TARIFF DISTRIBUTION

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PURPOSE: Revise VoIP for originating

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E2. GENERAL REGULATIONS

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E2.3.19 800 Number Reporting

For BellSouth SWA 8XX Toll Free Dialing Ten Digit Screening service, the customer will be responsible for reporting to the Company or directly to the Service Management System 800 numbers that are in service in the Company serving area and the activation date of every 800 number assigned.

Additionally, the provision of BellSouth SWA 8XX Toll Free Dialing Ten Digit Screening service, provided from Section 6 of Tariff FCC No. 1, requires the customer's subscription to basic BellSouth 8XX Toll Free Dialing Number Administration service features found in Section E13. of this Tariff; or as an alternative, the provision of those features by other responsible organizations or through direct access by the customer to the Service Management System.

E2.3.20 Identification and Rating of VoIP-PSTN Traffic

(A) Scope

This Section applies to VoIP-PSTN Traffic exchanged between the Company and the customer in time division multiplexing (“TDM”) format that originates and/or terminates in Internet protocol (“IP”) format. 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]

(1) This Section governs the identification of originating and terminating intrastate toll VoIP-PSTN traffic and facilities to which switched access rates apply (unless the parties have agreed otherwise) in accordance with the transitional Intercarrier Compensation framework for 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 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 VoIP-PSTN Traffic for MOU and facility rate elements.

(B) Rating of VoIP-PSTN Traffic

The Relevant VoIP-PSTN Traffic exchanged between the customer and the Company or another provider 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 in BellSouth Telecommunications LLC Tariff F.C.C. No. 1 unless the corresponding intrastate rate is lower. If the intrastate rate is lower then that rate will be used for billing. Hereafter, these billed rates will be referred to in this tariff as the relevant “VoIP Rates”. (C) (D)

[1] Although the Company has taken the position that this tariff, by its own terms, already applies to VoIP-PSTN traffic, as defined herein, the Company has included this Section in the tariff out of an abundance of caution to prevent any claim that it does not so apply, and to implement the decision 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”) that VoIP-PSTN access traffic should be exchanged at interstate access rates (unless the parties have agreed otherwise). By its terms, the FCC Order is prospective only, and does not address preexisting law with regard to the applicability of intercarrier compensation or the enhanced service providers (“ESP”) exemption to VoIP-PSTN Traffic. Including this section in the tariff in no way alters or otherwise affects the applicability of this tariff to VoIP-PSTN Traffic before the effective date of the FCC Order.

E2. GENERAL REGULATIONS

E2.3 Obligations of the Customer (Cont'd)

E2.3.20 Identification and Rating of VoIP-PSTN Traffic (Cont'd)

(C) Calculation and Application of Percent-VoIP-Usage Factors[1] (N)

The Company will determine the number of Relevant VoIP-PSTN Traffic originating MOU and originating facility rate elements effective July 1, 2014 to which VoIP Rates will be applied under subsection (B), above, by applying the Percent VoIP Usage ("PVU") factor to the originating intrastate access MOU and the facilities between the Company and the customer. The PVU factors will be derived and applied as follows: (C)

(1) The customer will calculate and furnish to the Company a factor (the "PVUC") on an ACNA basis which would aggregate traffic from all Carrier Identification Codes ("CICs") or Operating Company Numbers ("OCNs") associated with the ACNA. This PVUC represents the percentage (whole number) of the originating intrastate access MOU that the customer receives from the Company end users in the state which is sent from the Company that is terminated in IP format at the customer's 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 satisfactory to the Company. (T) (C)

(2) The Company will calculate and periodically update a (the "PVUT") VOIP usage factor for the Company. This factor (percentage) is calculated on an individual state basis: the intrastate originating minutes delivered to the customer which were originated in IP format by the Company's end users divided by the total intrastate originating access MOU that the Company delivered to the customer's end users. 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. (C)

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

a) The PVU calculation below is applied when the Company does not bill based on actual call detail records for the Company's intrastate IP traffic at VoIP Rates. (T)

PVU = PVUC + [PVUT x (1-PVUC)] is applied to the Company's end user's originating intrastate MOU and facility rate elements. (C)

Example: The customer reported that their PVUC is 40%. The Company's PVUT is 10%. This results in the following: (T)
PVU = 40% plus (10% times (1-40%)) = 46%
This means that 46% of the originating Intrastate MOU exchanged between the Company's end users and the customer will be rated at VoIP Rates. (C)

b) The PVU calculation below is applied when the Company bills are based on the actual originating call detail records for the Company's intrastate IP traffic at VoIP Rates. (C) (T)

The formula for usage will be as follows:

PVU = PVUC x (1-PVUT) applied to the Company's TDM end user's originating intrastate MOU. (C)

PVU = PVUC + [PVUT x (1-PVUC)] applied to the facility rate elements.

Example: The Company has identified that there were 10,500 originating intrastate MOU from the Company's IP end users and delivered to the customer's end users. The customer reported that their PVUC as 40%. The Company's PVUT is 10%. (C)
This results in the following:
PVU = 40% times (1-10%) = 36%
This means that 36% of the originating Intrastate MOU exchanged between the Company's TDM end users and the customer will be rated at VoIP Rates and the originating intrastate 10,500 MOU will also be rated at VoIP Rates. (C)
For the originating facility rate elements, the formula that is applied to the intrastate dedicated facilities is as follows: (C)
PVU = 40% plus (10% times (1-40%)) = 46%
Therefore, 46% of the originating intrastate facilities will be rated at VoIP Rates. (C)

[1] Consistent with FCC regulations (47 CFR 51.913(a)), for the period of July 2012 through June 2014 Intrastate VoIP originating usage and originating dedicated facilities charges are required to be at the Intrastate rate and rate structure. Effective July 1, 2013, the Terminating usage and dedicated facilities are at the Interstate rate structure and the lower of the Interstate or Intrastate rates. (N)

E2. GENERAL REGULATIONS

E2.3 Obligations of the Customer (Cont'd)

E2.3.20 Identification and Rating of VoIP-PSTN Traffic (Cont'd)

(C) Calculation and Application of Percent-VoIP-Usage Factors (Cont'd)

(4) The Company will apply the customer's PVUC to originating traffic exchanged between the third party providers (e.g. Independent Company and local exchange carrier) subtending the Company's access tandem and customer. (C)

The customer may elect to provide a different factor ("PVUC3") that represents the originating VoIP-PSTN traffic that is exchanged between the third party providers and the customer. (C)

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

(D) PVU Factor Updates

The customer may update the PVUC factor quarterly 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 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 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.

The customer must update the PVUC factor no later than June 1, 2014 to reflect the use of originating VOIP traffic as delineated in Subsection (C)(1) and (4) or the Company will utilize a customer PVUC of 0%. (C)

(E) PVU Factor Verification

Not more than twice in any year, the Company may ask the customer to verify the PVUC factor furnished to the Company. The customer shall comply, and shall reasonably provide the records and other information used to determine their PVUC, as specified in section (C) (1), and (4), above. The customer shall retain and maintain (for verification purposes) the records and other information used to determine the PVUC, for at least 12 months after the PVUC is filed (or longer if any other section of the Company's tariffs or applicable law requires a longer period). The verification process shall be conducted consistent with the provisions in Section 2.3.10(B) (D) (E) of BellSouth Telecommunications LLC Tariff F.C.C. No. 1.

(F) Verification Process

The Telephone Company will review these customer provided PVUC records referenced in (F), above. If the review results represent what the Telephone Company considers to be a substantial deviation from the customer's previously reported PVUC or if the PVUC appears unreasonable as compared to other related types of data, the Telephone Company will contact the customer within 30 days. This deviation issue will be dealt with in one of the following ways. The current PVUC will continue to be utilized until resolution from either of the 2 methods below.

1) The Telephone Company and the customer will come to an agreement as to an appropriate PVUC within 30 days of the provision of the PVUC records.

2) The Company within 90 days of the receipt of these records, the Company will review or audit these records. If these PVUC records are not available or these records are not substantive enough to calculate a PVUC, then a PVUC factor of zero will be assigned. This zero PVUC will be utilized until either a PVUC can be agreed upon between the Company and the customer or an audit can be completed utilizing records acceptable for an audit conclusion. When an audit has been completed employing the records acceptable for an audit conclusion, the PVUC resulting from the audit will be employed until the next customer provided PVUC is available as referenced in the (D) or (E) procedures above.

E2.3.21 Utilization of Alternative Access Providers

When the customer of record for an access service utilizes the service(s) of an alternative access provider, it will be the obligation of the customer to monitor the actions of the alternative access provider to insure that the customer's desired service interconnections and grades of service are maintained.