



April 8, 2019

VIA ECFS

Kris Monteith, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Election of Incentive Regulation for Business Data Services
Clarity Telecom, Study Area Code 391652
WC Docket Nos. 17-144, 16-143, 05-25**

Dear Ms. Monteith:

Clarity Telecom ("Company") hereby provides notice to the Wireline Competition Bureau of its election to convert to incentive regulation for Business Data Services ("BDS") effective July 2, 2019, in Study Area Code 391652, South Dakota.

The Federal Communications Commission's *Rate-of-Return Business Data Services Order* instructed carriers "electing to convert to incentive regulation effective July 1, 2019 to provide the Bureau with notice of their election by May 1, 2019".¹ The Company is a rate-of-return authorized Alternative Connect America Model carrier eligible to make this election, and elects incentive regulation for BDS services effective July 2, 2019.² The Company currently offers BDS pursuant to National Exchange Carrier Association, Inc. ("NECA") Tariff F.C.C. No. 5. Effective July 2, 2019, the Company will exit NECA Tariff F.C.C. No. 5 for BDS and will offer those services pursuant to John Staurulakis, Inc. Tariff F.C.C. No. 1 ("JSI Tariff"). Therefore, the Company will file BDS rates under the incentive regulation framework in the JSI Tariff 2019 annual access tariff filing.

Please contact the undersigned with any questions on the Company's election of incentive regulation for BDS described herein.



Jim Gleason, CEO
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¹ *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers, Business Data Services in an Internet Protocol Environment, Special Access for Price Cap Local Exchange Carriers*, WC Docket Nos. 17-144, 16-143, 05-25, Report and Order, Second Further Notice of Proposed Rulemaking, and Further Notice of Proposed Rulemaking, FCC 18-146, (rel. Oct. 24, 2018) (*Rate-of-Return Business Data Services Order*).

² Notwithstanding the July 1, 2019 effective date set forth in the *Rate-of-Return Business Data Services Order*, the modified effective date of July 2, 2019 is consistent with the 2019 Annual Access Charge Tariff Filings Order, DA 19-246, WC Docket No. 19-47, rel. April 4, 2019.