



April 13, 2012  
Via Overnight Delivery

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

**RE: The Orwell Telephone Company d/b/a FairPoint Communications  
Amended Revision to PUCO Tariff No. 8 (Intrastate Access Services)  
Case No. 12-1021-TP-ATA**

Dear Ms. McCauley:

Enclosed for filing please find the above referenced filing submitted on behalf of The Orwell Telephone Company d/b/a FairPoint Communications. This filing incorporates changes requested by Staff. Please substitute the enclosed tariff pages for the pages originally submitted on March 19, 2012

The following amended tariff pages are included with this filing:

Original Pages 16 - 19

Any questions you may have regarding this filing should be directed to my attention at 407-740-3031 or via email to sthomas@tminc.com. Thank you for your assistance in this matter.

Sincerely,

/s/Sharon Thomas  
Sharon Thomas  
Consultant to The Orwell Telephone Company  
d/b/a FairPoint Communications

cc: Carole Williamson, FairPoint  
file: FairPoint Orwell - Ohio - Access  
tms: OHa1201a

Enclosures  
ST/im

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ACCESS SERVICE TARIFF (Continued)

Switched Access Charges Assessable to VoIP-PSTN Traffic

1. Identification and Rating of Toll VoIP-PSTN Traffic

(N)

- 1.1 Scope - Toll VoIP-PSTN Traffic is the interexchange traffic exchanged 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.

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 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.

Rates, terms and conditions governing compensation for Toll VoIP-PSTN traffic in this tariff applies prospectively, as of December 29, 2011.

- 1.2. 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 applicable interstate switched access rates applicable to the Company as set forth in the National Exchange Carrier Association (NECA) Access Service Tariff F.C.C. No. 5, which is posted at <http://svartifoss2.fcc.gov/cgi-bin/ws.exe/prod/ccb/etfs/webpublic/selectlec.hts>.

(N)

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ACCESS SERVICE TARIFF (Continued)

Switched Access Charges Assessable to VoIP-PSTN Traffic

1.1 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd)

(N)

1.3 Calculation and Application of Percent-VoIP-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 subsection 1.2, 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 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 (1) 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 or terminated in IP format, whether at the 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).

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ACCESS SERVICE TARIFF (Continued)

Switched Access Charges Assessable to VoIP-PSTN Traffic

1.1 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd)

(N)

1.3 (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-B is 10% and the PVU-A is 40%. 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-B is 10% and the PVU-A is 0%. The effective PVU factor is  $0\% + (100\% \times 10\%) = 10\%$ . 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 the preceding paragraph 1, the Company will utilize an effective PVU equal to the PVU-B.

- 1.4 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 30 days after approval of this tariff; otherwise, it will set the initial PVU equal to the PVU-B, as specified in subsection 1.3, above.

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ACCESS SERVICE TARIFF (Continued)

Switched Access Charges Assessable to VoIP-PSTN Traffic

(N)

1.1 Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd)

- 1.5 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 1.3., 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.
- 1.6 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 backbilling will be done based on updated PVU factors.

(N)

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

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**in**

**Case No(s). 12-1021-TP-ATA**

Summary: Amended Application to Revise Amended Access Tariff Revision electronically filed by Ms. Iris D. Mennens on behalf of The Orwell Telephone Company