



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](mailto:mary.buley@onvoy.com).

Sincerely,

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

Cc: Barth Royer, Bell & Royer, [barthroyer@aol.com](mailto: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.  
to Revise Tariff Pages in Onvoy Ohio PUC Tariff No. 2

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)  
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)

TRF Docket No. 90-9360-TP-TRF

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](http://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

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

## 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<br>(Out of Territory)                                     | CLEC  | Telecommunications<br>Service Provider<br>Not Offering Local  | CESTC   | CETC   |
|----------------------------|--|---|---|---|--|
| * See Supplemental<br>form | <input type="checkbox"/> ACE <u>1-6-08</u><br>* (Auto 30- day) | <input type="checkbox"/> ACE <u>1-6-08</u><br>* (Auto 30 day) | <input type="checkbox"/> ACE <u>1-6-08</u><br>* (Auto 30 day) | <input type="checkbox"/> ACE <u>1-6-10</u><br>(Auto 30 day) | <input type="checkbox"/> UNC <u>1-6-09</u><br>* (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<br>Service Provider Not<br>Offering Local    |
|---|---|---|---|
| Abandon all Services  |   | <input type="checkbox"/> ABN <u>1-6-26</u><br>(Auto 30 days)    | <input type="checkbox"/> ABN <u>1-6-26</u><br>(Auto 30 days)    |
| Change of Official Name *   | <input type="checkbox"/> ACN <u>1-6-29(B)</u><br>(Auto 30 days) | <input type="checkbox"/> ACN <u>1-6-29(B)</u><br>(Auto 30 days) | <input type="checkbox"/> CIO <u>1-6-29(C)</u><br>(0 day Notice) |
| Change in Ownership *   | <input type="checkbox"/> ACO <u>1-6-29(E)</u><br>(Auto 30 days) | <input type="checkbox"/> ACO <u>1-6-29(E)</u><br>(Auto 30 days) | <input type="checkbox"/> CIO <u>1-6-29(C)</u><br>(0 day Notice) |
| Merger *  | <input type="checkbox"/> AMT <u>1-6-29(E)</u><br>(Auto 30 days) | <input type="checkbox"/> AMT <u>1-6-29(E)</u><br>(Auto 30 days) | <input type="checkbox"/> CIO <u>1-6-29(C)</u><br>(0 day Notice) |
| Transfer a Certificate *  | <input type="checkbox"/> ATC <u>1-6-29(B)</u><br>(Auto 30 days) | <input type="checkbox"/> ATC <u>1-6-29(B)</u><br>(Auto 30 days) | <input type="checkbox"/> CIO <u>1-6-29(C)</u><br>(0 day Notice) |
| Transaction for transfer or lease of<br>property, plant or business * | <input type="checkbox"/> ATR <u>1-6-29(B)</u><br>(Auto 30 days) | <input type="checkbox"/> ATR <u>1-6-29(B)</u><br>(Auto 30 days) | <input type="checkbox"/> CIO <u>1-6-29(C)</u><br>(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<br>an approved agreement                                  | <input type="checkbox"/> NAG <u>1-7-07</u><br>(Auto 90 day)              | <input type="checkbox"/> NAG <u>1-7-07</u><br>(Auto 90 day)            |
| Request for Arbitration  | <input type="checkbox"/> ARB <u>1-7-09</u><br>(Non-Auto)                 | <input type="checkbox"/> ARB <u>1-7-09</u><br>(Non-Auto)               |
| Introduce or change c-t-c service tariffs,   | <input type="checkbox"/> ATA <u>1-7-14</u><br>(Auto 30 day)              | <input checked="" type="checkbox"/> ATA <u>1-7-14</u><br>(Auto 30 day) |
| Request rural carrier exemption, rural carrier<br>suspension or modification                         | <input type="checkbox"/> UNC <u>1-7-04 or 05</u><br>(Non-Auto)           |  |
| Changes in rates, terms & conditions to Pole<br>Attachment, Conduit Occupancy and Rights-<br>of-Way. | <input type="checkbox"/> UNC <u>1-7-23(B)</u><br>(Non-Auto)              |  |
| <b>Wireless Providers</b> See <u>4901:1-6-24</u>   | <input type="checkbox"/> RCC<br>[Registration &<br>Change in Operations] | <input type="checkbox"/> NAG<br>[Interconnection<br>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 <sup>nd</sup> 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 <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        |             |                         |

(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

A/72545618.2

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

(N)

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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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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 <sup>rd</sup> Revised Page 4  |
| Section 10 Toll VOIP-PSTN Traffic | 1 <sup>st</sup> Revised Page 72 |
| Section 10 Toll VOIP-PSTN Traffic | 1 <sup>st</sup> Revised Page 73 |
| Section 10 Toll VOIP-PSTN Traffic | 1 <sup>st</sup> 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

| <u>Page</u> | <u>Revision</u>         | <u>Page</u> | <u>Revision</u> | <u>Page</u> | <u>Revision</u>         |     |
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| 24          | Original                | 49          | Original        | 74          | 1 <sup>st</sup> Revised |     |
| 25          | Original                | 50          | Original        | 75          | Original                | (N) |
|             |                         |             |                 | 76          | Original                |     |
|             |                         |             |                 | 77          | Original                | (N) |

Issued: February 14, 2012

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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.<sup>1</sup>

(N)  
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(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

(N)  
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(N)

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.

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<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.

Issued: February 14, 2012

Effective: March 15, 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  
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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.

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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.

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(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.

(M)

(M)

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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").<sup>1</sup>

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.

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

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**2/14/2012 2:34:19 PM**

**in**

**Case No(s). 12-0658-TP-ATA**

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.