

**CHECK SHEET**

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## **2. GENERAL REGULATIONS**

### **2.3 OBLIGATIONS OF THE CUSTOMER**

#### **2.3.10 JURISDICTIONAL REPORTS REQUIREMENTS(Cont'd)**

##### **F. Identification and Rating of VoIP-PSTN Traffic**

VoIP-PSTN Traffic is defined as traffic exchanged between a 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 and compensation of VoIP-PSTN Traffic that is required to be compensated at access rates unless the parties have agreed otherwise by the F.C.C. in its Report and Order in WC Dockets Nos. 10-90, etc., F.C.C. Release No. 11-161 (November 18, 2011) (F.C.C. Order). Specifically, this section establishes the method of separating VoIP-PSTN Traffic from the customer's traditional intrastate access traffic, so that VoIP-PSTN Traffic can be billed in accordance with the F.C.C. Order.

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The FCC released its Second Order of Reconsideration in WC Docket No. 10-90, etc., FCC Release No. 12-47 (April 25, 2012) which temporarily modified the compensation of originating VoIP-PSTN Traffic on a prospective basis. Upon receipt, validation and acceptance of the Percent VoIP Usage factor, originating VoIP-PSTN Traffic will be compensated as follows:

(N)

- Between the Initial Implementation date described in 2.3.10.F.2 and July 12, 2012, the applicable rate elements used in providing originating access for VoIP-PSTN Traffic and associated facilities will be billed according to interstate access rates.
- Effective July 13, 2012 the applicable rate elements used in providing originating access for intrastate VoIP-PSTN Traffic and associated facilities will be billed according to intrastate access rates. The applicable rate elements used in providing originating access for interstate VoIP-PSTN Traffic and associated facilities will be billed according to interstate access rates.
- Effective July 1, 2014 the applicable rate elements used in providing originating access for intrastate VoIP-PSTN Traffic and associated facilities will be billed according to interstate access rates.
- After the Initial Implementation date described in 2.3.10.F.2, terminating VoIP-PSTN Traffic and associated facilities will be billed according to interstate access rates.

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## **2. GENERAL REGULATIONS**

### **2.3 OBLIGATIONS OF THE CUSTOMER**

#### **2.3.10 JURISDICTIONAL REPORTS REQUIREMENTS**

##### **F. Identification and Rating of VoIP-PSTN Traffic (Cont'd)**

VoIP-PSTN Traffic and associated facilities identified in accordance with this tariff section will be billed at rates equal to the Company's applicable tariffed interstate switched access rates when applicable based on the schedule shown above.

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##### **1. Calculation and Application of Percent-VoIP- Usage Factors**

- a. The Company will determine the number of VoIP-PSTN Traffic minutes of use (MOU) to which interstate rates will be applied under B, preceding, by applying an originating Percent VoIP Usage (PVU) factor to the total intrastate access MOU originated by a Company end user and delivered to the customer and by applying a terminating PVU factor to the total intrastate access MOU terminated by a customer to the Company's end user.
- b. The Company will use intrastate average data and the customer provided Facility PVU to determine the monthly recurring credit for terminating VoIP-PSTN Traffic.
- c. The customer will calculate and furnish to the Company an originating PVU factor representing the whole number percentage of the customer's total originating intrastate access MOU that the customer exchanges with the Company in the LATA that is received from the Company and that is terminated in IP format and that would be billed by the Company as intrastate access MOU.
- d. The customer will calculate and furnish to the Company a terminating PVU factor representing the whole number percentage of the customer's total terminating intrastate access MOU that the customer exchanges with the Company in the LATA that is sent to Company and which originated in IP format and that would be billed by the Company as intrastate access MOU.
- e. The customer shall not modify their reported PIU factor to account for VoIP-PSTN Traffic.
- f. The customer will calculate and furnish to the Company a Facility PVU factor representing the whole number percentage of the customer's total monthly recurring switched transport charges that are associated with the intrastate access MOU included in the PVU factor.

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## **2. GENERAL REGULATIONS**

### **2.3 OBLIGATIONS OF THE CUSTOMER**

#### **2.3.10 JURISDICTIONAL REPORTS REQUIREMENTS**

##### **F. Identification and Rating of VoIP-PSTN Traffic**

##### **1. Calculation and Application of Percent-VoIP- Usage Factors (Cont'd)**

- g. Both the customer provided originating PVU and the terminating PVU and the Facility PVU shall be based on information such as the number of the customer's retail VoIP subscriptions in the state (e.g. as reported on F.C.C. Form 477), traffic studies, actual call detail or other relevant and verifiable information which will be provided to the Company upon request. (T)(M)(C)
- h. The customer shall retain the call detail, work papers, and information used to develop the PVU factors for a minimum of one year. (T)
- i. If the Customer does not furnish the Company with a PVU factor, the Company will utilize a PVU equal to zero. (T)

##### **2. Initial Implementation of PVU Factors**

- a. If the PVU factors cannot be implemented in the Company's billing systems by December 29, 2011, once the factors can be implemented the Company will adjust the customer's bills to reflect the PVU factors prospectively in the next bill period if the PVU factors are provided by the customer to the Company prior to April 15, 2012.
- b. The Company may choose to provide credits based on the reported PVU factors on a quarterly basis until such time as the billing system modifications can be implemented.

##### **3. PVU Factor Updates**

The customer may update the PVU factors quarterly using the method set forth in 1.c, preceding. If the customer chooses to submit such updates, it shall forward to the Company, no later than 15 days after the first day of January, April, July and/or October of each year, revised PVU factors based on data for the prior three months, ending the last day of December, March, June and September, respectively. The revised PVU factors will serve as the basis for future billing and will be effective on the bill date of each such month and shall serve as the basis for subsequent monthly billing until superseded by new PVU factors. No prorating or back billing will be done based on the updated PVU factors.

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## **2. GENERAL REGULATIONS**

### **2.3 OBLIGATIONS OF THE CUSTOMER**

#### **2.3.10 JURISDICTIONAL REPORTS REQUIREMENTS**

##### **F. Identification and Rating of VoIP-PSTN Traffic (Cont'd)**

#### **4. PVU Factor Verification**

- a. Not more than twice in any year, the 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 and terminates calls in IP format, and other information used to determine the customer's PVU factors furnished to the Company in order to validate the PVU factors supplied. The customer shall comply, and shall reasonably supply the requested data and information within 15 days of the Company's request.
- b. The Company may dispute the Customer's PVU factor based upon:
  - A review of the requested data and information provided by the customer, or customer's refusal to provide the data and information to support the PVU factors.
  - The Company's reasonable review of other market information, F.C.C. reports on VoIP lines, such as F.C.C. Form 477 or state level results based on the F.C.C. Local Competition Report or other relevant data.
  - A change in the reported PVU factor by more than five percentage points from the preceding quarter.
- c. If after review of the data and information, the customer and the Company establishes revised PVU factors, the Company will begin using those revised PVU factors with the next bill period.

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## **2. GENERAL REGULATIONS**

### **2.3 OBLIGATIONS OF THE CUSTOMER**

#### **2.3.10 JURISDICTIONAL REPORTS REQUIREMENTS**

##### **F. Identification and Rating of VoIP-PSTN Traffic**

##### **4. PVU Factor Verification (Cont'd)**

d. If the dispute is unresolved, the Company may initiate an audit. The Company shall limit audits of the customer's PVU factor to no more than twice 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.

(M)

- In the event that the customer fails to provide adequate records to enable the Company or an independent auditor to conduct an audit verifying the customer's PVU factors, the Company will bill the usage and associated facilities for all contested periods using the most recent undisputed PVU factors reported by the customer. If no undisputed PVU factors exist, then PVU factors of zero percent will be used for all contested periods. These PVU factors will remain in effect until the audit can be completed.

(C)

(C)

- During the audit, the most recent undisputed PVU factors from the previous reporting period will be used by the Company.

- The 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.

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- 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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