

## ACCESS SERVICE

## CHECK SHEET (Cont'd)

Title Page 1 and Pages 1 to 16-16 inclusive of this tariff, Including Supplement No. 1, are effective as of the date shown. Original and revised pages, as named below are in effect on the date indicated.

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2. General Regulations (Cont'd)2.3 Obligations of the Customer (Cont'd)2.3.11 Identification and Rating of VoIP-PSTN Traffic

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(A) Scope

VoIP-PSTN Traffic is defined as traffic exchanged between the Telephone Company end user and the customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. This section governs the identification of VoIP-PSTN Traffic that is required to be compensated at interstate access rates by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (Nov. 18, 2011) ("FCC Order"). Specifically, this section establishes the method of separating VoIP-PSTN Traffic from the customer's traditional intrastate access traffic, so that such VoIP-PSTN Traffic can be billed in accordance with the FCC Order.

(B) Rating of VoIP-PSTN Traffic

Interstate and Intrastate VoIP-PSTN Traffic identified in accordance with this tariff section will be billed at rates equal to the Telephone Company's applicable tariffed interstate switched access rates as specified in Section 15 following.

(C) Calculation and Application of Percent-VoIP-Usage Factor

The Telephone Company will determine the number of VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection (B), above, by applying a Percent VoIP Usage ("PVU") factor to the total terminating intrastate access MOU received by The Telephone Company from the customer. The PVU will be derived and applied as follows:

- (1) The customer will calculate and furnish to the Telephone Company a factor (the "PVU") representing the percentage of the total intrastate and interstate access MOU that the customer terminates to the Telephone Company in the State, that is sent to the Telephone Company and that originated in IP format. This PVU shall be based on information such as traffic studies, actual call detail, or other relevant and verifiable information. The customer shall retain the call detail, work papers, and information used to develop the PVU factor for a minimum of one year.

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2. General Regulations (Cont'd)2.3 Obligations of the Customer (Cont'd)2.3.11 Identification and Rating of VoIP-PSTN Traffic (Cont'd)

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(C) Calculation and Application of Percent-VoIP-Usage Factor (Cont'd)

- (2) The customer shall not modify their reported PIU factor to account for VoIP-PSTN Traffic.
- (3) The Telephone Company will apply the PVU factor to the total terminating intrastate access MOU received from the customer to determine the number of VoIP-PSTN Traffic MOUs.
- (4) If the customer does not furnish the Telephone Company with a PVU pursuant to the preceding paragraph 1, the Telephone Company will utilize a PVU equal to zero.

(D) Initial PVU Factor

If the PVU factor is not available and/or cannot be implemented in the Telephone Company's billing systems by December 31, 2011, once the factor is available and can be implemented the Telephone Company will adjust the customer's bills to reflect the PVU retroactively to December 31, 2011. This retroactive adjustment will be made to December 31, 2011, provided that the customer provides the factor to the Telephone Company no later than April 15, 2012; otherwise, it will set the initial PVU equal to zero, as specified in subsection (C)(4), above.

The Telephone Company may choose to provide credits based on the reported PVU factors until such time as billing system modifications can be implemented.

(E) PVU Factor Updates

The customer may update the PVU factor quarterly using the method set forth in subsection (C)(1), above. If the customer chooses to submit such updates, it shall forward to the Telephone Company, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new PVU. No prorating or back billing will be done based on the updated PVU factor.

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2. General Regulations (Cont'd)2.3 Obligations of the Customer (Cont'd)2.3.11 Identification and Rating of VoIP-PSTN Traffic (Cont'd)

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(F) PVU Factor Verification

- (1) Not more than four times in any year, the Telephone Company may request from the customer an overview of the process used to determine the PVU factors, the call detail records, description of the method for determining how the end user originates or terminates calls in IP format, and other information used to determine the customer's PVU factor furnished to the Telephone Company in order to validate the PVU factor supplied. The customer shall comply, and shall reasonably supply the requested data and information within 15 days of the Telephone Company's request.
- (2) The Telephone Company may dispute the customer's PVU factor based upon:
  - (a) A review of the requested data and information provided by the customer.
  - (b) The Telephone Company's reasonable review of other market information, FCC reports on VoIP lines, such as FCC Form 477 or state level results based on FCC Local Competition Report or other relevant data.
  - (c) A change in the reported PVU factor by more than five percentage points from the preceding quarter.
- (3) If after review of the data and information, the customer and the Telephone Company establish a revised PVU factor, the customer and the Telephone Company will begin using that revised PVU factor with the next bill period.

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2. General Regulations (Cont'd)2.3 Obligations of the Customer (Cont'd)2.3.11 Identification and Rating of VoIP-PSTN Traffic (Cont'd)

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(F) PVU Factor Verification (Cont'd)

(4) If the dispute is unresolved, the Telephone Company may initiate an audit. The Telephone Company shall limit audits of the customer's PVU factor to no more than four times per year. The customer may request that the audit be conducted by an independent auditor. In such cases, the associated auditing expenses will be paid by the customer.

(a) In the event that the customer fails to provide adequate records to enable the Telephone Company or an independent auditor to conduct an audit verifying the customer's PVU factors, the Telephone Company will bill the usage for all contested periods using the most recent undisputed PVU factors reported by the customer. These PVU factors will remain in effect until the audit can be completed.

(b) During the audit, the undisputed PVU factors from the previous reporting period will be used by the Telephone Company.

(c) The Telephone Company will adjust the customer's PVU factors based on the results of the audit and implement the revised PVU in the next billing period or quarterly report date, whichever is first. The revised PVU factors will apply for the next two quarters before new factors can be submitted by the customer.

(d) If the audit supports the customer's PVU factors, the usage for the contested periods will be adjusted to reflect the customer's audited PVU factors.

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**2. General Regulations (Cont'd)****2.6 Definitions (Cont'd)****V&H Coordinates Method**

The term "V&H Coordinates Method" denotes a method of computing airline miles between two points by utilizing an established formula which is based on the vertical (V) and horizontal (H) coordinates of the two points.

**Virtual Circuit**

A communications connection that allows transmission of sequenced data packets through the network. The connection is made up of Logical Channels at the originating and terminating ends of the call as well as intra-network facilities. Transmission bandwidth is only allocated when packets are actually being transmitted.

**VoIP-PSTN Traffic**

The term "VoIP-PSTN Traffic" shall have the meaning denoted in the Federal Communications Commission Report and Order in WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (November 18, 2011). It is traffic exchanged over PSTN (Public Switched Telephone Network) facilities that originates and/or terminates in IP (Internet Protocol) format.

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**WATS Serving Office**

The term "WATS Serving Office" denotes a Telephone Company designated serving wire center where switching, screening and/or recording functions are performed in connection with Special Access Service used in connection with Switched Access Service.

**Window Size**

The number of outgoing packets that may be sent before confirmation is received indicating that the previous packets have been successfully received.

**Wire Center**

The term "Wire Center" denotes a building in which one or more central offices, used for the provision of Telephone Exchange Services, are located.

**X.25 Packet Mode Protocol**

A synchronous network interface protocol as outlined by the CCITT for transmission within a packet switched network (intra-network).

**X.75 Packet Mode Protocol**

A synchronous network interface protocol as outlined by the CCITT for transmission between packet switching networks (inter-network).