



March 26, 2012
Via E-File

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

RE: BullsEye Telecom, Inc.
Revision for P.U.C.O. Tariff No. 2 (Access)
Case No. 12-0678-TP-ATA

Dear Ms. McCauley:

Attached for filing please find final tariff pages for the above referenced tariff filing submitted on behalf of BullsEye Telecom, Inc. The effective date has been updated to March 19, 2012.

The following tariff pages are included with this filing:

1 st Revised Page 2	Updates Table of Contents
6 th Revised Page 3	Updates Check Sheet
1 st Revised Page 10	Adds Definitions
3 rd Revised Page 28	Adds Identification & Rating of VoIP-PSTN Traffic Text, Moves Text
Original Pages 28.1 – 28.3	Adds Identification & Rating of VoIP-PSTN Traffic Language
Original Page 28.4	Moves Text, Revises Section Numbers
1 st Revised Page 30	Adds Application of Access Charges to VoIP PSTN Traffic Text

Please acknowledge receipt of this filing by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose. Any questions you may have regarding this filing should be directed to my attention at 407-740-3004 or via email to rnorton@tminc.com. Thank you for your assistance in this matter.

Sincerely,

/s/ Robin Norton

Robin Norton
Consultant to BullsEye Telecom, Inc.

cc: David Bailey - BullsEye Telecom
file: BullsEye Telecom - Ohio - Access
tms: OHa1201b

Enclosures
RN/sp

<u>TABLE OF CONTENTS</u>	<u>Page</u>
TABLE OF CONTENTS	2
CHECK SHEET.....	3
TARIFF FORMAT	4
APPLICABILITY	5
EXPLANATION OF SYMBOLS.....	6
1. DEFINITION OF TERMS	7
2. RULES AND REGULATIONS	11
2.1 Description and Limitations of Services	11
2.2 Customer Equipment	12
2.3 Shortage of Equipment of Facilities.....	13
2.4 Other Terms and Conditions	14
2.5 Liability	14
2.6 Use of Service.....	16
2.7 Customer Deposits and Advanced Payments	17
2.8 Cancellation for Cause by the Company.....	19
2.9 Allowances for Interruptions of Service	21
2.10 Assignment	23
2.11 Application of Rates	23
2.12 Determination of Jurisdiction of Mixed Interstate and Intrastate Dedicated Transport Service	26
2.13 Identification and Rating of Toll VoIP-PSTN Traffic.....	28 (N)
2.14 Special Customer Arrangements	28.4 (T)
3. DESCRIPTION OF SERVICES	29
3.1 Access Service	29
3.2 Miscellaneous Services.....	43
4. RATES	47
4.1 Access Service	47
4.2 Miscellaneous Service	50

CHECK SHEET

The title page and pages 1-50 inclusive of this Tariff are effective as of the date shown. Original and revised pages, as named below, comprise all changes from the original Tariff in effect on the date indicated.

PAGE	REVISION		PAGE	REVISION	
1	Original		30	1 st Rev.	*
2	1 st Rev.	*	31	1 st Rev.	
3	6 th Rev.	*	32	Original	
4	Original		33	Original	
5	Original		34	Original	
6	Original		35	Original	
7	1 st Rev.		36	Original	
8	2 nd Rev.		37	1 st Rev.	
9	Original		38	Original	
10	1 st Rev.	*	39	Original	
11	Original		40	Original	
12	Original		41	Original	
13	Original		42	1 st Rev.	
14	1 st Rev.		42.1	Original	
15	Original		43	Original	
16	1 st Rev.		44	Original	
17	1 st Rev.		45	Original	
18	First		46	Original	
19	2 nd Rev.		47	1 st Rev.	
20	Original		48	1 st Rev.	
21	Original		48.1	Original	
22	Original		49	1 st Rev.	
23	Original		49.1	Original	
24	Original		49.2	Original	
25	First		49.3	Original	
26	1 st Rev.		49.4	Original	
27	Original		49.5	Original	
28	3 rd Rev.	*	49.6	Original	
28.1	Original	*	49.7	Original	
28.2	Original	*	49.8	Original	
28.3	Original	*	49.10	Original	
28.4	Original	*	49.11	Original	
29	1 st Rev.		50	2 nd Rev.	

* - indicates those pages included with this filing

1. Definition of Terms (cont'd.)

Service Commencement Date

The day that the requested Service or facility is available for use.

Service Wire Center

The central office from which the Customer picks up or hands off its interexchange traffic.

Switched Access

Non-dedicated Access between the Customer's Point of Presence and the end office of the Company for origination or termination of Service.

Tariff

The current Intrastate Access Services Tariff and effective revisions thereto filed by the Company with the Public Utilities Commission of Ohio.

TDM

Time Division Multiplexing – a method of transmitting and receiving voice signals over the Public Switched Telephone Network (PSTN).

Toll VoIP-PSTN Traffic

Toll VoIP-PSTN Traffic is the interexchange traffic exchanged between the Company and the Customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet Protocol ("IP") format. Traffic originates and/or terminates in IP format if it originates from and/or terminates to an end user customer of a service that requires Internet protocol compatible customer premises equipment.

VoIP Service

Transmission of communication by aid of wire, cable, radio, or other like connection using Voice Over Internet Protocol that is originated or terminated in Internet Protocol (IP) format. VoIP Services are those services that require the use of IP compatible customer premises equipment.

2. Rules and Regulations (Cont'd.)**2.12 Determination of Jurisdiction of Mixed Interstate and Intrastate Dedicated Transport Service (Cont'd.)**

2.12.2 When mixed interstate and intrastate service is provided over a dedicated facility, the jurisdiction will be determined as follows.

- (a.) If the Customer's estimate of the interstate traffic on the service equals 10% or less of the total traffic on that service, the service will be provided according to the applicable rules and regulations.
- (b.) If the Customer's estimate of the interstate traffic on the service is more than 10% of the total traffic on that service, the service will be provided according to the applicable rules and regulations of the appropriate interstate tariff.
- (c.) If the percentage of interstate traffic on the service changes to the extent that it alters the jurisdiction of the service, the Customer must notify the Company of any required change in status. The affected service will revert to the appropriate jurisdictional tariff within the next full billing cycle.

2.13 Identification and Rating of Toll VoIP-PSTN Traffic

(N)

2.13.1 Scope

Toll VoIP-PSTN Traffic is the traffic exchanged in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. This section governs the identification of Toll VoIP-PSTN Traffic that is required to be compensated at interstate access rates (unless the parties have agreed otherwise) by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90 et. al. FCC No. 11-161 (November 18, 2011) ("FCC Order"). Specifically, this section establishes the method of separating such traffic (referred to in this tariff as "Toll 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.

This section of the tariff does not preclude carriers from negotiating different rates, terms and conditions governing compensation for Toll VoIP-PSTN traffic.

This tariff does not supersede rates, terms and conditions governing compensation for Toll VoIP-PSTN traffic in existing interconnection agreements.

(N)

Some material previously found on this page now found on Original Page No. 28.4

2. Rules and Regulations (Cont'd.)**2.13 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd.)**

(N)

2.13.2 Rating of Toll VoIP-PSTN Traffic

The Toll VoIP-PSTN Traffic identified in accordance with this tariff section will be billed in accordance with the Company's applicable interstate switched access tariff. Current and pending interstate access rates for the Company are located at <http://fjallfoss.fcc.gov/cgi-bin/ws.exe/prod/ccb/etfs/mainmenu.htm>

2.13.3 Calculation and Application of Percent-Toll VoIP-PSTN-Usage Factor

The Company will determine the number of Toll VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under Section 2.13.2, above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU (however determined – either based on call detail information or PIU) exchanged between the Company and the Customer. The PVU will be derived and applied as follows:

- (A.) The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the whole number percentage of the total intrastate access MOU that the Customer exchanges with the Company in the State, that (a) is sent to the Company and that originates in IP format; or (b) is received from the Company and terminates in IP format. This PVU-A shall be based on information such as the number of the Customer's retail VoIP subscriptions in the state (e.g., as reported on FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information.
- (B.) Company will, likewise, calculate a factor (the "PVU-B") representing the percentage of the Company's total intrastate access MOU that the Customer exchanges with the Company in the State, that (a) is sent to the Company and that originates in IP format; or (b) is received from the Company and terminates in IP format. This PVU-B shall be based on information such as the number of the Company's retail VoIP subscriptions in the state (e.g., as reported on FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information.
- (C.) The Company will use the PVU-A and PVU-B factors to calculate an effective PVU factor that represents the percentage of total intrastate access MOU exchanged between the Company and the Customer that is originated and/or terminated in IP format, whether at the Company's end, at the Customer's end, or at both ends. The effective 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).

(N)

2. Rules and Regulations (Cont'd.)**2.13 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd.)****(N)****2.13.3 Calculation and Application of Percent-Toll VoIP-PSTN-Usage Factor (Cont'd.)**

- (D.) The Company will apply the effective PVU factor to the total intrastate access MOU exchanged with the Customer to determine the number of toll VoIP-PSTN Traffic MOUs.

Example 1: The PVU-A is 40% and the PVU-B is 10%. The effective PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. The Company will bill 46% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.

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

Example 3: The PVU-A is 100%. No matter what the PVU-B factor is, the effective PVU is 100%. The Company will bill 100% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.

- (E.) If the Customer does not furnish the Company with a PVU-A pursuant to 2.13.3.A preceding, the Company will utilize an effective PVU equal to the PVU-B.
- (F.) The Customer shall not modify their reported PIU factor to account for toll VoIP-PSTN Traffic.

(N)

2. Rules and Regulations (Cont'd.)**2.13 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd.)****(N)****2.13.4 Initial PVU Factor**

If the PVU factor is not available and/or cannot be implemented in the Company's billing systems by December 29, 2011, once the factor is available and can be implemented the Company will adjust the Customer's bills to reflect the PVU retroactively to December 29, 2011. In calculating the initial PVU, the Company will take the Customer-specified PVU-A into account retroactively to December 29, 2011, provided that the Customer provides the factor to the Company no later than April 15, 2012; otherwise, it will set the initial PVU equal to the PVU-B, as specified in subsection 2.13.3.E above.

2.13.5 PVU Factor Updates

The Customer may update the PVU-A factor or the Company may update the PVU-B quarterly using the method set forth in subsection 2.13.3.A or 2.13.3.B, respectively, above. If the Customer chooses to submit such updates, it shall forward to the Company, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU-A factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The Company will use the revised PVU-A to calculate a revised PVU. The revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new PVU.

2.13.6 PVU Factor Verification

Not more than twice in any year, the Company may ask the Customer to verify the PVU-A factor furnished to the Company and Customer may ask the Company to verify the PVU-B factor and the calculation of the PVU factor. The party so requested shall comply, and shall reasonably provide the records and other information used to determine the respective PVU-A and PVU-B factors. The Customer shall retain the call detail, work papers, and/or other information used to develop the PVU factor for a minimum of one year. No prorating or back billing will be done based on updated PVU factors.

(N)

2. Rules and Regulations (Cont'd.)**2.14 Special Customer Arrangements****(T)(M)**

2.14.1 In cases where a Customer requests a special or unique arrangement which may include engineering, conditioning, Installation, construction, facilities, assembly, purchase or lease of facilities and/or other special Services not offered under this Tariff, the Company, at this option, may provide the requested Services. Appropriate recurring charges and/or Nonrecurring Charges and other terms and conditions will be developed for the Customer for the provisioning of such arrangements.

(T)**(M)**

Material now found on this page previously found on 2nd Revised Page No. 28

3. Description of Services (Cont'd.)**3.1 Access Services (Cont'd.)****(A.) Switched Access (Cont'd.)****1. Application of Access Charges to Toll VoIP-PSTN Access Traffic****(N)**

- (a) In the absence of an agreement between the Company and the Customer specifying the treatment of Toll VoIP-PSTN Traffic, all Toll VoIP-PSTN Access traffic will be assessed switched access charges at the rates set forth in Section 2.13.2 of this tariff.
- (b) The Company shall assess and collect switched access rate elements under this tariff for access services, 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 VoIP service that does not itself seek to collect switched access charges for the same traffic. The Company will charge for functions provided by the Company, its affiliated or unaffiliated provider of VoIP service. For purposes of this provision, functions provided by the Company, its affiliated or unaffiliated provider of VoIP service as part of transmitting telecommunications between designated points using, in whole or in part, technology other than TDM transmission in a manner that is comparable to a service offered by a local exchange carrier constitutes the functional equivalent of carrier access service.

(N)**(B.) 800 Data Base Access Service**

800 Data Base Access Service is a service offering utilizing originating trunk side Switched Access Service. The service provides for the forwarding of end user dialed 800 calls to a Company Service Switching Point which will initiate a query to the data base to perform the Customer identification and delivery function. The call is forwarded to the appropriate Customer based on the dialed 800 number.

For 800 Data Base Access Service, the Customer shall order the service in accordance with the preceding provisions set forth for Feature Group D. If the Customer desires any of the optional features available with 800 Data Base Service, the Customer shall so specify on the order for service.

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

3/26/2012 11:23:34 AM

in

Case No(s). 12-0678-TP-ATA

Summary: Tariff - Final approved tariff pages electronically filed by Ms. Suzanne Pagana on behalf of BullsEye Telecom, Inc.