



January 20, 2012

MS. Renee Jenkins  
Docketing Division Chief  
The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793

Re: **Case No. 11-6021**

Dear Ms. Jenkins:

On December 23, 2011 in Case No. 11-6021, Onvoy, Inc. filed revisions to its' Ohio PUC Tariff No. 2. Exhibit B of that filing contained the four proposed tariff pages. Ohio PUC staff have contacted Onvoy and requested revisions to the proposed tariff pages. Onvoy is resubmitting Exhibit B and the six proposed tariff pages per staff request. The proposed effective date remains January 23, 2012.

If there are any questions concerning this response, please contact me at 952-230-4183 or by email at [mary.buley@onvoy.com](mailto:mary.buley@onvoy.com).

Sincerely,

/s/ Mary T. Buley  
Senior Regulatory and Interconnection Manager  
*Enclosures*

Exhibit B: Proposed Revised Tariff Pages

Six Proposed Tariff Pages from Onvoy' P.U.C. No. 2

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TABLE OF CONTENTS (Cont'd)

|  |    |     |
|--|----|-----|
| SECTION 5 - CARRIER COMMON LINE ACCESS SERVICE .....                       | 51 |     |
| 5.1    PRESUBSCRIPTION .....   | 51 |     |
| 5.2    UNAUTHORIZED PIC CHANGE .....                                       | 52 |     |
| 5.3    EXPEDITED PIC SWITCHBACK SERVICE .....                              | 52 |     |
| SECTION 6 - SPECIAL ARRANGEMENTS.....                                      | 53 |     |
| 6.1    SPECIAL CONSTRUCTION .....  | 53 |     |
| 6.2    NON-ROUTINE INSTALLATION AND/OR MAINTENANCE .....                   | 55 |     |
| SECTION 7 - MEASUREMENT OF ACCESS MINUTES .....                            | 56 |     |
| 7.1    MEASUREMENT OF ACCESS MINUTES AND<br>DETERMINATION OF BALANCE ..... | 56 |     |
| SECTION 8 - BILLING AND COLLECTION.....                                    | 57 |     |
| 8.1    GENERAL.....  | 57 |     |
| 8.2    RECORDING SERVICE .....   | 57 |     |
| 8.3    BILLING NAME AND ADDRESS SERVICE.....                               | 63 |     |
| SECTION 9 - RATES AND CHARGES.....   | 68 |     |
| 9.1    ACCESS SERVICE.....   | 68 |     |
| SECTION 10 – Toll VoIP-PSTN TRAFFIC.....                                   | 72 | (N) |

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Issued: December 23, 2011

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Issued under authority of the Public Utilities Commission of Ohio Case No. 08-0624-TP-ACE.

Issued By: Mary T. Buley, Senior Regulatory & Interconnection Manager  
Onvoy Voice Services  
300 South Highway 169, Suite 700  
Minneapolis, MN 55426

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CHECKSHEET

| <u>Page</u> | <u>Revision</u>         | <u>Page</u> | <u>Revision</u> | <u>Page</u> | <u>Revision</u>         |
|-------------|-------------------------|-------------|-----------------|-------------|-------------------------|
| 1           | Original                | 26          | Original        | 51          | Original                |
| 2           | Original                | 27          | Original        | 52          | Original                |
| 3           | 1 <sup>st</sup> Revised | 28          | Original        | 53          | Original                |
| 4           | 2 <sup>nd</sup> Revised | 29          | Original        | 54          | Original                |
| 5           | Original                | 30          | Original        | 55          | Original                |
| 6           | Original                | 31          | Original        | 56          | Original                |
| 7           | Original                | 32          | Original        | 57          | Original                |
| 8           | Original                | 33          | Original        | 58          | Original                |
| 9           | Original                | 34          | Original        | 59          | Original                |
| 10          | Original                | 35          | Original        | 60          | Original                |
| 11          | 1 <sup>st</sup> Revised | 36          | Original        | 61          | Original                |
| 12          | Original                | 37          | Original        | 62          | Original                |
| 13          | Original                | 38          | Original        | 63          | Original                |
| 14          | Original                | 39          | Original        | 64          | Original                |
| 15          | Original                | 40          | Original        | 65          | Original                |
| 16          | Original                | 41          | Original        | 66          | Original                |
| 17          | Original                | 42          | Original        | 67          | Original                |
| 18          | Original                | 43          | Original        | 68          | Original                |
| 19          | Original                | 44          | Original        | 69          | Original                |
| 20          | Original                | 45          | Original        | 70          | Original                |
| 21          | Original                | 46          | Original        | 71          | 1 <sup>st</sup> Revised |
| 22          | Original                | 47          | Original        | 72          | Original                |
| 23          | Original                | 48          | Original        | 73          | Original                |
| 24          | Original                | 49          | Original        | 74          | Original                |
| 25          | Original                | 50          | Original        |             |                         |

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SECTION 1 - DEFINITIONS (CONT'D)

**SPECIAL ACCESS CIRCUIT** - The physical pathway for transmission of information between a dedicated originating point and a dedicated terminating point.

**TERMINATING DIRECTION** - The use of Switched Access Service for the completion of calls from a carrier's premises to an End User premises.

**TRANSMISSION PATH** - An electrical path capable of transmitting signals within the range of the service offering. A transmission path is comprised of physical or derived facilities consisting of any form or configuration of plant used in the telecommunications industry.

**TRUNK** - A communications path connecting two switching systems in a network, used in the establishment of an end-to-end connection.

**TRUNK GROUP** - A set of trunks which are traffic engineered as a unit for the establishment of connections between switching systems in which all of the communications paths are interchangeable.

**VOIP-PSTN TRAFFIC** - VoIP-PSTN Traffic is traffic exchanged between the Company and the Customer in Time Division Multiplexing (TDM) format that originates and/or terminates in Internet Protocol (IP) format. (N)  
(N)

**WIRE CENTER** - A physical location in which one or more central offices, used for the provision of exchange services, are located.

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## SECTION 10 – Toll VOIP-PSTN TRAFFIC

(N)

### 10.1 Toll Voice Over Internet Protocol – Public Switched Telephone Network (“VoIP - PSTN”) Traffic

A. This section governs the identification and treatment of toll VoIP-PSTN Traffic that is required to be compensated at interstate access rates unless the parties have agreed otherwise in a written agreement.

B. Company will bill and collect interstate switched access rates on traffic exchanged with Customers when such traffic originates and/or terminates in Internet Protocol format, as set forth in Section 51.913 of the Federal Communications Commission’s rules, 47 C.F.R. §51.913, regardless of whether the Company itself delivers such traffic to the called party’s premises or delivers the call to the called party’s premises via contractual or other arrangements with an affiliated or unaffiliated provider of interconnected Voice over Internet Protocol service.<sup>1</sup>

C. Toll intrastate VoIP – PSTN traffic is subject to the Company’s applicable interstate switched access rate per minute, as set forth in the Company’s F.C.C. Tariff No. 2.

D. A Customer delivering traffic to Company will identify the percentage of traffic that is toll VOIP – PSTN Traffic (“Percentage VOIP Usage” or “PVU”) and will provide a traffic study, actual call detail or similar analysis that is subject to audit. If a Customer fails to provide this information, Company will assign a default PVU equal to the Company’s PVU. The PVU factor will be applied to the intrastate minutes of use. The resulting minutes will be rated at the interstate rates.

(N)

<sup>1</sup> See, *In the Matter of Connect America Fund A National Broadband Plan for Our Future Establishing Just and Reasonable Rates for Local Exchange Carriers High-Cost Universal Service Support Developing an Unified Intercarrier Compensation Regime Federal-State Joint Board on Universal Service Lifeline and Link-Up Universal Service Reform – Mobility Fund*, Report and Order and Further Notice of Proposed Rulemaking, Docket Nos. WC Docket No. 10-90, *et al.*, FCC 11-161, (Rel. November 18, 2011) paragraphs #940-#960.

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## SECTION 10 – Toll VOIP-PSTN TRAFFIC

(N)

E. The Customer may update the PVU factors quarterly. The Customer shall submit such updates no later than the 15th day of January, April, July and October of each year. Revised PVU factors must be based on data for the prior three months ending the last day of December, March, June and September respectively. The revised PVU factors will be used for future billing and will be effective on the bill date of each month and will be used for subsequent monthly billing until superseded by a new PVU factor. No prorating or backbilling will be done based on the updated PVU factors.

F. Auditing Procedures:

- a. If the Company questions the information provided by the Customer to justify its PVU, the Company will send a letter to the Customer (by certified US Mail, return receipt requested) requesting that the Customer contact the Company to discuss and explain their report within thirty (30) days of the Company's request.
- b. If no response is received from the Customer, the Company will send a letter to the Customer (by certified U.S. Mail, return receipt requested) requesting the work papers and summary as described in D., preceding, used by the Customer to substantiate the most recent PVU percentage. The requested information must be submitted by the Customer to the Company within thirty (30) days after receipt of the certified letter.
- c. If the Customer submits the work papers and summary as requested in b., the Company will review this information within thirty (30) days after receipt of the Customer information.
- d. If after review of the documentation, the Company and the Customer establish a revised PVU, the Company will begin using that percentage with the next billing period prospectively.
- e. If the Company and the Customer do not establish a revised PVU, the Company will begin the procedures as set forth in g., following.
- f. If no response is received from the Customer, the Company will begin the auditing procedures as set forth in g., following.
- g. When the jurisdictional PVU is disputed, the Company may request an audit. The audit procedures and responsible parties for payment of the audit expenses will be determined as follows:
  - If the Company and the Customer mutually agree upon an independent Certified Public Accountant (CPA) auditing firm and the parties agree to equally share in the payment of audit expenses, both the Company and the Customer will be bound by such an agreement; or

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(2) SECTION 10 – Toll VOIP-PSTN TRAFFIC

- The Customer may select an independent CPA auditing firm and pay all audit expenses. (N)
- If the audit is not conducted as set forth preceding, the Company may select an independent CPA auditing firm and pay all the expenses.
- Once completed, if the Company and Customer audits differ, the
- Company shall continue to utilize the most recent undisputed PVU factors until the dispute is resolved.

h. The Company will adjust the Customer's PVU based upon the audit results. The PVU resulting from the audit shall be applied to the usage for the quarter the audit is completed, the usage for the quarter prior to the completion of the audit and the usage for the two (2) quarters following the completion of the audit. After that time, the Customer may report a revised PVU pursuant to D., preceding. The Company will implement the revised PVU in the next billing period or next quarterly report date, whichever is first.

G. This section of the tariff does not preclude the parties from negotiating different rates, terms and conditions governing compensation for toll VoIP-PSTN traffic. This tariff does not supersede rates, terms and conditions compensation for toll VoIP- PSTN traffic in existing interconnection agreements. Rates, terms and conditions governing reciprocal compensation for toll VoIP-PSTN traffic in this tariff apply prospectively.

H. For rate application purposes, per FCC mandate, the rates referenced in this section of the tariff apply to traffic exchanged starting December 29, 2011.

(N)

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Summary: Tariff Onvoy Proposed Revised Tariff Pages in Case Nb. 11-6021-TP-ATA  
electronically filed by Ms. Mary T. Buley on behalf of Onvoy, Inc.