



FILE

12-0285-TP-ATA  
90-9197-TP-TRF

February 15, 2012  
Via Overnight Delivery

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

**RE: Hypercube Telecom, LLC P.U.C.O Access Tariff No. 2  
Final Tariff Filing for Case No. 12-0285-TP-ATA; Docket No. 90-9197-TP-TRF**

Dear Ms. McCauley:

Enclosed for filing please find the original and three (3) copies of the above referenced final tariff filing submitted on behalf of Hypercube Telecom, LLC in Case No. 12-0285-TP-ATA.

The Company respectfully requests an effective date for this filing of February 16, 2012.

The following final tariff pages are included with this filing:

1 <sup>st</sup> Revised Page 2	Updates the Check Sheet
1 <sup>st</sup> Revised Page 6	Revises definition
1 <sup>st</sup> Revised Sheet 7	Adds VoIP-PSTN related definitions, moves text
Original Page 7.1	Location for moved text
1 <sup>st</sup> Revised Page 9	Adds VoIP-PSTN related definitions
Original Sheet 25.1	Adds VoIP-PSTN provisions
Original Sheet 25.2	Adds VoIP-PSTN provisions
Original Sheet 25.3	Adds VoIP-PSTN provisions
Original Sheet 25.4	Adds VoIP-PSTN provisions
Original Sheet 25.5	Adds VoIP-PSTN provisions
1 <sup>st</sup> Revised Page 34	Corrects Company name
1 <sup>st</sup> Revised Sheet 47	Adds VoIP-PSTN provisions to the Rate Section

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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.

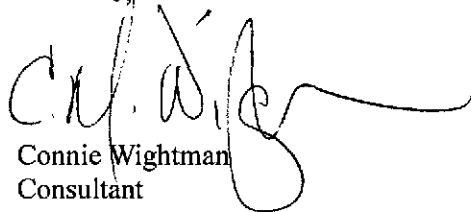
Any questions you may have regarding this filing should be directed to my attention at 407-740-3002 or via email to cwightman@tminc.com.

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Technician SMA Date Processed FEB 16 2012

Ms. Betty McCauley, Commission Secretary  
Ohio Public Utilities Commission  
February 15, 2012  
Page 2

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wightman', with a long horizontal flourish extending to the right.

Connie Wightman  
Consultant

cc: Karen Turner, Manager - Regulatory Compliance - Hypercube  
file: Hypercube - Ohio - Access  
tms: OHa1201b

Enclosures  
CW/lw

## ACCESS SERVICES

## CHECK SHEET

Sheets of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

<u>PAGE</u>	<u>REVISION</u>		<u>PAGE</u>	<u>REVISION</u>	
1	Original		26	Original	
2	1 <sup>st</sup>	*	27	Original	
3	Original		28	Original	
4	Original		29	Original	
5	Original		30	Original	
6	1 <sup>st</sup>	*	31	Original	
7	1 <sup>st</sup>	*	32	Original	
7.1	Original	*	33	Original	
8	Original		34	1 <sup>st</sup>	*
9	1 <sup>st</sup>	*	35	Original	
10	Original		36	Original	
11	Original		J7	Original	
12	Original		38	Original	
13	Original		39	Original	
14	Original		40	Original	
15	Original		41	Original	
16	Original		42	Original	
17	Original		43	Original	
18	Original		44	Original	
19	Original		45	Original	
20	Original		46	Original	
21	Original		47	1 <sup>st</sup>	*
22	Original		48	Original	
23	Original		49	Original	
24	Original				
25	Original				
25.1	Original	*			
25.2	Original	*			
25.3	Original	*			
25.4	Original	*			
25.5	Original	*			

\* Indicates pages included with this filing.

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ACCESS SERVICES

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## SECTION 1 - DEFINITIONS

Certain terms used generally throughout this tariff for the Access Services of this Company are defined below.

Access Code - A uniform seven digit code assigned by a Common Carrier to an individual customer. The seven digit code has the form 950-XXXX or 101XXXX.

Access Service - Switched Access to the network of an Interexchange Carrier for the purpose of originating or terminating communications.

Access Service Request (ASR) - The industry service order format used by Access Service Customers and access providers as agreed to by the Ordering and Billing Forum.

Access Tandem - A switching system that provides traffic concentration and distribution function for originating or terminating traffic as an intermediate carrier between other switching facilities that originate or terminate calls to or from an End User.

Authorized User - A person, firm, corporation or other entity that either is authorized by the Customer to use Access Services or is placed in a position by the Customer, either through acts or omissions, to use Access Services.

Carrier or Common Carrier - See Interexchange Carrier or Exchange Carrier.

CMRS - Commercial Mobile Radio Service

Co-Carrier - Any other Telecommunications provider authorized by the Commission to provide local exchange service in the state.

Commission - The Ohio Public Utilities Commission

Common Channel Signaling (CCS) - A high-speed packet switched communications network which is separate (out of band) from the public packet switched and message networks. It is used to carry addressed signaling messages for individual trunk circuits and/or database related services between signaling points in the CCS network.

Company - Hypercube Telecom, LLC, issuer of this tariff.

Constructive Order - Delivery of calls to or acceptance of calls from the Company's locations constitutes a Constructive Order by the Customer to purchase switched access services as described herein. Similarly, the selection by a Company's End User of the Customer as the presubscribed IXC constitutes a Constructive Order of switched access by the Customer.

Customer - The person, firm, corporation or other entity which orders Service or receives service including through a Constructive Order and is responsible for the payment of charges and for compliance with the Company's tariff regulations. The Customer could be an interexchange carrier, a local exchange carrier, a wireless provider, or any other Carrier that operates in the state, or other provider originating or terminating toll VoIP-PSTN traffic.

(T)

8XX Data Base Access Service - The term "8XX Data Base Access Service" denotes a toll-free originating Trunkside Access Service when the 8XX Service Access Code (i.e., 800, 822, 833, 844, 955, 866, 877, or 888 as available) is used.

## ACCESS SERVICES

## SECTION 1 – DEFINITIONS, (CONT'D.)

End User - Any individual, association, corporation, governmental agency or any other entity other than an Interexchange Carrier which subscribes to local exchange services, interexchange services, CMRS, VoIP services, or other telecommunications service provided by an Exchange Carrier, Common Carrier, Wireless Provider, VoIP Provider or other provider of services that transit the Company's facilities.

Entrance Facility - A trunk facility connecting the Customer's point of presence with the local switching center.

Exchange Carrier - Any individual, partnership, association, joint-stock company, trust, governmental entity or corporation engaged in the provision of local exchange telephone service CMRS wireless services or VoIP services.

Firm Order Confirmation (FOC) - Acknowledgment by the Company of receipt of an Access Service Request from the Customer and commitment by the Company of a Service Date.

Individual Case Basis - A service arrangement in which the regulations, rates and charges are developed based on the circumstances of the Customer's situation.

Inter-MTA Traffic - Wireless traffic originating on the network of a CMRS provider within one MTA and terminating to End-Users in another MTA.

Internet Protocol (IP): The method or protocol by which data is sent from one computer to another on the Internet. (N)

Internet Protocol (IP) Signaling: A packet data-oriented protocol used for communicating call signaling information. (N)

Intra-MTA Traffic - Wireless traffic originating on the network of a CMRS provider within a MTA and terminating to End-Users in the same MTA.

Interexchange Carrier (IXC) or Interexchange Common Carrier - Any individual, partnership, association, joint-stock company, trust, governmental entity or corporation engaged in state or foreign communication for hire by wire or radio, between two or more exchanges.

(M) - Certain material previously located on this page is now found on Page 7.1.

(M)

(M)

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ACCESS SERVICES

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## SECTION 1 – DEFINITIONS, (CONT'D.)

LATA - A local access and transport area established pursuant to the Modification of Final Judgment entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192 for the provision and administration of communications services.

Line Information Data Base (LIDB) - The data base which contains base information such as telephone numbers, calling card numbers and associated billed number restriction data used in connection with the validation and billing of calls.

Local Access - The connection between a Customer's premises and a point of presence of the Exchange Carrier.

Local Switching Center - The switching center where telephone exchange service Customer station Channels are terminated for purposes of interconnection to each other and to interoffice Trunks.

Meet Point - A point of interconnection that is not an end office or tandem.

(M) - Material found on this page was previously located on Page 7.

## ACCESS SERVICES

## SECTION 1 – DEFINITIONS, (CONT'D.)

Service(s) - The Company's telecommunications Access Services offered on the Company's Network.

Signaling Point of Interface - The Customer designated location where the SS7 signaling information is exchanged between the Company and the Customer.

Signaling System 7 (SS7) – The common Channel Out of Band Signaling protocol developed by the Co Committee for International Telephone and Telegraph (CCITT) and the American National Standards Institute (ANSI).

Switched Access Service - Access to the switched network of an Exchange Carrier for the purpose of originating or terminating communications. Switched Access is available to Carriers, as defined in this tariff.

Trunk - A communications path connecting two switching systems in a network, used in the establishment of an end-to-end connection.

Time Division Multiplexing (TDM): A method of transmitting and receiving voice signals over the Public Switched Telephone Network (PSTN). (N)

Toll VoIP-PSTN Traffic: A Customer's interexchange voice traffic exchanged with the Company in Time Division Multiplexing format over PSTN facilities, which originates and/or terminates in Internet Protocol (IP) format. Toll VoIP-PSTN Traffic originates and/or terminates in IP format when it originates from and/or terminates to an end user customer of a service that requires IP-compatible customer premises equipment. (N)

VoIP Provider - Any individual association, corporation, governmental agency or any other entity that is providing voice over internet protocol. The VoIP provider may or may not be certified by the Ohio Public Utilities Commission.

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. (N)

Wireless Provider - Any carrier authorized to operate as a provider of cellular, personal communications, paging CMRS or any other form of wireless transmission. (N)

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ACCESS SERVICES

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## SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

## 2.3 Obligations of the Customer, (Cont'd.)

## 2.3.5 Identification and Rating of Toll VoIP-PSTN Traffic

## A. 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 and billing of Toll VoIP-PSTN Traffic pursuant to the FCC's Intercarrier Compensation Report and Order in WC Docket Nos. 10-90, et. al., FCC No. 11-161 (Nov. 18, 2011) ("FCC ICC Order"). Pursuant to the FCC ICC Order (PP. 933-975 and Appendix A), the Company shall apply interstate access charges to Toll VoIP-PSTN Traffic. Specifically, this section establishes the method of separating such traffic (referred to in this tariff as "Relevant VoIP-PSTN Traffic") from the Customer's traditional intrastate access traffic, so that such Relevant VoIP-PSTN Traffic can be billed in accordance with the FCC ICC Order in a symmetrical manner.

## B. Methodology Options

Unless otherwise negotiated, the Customer may elect an approach from the following options to identify the Relevant VoIP-PSTN Traffic that is subject to the FCC ICC Order:

1. Option 1 – Self-Reporting: Self-Report Percent VoIP Usage (PVU) pursuant to Section 2.3.5.E, following; or
2. Option 2 – Call Signaling: Properly populate the Originating Line Indicator ("OLI") field of the call signaling stream to reflect that the call originated as a VoIP call, which shall be through the use of the digit-code 40 or other digit pair mutually agreed upon in writing by Customer and Company's Chief Technical Officer; or
3. Option 3 – Trunk Group Segregation: Properly segregate the calls that originate as VoIP calls and exchange such calls through a trunk group established solely for the completion of VoIP-originated calls.



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ACCESS SERVICES

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## SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

## 2.3 Obligations of the Customer, (Cont'd.)

## 2.3.5 Identification and Rating of Toll VoIP-PSTN Traffic, (Cont'd.)

(N)

## C. Initial Methodology

The Company shall provide a one-time grace period of thirty (30) days for the Customer to notify the Company of its Methodology Option selection immediately following the effectiveness of this Section. For Option 1 – Self-Reporting, the Customer is subject to auditing and verification by the Company and the Customer is obligated to support all self-reported figures with traffic studies or other reasonable analyses upon Company's written request. Option 1 – Self-Reporting is available to all Customers pursuant to tariff without the need for contractual negotiations. Options 2 and 3 are available to all Customers pursuant to tariff and may be customized through contractual negotiations. For Option 2 – Call Signaling, provided pursuant to this tariff, if any replacement digit-code is established through industry-consensus or updated industry standards, the Company shall update this tariff to reflect the replacement digit-code and the Customer shall within six months transition to the replacement digit-code then set forth in this tariff, unless otherwise agreed upon in writing by Customer and Company's Chief Technical Officer. Option 3 – Trunk Group Segregation is provided subject to up-front and recurring certification, auditing and verification by the Company. For Option 3 – Trunk Group Segregation provided pursuant to this tariff, intervals and costs for the establishment of dedicated trunk groups are subject to negotiation.

If the Customer has neither selected one of the above-three Options, nor otherwise negotiated an approach with the Company, the PVU for all calls shall be determined pursuant to Option 1 as described in subsection E, following of this tariff, except that the Company may rely on Call Signaling for all traffic for which a valid digit-code was provided and may supplement such call detail information as appropriate with the use of jurisdictional factors addressed in subsection E, following. All grace period billing pursuant to this Section is subject to retroactive adjustment to December 29, 2011, to be compliant with the FCC ICC Order.

(N)

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ACCESS SERVICES

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## SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

## 2.3 Obligations of the Customer, (Cont'd.)

## 2.3.5 Identification and Rating of Toll VoIP-PSTN Traffic, (Cont'd.)

(N)

## D. Rating of Toll VoIP-PSTN Traffic

The relevant Toll VoIP-PSTN Traffic identified in accordance with this tariff section will be billed at rates equal to the Company's applicable tariffed Toll VoIP-PSTN Traffic rates as specified in Section 4.4.7 of this tariff.

## E. Calculation and Application of Percent-VoIP-Usage Factor

For the Customer that selects Option 1 – Self Reporting, the Company will determine the number of relevant VoIP PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection D, above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU exchanged between a the Company and the Customer. By default, the effective PVU will be equal to the total number of incumbent LEC and non-incumbent LEC VoIP subscriptions in the State divided by the sum of those reported VoIP subscriptions plus incumbent LEC and non-incumbent LEC switched access lines, based on the FCC's Local Competition Report, as released periodically. If the Customer proposes to use a different PVU, it must be derived and applied as follows:

1. The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the whole number percentage of the total access MOU that the Customer exchanges with the Company in the State, that (a) is sent to the Company and that originated in IP format; or (b) is received from the Company and terminated in IP format. This PVU-A shall be based on information that is verifiable by the Company such as traffic studies, actual call detail, or other relevant and verifiable information.
2. The Company will, likewise calculate a factor (the "PVU-B") representing the whole number percentage of the Company's total access MOU in the State that the Company originates and/or 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 the FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information.
3. The Company will use the PVU-A and PVU-B factors to calculate an effective PVU factor that represents the whole number percentage of total 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)

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ACCESS SERVICES

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## SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

## 2.3 Obligations of the Customer, (Cont'd.)

## 2.3.5 Identification and Rating of Toll VoIP-PSTN Traffic, (Cont'd.)

## E. Calculation and Application of Percent-VoIP-Usage Factor, (Cont'd.)

4. The Company will apply the effective 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 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.

5. The Customer shall not modify their reported PIU factor to account for VoIP-PSTN Traffic.

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ACCESS SERVICES

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## SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

## 2.3 Obligations of the Customer, (Cont'd.)

## 2.3.5 Identification and Rating of Toll VoIP-PSTN Traffic, (Cont'd.)

(N)

## F. Initial PVU Factor

If the PVU factor cannot be implemented 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, provided that the Customer provides the factor to the Company no later than April 15, 2012; otherwise, the initial PVU will be set as specified above.

## G. PVU Factor Updates

Customers selecting Option 1 – Self Reporting may update the PVU-A factor quarterly using the method set forth in subsection E.1, 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, along with supporting documentation for the prior three month period. The verified revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new verified PVU factor.

## H. PVU Factor Verification

The Company may ask the Customer to verify the PVU-A factor furnished to the Company. The Customer is subject to auditing and verification by the Company and the Customer is obligated to support all self-reported figures with traffic studies or other reasonable analyses upon the Company's written request. The Customer shall comply with such requests, and shall reasonably provide the records, including information used to determine the PVU-A factor and other information contained in Company's written requests. The Customer may request verification of the Company's PVU-B factor. Any audit or verification is undertaken at the requesting party's expense and an audit may not be requested more than two (2) times in any twelve month period.

## I. This section does not supersede rates, terms and conditions governing compensation for Toll VoIP-PSTN traffic in existing interconnection agreements; and rates, terms and conditions governing compensation for Toll VoIP-PSTN traffic in this tariff apply prospectively, except as noted in Paragraph F above.

(N)

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ACCESS SERVICES

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## SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

## 2.6 Allowances for Interruptions in Service

Interruptions in service which are not due to the negligence of or noncompliance with the provisions of this tariff by, the Customer or the operation or malfunction of the facilities, power, or equipment provided by the Customer will be credited to the Customer as set forth in 2.6.1 for the part of the service that the interruption affects.

The credit allowance will be calculated by the Company after the Customer notifies the Company of service interruption. The amount of the allowance will depend on the length of the outage and the service impacted. Service Outage conditions are defined as complete loss of call origination and/or receipt capability. Credit Allowances, if any, will be deducted from the charges payable by the IXC and will be expressly indicated on the next invoice. A Service Outage begins when the IXC reports the outage to Hypercube Telecom, LLC. A Service Outage ends when the affected circuit and/or associated Hypercube Telecom, LLC equipment is fully operational in accordance with the technical specifications.

Credit allowances do not apply to outages (i) caused by the IXC; (ii) due to failure of equipment provided by the IXC; (iii) during any period in which the Company is not given access to the service premises; (iv) failures of facilities or equipment of a local exchange carrier (LEC) providing service to the Customer in conjunction with the Company which are carrying the failures resulting from the activities or negligence of LEC employees; (v) inability to gain access to the IXC's equipment; and (vi) due to mutually agreed upon maintenance and repair. (T)  
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|  
(T)

Credit Allowances received by the Company from the LEC for Off-Net facility outages which affects the IXC's Switched Services will be passed through to the IXC in the form of a credit on the next invoice. (T)

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ACCESS SERVICES

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## SECTION 4 – SWITCHED ACCESS RATES, (CONT'D.)

## 4.4 Rates and Charges, (Cont'd.)

## 4.4.5 800 Data Base Access Service Queries

## Per Query

Basic	\$0.002294
Vertical Feature	\$0.002294

## 4.4.6 Switched Access Optional Features

All Optional Features are offered on an Individual Case Basis (ICB).

## 4.4.7 Application of Access Charges to Toll VoIP-PSTN Traffic

- A. All Toll VoIP-PSTN traffic will be assessed switched access charges at the rates set forth in the Company's Federal Access Tariff, FCC No. 4, as amended from time to time.
- 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 retail VoIP service that does not itself seek to collect switched access charges for the same traffic. The Company will charge for functions performed by the Company or by its affiliated or unaffiliated provider of retail VoIP service. For purposes of this provision, functions provided by the Company, or by 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)

(N)