

ACCESS SERVICE

41. Pricing Flexibility Contract Offerings

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41.XX Contract Offer No. XX - Special Access Service Offer

(N)

41.XX.1 General Description

(Nx)

Special Access Service Offer (Contract Offer No. XX) is an access discount pricing plan for which subscription is required to the following Access Tariffs: Ameritech Operating Companies (Ameritech) Tariff F.C.C. No. 2, Pacific Bell Telephone Company (PBTC) Tariff F.C.C. No. 1, Southwestern Bell Telephone Company (SWBT) Tariff F.C.C. No. 73, and The Southern New England Telephone Company (SNET) Tariff F.C.C. No. 39. (collectively referred to as "The Telephone Company") Contract Offer No. XX is available to any Customer with at least \$12.0 million in cumulative annual recurring revenue for Contributory Services, as defined in Section 41.XX.2(C) and (D). The Customer must meet the Eligibility Criteria set forth in Section 41.XX.2 and also must comply with all terms and conditions of this Contract Offer.

Contract Offer No. XX requires the Customer to establish and maintain a Minimum Annual Revenue Commitment (MARC) for each year of the five (5) year Term Period, as defined in Section 41.XX.4(A). The MARC shall include all Contributory Services purchased from the Telephone Company and its affiliates available under this Contract Offer. Contributory Services include Contributory Subject Services, as described in Section 41.XX.2(C), herein, in addition to the following Contributory Non-Subject Services (that are not Contributory Subject Services) as described in Section 41.xx.2(D): ATM, Frame Relay and certain InterLATA services. Contributory Non-Subject Services are not eligible for discounts or other incentives provided under this Contract Offer, except as described within this Contract Offer. All Contributory Services described above must be purchased through the SBC wholesale sales channel (SBC Industry Markets). Any ATM and Frame Relay Contributory Services shall be provided pursuant to agreements and/or contracts. Such agreements and/or contracts shall be available for review at the website established to make public any agreements for these services. Customers may reference <https://www.sbcprimeaccess.com/shell.cfm?section=2501>

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41.XX.2 Eligibility Criteria (Cont'd)

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(A) (Cont'd)

(2) The Customer's first year MARC shall be \$12.0 million in cumulative annual recurring revenue for Contributory Services in the following SBC Companies: Ameritech Operating Companies, Pacific Bell Telephone Company, Southwestern Bell Telephone Company, and The Southern New England Telephone Company. Other Contributory Services may be provided by other SBC companies;

(3) The Customer cannot subscribe to Contract Offer No. XX concurrently with SBC's MVP Offering in Section 38;

(B) Concurrent Subscription

The Customer must concurrently subscribe to each of the Contract Offers corresponding to Contract Offer No. XX, pursuant to the following tariffs:

- (1) Ameritech Tariff F.C.C No. 2, Section 22, Contract Offer No. XX;
- (2) Pacific Bell Telephone Company Tariff F.C.C. No. 1, Section 33, Contract Offer No .XX, and
- (3) The Southern New England Telephone Company Tariff F.C.C. No. 39, Section 25, Contract Offer No. XX.

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41.XX.2 Eligibility Criteria (Cont'd)

(N)

(D) Contributory Non-Subject Services

(Nx)

Contract Offer No. XX applies to qualified access services (hereafter referred to as Contributory Non-Subject Services) contained in the following tariff sections:

OPT-E-MAN, Southwestern Bell Telephone Company
Tariff F.C.C. No. 73, Section 43;

The following non-tariffed services will also be classified as Contributory Non-Subject Services, whose terms & conditions may be viewed on the SBC website:

<https://www.sbcprimeaccess.com/shell.cfm?section=2501>

(1) Asynchronous Transfer Mode (ATM)

(2) Frame Relay

(Nx)

(N)

All Terms and Conditions for the Contributory Non-Subject Services listed above are governed by their respective tariff sections or general terms & conditions, except as noted herein. Annual recurring revenue generated from these services will be used in the MARC calculations defined in Section 41.XX.4.

If the Telephone Company introduces a new Special Access or Switched Access service or an enhancement to an existing Special Access or Switched Access service, then such services shall be automatically included as Contributory Non-Subject Services and the Customer's purchase of such new or enhanced Contributory Non-Subject Services shall be included in the calculation of MARC, subject to the terms and conditions set forth in this Contract Offer.

All terms and conditions for the Contributory Services listed above are governed by the irrespective tariff Sections, except as noted herein.

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41.XX.4 Minimum Annual Revenue Commitment (MARC) (Cont'd)

(B) Inclusion of Contributory Subject Services Cont'd

(1) (Cont'd)

(c) All other charges other than listed in Section 41.XX.4 (B) (1) are excluded.

Customer's existing Contributory Subject Services that are included in the MARC will be based on the rates that would apply to a five-year minimum term, regardless of whether the subject services were actually purchased pursuant to a five-year term at the time of subscription to this Contract Offer.

(C) Inclusion of Additional Contributory Services

Notwithstanding anything to the contrary herein, the Customer may, at its option, include in this Contract Offer any Contributory non-Subject Services being provided to the Customer by the Telephone Company, but which are being provided to the Customer according to a tariff or contract other than this Contract Offer, provided, however, that the MARC must be increased to reflect the recurring annual revenues associated with the additional Contributory Services, as provided in Section 41.XX.4. The Customer must provide written notice to the Telephone Company of its wish to exercise this option.

If any additional Contributory Services are ATM or Frame Relay services, those additional Contributory Services shall be provided pursuant to an agreement and/or contract which shall be available for review at the following web site: <https://www.sbcprimeaccess.com/shell.cfm?section=2501>

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