

ACCESS TARIFF

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2. GENERAL REGULATIONS (Cont'd)

2.3 Obligations of the Customer. (Cont'd)

2.3.12 Determination of Intrastate Charges for Mixed Interstate and Intrastate Access Service

Except as provide in Section 2.3.13 below, when mixed interstate and intrastate Switched Access Service is provided, all charges (i.e., nonrecurring, monthly and/or usage) including optional features charges, will be prorated between interstate and intrastate. The percentage determined as set forth in 2.3.11 preceding will serve as the basis for prorating the charges unless the Telephone Company is billing according to actual by jurisdiction. The percentage of an Access Service to be charges as intrastate is applied in the following manner:

(A) Monthly and Nonrecurring Charges

For monthly and nonrecurring chargeable rate elements, multiply the percent intrastate use times the quantity of chargeable elements times the stated tariff rate.

(B) Usage Sensitive Charges

For usage sensitive chargeable rate elements, multiply the percent intrastate use times Actual use (i.e., measured or Telephone Company assumed average use) times the state tariff rate.

The intrastate percentage may change as revised usage reports are submitted as set forth in 2.3.11 preceding.

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2. GENERAL REGULATIONS (Cont'd)

2.3 Obligations of the Customer. (Cont'd)

2.3.13 Identification and Rating of Toll VoIP-PSTN Traffic

(A) Scope

This section governs the identification and billing of VoIP-PSTN Traffic, unless the Parties have agreed otherwise, pursuant to the Federal Communications Commission Report and Order WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (November 18, 2011) ("FCC November 18<sup>th</sup> Order).

(1) For purposes of this tariff section, "VoIP-PSTN Traffic" is defined, consistent with 47 C.F.R. § 51.701 (b) (3), as interexchange (access) telecommunications traffic exchanged between the Telephone Company and another telecommunications carrier in Time Division Multiplexing ("TDM") format that originates and/or terminates in IP format and that otherwise meets the definitions in 47 C.F.R. § 51.701 (b) (1) or (b) (2). Telecommunications traffic originates and/or terminates in IP format if it originates from and/or terminates to an end-user customer of a service that requires Internet protocol-compatible customer premises equipment.

(2) This section will be applied to the billing of switched access charges by the Telephone Company only when the local exchange carrier originating such traffic, whether the Customer or another service provider, has also implemented billing of interstate access charges for terminating VoIP-PSTN Traffic in accordance with the FCC Order.

(B) Interstate Rates Apply

Intrastate, interexchange VoIP-PSTN Traffic identified in accordance with this tariff section will be billed at rates equal to the Telephone Company's applicable tariffed interstate switched access rate as specified in the Telephone Company's applicable federal access tariff.

(C) Calculation and Application of Percent-VoIP-Usage Factors

The traffic minutes of use ("MOU") to which interstate rates will be applied under this Section will be determined by the Telephone Company by applying a Percent VoIP Usage ("PVU") factor to the total terminating intrastate access MOU terminated by the Customer to the Telephone Company's end user as follows:

(1) The Customer will calculate and furnish to the Telephone Company a factor (the "PVU") representing the percentage of the total intrastate and interstate access MOU that the Customer terminates to the Telephone Company in New Hampshire that originated from the Customer's end-user using a service that requires Internet protocol-compatible customer premises equipment.

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2. GENERAL REGULATIONS (Cont'd)

2.3 Obligations of the Customer. (Cont'd)

2.3.13 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd)

(C) Calculation and Application of Percent-VoIP-Usage Factors (Cont'd)

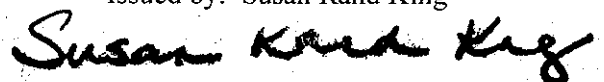
- (2) The Customer shall not modify its reported PIU factor to account for VoIP-PSTN traffic.
- (3) The PVU information and supporting documentation supplied by the Customer shall be based on information that is independently verifiable by the Telephone Company, including but not limited to the number of the Customer's or an underlying service provider's retail VoIP subscriptions in the state (e.g. as reported on FCC Form 477), traffic studies, actual call detail or other relevant and verifiable information. The Telephone Company may reject unverified or unverifiable assertions that the traffic is VoIP-PSTN Traffic.
- (4) The Customer shall retain the call detail, work papers and information used to develop the PVU factors for a minimum of one year.
- (5) If the Customer does not furnish the Telephone Company with PVU factors, along with the relevant and verifiable support documentation described above, the Telephone Company will utilize PVU factors equal to zero.
- (6) In the event that the Customer fails to provide satisfactory demonstrations of the PVU factors consistent with this tariff, the Telephone Company shall bill and the Customer shall pay intrastate access rates until such time as the Customer complies with the tariff and provides satisfactory information subsequently, the interstate access rates shall apply prospectively as of the next billing period. In the event of a dispute, the Customer shall pay the Telephone Company's intrastate access rates pending the resolution of such dispute, subject to refund by the Telephone Company.

(D) Initial Implementation of PVU Factors

- (1) The Telephone Company will apply PVU factors on the next bill date provided that the PVU factors and the relevant and verifiable supporting documentation described above are provided to the Telephone Company at least 15 days prior to the next bill date. Factors that are received less than 15 days before the next bill date, will be applied on the bill date following the next bill date.

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2. GENERAL REGULATIONS (Cont'd)

2.3 Obligations of the Customer. (Cont'd)

2.3.13 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd)

(E) PVU Factor Updates

The Customer may update the PVU factors quarterly using the method and reporting requirements set forth in (C)(1), (2), (3) and (4) preceding. If the Customer chooses to submit such updates, it shall forward to the Telephone Company, no later than 15 days after the first of January, April, July and/or October of each year, revised PVU factors based on data for the prior three months, ending the last day of December, March, June and September respectively. The revised PVU factors will serve as the basis for future billing and will be effective on the next bill date, and shall serve as the basis for subsequent monthly billing until superseded by new PVU factors. No prorating or back billing will be undertaken based on the updated PVU factors.

(F) PVU Factor Verification

(1) Not more than four times in any year, the Telephone Company may request from the Customer a description of the process used to determine PVU factors, the call detail records, description of the methods for determining how the end user originates or terminates calls in IP format, and other information used to determine the Customer's PVU factors furnished to the Telephone Company in order to validate the PVU factors supplied. The Customer shall comply, and shall reasonably supply the requested data and information within 15 days of the Telephone Company's request.

(G) PVU Factor Implementation

(1) If a PVU factor calculated and submitted in accordance with the terms of this tariff is provided by the Customer, but cannot be implemented in the Telephone Company's billing systems upon the effective date of this tariff, then the Telephone Company, after successful billing system modifications within a reasonable period of time from the effective date of this tariff will apply the Customer provided PVU factors on a prospective basis.

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2. General Regulations (Cont'd)

2.6 Definitions (Cont'd)

Super Intermediate Hub

A wire center at which bridging or multiplexing functions are performed for Customers served by all wire Centers in the LATA. A Super Intermediate Hub can be restricted to one or more designated NPAs within a LATA and/or to wire centers that are owned by the same telephone company as the hub. Super Intermediate Hubs and the wire centers they serve are identified in National Exchange Carrier Association, Inc. Tariff F.C.C., No. 4.

Synchronous Test Line

The term "Synchronous Test Line" denotes an arrangement in an end office which performs marginal operational tests of supervisory and ring-tripping functions.

Terminating Direction

The term "Terminating Direction" denotes the use of access service for the completion of calls from an IC premises to an End User premises.

Terminus Hub

A wire center at which bridging or multiplexing functions are performed only for Customers served directly by the same wire center.

Toll VoIP – PSTN Traffic

The term "Toll VoIP-PSTN Traffic" denotes a customer's interexchange voice traffic exchanged with the Telephone Company in Time Division Multiplexing (TDM) format over PSTN facilities, which originates and/or terminates in Internet Protocol (IP) format. "Toll VoIP-PSTN Traffic" originates and/or terminates in IP format when it originates from and/or terminates to an end user customer of a service that requires IP-compatible customer premises equipment.

Traffic Type

The term "Traffic Type" denotes three major types of traffic identified as: Originating, Terminating and Directory Assistance. Originating Traffic type represents access capacity within a LATA for carrying traffic from the End User to the Customer. Terminating Traffic Type represents access capacity within a LATA for carrying traffic from the Customer to the End User. Directory Assistance Traffic type represents access within a LATA for carrying Directory Assistance traffic from the Customer to a Directory Assistance location.

Transmission Measuring (105 Type) Test Line/Responder

The term "Transmission Measuring (105 Type) Test Line/Responder" denotes an arrangement in an end office which provides far-end access to a responder and permits two-way loss and noise measurements to be made on trunks from a near end office.

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