



February 14, 2012

Ms. Betty McCauley
Secretary
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, Ohio 43215-3793

Re: **Case No. 12-0658-TP-ATA and TRF #90-9360-TP-TRF**

Dear Ms. McCauley:

Onvoy, Inc. is a CLEC in Ohio and has an approved intrastate switched access tariff, Ohio PUC No.2. The purpose of this filing is to revise its tariff pages concerning the handling of VoIP- PSTN traffic. This filing includes the Public Utilities Commission of Ohio Telecommunications Filing Form and Exhibits A through C. Onvoy makes this filing to address concerns filed by Bell & Rogers Co, L.P.A on behalf of Verizon on January 26, 2012 in Case No. 11-6021-TP-ATA.

If there are any questions concerning this response, please contact me at 952-230-4183 or by e-mail at mary.buley@onvoy.com.

Sincerely,

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

Cc: Barth Royer, Bell & Royer, barthroyer@aol.com

The Public Utilities Commission of Ohio
TELECOMMUNICATIONS FILING FORM

(Effective: 01/20/2011)

This form is intended to be used with most types of required filings. It provides check boxes with rule references for the most common types of filings. It does not replace or supersede Commission rules in any way.

In the Matter of the Application of Onvoy, Inc.) TRF Docket No. 90-9360-TP-TRF
to Revise Tariff Pages in Onvoy Ohio PUC Tariff No. 2) Case No. 12 - 0658 - TP - ATA
) NOTE: Unless you have reserved a Case #, leave the "Case No" fields
) BLANK.

Name of Registrant(s) Onvoy, Inc.
DBA(s) of Registrant(s) Onvoy Voice Services
Address of Registrant(s) 300 South Highway 169, Suite 700, Minneapolis, MN 55426
Company Web Address www.onvoy.com
Regulatory Contact Person(s) Mary T. Buley Phone 952-230-4183 Fax 952-230-4200
Regulatory Contact Person's Email Address mary.buley@onvoy.com
Contact Person for Annual Report Mary T. Buley Phone 952-230-4183
Address (if different from above) _____
Consumer Contact Information Mary T. Buley Phone 952-230-4183
Address (if different from above) _____

Motion for protective order included with filing? Yes No
Motion for waiver(s) filed affecting this case? Yes No [Note: Waivers may toll any automatic timeframe.]

Notes:

Section I and II are Pursuant to Chapter 4901:1-6 OAC.
Section III – Carrier to Carrier is Pursuant to 4901:1-7 OAC, and Wireless is Pursuant to 4901:1-6-24 OAC.
Section IV – Attestation.

- (1) Indicate the Carrier Type and the reason for submitting this form by checking the boxes below.
- (2) For requirements for various applications, see the identified section of Ohio Administrative Code Section 4901 and/or the supplemental application form noted.
- (3) Information regarding the number of copies required by the Commission may be obtained from the Commission's web site at www.puco.ohio.gov under the docketing information system section, by calling the docketing division at 614-466-4095, or by visiting the docketing division at the offices of the Commission.
- (4) An Incumbent Local Exchange Carrier (ILEC) offering basic local exchange service (BLES) outside its traditional service area should choose CLEC designation when proposing to offer BLES outside its traditional service area or when proposing to make changes to that service.

All Filings that result in a change to one or more tariff pages require, at a minimum, the following exhibits.

Exhibit	Description:
A	The tariff pages subject to the proposed change(s) as they exist before the change(s)
B	The Tariff pages subject to the proposed change(s), reflecting the change, with the change(s) marked in the right margin.
C	A short description of the nature of the change(s), the intent of the change(s), and the customers affected.
D	A copy of the notice provided to customers, along with an affidavit that the notice was provided according to the applicable rule(s).

Section I – Part I - Common Filings

Carrier Type <input type="checkbox"/> Other (explain below)	<input type="checkbox"/> For Profit ILEC	<input type="checkbox"/> Not For Profit ILEC	<input type="checkbox"/> CLEC
Change terms & conditions of existing BLES	<input type="checkbox"/> <u>ATA 1-6-14(H)</u> (Auto 30 days)	<input type="checkbox"/> <u>ATA 1-6-14(H)</u> (Auto 30 days)	<input type="checkbox"/> <u>ATA 1-6-14(H)</u> (Auto 30 days)
Introduce non-recurring charge, surcharge, or fee to BLES			<input type="checkbox"/> <u>ATA 1-6-14(H)</u> (Auto 30 days)
Introduce or Increase Late Payment	<input type="checkbox"/> <u>ATA 1-6-14(I)</u> (Auto 30 days)	<input type="checkbox"/> <u>ATA 1-6-14(I)</u> (Auto 30 days)	<input type="checkbox"/> <u>ATA 1-6-14(I)</u> (Auto 30 days)
Revisions to BLES Cap.	<input type="checkbox"/> <u>ZTA 1-6-14(F)</u> (0 day Notice)		
Introduce BLES or expand local service area (calling area)	<input type="checkbox"/> <u>ZTA 1-6-14(H)</u> (0 day Notice)	<input type="checkbox"/> <u>ZTA 1-6-14(H)</u> (0 day Notice)	<input type="checkbox"/> <u>ZTA 1-6-14(H)</u> (0 day Notice)
Notice of no obligation to construct facilities and provide BLES	<input type="checkbox"/> <u>ZTA 1-6-27(C)</u> (0 day Notice)	<input type="checkbox"/> <u>ZTA 1-6-27(C)</u> (0 day Notice)	
Change BLES Rates	<input type="checkbox"/> <u>TRF 1-6-14(F)</u> (0 day Notice)	<input type="checkbox"/> <u>TRF 1-6-14(F)(4)</u> (0 day Notice)	<input type="checkbox"/> <u>TRF 1-6-14(G)</u> (0 day Notice)
To obtain BLES pricing flexibility	<input type="checkbox"/> <u>BLS 1-6-14(C)(1)(c)</u> (Auto 30 days)		
Change in boundary	<input type="checkbox"/> <u>ACB 1-6-32</u> (Auto 14 days)	<input type="checkbox"/> <u>ACB 1-6-32</u> (Auto 14 days)	
Expand service operation area			<input type="checkbox"/> <u>TRF 1-6-08(G)</u> (0 day)
BLES withdrawal			<input type="checkbox"/> <u>ZTA 1-6-25(B)</u> (0 day Notice)
Other* (explain) _____			

Section I – Part II – Customer Notification Offerings Pursuant to Chapter 4901:1-6-7 OAC

Type of Notice	Direct Mail	Bill Insert	Bill Notation	Electronic Mail
<input type="checkbox"/> 15-day Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> 30-day Notice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Date Notice Sent:				

Section I – Part III –IOS Offerings Pursuant to Chapter 4901:1-6-22 OAC

IOS	Introduce New	Tariff Change	Price Change	Withdraw
<input type="checkbox"/> IOS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section II – Part I – Carrier Certification - Pursuant to Chapter 4901:1-6-08, 09 & 10 OAC

Certification	ILEC (Out of Territory)	CLEC	Telecommunications Service Provider Not Offering Local	CESTC	CETC
* See Supplemental form	<input type="checkbox"/> ACE <u>1-6-08</u> * (Auto 30- day)	<input type="checkbox"/> ACE <u>1-6-08</u> *(Auto 30 day)	<input type="checkbox"/> ACE <u>1-6-08</u> *(Auto 30 day)	<input type="checkbox"/> ACE <u>1-6-10</u> (Auto 30 day)	<input type="checkbox"/> UNC <u>1-6-09</u> *(Non-Auto)

*Supplemental Certification forms can be found on the Commission Web Page.

Section II – Part II – Certificate Status & Procedural

Certificate Status	ILEC	CLEC	Telecommunications Service Provider Not Offering Local
Abandon all Services		<input type="checkbox"/> ABN <u>1-6-26</u> (Auto 30 days)	<input type="checkbox"/> ABN <u>1-6-26</u> (Auto 30 days)
Change of Official Name *	<input type="checkbox"/> ACN <u>1-6-29(B)</u> (Auto 30 days)	<input type="checkbox"/> ACN <u>1-6-29(B)</u> (Auto 30 days)	<input type="checkbox"/> CIO <u>1-6-29(C)</u> (0 day Notice)
Change in Ownership *	<input type="checkbox"/> ACO <u>1-6-29(E)</u> (Auto 30 days)	<input type="checkbox"/> ACO <u>1-6-29(E)</u> (Auto 30 days)	<input type="checkbox"/> CIO <u>1-6-29(C)</u> (0 day Notice)
Merger *	<input type="checkbox"/> AMT <u>1-6-29(E)</u> (Auto 30 days)	<input type="checkbox"/> AMT <u>1-6-29(E)</u> (Auto 30 days)	<input type="checkbox"/> CIO <u>1-6-29(C)</u> (0 day Notice)
Transfer a Certificate *	<input type="checkbox"/> ATC <u>1-6-29(B)</u> (Auto 30 days)	<input type="checkbox"/> ATC <u>1-6-29(B)</u> (Auto 30 days)	<input type="checkbox"/> CIO <u>1-6-29(C)</u> (0 day Notice)
Transaction for transfer or lease of property, plant or business *	<input type="checkbox"/> ATR <u>1-6-29(B)</u> (Auto 30 days)	<input type="checkbox"/> ATR <u>1-6-29(B)</u> (Auto 30 days)	<input type="checkbox"/> CIO <u>1-6-29(C)</u> (0 day Notice)

* Other exhibits may be required under the applicable rule(s). ACN, ACO, AMT, ATC, ATR and CIO applications see the 4901:1-6-29 Filing Requirements on the Commission's Web Page for a complete list of exhibits.

Section III – Carrier to Carrier (Pursuant to 4901:1-7), and Wireless (Pursuant to 4901:1-6-24)

Carrier to Carrier	ILEC	CLEC
Interconnection agreement, or amendment to an approved agreement	<input type="checkbox"/> NAG <u>1-7-07</u> (Auto 90 day)	<input type="checkbox"/> NAG <u>1-7-07</u> (Auto 90 day)
Request for Arbitration	<input type="checkbox"/> ARB <u>1-7-09</u> (Non-Auto)	<input type="checkbox"/> ARB <u>1-7-09</u> (Non-Auto)
Introduce or change c-t-c service tariffs,	<input type="checkbox"/> ATA <u>1-7-14</u> (Auto 30 day)	<input checked="" type="checkbox"/> ATA <u>1-7-14</u> (Auto 30 day)
Request rural carrier exemption, rural carrier suspension or modification	<input type="checkbox"/> UNC <u>1-7-04 or 05</u> (Non-Auto)	
Changes in rates, terms & conditions to Pole Attachment, Conduit Occupancy and Rights-of-Way.	<input type="checkbox"/> UNC <u>1-7-23(B)</u> (Non-Auto)	
Wireless Providers See <u>4901:1-6-24</u>	<input type="checkbox"/> RCC [Registration & Change in Operations]	<input type="checkbox"/> NAG [Interconnection Agreement or

Section IV. – Attestation

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

AFFIDAVIT
Compliance with Commission Rules

I am an officer/agent of the applicant corporation, Onvoy, Inc., and am authorized to make this statement on its behalf.

Scott Sawyer
(Name)

Please Check ALL that apply:

I attest that these tariffs comply with all applicable rules for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I attest that customer notices accompanying this filing form were sent to affected customers, as specified in Section II, in accordance with Rule 4901:1-6-7, Ohio Administrative Code.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date) 2/14/12 at (Location) _____
*(Signature and Title) [Signature] (Date) 2/14/12
General Counsel

- This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

VERIFICATION

I, Scott Sawyer verify that I have utilized the Telecommunications Filing Form for most proceedings provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

*(Signature and Title) [Signature] General Counsel (Date) 2/14/12
*Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

Send your completed Application Form, including all required attachments as well as the required number of copies, to:

Public Utilities Commission of Ohio
Attention: Docketing Division
180 East Broad Street, Columbus, OH 43215-3793
Or

Make such filing electronically as directed in Case No 06-900-AU-WVR

Exhibit A: Existing Affected Tariff Pages

Four Pages from Onvoy's Ohio P.U.C. No. 2 Intrastate Access Tariff

Section	Page Revision Number
Checksheet	2 nd Revised Page No. 4
Section 10- Toll VOIP-PSTN Traffic	Original Page No.72
Section 10- Toll VOIP-PSTN Traffic	Original Page No. 73
Section 10- Toll VOIP-PSTN Traffic	Original Page No. 74

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 st Revised	28	Original	53	Original
4	2 nd 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 st 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 st Revised
22	Original	47	Original	72	Original
23	Original	48	Original	73	Original
24	Original	49	Original	74	Original
25	Original	50	Original		

(N)

Issued: February 2, 2012

Effective: February 2, 2012

Issued under authority of the Public Utilities Commission of Ohio Case No. 11-6021-TP-ATA.

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

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.¹

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)

¹ 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.

Issued: February 2, 2012

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Onvoy Voice Services
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Minneapolis, MN 55426

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

(N)

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300 South Highway 169, Suite 700
Minneapolis, MN 55426

A/72545618.2

(2) SECTION 10 – Toll VOIP-PSTN TRAFFIC

- The Customer may select an independent CPA auditing firm and pay all audit expenses.
- 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.

(N)

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)

Issued: February 2, 2012

Effective: February 2, 2012

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Onvoy Voice Services
300 South Highway 169, Suite 700
Minneapolis, MN 55426

A/72545618.2

Exhibit B: Proposed Revised Tariff Pages

Seven Proposed Tariff Pages from Onvoy's Ohio P.U.C. No. 2 Intrastate Access Tariff

Section	Page Revision Number
Checksheet	3 rd Revised Page 4
Section 10 Toll VOIP-PSTN Traffic	1 st Revised Page 72
Section 10 Toll VOIP-PSTN Traffic	1 st Revised Page 73
Section 10 Toll VOIP-PSTN Traffic	1 st Revised Page 74
Section 10 Toll VOIP-PSTN Traffic	Original Page 75
Section 10 Toll VOIP-PSTN Traffic	Original Page 76
Section 10 Toll VOIP-PSTN Traffic	Original Page 77

CHECKSHEET

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1	Original	26	Original	51	Original
2	Original	27	Original	52	Original
3	1 st Revised	28	Original	53	Original
4	3rd Revised	29	Original	54	Original
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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 st 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 st Revised
22	Original	47	Original	72	1st Revised
23	Original	48	Original	73	1 st Revised
24	Original	49	Original	74	1 st Revised
25	Original	50	Original	75	Original
				76	Original
				77	Original

(N)
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(N)

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SECTION 10 – Toll VOIP-PSTN TRAFFIC

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. Specifically, this section establishes the method of separating such traffic (referred to in this tariff as “Relevant VoIP-PSTN Traffic”) from a Customer’s traditional intrastate access tariff, so that such Relevant VoIP-PSTN Traffic can be billed in accordance with the FCC Order.

(N)
|
(N)

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 the call is delivered to the called party’s premises by an affiliated or unaffiliated provider of interconnected Voice over Internet Protocol service or a non-interconnected Voice over Internet Protocol service that does not itself seek to collect interstate access charges.¹

(N)
|
(N)

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. Calculations and Applications of Percent VoIP-PSTN

Company will determine the number of Relevant VoIP-PSTN Traffic minutes of use (“MOU”) to which interstate rates will be applied under subsection 10.1.A 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.

(N)
|
(N)

¹ 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

1. The Customer will calculate and furnish to Company a factor (the "PVU-A") representing the percentage of the total intrastate and interstate access MOU that the Customer exchanges with Company in the State, that (a) is sent to Company and that originated in IP format; or (b) is received from Company and terminated 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 similarly calculate a factor (the "PVU-B") representing the percentage of Company's total intrastate and interstate access MOU in the State that Company originates or terminates on its network in IP format. This PVU-B shall be based on information such as the number of 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. Company will use the PVU-A and PVU-B factors to calculate a PVU factor that represents the percentage of total intrastate and interstate access MOU exchanged between a Company End User and the Customer that is originated or terminated in IP format, whether at 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).
4. Company will apply the PVU factor to the total intrastate access MOU exchanged with the Customer to determine the number of Relevant VoIP-PSTN Traffic MOUs.

Example 1: The PVU-B is 10% and the PVU-A is 40%. The PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. Company will bill 46% of the Customer's intrastate access MOU at its applicable tariffed interstate rates.

(N)

(N)

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SECTION 10 – Toll VOIP-PSTN TRAFFIC

Example 2: The PVU-B is 10% and the PVU-A is 0%. The PVU factor is $0\% + (100\% \times 10\%) = 10\%$. Company will bill 10% of the Customer's intrastate access MOU at Company's applicable tariffed interstate switched access rates.

(N)

Example 3: The PVU-A is 100%. No matter what the PVU-B factor is, the PVU is 100%. Company will bill 100% of the Customer's intrastate access MOU at Company's applicable tariffed interstate switched access rates.

5. If the Customer does not furnish Company with a PVU factor, the Company will utilize a PVU-a factor of zero.

E. Initial PVU Factor

If the PVU factor is not available and/or cannot be implemented in Company's billing systems by April 15, 2012, the Company will adjust the Customer's bills to reflect a PVU of zero retroactively to January 1, 2012.

F. PVU Factor Updates

(N)

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. The PVU factor will be billed beginning on January 1, 2012.

(M)

(M)

(N)

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SECTION 10 – Toll VOIP-PSTN TRAFFIC

G. PVU Verification

Not more than twice in any year, Company may ask the Customer to verify the PVU-A factor furnished to Company and a Customer may ask 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.

(N)

(N)

H. 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.

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SECTION 10 – Toll VOIP-PSTN TRAFFIC

- 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. (M)
- 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
 - The Customer may select an independent CPA auditing firm and pay all audit expenses.
 - 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.

(M)

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I. 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.

(M)

(M)

(D)

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Exhibit C

On January 20, 2011 in Case No. 11-6021-TP-ATA Onvoy revised its Ohio PUC Tariff No. 2 to reflect recently enacted FCC rules pursuant to the FCC's Report and Order and Further Notice of Proposed Rulemaking, Docket Nos. WC Docket No. 10-90, et al, FCC 11-161 (Released November 18, 2011). Onvoy's proposed tariff pages governing the treatment of VoIP-PSTN traffic were approved by the Commission. The purpose of this filing is to revise its tariff pages governing VoIP-PSTN traffic. These amendments are responsive to Verizon's January 26, 2012 letter raising concerns over Onvoy's methodology for calculation of the Percentage of Voice over Internet Protocol telephony usage ("PVU").¹

Verizon inter alia states that Section 10.1 (D) of Onvoy's tariff proposes to determine the volume of traffic to be billed at interstate rates by applying a Percent VoIP Usage ("PVU") factor only to a Customer delivering traffic to the Company. Under this arrangement according to Verizon, "...by applying the PVU only to "Customer[s] delivering traffic to the Company," Section 10.1(D) of the Onvoy tariff excludes otherwise eligible traffic that terminates in IP format. This would unfairly burden Onvoy's access customers by applying intrastate access rates to traffic that must be billed at interstate rates under the FCC's new rules."

It is not Onvoy's intent to apply interstate rates only to traffic that a Customer originates in IP format and is terminated by Onvoy. Onvoy has no objections to clarifying how it identifies VoIP-PSTN traffic. The revised tariff pages listed in Exhibit B detail Onvoy's approach to identifying VoIP-PSTN traffic which is not materially different from Verizon's own procedures.

Onvoy's proposed effective date for the tariff pages is March 15, 2012.

¹ Verizon's January 26, 2012 letter was submitted by Bell & Royer Co. LPA on behalf of Verizon.

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Summary: Tariff Onvoy Proposed Revisions to its Ohio P.U.C. Intrastate Access Tariff No. 2 electronically filed by Ms. Mary T. Buley on behalf of Onvoy, Inc.