 10016
Telephone: 212-796-5500
Email: elevitt@endstream.com

3. A copy of Applicant's Articles of Incorporation and authorization to conduct business in the State of New York are found in Attachment I.

4. Description of services to be provided by Applicant:

Local Telecommunications Services - NY, LLC proposes to provide local exchange services to business and residential customers. Services will be provided using Unbundled Network Elements purchased from Incumbent Local Exchange Companies, and through resale of local services provided by other carriers. Specific services are described in the Company's attached tariffs; as services are added or changed, the Company will make appropriate revisions to its tariffs, as required by law and Commission rules.

Applicant will ensure that its retail customers have access to 911 service, directory assistance and telecommunications relay services.

5. Description of the plant and system to be constructed and the anticipated construction schedule.

The Company does not anticipate constructing its own plant or equipment.

6. Statement regarding slamming

The Applicant has not acquired any Customers without the Customer's authorization, and will ensure that procedures are in place before marketing services to retail customers to avoid the unauthorized switching of customers to its service.

7. Statement regarding complaints

The Applicant has not been the subject of any complaint or investigation regarding slamming or any other issue.

Once it initiates operations, Applicant's customer service telephone number (212) 796-5500 will be available with live operator response 24 hours per day, 7 days per week.

8. Federal Social Security Account Number and/or Federal Employer Identification Number.

The Federal Employer Identification Number for Applicant is: 45-2789355.

9. Access to Public Safety/Emergency Telephone Services; Access to Statewide Relay System and Lifeline Service

The Company intends to comply with all Commission orders regarding access to public safety and emergency telephone services, access to relay services and lifeline requirements. Applicant will remain on the ILEC network and continue to have emergency calls directed to ILEC Public Safety Answering Points via the ILEC network. All "911" and "0-" calls will be processed by the ILEC.

10. Facilities-Based Authority

Applicant is specifically seeking authority to provide local service on a facilities basis through UNE/UNE-P agreements with the LEC. Applicant will provide local dial tone service in compliance with the requirements of Case 94-C-0095 as indicated in **Attachment III**.

11. Request for waivers

Consistent with the treatment of other new market entrants, the Applicant requests that Sections 21.2 and 21.3 of 16 NYCRR be waived in connection with this application; as well as Part 642 and Section 644.3 of 16 NYCRR. Applicant requests authority to file tariffs pursuant to 16 NYCRR 630.15, and to enter into contracts with customers in lieu of rates, charges and regulations set forth in tariffs on a nondiscriminatory basis.

12. IntraLATA Presubscription Implementation Plan

An IntraLATA Presubscription Implementation Plan is provided as **Attachment IV**.

WHEREFORE, Local Telecommunications Services - NY, LLC respectfully submits that the New York Public Service Commission grant it a Certificate of Public Convenience and Necessity to provide facilities-based and resold telecommunication services within the State of New York and all other appropriate authority and relief.

Dated this ____ day of _____, 2011.

Respectfully submitted,

/s/Erik B. Levitt

Erik B. Levitt, President & Chief Executive Officer
Local Telecommunications Services - NY, LLC

Sharon Thomas
Consultant for Local Telecommunications Services - NY, LLC
Technologies Management, Inc.
2600 Maitland Center Parkway, Suite 300
Maitland, FL 32751
Telephone: (407) 740-3031
Facsimile: (407) 740-0613
E-mail: sthomas@tminc.com

Local Telecommunications Services - NY, LLC

Attachment I

Articles of Incorporation

Secretary of State Authorization

FILING RECEIPT

ENTITY NAME: LOCAL TELECOMMUNICATIONS SERVICES - NY, LLC

DOCUMENT TYPE: ARTICLES OF ORGANIZATION (DOM LLC)

COUNTY: NEWY

FILED:06/17/2011 DURATION:***** CASH#:110617000885 FILM #:110617000806

FILER:

EXIST DATE

PHYLLIS MILLER
2600 MAITLAND CENTER PARKWAY
SUITE 300
MAITLAND, FL 32751

06/17/2011

ADDRESS FOR PROCESS:

THE LLC
51 EAST 42ND STREET
NEW YORK, NY 10017

SUITE 411

REGISTERED AGENT:



SERVICE COMPANY: ** NO SERVICE COMPANY **

SERVICE CODE: 00 *

FEEs	200.00
FILING	200.00
TAX	0.00
CERT	0.00
COPIES	0.00
HANDLING	0.00

PAYMENTS	200.00
CASH	0.00
CHECK	200.00
CHARGE	0.00
DRAWDOWN	0.00
OPAL	0.00
REFUND	0.00

Local Telecommunications Services - NY, LLC

Attachment II

Proposed Tariff

To be submit via ETS

Local Telecommunications Services - NY, LLC

Attachment III

Compliance Statement

Local Telecommunications Services - NY, LLC
Compliance with Case 99-C-0941

- 1. Provide, without undue discrimination or preference, service to any willing customer within the carrier's defined service territory;**

The Applicant's facilities-based and resold local service will be offered on a non-discriminatory basis to all willing customers.

- 2. Provide access to public safety/emergency telephone services (911, E-911, 0-), support the statewide relay system, and offer, or otherwise support, LifeLine service;**

Customers using the Applicant's services will have access to these services through the incumbent local exchange carriers who provide the underlying services.

- 3. Comply with Telephone Fair Practices Rules (16 NYCRR Part 633, et. seq.);**

These rules, now Part 609, are addressed in the Applicant's proposed tariff. Applicant will comply with all applicable rules pertaining to customer relations and billing.

- 4. Comply with the Common Carrier rules (16 NYCRR 605);**

Applicant will comply with all applicable rules pertaining to common carriers in New York.

- 5. Comply with our Statement of Policy on Privacy in Telecommunications (Case 90-C-0075, issued March 22, 1991);**

Applicant will comply with all applicable rules pertaining to common carriers in New York.

- 6. Comply with our Open Network Architecture (ONA) principles (Case 88-C-004, Opinion No. 89-28, issued September 11, 1989);**

Applicant will comply with all applicable rules pertaining to common carriers in New York.

- 7. Provide reasonable interconnections for the joint provision of service to any certified carrier requesting such interconnection;**

Applicant will provide reasonable interconnections for the joint provision of service to any certified carrier requesting such interconnection.

- 8. Comply with our service quality standards and infrastructure monitoring requirements (16 NYCRR, Parts 603 and 644.3).**

Applicant will comply with service quality standards and monitoring and will file reports as required by the Commission to demonstrate compliance, including the Competition Monitoring Report.

Local Telecommunications Services - NY, LLC

Attachment IV

IntraLATA Presubscription Implementation Plan

Local Telecommunications Services - NY, LLC

IntraLATA Presubscription Implementation Plan

Dialing Parity Plan

1. PURPOSE

The purpose of this Dialing Parity Plan (“Plan”) is to permit retail customers to route intraLATA calls automatically, without the use of access codes, to an interexchange carrier (“IXC”) of the customer's choice. The IXC chosen by customers must establish itself as an access customer under any applicable tariff that Local Telecommunications Services - NY, LLC (“Company”) will file prior to launching service in New York. This Plan applies to services that may be made available at a future date using the Company's access facilities. If the Company provides local dial tone service(s) by reselling facilities obtained from Incumbent Local Exchange Carrier(s) (“ILECs”), (a) the Company will implement dialing parity wherever it is made available by the ILEC from whom the Company purchases local dial tone service for resale, and (b) elements of this Plan pertaining to exchange access service orders will not apply.

II. IMPLEMENTATION

The Company will notify affected intraLATA IXCs approximately sixty to ninety days prior to the date that the Company expects to begin providing local service in New York and advise that a Presubscription Information Package will be provided upon request. The Presubscription Information Package will explain how exchange access service(s) can be obtained and will include the following:

End Office names(s)

End Office Location Common Language Location Identification (“CLLI”)

Equipment type

NPA/NXX(s)

LATA

Implementation Date

Carriers will have the options of offering intraLATA service only or intraLATA and interLATA service and participating in all market area or in a specific market area in New York.

**Local Telecommunications Services - NY, LLC
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan**

III. CARRIER SELECTION

When the Company offers facilities-based local dial tone service(s), it will implement a full 2-PIC carrier selection methodology. As stated in Paragraph I above, if the Company provides local dial tone services by reselling facilities obtained from ILECs, it will rely on the ILECs facilities to provide the full 2-PIC capability. With the full 2-PIC methodology, customers will be able to presubscribe to the same or different participating telecommunications carrier(s) for intra and interLATA toll calls. IntraLATA presubscription will be provided on all eligible residence and business lines.¹

Prior to offering local dial tone services, the Company will establish processes to provide customers with an opportunity to choose their intra and interLATA toll carrier(s) Company contact representatives who communicate with the public, accept orders, and serve in customer service capacities will be trained to explain to customers the availability of 2-PIC equal access, and assist in implementing their initial PIC choice or in changing their PIC for intraLATA and interLATA toll calls. The Company will process intraLATA PIC selections in the same manner and in the same time intervals that apply to interLATA PICs.

¹ An example of a customer who would not be eligible for intraLATA presubscription is someone who has a Feature Group A access line.

**Local Telecommunications Services - NY, LLC
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan**

IV. A CUSTOMER SELECTING A PIC

When local dial tone services are offered by the Company, customers contacting the Company and requesting local dial tone service will be informed of the opportunity to choose both an intraLATA and interLATA PIC. If requested by customers, the Company will provide a list of IXCs, including the Company, that are access customers and are maintaining a relationship with the Company pursuant to the provisions of the Company access service(s) tariff. The list of participating IXCs will be presented to customers in a competitively neutral manner, and IXCs will be identified to customers in random order. The Company contact representatives will not comment on customers' choices of their intraLATA toll carrier.

Company customer contact representatives will process customer-initiated request(s) to have the Company established as their intraLATA PIC selection. Customers selecting an intraLATA toll carrier other than the Company will be provided with the selected carriers toll-free number (if provided to the Company by the carrier).

If new line customers, including customers adding lines (with a separate number), do not select a participating carrier, they will be assigned a “No PIC” Customers who cannot decide upon an intraLATA carrier at the time of order, will have 30 days following placement of their service order to select an intraLATA carrier without charge. In the interim, they will be assigned a No PIC designation. After the 30-day period, the Company will assess a PIC change charge. Customers assigned a NO PIC designation will be required to dial an access code to reach an intraLATA toll carrier's network.

The Company contact representatives will not discuss alternative carrier rates or services and will not provide customers with Carrier Identification Codes or access code dialing instructions.

**Local Telecommunications Services - NY, LLC
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan**

V. EXISTING CUSTOMERS

The Company does not have existing customers affected by dialing parity issues.

VI. CUSTOMERS CHANGING AN INTRALATA PIC

When local dial tone line services are offered by the Company, customers may contact the Company to change either their inter or intraLATA IXC. The Company customer contact representatives will process customer initiated request(s) to have the Company established as their intraLATA PIC selection. Customers selecting intraLATA toll carriers other than the Company will be provided with the selected carriers toll-free number (if provided to the Company by the carrier).

A PIC change charge will be incurred and billed to a Company customer for each eligible line where an intraLATA PIC change is made. The Company anticipates it will offer IXCs the option of having the intraLATA PIC charge billed to the IXC or the customer.

Company contact representatives will not attempt to dissuade customers from changing their intraLATA PIC and will not discuss alternative carrier rates or services. The Company will not provide customers with Carrier Identification Codes or access code dialing instructions.

VI. PIC “FREEZES“

PIC freezes may be provided at any time upon customers' requests. The Company will accept the use of three-way calls among the customer, the Company and an IXC to remove intraLATA PIC freezes. The Company will still follow the verification procedures for PIC changes (*e.g.*, independent third party verification, written letter of agency, electronic authorization) as provided for by the Federal Communications Commission and New York Commission rules. The Company understands that carrier-to-carrier penalties for unauthorized intraLATA toll charges may not be imposed.

**Local Telecommunications Services - NY, LLC
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan**

VII. CARRIER OBLIGATIONS

IntraLATA carriers that desire to become Company access customers shall notify the Company via letter or telephone call of their desire to obtain exchange access service information or shall obtain and complete an Access Service Request(s) (“ASRs”) form and provide the completed form to the Company and to the owner of the Access Tandem. The Company will send each requesting carrier an information package describing the Company's service, processes and applicable tariffs. Once the Company receives and processes a carrier's ASR, the carrier will be added to the list of participating carriers and, as stated above in Part IV of this Plan, will be identified at random to customers who desire to establish intra and/or interLATA PIC(s). The Company will provide notice switches available for Exchange Access Services to IXCs by identifying the switches in NECA Tariff FCC No. 4. In addition, as stated above in Part II of this Plan, the Company will include a list of available switches in its information package provided to each IXC in response to an inquiry.

To be a presubscribed intraLATA toll carrier, a carrier must have a Feature Group B (FGD) or Feature Group D-like trunk. The FGD or FGD-like trunk(s) must be in place or ordered between the carrier's point-of-presence and the incumbent Local Exchange Company Access Tandem(s). Carriers must determine what facilities they need to handle the intraLATA toll traffic and order the necessary facilities.

All originating intraLATA traffic will initially be routed via the incumbent Local Exchange Company (“LEC”) Access Tandem(s). Direct trunks between Company switches and carrier location(s) may be provisioned where traffic volumes warrant.

**Local Telecommunications Services - NY, LLC
IntraLATA Presubscription Implementation Plan
Dialing Parity Plan**

VII. CARRIER OBLIGATIONS (Cont'd.)

The Company will route all originating intraLATA traffic to the designated carrier and will only block traffic at the request of the end user customer and/or in compliance with regulatory requirements. Requests from carriers to block traffic or remove customers from their network will not be honored. Calls that cannot be completed to a carrier will be routed to an announcement.

Carriers will be required to submit PIC changes using the Customer Account Record Exchange (“CARE”) format via paper medium. The Company will provide carriers with PIC order confirmation and reject information not using the CARE format. Upon request, specific details regarding CARE will be provided to participating carriers.

For customers who change their local service provider from the incumbent LEC to the Company and retain their incumbent LEC telephone number(s), the Company, as part of the CARE PIC process, will provide the selected intraLATA carrier with both the retained (incumbent LEC) telephone number and the Company telephone number.

**Local Telecommunications Services - NY, LLC
 IntraLATA Presubscription Implementation Plan
 Dialing Parity Plan**

VIII. CALL ELIGIBILITY AND DIALING PLAN

The Company will offer intraLATA presubscription on all calls that are designated as intraLATA toll calls and that originate from Company provided local dial tone lines in New York.

Local dial tone line customers of the Company will have calls routed according to the following plan.

If a Company dials:	The Call is Handled by/Routed to:
911	PSAP on originating line number
411/555-1212	Company Directory Assistance Operator
0	Company Operator
0+ intraexchange number	IntraLATA Toll Provider
1+ 7 or 10 digits	IntraLATA Toll Provider
0+ 7 or 10 digits interexchange number	InterLATA Toll Provider
10XXX or 101XXXX+ 0-	XXX/XXXX Carrier
10XXX or 101XXXX +0+7 or 10 digits	XXX/XXXX Carrier
10XXX or 101XXXX + 7 or 10 digits	XXX/XXXX Carrier

Company customers originating calls to a carrier Operator by dialing 00- will be routed to the PIC on that customer's line. Customers originating calls to a carrier Operator by dialing an access code (e.g., 10XXX/101XXXX + 0-), will be routed to the XXX/XXXX carrier. In both cases, the carrier's switch is responsible for routing this call to the carrier's Operator or to an announcement.

IX. ADDITIONAL ELEMENTS OF THE PLAN

Under the Plan

If a Company customer denies requesting a change in intraLATA toll providers as submitted by an intraLATA IXC, and the intraLATA IXC is unable to produce a Letter of Agency signed by the customer, the PIC will be changed as per the customer's request and appropriate penalties will be imposed as authorized by law.

Commission authorization as a certificated intraLATA toll provider is required for a carrier to be placed on an alphabetical list of carriers that are willing to accept intraLATA toll traffic within a particular geographical area in New York.