

ACCESS SERVICE
CHECK SHEET

The Title Page and Pages 1 through 35-6 inclusive of this tariff are effective as of the date shown. The Original and revised pages named below and on Supplement No. 1 contain all changes from the original tariff that are in effect on the date shown.

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7	1 st Revised		6-51	1 st Revised	32-73	2 nd Revised
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* New or revised page.

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32. Contract Tariffs (Cont'd)32.28 Contract Tariff Option 51 (Cont'd)F. Terms and Conditions (Cont'd)(2) Minimum Annual DS-0 Equivalent Commitment (MADEC) (Cont'd)

f. Shortfall Penalty

If Customer's DS-0 Purchase Amount is less than the MADEC on the anniversary of the Effective Date at the end of any Term year, Customer shall pay a Shortfall Penalty as follows.

i. Calculation of Shortfall Penalty. The Shortfall Penalty, if any, shall be calculated on the anniversary of the Effective Date at the end of each Term year as follows:

ii. The parties shall first determine Customer's per-DS-0 cost by dividing the total dollar amount invoiced to Customer (and its affiliates) for Qualifying Services (net of credits or discounts) for the Term year by the number of DS-0 equivalent Qualifying Services invoiced to Customer and its affiliates using the ACNAs during the Term year ("Customer's Per DS-0 Cost"). Customer's Per DS-0 Cost amount will then be multiplied by the number of DS-0s by which the DS-0 Purchase Amount for that Term year fell short of the MADEC for that Term year and further multiplied by the following applicable percentage amount to determine the amount of the Shortfall Penalty due for that Term year:

- 1) one hundred percent (100%) for the first year of the Term
- 2) ninety percent (90%) for the second year of the Term
- 3) eighty percent (80%) during any subsequent year of the Term

(C)

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32. Contract Tariffs (Cont'd)32.28 Contract Tariff Option 51 (Cont'd)F. Terms and Conditions (Cont'd)(2) Minimum Annual DS-0 Equivalent Commitment (MADEC) (Cont'd)

f. Shortfall Penalty (Cont'd.)

Examples of Application of Shortfall Penalty

End of Year 1 of Term: If at the end of Year 1 Customer's DS-0 Purchase Amount (i.e. the cumulative amount of DS-0 purchased during Year 1) was 7,390,000 DS-0 equivalent Qualifying Services, the Shortfall Penalty would be calculated as follows:

MADEC in Year 1:	7,400,000	(C)
Year 1 DS0 Purchase Amount:	7,390,000	(C)
DS0 Equivalent Shortfall:	10,000	(C)

(C)

(D)

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(D)

Assumed (for purposes of this example only) sum of all actual annual Year 1 billing (net of credits and discounts) for all DS-0 equivalents:

	\$32,000,000	(C)
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Customer's Per DS-0 Cost:	\$4.33	(C)
	\$32,000,000 /	
	7,390,000	(C)

Shortfall Calculation Due FairPoint: (\$4.33 X 10,000) X 100% =	\$43,300	(C)
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(D)

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