

BROADBAND VIDEO SERVICES

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6. SPECIAL CONSTRUCTION6.1 General

This section contains the regulations, rates and charges applicable for Special Construction of Telephone Company facilities which are used to provide Broadband Video Services offered under this tariff.

When Special Construction is required, the provisions of this section apply in addition to regulations, rates and charges set forth in other sections of this tariff.

6.1.1 Conditions Requiring Special Construction

Special Construction is required when facilities are not available to meet a customer's order and one or more of the following conditions exist:

- The Telephone Company has no other requirement for the facilities constructed at the customer's request;
- The customer requests that service be furnished using a type of facility, or via a route, other than that which the Telephone Company would otherwise utilize in furnishing the requested service;
- The customer requests the construction of more facilities than is required to satisfy its order;
- The customer requests construction be expedited resulting in added cost to the Telephone Company;
- The customer requests that temporary facilities be constructed until permanent facilities are available.

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6. SPECIAL CONSTRUCTION (Cont'd)6.1 General (Cont'd)6.1.2 Filing of Charges

Charges and liabilities for Special Construction will be filed in this section.

6.1.3 Ownership of Facilities

The Telephone Company retains ownership of all specially constructed facilities, except for those facilities constructed by connecting companies or carriers, even though the customer may be required to pay Special Construction charges.

6.1.4 Interval to Provide Broadband Video Service

Based on available information and the type of Broadband Video service ordered, the Telephone Company will establish a scheduled date for the installation of necessary facilities. The date will be established on an individual case basis and provided to the customer. The Telephone Company will make every reasonable effort to assure that the date is met. However, circumstances beyond the Telephone Company's control (e.g., backorder of components) may force a reschedule, and a new completion date will be established with the customer when appropriate.

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6. SPECIAL CONSTRUCTION (Cont'd)6.2 Liabilities, Charges and Payments6.2.1 General

This section describes the various charges and liabilities that apply when the Telephone Company provides Special Construction of Broadband Video service, as outlined in 6.1.1 preceding, in accordance with a customer's specific request. Once the customer is notified of all charges and liabilities, the customer must provide the Telephone Company with written approval prior to the start of construction. If more than one condition requiring Special Construction is involved, charges for each condition apply (see Conditions Requiring Special Construction, 6.1.1 preceding).

6.2.2 Payment of Charges

Payment is due upon presentation of a bill for the specially constructed facilities.

6.2.3 Start/End of Billing

Billing of recurring charges for specially constructed Broadband Video services starts on the day after the Broadband Video services are provided. Billing accrues through and includes the day that the specially constructed services are discontinued. Monthly charges will be billed one month in advance.

6.2.4 Partial Payments

The Telephone Company will require a customer which has a proven history of late payments to the Telephone Company, or does not have established credit, to make a partial payment for the portion of the estimated cost of the Special Construction for which the customer is subject to a nonrecurring charge. Partial payments will be requested as costs are incurred and will be credited to the customer's account. Partial payments will not exceed the total nonrecurring charge to the customer for the Special Construction.

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6. SPECIAL CONSTRUCTION (Cont'd)6.2 Liabilities, Charges and Payments (Cont'd)6.2.5 Development of Liabilities and Charges

The customer has the option of accepting the liabilities and charges based on estimated or actual costs. Estimated costs will be used unless the customer notifies the Telephone Company of the selection of the actual cost option in writing prior to the start of Special Construction.

Under the estimated cost option, Special Construction liabilities and charges are developed based on estimated costs and will be filed in this tariff.

Under the actual cost option, if all actual costs are not available prior to the in-service date of the Broadband Video Service, estimated Special Construction charges will be filed in this tariff. As soon as the actual costs, including costs of maintaining and filing these costs, are subsequently determined, the estimated charges will be adjusted to reflect the actual costs. The filed charges will then reflect actual costs existing at the time services are provided.

6.2.6 Maximum Termination Liability

A MTL has two components, an amount and a specified period of time.

The amount is equal to all nonrecoverable investment and labor costs.

The time frames for MTL for Special Construction are expressed by an effective date and an expiration date. The MTL will be reduced for each month the Special Construction WVT is in service. For example, if the MTL period is 10 years, for each month in service the MTL would be reduced 1/120th.

The MTL and the liability period applicable to specific cases of Special Construction are as set forth in this section of the tariff.

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6. SPECIAL CONSTRUCTION (Cont'd)6.2 Liabilities, Charges and Payments (Cont'd)6.2.7 Development of Special Construction Charges(A) No Other Requirement for the Facilities Requested

When the Telephone Company constructs facilities for the customer and has no other use for those facilities, Special Construction charges will be based upon the total installed cost, less the costs recovered by the tariff rates, plus a case preparation charge. The case preparation charge includes the administrative expense associated with preparing and listing the charges in the tariff. This expense includes such items as: (a) tariff preparation and processing and (b) gross receipts and surcharge taxes.

The Special Construction charges will be assessed as a lump sum NRC. However, at the customer's option, payment may be amortized over a negotiated period of time.

(B) Customer Requests a Type or Route Other Than Normal

Special Construction charges will be developed in the same manner as set forth under 6.2.7(A).

(C) Customer Requests Construction Be Expedited

When the customer requests expedition of construction resulting in added cost to the Telephone Company, Special Construction charges will be developed in the same manner as set forth under 6.2.7(A).

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6. SPECIAL CONSTRUCTION (Cont'd)6.2 Liabilities, Charges and Payments (Cont'd)6.2.7 Development of Special Construction Charges (Cont'd)(D) Customer Requests Temporary Facilities Be Constructed Until Permanent Are Available

When the customer requests that temporary facilities be constructed until permanent facilities are available, Special Construction charges will be based upon the total installed cost plus a case preparation charge as described in 6.2.7(A).

(E) Request for Excess Capacity

When the customer requests the construction of more facilities than is required to satisfy his/her order, Special Construction Charges will be based on the estimated cost difference between the facilities constructed at the customer's request and the facilities actually required to meet the customer's order. An excess capacity recurring charge will apply for the excess facilities. This charge will apply until such time as the customer orders additional services. Where the additional services utilize a portion of the excess capacity, the recurring charge will be adjusted to coincide with the reduction in the amount of excess facilities. Where the additional services utilize the total number of excess facilities held in abeyance the recurring excess capacity charge will no longer apply.

(F) Lease Charge

A Lease Charge applies when the Telephone Company leases equipment in order to provide Broadband Video service to meet the customer's request. The amount of the charge is the net added cost to the Telephone Company caused by the lease.

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6. SPECIAL CONSTRUCTION (Cont'd)6.3 Deferral of the In-Service Date6.3.1 General

The customer may request the Telephone Company to defer the in-service date of specially constructed Broadband Video service subject to the provisions as set forth in 3.2.1(A) preceding. If the deferral is not in compliance with the provisions as set forth in 3.2.1(A), the Special Construction case is considered to be cancelled and cancellation charges apply. Requests for deferral must be in writing and are subject to the following regulations.

6.3.2 Construction Has Not Started

If the Telephone Company has not incurred any costs (e.g., engineering and/or installation) before receiving the customer's request for deferral, no charge applies other than the Case Preparation Charge. However, the original quotation is subject to Telephone Company review at the time of reinstatement to determine if the original charges are still valid. Any change in liabilities and charges requires the concurrence of the customer in writing. Additional Case Preparation Charges will also apply.

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6. SPECIAL CONSTRUCTION (Cont'd)6.3 Deferral of the In-Service Date (Cont'd)6.3.3 Construction Has Started But Is Not Complete

If the construction has started, but has not been completed, before the Telephone Company receives the customer's request for deferral, charges apply. The charges vary depending on whether all or some of the services ordered are deferred.

(A) All Broadband Video Services Are Deferred

When all Broadband Video services involving Special Construction are deferred, a charge equal to the costs incurred during each month of the deferral applies. Those costs include the recurring costs for that portion of the service already completed and any other costs associated with the deferral. The Case Preparation Charge also applies.

(B) Some But Not All Broadband Video Services Are Deferred

When some, but not all services utilizing the specially constructed Broadband Video services are deferred, the Special Construction case will be completed. Maximum Termination Liability will apply in addition to Case Preparation Charges and any recurring charges associated with the Special Construction.

6.3.4 Construction Complete

If the construction has been completed before the Telephone Company receives the customer's request for deferral, the Case Preparation Charge as originally determined, will apply and any recurring charges associated with the Special Construction. The maximum termination liability period will begin when the customer accepts the service.

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