

A1. VoIP-PSTN Traffic

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A1. VoIP-PSTN Traffic**A1.1 General***

The following provision applied to the treatment of Toll VoIP-PSTN Traffic pursuant to the Federal Communications Commission's Part 51 Interconnection Rules and in compliance with the Federal Communications Commission's Report and Order and Further Notice of Proposed Rulemaking in CC Docket Nos. 96-45 and 01-92; GN Docket No. 09-51; WC Docket Nos. 03-109, 05-337, 07-135 and 10-90; and WT Docket No. 10-208, adopted October 27, 2011 and released November 18, 2011 (FCC 11-161).

Toll VoIP-PSTN Traffic is defined as traffic exchanged between a Company end-user and the customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet Protocol ("IP") format and travels over Public Switched Telephone Network ("PSTN") facilities. This section governs the identification of Toll VoIP-PSTN Traffic that is required to be compensated at interstate access rates, in absence of an agreement existing between the parties, as ordered by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (Nov. 18, 2011) ("FCC Order"). Specifically, this section establishes the method of separating such traffic (referred to in this tariff as Toll VoIP-PSTN Traffic or Relevant VoIP-PSTN Traffic) from the customer's traditional intrastate access traffic, so that such Toll VoIP-PSTN Traffic can be billed in accordance with the FCC Order.

A1.1.1 Definitions

- a) Access Service: Services, which provide connections for or are related to the origination or termination of communications that are generally, but not limited to, interexchange services.
- b) Customer: The person, firm, corporation or other entity, including but not limited to Interexchange Carriers (ICs), End-Users and other telecommunications carriers or providers originating and terminating Toll VoIP-PSTN traffic, which orders Service under this Guidebook and is responsible for the payment of charges for compliance with the Company's Guidebook regulations.
- c) End-user: Any individual, association, corporation, governmental agency or any other entity (collectively "Entity") which subscribes to service provided by an Exchange Carrier for the Entity's internal use or consumption (i.e. does not resell the service to others).
- d) Internet Protocol (IP): A data communication protocol used in communicating data from one computer or IP-capable device to another computer or IP-capable device using the Internet or other networks.

*Effective 45-days after published in the Federal Register, FCC CFR Part 51 §51.913(a) rule is amended pursuant to FCC 12-47, these rates will apply to Terminating VoIP-PSTN Traffic only. Effective July 1, 2014 as indicated in FCC CFR Part 51 §51.913(a) the rates will apply to both Originating and Terminating VoIP-PSTN Traffic.

A1. VoIP-PSTN Traffic (cont'd)

A1.1.1 Definitions (cont'd)

- e) Time Division Multiplexing (TDM): A method of transmitting and receiving voice signals over the public switched telephone network (PSTN).
- f) Toll VoIP-PSTN Traffic: A Customer's interexchange voice traffic exchanged with the Company in Time Division Multiplexing 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 premise equipment.
- g) VoIP: The technology used to transmit voice communications by aid of wire, cable, radio, or other like connection over a data network using Internet Protocol format. VoIP Services are those services that require the use of IP-compatible customer premise equipment.

A1.2 Rating of Toll VoIP-PSTN Traffic*

The Toll 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 rates as depicted in the National Exchange Carrier Association ("NECA") Tariff F.C.C. No. 5, the Interstate Tariff in which the Telephone Company concurs for all Interstate rates. Web address to access effective tariff is:
https://www.neca.org/cms400min/NECA_templates/Tariff_5_Landing_Page.aspx

A1.3 Call Signaling

Depending on the signaling system used by the customer in its network, the customer's facilities shall transmit the following call signaling information to the Telephone Company on traffic that the customer's end users originate which is handed off for termination on the Telephone Company's network.

(A) Signaling System 7 (SS7) Signaling

When the customer uses SS7 signaling, it will transmit the Calling Party Number (CPN) or, if different from the CPN, the Charge Number (CN) information in the SS7 signaling stream.

(B) Multi-Frequency (MF) Signaling

When the customer uses MF signaling, it will transmit the number of the calling party or, if different from the number of the calling party, the Charge Number (CN) information in the MF Automatic Number Identification (ANI) field.

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A1. VoIP-PSTN Traffic (cont'd)**A1.4 Calculation and Application of Percent-VoIP-Usage ("PVU") Factor***

The Telephone Company will determine the number of Relevant VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied according to subsection A1.2, above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU exchanged between a Company end user and the customer. The PVU will be derived and applied as follows:

(A) The customer will calculate and furnish to the Telephone Company a factor (the "PVU"), with supporting documentation, which represents the total percentage of the total intrastate access MOU that the customer originates and/or terminates to the Telephone Company in the State, that (a) is sent to the Telephone Company and that originated in IP format; or (b) is received from the Telephone Company and originates and/or terminates in IP format. This PVU shall be based on information such as traffic studies, actual call detail, or other reasonable analyses that are relevant and verifiable by the Company

1.) The customer shall not modify their reported PIU factor to account for Toll VoIP-PSTN traffic.

(B) The Telephone Company will apply the PVU factor to the total originating and/or terminating intrastate access MOU exchanged with the Customer to determine the number of VoIP-PSTN Traffic MOUs.

(C) If the customer does not furnish the Telephone Company with a PVU pursuant to the preceding paragraph (A), the Telephone Company will utilize a PVU equal to zero.

A1.5 Initial Percent-VoIP-Usage Factor*

If the PVU factor is not available and/or cannot be implemented in the Telephone Company's billing system by January 1, 2012, once the factor is available and can be implemented, the Telephone Company will adjust the customer's bills to reflect the PVU retroactively to January 1, 2012. This retroactive adjustment will be made to January 1, 2012, provided that the customer provides the factor to the Telephone Company no later than April 15, 2012; otherwise, it will set the initial PVU equal to zero, as specified in section A1.4 (C), preceding.

A1.6 Percent-VoIP-Usage Factor Updates*

The customer may update the PVU factor quarterly using the method set forth in section A1.4, above. If the customer chooses to submit such updates, is shall forward to the Telephone Company, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU factor based on the data for the prior three months ending the last day of December, March, June, and September, respectively. The revised PVU factor will be applied and serve as the basis for billing until superseded by a new PVU.

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A1. VoIP-PSTN Traffic (cont'd)

A1.7 Percent-VoIP-Usage Factor Verification*

Upon receipt of the initial PVU, the Telephone Company will ask the customer to provide the basis of calculation for the PVU implementation. After the Company verifies the PVU provided by the Customer, the Company will apply the PVU to the associated intrastate access MOU's as indicated in A1.5 above.

After implementation of the initial PVU, but not more than four times in any year, the Telephone Company may ask the customer to verify the PVU factor furnished to the Telephone Company. The customer so requested shall comply, and shall reasonably provide the records and any other information used to determine the PVU factors.

In the event that the Company cannot verify the Customer's PVU, the company may request additional information to support the PVU, and during this time, no changes will be made to the existing PVU. If requested, the Customer shall supply the additional information within thirty days of the Company's request or no changes will be made to the existing PVU. If after review of the additional information, the Customer and Company establish a revised and mutually agreed upon PVU, the Company will begin using the new PVU with the next bill period.

If the dispute is unresolved, the Customer may request that verification audits be conducted by an independent auditor, at Customer's sole expense. Another alternative for dispute resolution, per the F.C.C. Order, is that both parties might elect to bring the dispute to the State for arbitration. To the extent that the State fails to arbitrate a dispute regarding VoIP-PSTN intercarrier compensation, it will be subject to Commission arbitration.

In the absence of an interconnection agreement, at no time, will the Company allow a PVU greater than the applicable State percentage as identified in Paragraph 963 of the F.C.C. Order.

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