



PATRICK D. CROCKER
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May 24, 2012

Attention: Docketing Division
Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43266-0573

Via Electronic Docketing Information System

RE: FIRST COMMUNICATIONS, LLC
Case No. 12-1444-TP-ATA

Dear Sir or Madam:

In accordance with Staff Member, Michelle Green's request, please find the above captioned corporation's amended application which includes revised tariff pages 28.1 – 28.3, 48 - 48.1 and a chart with calculations.

Should you have any questions, please contact the undersigned at (269) 381-8893 or patrick@crockerlawfirm.com.

Very truly yours,

CROCKER & CROCKER

Patrick D. Crocker

PDC/tld

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2.3.4 Identification and Rating of Toll VoIP-PSTN Traffic(A) Scope

- (1) Toll VoIP-PSTN Traffic is defined as interexchange traffic exchanged between the Telephone Company end user and the customer 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 by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (Nov. 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.
- (2) This section will be applied to the billing of switched access charges to a customer that is a local exchange carrier only to the extent that the customer has also implemented billing of interstate access charges for Toll VoIP-PSTN Traffic in accordance with the FCC Order.
- (3) This section of the tariff does not preclude carriers from negotiating different rates, terms and conditions governing compensation for toll VoIP-PSTN traffic.
- (4) This tariff does not supersede rates, term and conditions governing compensation for toll VoIP-PSTN traffic in existing interconnection agreements.
- (5) Rates, term and conditions governing compensation for toll VoIP-PSTN traffic in this tariff applies prospectively, as of December 29, 2011.

(B) Rating of Toll VoIP-PSTN Traffic

The Toll VoIP-PSTN Traffic identified in accordance with this tariff section will be billed at rates equal to the Telephone Company's applicable tariffed interstate switched access rates as specified in the Telephone Company's applicable federal access tariff. Please see: <http://svartifoss2.fcc.gov/prod/ccb/etfs/>.

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(C) Calculation and Application of Percent-VoIP-Usage Factor

The Telephone Company will determine the number of Toll VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection (B), above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU exchanged between a The Telephone Company end user and the customer. The PVU will be derived and applied as follows:

- (1) The customer will calculate and furnish to the Telephone Company a factor (the "PVU-C") representing the percentage of the total intrastate access MOU that the customer exchanges with the Telephone Company in the State, that (a) is sent to the Telephone Company and that originated in IP format; or (b) is received from the Telephone Company and terminated in IP format. This PVU-C shall be based on information such as traffic studies, actual call detail, or other relevant and verifiable information.
- (2) The Telephone Company will calculate a factor (the "PVU-T") representing the percentage of the total intrastate access MOU that the customer exchanges with the Telephone Company in the State, that (a) is sent to the Telephone Company and that originated in IP format; or (b) is received from the Telephone Company and terminated in IP format. This PVU-C shall be based on information such as traffic studies, actual call detail, or other relevant and verifiable information.
- (3) The Telephone Company will use the PVU-C and PVU-T factors to calculate a PVU factor that represents the percentage of the intrastate access MOU exchanged between the Telephone 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 PVU factor will be calculated as the sum of: (A) the PVU-C factor and (B) the PVU-T factor times (1.0 minus the PVU-C factor).
- (4) The Telephone Company will apply the PVU factor to the total intrastate access MOU exchanged with the customer to determine the number of Toll VoIP-PSTN Traffic MOUs.
- (5) If the customer does not furnish the Telephone Company with a PVU-C pursuant to the preceding paragraph 1, the Telephone Company will utilize a PVU equal to the PVU-T.

(D) Initial PVU Factor

If the PVU factor is not available and/or cannot be implemented in the Telephone Company's billing systems by December 29, 2011, once the factor is available and can be implemented the Telephone Company will adjust the customer's bills to reflect the PVU retroactively to December 29, 2011. This retroactive adjustment will be made to December 29, 2011, provided that the customer provides the factor to the Telephone Company no later than June 15, 2012; otherwise, it will set the initial PVU to be equal to the PVU-T, as specified in subsection (C)(1), above.

(N)

(N)

(N)

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(E) PVU Factor Updates

The customer may update the PVU-C factor or the Company may update the PVU-T quarterly using the method set forth in subsection (C)(1), above. If the customer chooses to submit such updates, it shall forward to the Telephone Company, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU-C factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The revised PVU-C factor will apply prospectively and serve as the basis for billing until superseded by a new PVU.

(F) PVU Factor Verification

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

2.4 Customer Equipment and Channels2.4.1 General

A Customer may transmit or receive information or signals via the facilities of the Company.

2.4.2 Station Equipment

A. The Customer is responsible for providing and maintaining any terminal equipment on the Customer Premises. The electric power consumed by such equipment shall be provided by, and maintained at the expense of, the Customer. All such terminal equipment must be registered with the FCC under 47 C.F.R., Part 68 and all wiring must be installed and maintained in compliance with those regulations. The Company will, where practicable, notify the Customer that temporary discontinuance of the use of a service may be required; however, where prior notice is not practicable, nothing contained herein shall be deemed to impair the Company's right to discontinue forthwith the use of a service temporarily if such action is reasonable under the circumstances. In case of such temporary discontinuance, the Customer will be promptly notified and afforded the opportunity to correct the condition which gave rise to the temporary discontinuance. During such period of temporary discontinuance, credit allowance for service interruptions as set forth in Section 2.6 following is not applicable.

(N)

(N)

(M)

(M)

(N)

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SECTION 5 - SWITCHED ACCESS RATES, (Cont'd.)

5.4 Rates and Charges

ILEC RegionAT&TFrontier5.4.1 Local Switching*Effective rate as of July 1, 2012*

End Office, Per Minute

\$0.0044811 (R)

\$0.002208

(N)

Trunk Port, Per Minute

\$0.000169

\$0.000798

(N)

5.4.2 Switched Transport*Effective rate as of July 1, 2012*

Tandem Switching, Per Minute

\$0.001033

\$0.000792

(N)

Transport Facilities, Per Minute, Per Mile

\$0.000029

\$0.000008

(R)

Transport Termination, Per Minute

\$0.000174

\$0.000040

(R)

5.4.3 Toll-Free 8XX Data Base Query*Effective rate as of July 1, 2012*

Per Query

\$0.002294

\$0.007034 (R)

(N)

* Moved to page 48.1

(M)

(M)

Issued: May 2, 2012

Effective: July 1, 2012

Issued by:

Joseph R. Morris, President
First Communications, LLC
3340 West Market Street
Akron, OH 44333

(T)

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| | | <u>ILEC Region</u> | | (M) |
|-------|--|--------------------|-----------------|--------|
| | | <u>AT&T</u> | <u>Frontier</u> | |
| 5.4.4 | <u>Common Multiplexing, Per Minute</u> | | | (T) |
| | <i>Effective rate as of July 1, 2012</i> | \$0.000021 | \$0.000032 | (T)(R) |
| 5.4.5 | <u>Host-Remote Transport</u> | | | |
| | <i>Effective rate as of July 1, 2012</i> | | | |
| | Transport Termination | \$0.000350 | --- | (R) |
| | Transport Facility | \$0.000020 | --- | (R) |
| 5.4.6 | <u>Common Trunk Port, Per Minute</u> | | | |
| | <i>Effective rate as of July 1, 2012</i> | \$0.000185 (R) | --- (N) | (T) |
| | | | | (M) |

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Joseph R. Morris, President
First Communications, LLC
3340 West Market Street
Akron, OH 44333

(N)

| Intrastate Tariff Section | Rate Elements | | | | Step 1 Effective 7/1/12 | Step 2 Effective 7/1/13 |
|---|---|--|---------------------------------|--|--|-------------------------------|
| | | Intrastate Current Rate (A) | Interstate Tariff Section | Interstate Current Rate (B) | Proposed Rate | Proposed Rate |
| | | | | | Current less 50% Difference (C)=(B- A)*50%+A | Matching Inter-State |
| 5.4.1 | End Office Switching - Originating/Terminating - Per Minute - AT&T Region | \$0.005820 | 5.4.3 | \$0.003142 | \$0.004481 | \$0.003142 |
| 5.4.1 | End Office Switching - Originating/Terminating - Per Minute - Frontier Region | \$0.002208 | 5.4.3 | \$0.002264 | \$0.002208 | \$0.002264 |
| n/a | End Office Switching - End Office Trunk Port - Originating/Terminating - Per Minute - AT&T Region | \$ - | 5.4.3 | \$0.000337 | \$0.000169 | \$0.000337 |
| n/a | End Office Switching - End Office Trunk Port - Originating/Terminating - Per Minute - Frontier Region | \$ - | 5.4.3 | \$0.001595 | \$0.000798 | \$0.001595 |
| 5.4.2 | Switched Transport - Tandem Switching - Originating/Terminating - Per Minute - AT&T Region | \$0.001033 | 5.4.2 | \$0.001116 | \$0.001033 | \$0.001116 |
| 5.4.2 | Switched Transport - Tandem Switching - Originating/Terminating - Per Minute - Frontier Region Region | \$0.000792 | 5.4.2 | \$0.001600 | \$0.000792 | \$0.001600 |
| 5.4.2 | Switched Transport - Transport Facilities - Per Minute, Per Mile - Originating/Terminating - Per Minute - AT&T Region | \$0.000044 | 5.4.2 | \$0.000013 | \$0.000029 | \$0.000013 |
| 5.4.2 | Switched Transport - Transport Facilities - Per Minute, Per Mile - Originating/Terminating - Per Minute - Frontier Region | \$0.000013 | 5.4.2 | \$0.000003 | \$0.000008 | \$0.000003 |
| 5.4.2 | Switched Transport - Transport Termination - Per Minute - Originating/Terminating - Per Minute - AT&T Region | \$0.000244 | 5.4.2 | \$0.000103 | \$0.000174 | \$0.000103 |
| 5.4.2 | Switched Transport - Transport Termination - Per Minute - Originating/Terminating - Per Minute - Frontier Region | \$0.000079 | 5.4.2 | \$ - | \$0.000040 | \$ - |
| 5.4.3 | Toll-Free 8XX Data Base Query - Per Query - AT&T Region | \$0.002294 | 5.4.4 | \$0.005500 | \$0.002294 | \$0.005500 |
| 5.4.3 | Toll-Free 8XX Data Base Query - Per Query - Frontier Region | \$0.008568 | 5.4.4 | \$0.005500 | \$0.007034 | \$0.005500 |
| 5.4.4 | Common Multiplexing - Originating/Terminating - Per Minute - AT&T Region | \$0.000042 | n/a | \$ - | \$0.000021 | \$ - |
| 5.4.4 | Common Multiplexing - Originating/Terminating - Per Minute - Frontier Region | \$0.000065 | n/a | \$ - | \$0.000032 | \$ - |
| 5.4.5 | Host - Remote Transport - Transport Termination - Originating/Terminating - AT&T Region | \$0.000699 | n/a | \$ - | \$0.000350 | \$ - |
| 5.4.5 | Host - Remote Transport - Transport Facility - Originating/Terminating - AT&T Region | \$0.000040 | n/a | \$ - | \$0.000020 | \$ - |
| 5.4.6 | Common Trunk Port, Per Minute - AT&T Region | \$0.000369 | n/a | \$ - | \$0.000185 | \$ - |

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

5/25/2012 9:20:10 AM

in

Case No(s). 12-1444-TP-ATA

Summary: Amended Application Amended application electronically filed by Mr. Patrick D. Crocker on behalf of FIRST COMMUNICATIONS, LLC