

ACCESS SERVICE

21. Contract Tariffs (Cont'd)21.45 Contract Tariff Option 44 (Cont'd)

(N)

(C) Service Period (Cont'd)

(3) Service Period for Eligible Special Access Service Ordered Under a CDP (Cont'd)

(c) In accordance with the terms and conditions for a CDP set forth in Section 25.1 following, a customer who already subscribes to a CDP at the time of subscription will have the Eligible Special Access Services that are subscribed to under this Option 44 automatically added to their existing CDP for the purposes specified herein.

(d) Each Eligible Special Access Service that is subscribed to under this Option 44 must be under a CDP with a commitment period of 3-years, 5-years or 7-years in the case of DS1 Eligible Special Access Services, under a CDP with a commitment period of 3-years or 5-years in the case of DS3 Eligible Special Access Services, or under a TPP as specified in (C)(2) preceding.

(D) Serving Area

(1) The serving area for this Option 44 includes all Phase I MSAs, all Phase II MSAs, and all other MSAs of this tariff and of Tariff F.C.C. No. 11 (**collectively, all MSAs**). Wire centers for the Phase II MSAs in this tariff are set forth in Section 14.7 preceding.

(x)
(x)

(2) Any additions of, or changes to, the wire centers within an MSA that occur during the Service Period of this Option 44 will apply beginning on the effective date of such change and continuing through the end of the Service Period.

(N)

(x) Issued under authority of Special Permission No. 06-xxx of the Federal Communications Commission.

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1300 I Street, NW, Washington, D.C. 20005

ACCESS SERVICE

21. Contract Tariffs (Cont'd)21.45 Contract Tariff Option 44 (Cont'd)

(N)

(F) Application of Monthly Recurring Rates and Nonrecurring Charges

Except as expressly provided in this Section 21.45, the rates and regulations set forth herein do not apply to an Eligible Special Access Service that is subscribed to under this Option 44, where such Eligible Special Access Service is served by a wire center that is not within a Phase I or Phase II MSA, or where the End User channel termination of an Eligible Special Access Service is served by a non-qualified wire center as described in Section 14.7 preceding.

- (1) Subject to (F)(2) following, the monthly recurring rates set forth in (I) following apply to each Eligible Special Access Service that is subscribed to under this Option 44, as follows. Monthly recurring rates are arranged in two (2) tiers depending on the percentage of Qualified MSAs that the customer elects to convert at the time of subscription to this Option 44.

(a) Tier 1 Monthly Recurring Rates

Where an Eligible Special Access Service is served by a wire center that is within a Phase I or Phase II Qualified MSA of this tariff, and where the customer elected to convert all (one hundred percent (100%)) of its Eligible UNES within one hundred percent (100%) of its Qualified MSAs to the Eligible Special Access Services as specified in (A)(3) preceding, Tier 1 monthly recurring rates set forth in (I)(1) following apply in accordance with Section 14.7 preceding. In this case, Tier 1 monthly recurring rates apply in lieu of the monthly recurring rates set forth in Section 7 preceding.

(b) Tier 2 Monthly Recurring Rates

Where an Eligible Special Access Service is served by a wire center that is within a Phase I or Phase II Qualified MSA of this tariff, and where the customer elected to convert all (one hundred percent (100%)) of its Eligible UNES within eighty percent (80%) of its Qualified MSAs to the Eligible Special Access Services as specified in (A)(3) preceding, Tier 2 monthly recurring rates set forth in (I)(2) following apply in accordance with Section 14.7 preceding. In this case, Tier 2 monthly recurring rates apply in lieu of the monthly recurring rates set forth in Section 7 preceding.

- (2) Where the End User channel termination of an Eligible Special Access Service that is subscribed to under this Option 44 is served by a non-qualified wire center (as described in Section 14.7 preceding), the monthly recurring rates and nonrecurring charges as set forth in other sections of this tariff apply in accordance with Section 14.7 preceding.

(N)

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21. Contract Tariffs (Cont'd)21.45 Contract Tariff Option 44 (Cont'd)

(N)

(F) Application of Monthly Recurring Rates and Nonrecurring Charges
(Cont'd)

- (3) Where an Eligible Special Access Service within a Qualified MSA is provided within an operating territory of Tariff F.C.C. No. 11, the monthly recurring rates set forth in Option 45 of Tariff F.C.C. No. 11 apply in accordance with the terms and conditions of Option 45 of Tariff F.C.C. No. 11. (x)
- (4) The Tier 1 or Tier 2 monthly recurring rates as described in (F)(1)(a) through (F)(1)(c) preceding, apply to each Eligible Special Access Service beginning with the date of subscription and ending when the Eligible Special Access Service is no longer subscribed to under this Option 44 for one of the following reasons: (x)
- (a) The Eligible Special Access Service is disconnected; or
- (b) The Eligible Special Access Service is no longer under an initial term, an extended term or a renewed term of a TPP or CDP, as applicable; or
- (c) The Eligible Special Access Service is disconnected, moved or physically modified in any way whatsoever, except that such Eligible Special Access Service may be groomed for the purpose of changing the amount of channel mileage applicable to such service; or
- (d) The Eligible Special Access Service is converted back to a UNE.
- (5) Where the customer's subscription of an Eligible Special Access Service is terminated under (F)(4)(b) or (F)(4)(c) preceding, the monthly recurring rates set forth in (I) following will no longer apply to the affected Eligible Special Access Service and, where the affected Eligible Special Access Service continues, it will continue at the monthly recurring rates set forth in Section 7 preceding (as determined in accordance with Section 14.7 preceding).
- (6) Where the customer's subscription of an Eligible Special Access Service is terminated under (F)(4)(d) preceding, the monthly recurring rates set forth in (I) following will no longer apply to the affected Eligible Special Access Service. Additionally, the Eligible Special Access Services that remain subscribed to under this Option 44 will be subject to the terms and conditions set forth in (H)(4) following. (N)

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