

ISSUED: JANUARY 12, 2012
EFFECTIVE: FEBRUARY 12, 2012
CAROL PAULSEN, DIRECTOR
208 S AKARD ST., DALLAS, TX, 75202

2. GENERAL REGULATIONS

All the information on this page is new.

(N)

2.3. OBLIGATIONS OF THE CUSTOMER (Cont'd)

2.3.16 Identification and Rating of Toll VoIP-PSTN Traffic

A. Scope

This section applies to toll VoIP-PSTN traffic exchanged between the Telephone Company and the customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. Toll VoIP-PSTN 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.

1. This section governs the identification of originating and terminating intrastate toll VoIP-PSTN traffic and facilities to which interstate switched access rates apply (unless the parties have agreed otherwise) in accordance with the transitional Intercarrier Compensation framework for toll VoIP-PSTN traffic adopted by the Federal Communications Commission in its Report and Order, FCC Release No. 11-161 (Nov. 18, 2011) ("FCC Order"). Specifically, this section establishes the method that will be used to identify the percentage of the customer's intrastate access traffic, that will be treated as intrastate toll VoIP-PSTN traffic (referred to in this tariff as " Relevant toll VoIP-PSTN Traffic"),
2. This section applies to originating and terminating intrastate switched access minutes of use ("MOU") and facility rate elements of all Access customers.
3. The customer shall not modify its reported PIU factor to account for the toll VoIP-PSTN Traffic for MOU and facility rate elements.

B. Rating of Toll VoIP-PSTN Traffic

The Relevant Toll VoIP-PSTN Traffic and facility rate elements identified in accordance with this tariff section will be billed at rates equal to the Company's applicable tariffed interstate switched access rates as specified at <http://serviceguide.att.com/ABS/ext/TariffDetails.cfm>, TCG F.C.C. No. 2, Sections 5.11 and 5.12.

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C. Calculation and Application of Percent-VoIP-Usage Factors

The Telephone Company will determine the number of Relevant Toll VoIP-PSTN Traffic MOU and facility rate elements to which interstate rates will be applied under subsection (B), above, by applying the Percent VoIP Usage ("PVU") factor to the intrastate access MOU exchanged and facilities between the Telephone Company and the customer. The PVU factors will be derived and applied as follows:

1. The customer, will calculate and furnish to the Telephone Company a factor (the "PVUC") delineated by Carrier Identification Code ("CIC") or Operating Company Numbers ("OCNs"), representing the percentage (whole number) of the total intrastate access MOU that the customer exchanges with the Telephone Company end users in the State, that (a) is sent to the Telephone Company that originated in IP format at the end user; or (b) is received from the Telephone Company and terminated in IP format at the end user. This PVUC 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. The Telephone Company will calculate and periodically update a factor (the "PVUT") representing the percentage (whole number) of the total intrastate access MOU that the Telephone Company exchanges with the customer end users in the State, that (a) is sent to the Customer that originated in IP format at the end user; or (b) is received from the Customer and terminated in IP format at the end user. This PVUT 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.

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C. Calculation and Application of Percent-VoIP-Usage Factors (Continued)

3. The Telephone Company will develop a Customer Percent VoIP Usage ("PVU") factors combining the Customer's PVUC factor with the Telephone Company's PVUT factor.

a. The PVU calculation below is applied when the Telephone Company does not bill based on actual call detail records for the intrastate Telephone Company's IP traffic at interstate rates.

$PVU = PVUC + [PVUT \times (1 - PVUC)]$ applied to the traffic exchanged between the Telephone Company and customers end user's total intrastate MOU and facility rate elements

Example: The customer reported that their PVUC as 40%. The Telephone Company's PVUT is 10%. This results in the following:

$$PVU = 40\% \text{ plus } (10\% \text{ times } (1 - 40\%)) = 46\%$$

This means that 46% of the Intrastate MOU exchanged between the customer and the Telephone Company's end users will be rated at Interstate rates.

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3. (Cont'd)

- b. The PVU calculation below is applied when the Telephone Company bills are based on the actual call detail records for the intrastate Telephone Company's IP traffic at interstate rates.

The formula for usage will be as follows:

$PVU = PVUC \times (1 - PVUT)$ applied to the traffic exchanged between the customer and the Telephone Company's TDM end user's total intrastate MOU.

$PVU = PVUC + [PVUT \times (1 - PVUC)]$ is applied to the facility rate elements

Example: The Telephone Company has identified that there was 10,500 Intrastate MOU that were identified exchanged between the Customer and the Telephone Company's IP end users. The Customer reported that their PVUC as 40%. The Telephone Company's PVUT is 10%. This results in the following:

$$PVU = 40\% \text{ times } (1 - 10\%) = 36\%$$

This means that 36% of the Intrastate MOU exchanged between the Customer and the Telephone Company's TDM end users will be rated at Interstate rates and the intrastate 10,500 MOU will also be rated at Interstate rates.

For the facility rate elements the formula that is applied to the intrastate dedicated facilities is as follows:

$$PVU = 40\% \text{ plus } (10\% \text{ times } (1 - 40\%)) = 46\%$$

Therefore 46% of the Intrastate facilities will be rated at interstate rates.

4. If the customer does not furnish the Telephone Company with a PVUC pursuant to the preceding paragraph (C) (1), the Telephone Company will utilize a customer PVUC of 0%.

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D. Initial PVU Factor

If the PVU factors are not available and/or cannot be implemented in the Telephone Company's billing systems by January 1, 2012, when the factors are available and can be implemented in the Telephone Company billing systems, the Telephone Company will adjust the customer's bills to reflect the PVU factors retroactively to January 2012 usage and facilities. In calculating the initial PVU factors, the Telephone Company will employ the customer-specified PVUC retroactively to January 2012 usage and facilities, provided that the customer provides the factor to the Telephone Company no later than April 15, 2012. Otherwise, it will set the initial PVU factors as specified in subsection (C) (4) above.

E. PVU Factor Updates

The customer and/or the Telephone Company may update their PVU factors quarterly. The customer may update the PVUC factor using the method set forth in subsection (C) (1) and (4), 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 PVUC factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The Telephone Company will use the revised PVUC to calculate a revised PVU. The revised PVU factor will only 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, either party may ask to verify the PVU factor furnished. Both parties shall comply and shall reasonably provide the records and other information used to determine their PVU, as specified in section (C) (1) and (4) above. Both parties shall retain and maintain (for verification purposes) the records and other information used to determine the PVU, for at least 12 months after the PVU is filed (or longer if any other section of the Telephone Company's tariffs or applicable law requires a longer period). The verification process shall be conducted consistent with the provisions in TCG F.C.C. No. 2, Section 2.3.2. Any billing disputes related to PVU factors will be addressed using the existing claim process outlined in TCG F.C.C. No 2, Section 2.5.4.