

2. General Regulations

2.5 Responsibility of the Customer

2.5.11 Determination of Intrastate Charges for Mixed Interstate and Intrastate Access Service	
A.	<p>Except as provided in Section 2.5.12 below, when mixed interstate and intrastate access service is provided, all charges (i.e., NRC, monthly and/or usage) including optional features charges, will be prorated between interstate and intrastate. The percentages (refer to Section 2.5.10) will serve as the basis for calculating the charges. The intrastate percentages will change as revised usage reports are submitted or a revised percentage is calculated as set forth in Section 2.5.10. The percentages of an access service to be charged as intrastate are applied in the following manner.</p> <ol style="list-style-type: none"> 1. For monthly and/or usage and nonrecurring chargeable rate elements associated with access services, multiply the intrastate percent times the quantity of chargeable elements times the state tariff rate per element. 2. For usage sensitive (i.e., access minutes) chargeable rate elements, multiply the percent intrastate use times actual use (i.e., measured or Telephone Company assumed average use) times the state tariff rates.

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2.5.12 Identification and Rating of VoIP-PSTN Traffic	
A.	<p>Scope - VoIP-PSTN Traffic is the traffic exchanged in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. 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.</p> <p>This section governs the identification of VoIP-PSTN Traffic that is required to be compensated at interstate access rates (unless the parties have agreed otherwise) by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90 et. al., FCC No. 11-161 (November 18, 2011) ("FCC Order"). Specifically, this section establishes the method of separating such traffic (referred to in this tariff as "Relevant VoIP-PSTN Traffic") from the Customer's traditional intrastate access traffic, so that such Relevant VoIP-PSTN Traffic can be billed in accordance with the FCC Order.</p>
B.	<p>Rating of VoIP-PSTN Traffic - The Relevant VoIP-PSTN Traffic identified in accordance with this tariff section will be billed in accordance with the Company's applicable interstate switched access Tariff F.C.C. No. 1.</p>

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C.	Calculation and Application of Percent-VoIP-Usage Factor - The Company will determine the number of Relevant VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection (B), above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU (however determined – either based on call detail information or PIU) exchanged between the Company and the Customer. The PVU will be derived and applied as follows:
1.	The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the percentage of the total intrastate and interstate access MOU that the Customer exchanges with the Company in the State, that (a) is sent to the Company and that originates in IP format; or (b) is received from the Company and terminates in IP format. This PVU-A shall be based on information such as the number of the Customer'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.
2.	Company will, likewise, calculate a factor (the "PVU-B") representing the percentage of the Company's total access MOU in the State that the Company originates or terminates in IP format. This PVU-B shall be based on information such as the number of the Company'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.
3.	The Company will use the PVU-A and PVU-B factors to calculate an effective PVU factor that represents the percentage of total access MOU exchanged between the Company and the Customer that is originated or terminated in IP format, whether at the Company's end, at the Customer's end, or at both ends. The PVU factor will be calculated as the sum of: (A) the PVU-A factor and (B) the PVU-B factor times (1.0 minus the PVU-A factor).

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C.	(Continued)
4.	<p>The Company will apply the effective PVU factor to the total intrastate access MOU exchanged with the Customer to determine the number of Relevant VoIP-PSTN Traffic MOUs.</p> <p>Example 1: The PVU-B is 10% and the PVU-A is 40%. The effective PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. The Company will bill 46% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.</p> <p>Example 2: The PVU-B is 10% and the PVU-A is 0%. The effective PVU factor is $0\% + (100\% \times 10\%) = 10\%$. The Company will bill 10% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.</p> <p>Example 3: The PVU-A is 100%. No matter what the PVU-B factor is, the effective PVU is 100%. The Company will bill 100% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.</p>
5.	If the Customer does not furnish the Company with a PVU-A pursuant to the preceding paragraph 1, the Company will utilize an effective PVU equal to the PVU-B.
D.	Initial PVU Factor - If the PVU factor is not available and/or cannot be implemented in the Company's billing systems by December 29, 2011, once the factor is available and can be implemented the Company will adjust the Customer's bills to reflect the PVU retroactively to December 29, 2011. In calculating the initial PVU, the Company will take the Customer-specified PVU-A into account retroactively to December 29, 2011, provided that the Customer provides the factor to the Company no later than April 15, 2012; otherwise, it will set the initial PVU equal to the PVU-B, as specified in subsection (C)(5), above.
E.	PVU Factor Updates - The Customer may update the PVU-A factor or the Company may update the PVU-B quarterly using the method set forth in subsection (C)(1), above. If the Customer chooses to submit such updates, it shall forward to the Company, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU-A factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The Company will use the revised PVU-A to calculate a revised PVU. The revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new PVU.

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F.	PVU Factor Verification - Not more than twice in any year, the Company may ask the Customer to verify the PVU-A factor furnished to the Company and Customer may ask the Company to verify the PVU-B factor and the calculation of the PVU factor. The party so requested shall comply, and shall reasonably provide the records and other information used to determine the respective PVU-A and PVU-B factors.

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6. Switched Access Service

6.1 General

6.1.1 Reference to Tariff Provisions	
A.	Switched access service is ordered under the access order provisions set forth in Section 3 and, except as specified in Section 2.5.12.B, billed at the rates and charges set forth in Section 30. In addition to regulations which are contained within this tariff, other regulations pertinent to these services are specified in The FairPoint Telephone Companies Tariff FCC No. 1, Section 6 apply as appropriate (unless otherwise stated in this tariff) for the services specified in Section 6.1.2 of this tariff.

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6.1.2 Service Structure	
A.	The switched access services provided under this tariff are: originating, terminating, or two way FGA, FGB, FGD and FG2A, and 800 database access.
B.	The rate categories which apply to switched access service are as follows. <ol style="list-style-type: none"> 1. Local transport (described in Section 6.2.1) 2. Local switching (described in Sections 6.2.2 and 6.2.3) 3. Carrier common line (described in Section 5).
C.	WAL service is a type of special access service that is provided for use with FGB and/or FGD. WAL service connects an end user premises with a WATS or WSO. This service is ordered and provisioned under The FairPoint Telephone Companies Tariff FCC No. 1, Section 7.
D.	Local transport, local switching and carrier common line when combined to provide a complete switched access service is as illustrated in Exhibit 6.1.2-1.