

ADVANCED SERVICES TARIFF

2.14 Taxes (Continued)

2.14.6 With respect to any Tax or Tax controversy covered by this section, Customer will be entitled to contest, pursuant to applicable law, and at its own expense, any Tax that it is ultimately obligated to pay. Customer will be entitled to the benefit of any refund or recovery resulting from such a contest.

2.14.7 Failure to include Taxes on an invoice or to state a Tax separately shall not impair the obligation of Customer to pay any Tax. Nothing shall prevent Company from paying any Tax to the appropriate taxing authority prior to the time: (1) it bills Customer for such Tax or (2) it collects the Tax Customer. Notwithstanding anything in this tariff to the contrary, Customer shall be liable for and Company may collect Taxes which were assessed by or paid to an appropriate taxing authority within the statute of limitations period but not included on an invoice within four (4) years after the Tax otherwise was owed or due.

2.14.8 Federal Universal Service Fund (FUSF)

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Company is required to contribute to the Federal Universal Service Fund (FUSF) to preserve and advance universal telecommunications services. For recovery of contributions paid by Company to FUSF, customers are assessed a monthly surcharge for Services purchased pursuant to this tariff. This may not be discounted.

2.14.8.A FUSF Surcharge – Wholesale Digital Subscriber Line (DSL) Transport*

A monthly surcharge applies per individual line**, based on term plan selected.

Offering	M/M	1 Yr. 50-249	1 Yr. 250+	VDP 4 Yr. 750,000+
Primary	\$2.31	\$2.17	\$2.10	\$2.04
Primary +	\$2.65	\$2.44	\$2.38	\$2.04
Basic	\$2.65	\$2.44	\$2.38	\$2.04
Basic +	\$3.39	\$3.12	\$3.05	\$2.92
Symmetric	\$5.09	\$4.75	\$4.68	\$4.41
Premium	\$6.72	\$6.11	\$6.04	\$5.77
Premium +	\$9.43	\$8.82	\$8.75	\$8.48

* Wholesale DSL Transport purchased from grandfathered contracts, as outlined in Section 2.11.1, is exempt from FUSF surcharge for the duration of the current contract agreement.

** FUSF surcharges will expire June 30, 2003.

(N)(X)

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ADVANCED SERVICES TARIFF

2.14 Taxes (Continued)

(N)(X)

2.14.8 Federal Universal Service Fund (FUSF) (Continued)**2.14.8.B FUSF Surcharge – Remote LAN Digital Subscriber Line (DSL) Transport***

A monthly surcharge applies per individual line**, based on term plan selected.

Offering	M/M	1 Yr. 50-249	1 Yr. 250-600
Primary	\$2.99	\$2.85	\$2.78
Primary +	\$3.33	\$3.12	\$3.05
Basic	\$3.33	\$3.12	\$3.05
Basic +	\$4.41	\$4.14	\$4.07
Symmetric	\$6.51	\$6.18	\$6.11
Premium	\$8.48	\$7.87	\$7.80
Premium +	\$12.22	\$11.60	\$11.54

(N)(X)

* Remote LAN DSL Transport purchased from grandfathered contracts, as outlined in Section 2.11.1, is exempt from FUSF surcharge for the duration of the current contract agreement.

(N)(X)

** FUSF surcharges will expire June 30, 2003.

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ADVANCED SERVICES TARIFF

2.14 Taxes (Continued)

(N)(X)

2.14.8 Federal Universal Service Fund (FUSF) (Continued)**2.14.8.C FUSF Surcharge – Asynchronous Transfer Mode (ATM) Service***

A monthly surcharge applies per access link and port or port only, based upon the bandwidth selected.

The rates only apply to Sections 4.5 through 4.8.**

Port	Bandwidth Range	Access Link and Port***	Port Only
DS1	0 - 1.5Mbps	\$42.01	\$30.96
IMA	3Mbps - 12Mbps	\$92.23	\$67.49
DS3	1Mbps - 45Mbps	\$240.75	\$140.72
OC-3/ OC-3c	21Mbps - 149Mbps	\$354.27	\$189.96
OC-12c	599Mbps	\$903.15	\$555.69

2.14.8.D FUSF Surcharge – Frame Relay Service*

A monthly surcharge applies per access link and port or port only, based upon the bandwidth selected.

These rates only apply to Sections 5.5 through 5.8.**

Port	Bandwidth Range	Access Link and Port***	Port Only
DS0	56Kbps - 64Kbps	\$9.38	\$4.61
Fractional DS1	128Kbps - 768Kbps	\$24.18	\$13.97
DS1	1.5Mbps	\$33.22	\$24.95
DS3	42Mbps - 45Mbps	\$338.05	\$194.13

* FUSF surcharges will expire June 30, 2003.

**Restructured ATM and Frame Relay Services provided under Term Pricing Plans (TPPs) entered prior to December XX, 2002 are exempt from the FUSF surcharge for the duration of the initial TPP term. The FUSF surcharge will apply to restructured Month-to-Month Services and restructured Services provided under a TPP signed on or after December XX, 2002, and will be billed with Customer's next complete billing cycle following the effective date of the tariff. ATM Service and Frame Relay Service provided under grandfathered contracts, as outlined in Section 2.11.1, is exempt from FUSF surcharge for the duration of the current contract agreement.

*** The ATM Service Access Link and Port rates also apply to Port/Transport and Port and Access combinations. The Frame Relay Service Access Link and Port rates also apply to Port and Access combinations.

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ADVANCED SERVICES TARIFF

SECTION 6 – WHOLESALE DIGITAL SUBSCRIBER LINE (DSL) TRANSPORT
(Continued)**6.4 Volume Commitment Plans (Continued)****6.4.3 DSL Volume Discount Plan (DSL-VDP)**

The DSL Volume Discount Plan (DSL-VDP) is a rate discount plan available with the DSL Service Arrangements as listed in 6.1.5 and 6.1.6.

Volume Levels

Customer must commit to 750,000 DSL Transport Service Arrangements for a Contract period of four years. For purposes of meeting this requirement, the customer may aggregate all DSL Transport Service Arrangements. The customer must purchase at least 95% of the Committed Volume of DSL Transport Service Arrangements required in each Contract Year to avoid any Shortfall Liability. In addition, at the end of the first three months of Contract Year 3, the customer's three-month average must be at least 60% of the Committed Volume of DSL Transport Service Arrangements required at the end of Contract Year 2 to avoid any Volume Threshold Failure Liability. Customer will be assessed a penalty for failure to meet these two requirements.

Customer is required to submit a subscription order to Company that specifies that it wishes to participate in this DSL-VDP. The Committed Volume of DSL Transport Service Arrangements over four years are set forth below, together with "Shortfall Threshold" levels that will be used to calculate any Shortfall Liability.

	Contract Yr. 1	Contract Yr. 2	Contract Yr. 3	Contract Yr. 4
Shortfall Threshold	# of DSL Arrangements	# of DSL Arrangements	# of DSL Arrangements	# of DSL Arrangements
1	40,000	80,000	120,000	160,000
2	75,000	150,000	225,000	300,000
3	110,000	220,000	330,000	440,000
Committed Volume	180,000	360,000	540,000	750,000

A Contract Year (CY) is twelve (12) months in duration beginning with the date the customer's subscription order is received, except as described below. Any customer who participates in this DSL-VDP will not incur a Shortfall Liability in Contract Year 1, as described below, unless the customer fails to meet the Contract Year 1 Committed Volume of DSL Transport Service Arrangements (180,000) by the end of the 18th month following the subscription order date. In this case, the remaining three years of the DSL-VDP will be twelve months in duration.⁽¹⁾

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(1) This provision only applies to existing Customers participating under a DSL-VDP prior to December XX, 2002.

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ADVANCED SERVICES TARIFF

SECTION 6 – WHOLESALE DIGITAL SUBSCRIBER LINE (DSL) TRANSPORT

(Continued)

6.4 Volume Commitment Plans (Continued)**6.4.3 DSL Volume Discount Plan (DSL-VDP) (Continued)****Termination Liability**

Every DSL Transport Service Arrangement ordered by the customer shall have a minimum term commitment of one year. The customer will be assessed a Termination Liability for each DSL Transport Service Arrangement which is terminated by the customer prior to the expiration of the one year minimum term commitment. Termination charges will not apply if Customer terminates a DSL Transport Service Arrangement and the disconnect completion date is within 14 calendar days after the service order completion date. The Termination Liability shall be the lesser of:

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(C)(X)
(C)(X)

1. \$125.00 per DSL Transport Service Arrangement; or,
2. the aggregate of the remaining monthly rates until the expiration of the one year minimum service period for each DSL Transport Service Arrangement.

The Termination Liability described in this subsection will be the exclusive customer liability for failure to meet the minimum term commitment described in this subsection.

Termination Liability applies to customer under the following conditions:

- the customer terminates the DSL Transport Service Arrangement but customer's End User retains the associated local exchange service loop (local loop) prior to the expiration of the one year minimum term commitment; or,
- prior to expiration of the one year minimum term commitment, the customer's End User moves to a Company area equipped to provide DSL Transport Service and does not have an DSL Transport Service Arrangement connected at the new address.

Termination Liability will not apply to customers if:

- the DSL Transport Service Arrangement is moved to a Company address not equipped to provide DSL Transport Service; or,
- the DSL Transport Service Arrangement is moved to a Company area equipped to provide DSL Transport Service and the customer continues the existing DSL Transport Service Arrangement.

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ADVANCED SERVICES TARIFF

SECTION 6 – WHOLESALE DIGITAL SUBSCRIBER LINE (DSL) TRANSPORT

(Continued)

6.5 Rate Elements

A monthly rate applies, based upon the speed of the connections.

6.6 Rates**Phase I Rates – ASI - North**

Offering	Downstream Speeds	Upstream Speeds	M/M Rate	1 Yr. 50-249	1 Yr. 250+	VDP 4 Yr. 750,000+	NRC*
Basic	384Kbps to 768Kbps	128Kbps	\$36.35(R)(X)	\$33.56(R)(X)	\$32.62(R)(X)	\$27.96(R)(X)	\$50
Basic +	768Kbps to 1.5Mbps	256Kbps	\$46.61(R)(X)	\$42.88(R)(X)	\$41.95(R)(X)	\$40.08(R)(X)	\$50

Phase I Rates – ASI - West, Central and Northeast

Offering	Downstream Speeds	Upstream Speeds	M/M Rate	1 Yr. 50-249	1 Yr. 250+	VDP 4 Yr. 750,000+	NRC*
Basic	384Kbps to 1.5Mbps	128Kbps	\$36.35(R)(X)	\$33.56(R)(X)	\$32.62(R)(X)	\$27.96(R)(X)	\$50
Premium	1.5Mbps to 6.0Mbps	384Kbps	\$92.28(R)(X)	\$83.89(R)(X)	\$82.96(R)(X)	\$79.23(R)(X)	\$50

Phase II Rates – All ASI Regions

Offering	Downstream Speeds	Upstream Speeds	M/M Rate	1 Yr. 50-249	1 Yr. 250+	VDP 4 Yr. 750,000+	NRC*
Primary	Up to 384Kbps	128Kbps	\$31.69(R)(X)	\$29.83(R)(X)	\$28.90(R)(X)	\$27.96(R)(X)	\$50
Primary +	Up to 1.5Mbps	128Kbps	\$36.35(R)(X)	\$33.56(R)(X)	\$32.62(R)(X)	\$27.96(R)(X)	\$50
Basic	384Kbps to 768Kbps	128Kbps	\$36.35(R)(X)	\$33.56(R)(X)	\$32.62(R)(X)	\$27.96(R)(X)	\$50
Basic +	768Kbps to 1.5Mbps	256Kbps	\$46.61(R)(X)	\$42.88(R)(X)	\$41.95(R)(X)	\$40.08(R)(X)	\$50
Symmetric	384Kbps	384Kbps	\$69.91(R)(X)	\$65.25(R)(X)	\$64.32(R)(X)	\$60.59(R)(X)	\$50
Premium	1.5Mbps to 4.0Mbps	384Kbps	\$92.28(R)(X)	\$83.89(R)(X)	\$82.96(R)(X)	\$79.23(R)(X)	\$50
Premium +	4.0Mbps to 6.0Mbps	384Kbps	\$129.57(R)(X)	\$121.18(R)(X)	\$120.25(R)(X)	\$116.52(R)(X)	\$50

* Service Activation charge will be waived when Company receives the Service order through its electronic ordering system.

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SECTION 7 – REMOTE LAN DIGITAL SUBSCRIBER LINE (DSL) TRANSPORT
(Continued)**7.5 Rate Elements**

A monthly rate applies, based upon the speed of the connections.

7.6 Rates**Phase I Rates – ASI - North**

Offering	Downstream Speeds	Upstream Speeds	M/M Rate	1 Yr. 50-249	1 Yr. 250-600	NRC*
Basic	384Kbps to 768Kbps	128Kbps	\$45.67(R)(X)	\$42.88(R)(X)	\$41.95(R)(X)	\$50
Basic +	768Kbps to 1.5Mbps	256Kbps	\$60.59(R)(X)	\$56.86(R)(X)	\$55.93(R)(X)	\$50

Phase I Rates – ASI - West, Central and Northeast

Offering	Downstream Speeds	Upstream Speeds	M/M Rate	1 Yr. 50-249	1 Yr. 250-600	NRC*
Basic	384Kbps to 1.5Mbps	128Kbps	\$45.67(R)(X)	\$42.88(R)(X)	\$41.95(R)(X)	\$50
Premium	1.5Mbps to 6.0Mbps	384Kbps	\$116.52(R)(X)	\$108.13(R)(X)	\$107.20(R)(X)	\$50

Phase II Rates – All Regions

Offering	Downstream Speeds	Upstream Speeds	M/M Rate	1 Yr. 50-249	1 Yr. 250-600	NRC*
Primary	Up to 384Kbps	128Kbps	\$41.01(R)(X)	\$39.15(R)(X)	\$38.22(R)(X)	\$50
Primary +	Up to 1.5Mbps	128Kbps	\$45.67(R)(X)	\$42.88(R)(X)	\$41.95(R)(X)	\$50
Basic	384Kbps to 768Kbps	128Kbps	\$45.67(R)(X)	\$42.88(R)(X)	\$41.95(R)(X)	\$50
Basic +	768Kbps to 1.5Mbps	256Kbps	\$60.59(R)(X)	\$56.86(R)(X)	\$55.93(R)(X)	\$50
Symmetric	384Kbps	384Kbps	\$89.49(R)(X)	\$84.82(R)(X)	\$83.89(R)(X)	\$50
Premium	1.5Mbps to 4.0Mbps	384Kbps	\$116.52(R)(X)	\$108.13(R)(X)	\$107.20(R)(X)	\$50
Premium +	4.0Mbps to 6.0Mbps	384Kbps	\$167.78(R)(X)	\$159.40(R)(X)	\$158.46(R)(X)	\$50

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