

2.3.10 Jurisdictional Report Requirements (Continued)

(B) Disputes Involving Jurisdictional Certification – Special Access

If a dispute arises concerning the certification of projected interstate traffic as described above, the Telephone Company will ask the customer to provide the data the customer used to determine that more than 10% of the traffic is interstate. The customer shall supply the data within thirty (30) days of the Telephone Company request. If the reply results in a jurisdictional change of a Special Access Service, the effective date of the change will be the date the Telephone Company receives the customer's reply. There is no charge when the customer's reply results in a jurisdictional change in the Special Access Service.

(C) Jurisdictional Reporting - Switched Access

(1) General

The following regulations govern jurisdictional reporting by the customer and cases where the Telephone Company will develop jurisdictional percentages.

(a) Sufficient Call Detail Billing

When the Telephone Company receives sufficient call detail to determine the jurisdiction of the originating and terminating access minutes of use, the Telephone Company shall use that call detail to render bills for those minutes of use, and shall not apply the jurisdictional factor(s) to those minutes of use.

(b) Insufficient Call Detail Billing

When the Telephone Company receives insufficient call detail to determine the jurisdiction of the originating and terminating access minutes of use, the Telephone Company will apply the jurisdictional factor(s) provided by the customer or developed by the Telephone Company as set forth below, only to those minutes of use for which the Telephone Company does not have sufficient call detail. Such jurisdictional factor(s) will be used until the customer provides an update to its jurisdictional factor(s) as set forth below.

For all flat rated Switched Access Services, the Telephone Company will apply the jurisdictional factor(s) as provided by the customer or developed by the Telephone Company as set forth below, each month until the customer provides an update to its factor(s) as described below.

2.3.10 Jurisdictional Report Requirements (Continued)

(C) Jurisdictional Reporting - Switched Access (Continued)

(2) Initial Order

When the customer submits an initial service order to the Telephone Company, the customer is required to provide the percentage of interstate and intrastate use for originating and/or terminating minutes for each service arranged for interstate and intrastate use.

If the Telephone Company receives usage for which no order for service has been received, the Telephone Company may develop the jurisdictional factors as needed.

(3) Quarterly Reports

Effective on the first of January, April, July, and October of each year, the customer shall update its interstate and intrastate jurisdictional report. The customer shall forward to the Telephone Company, to be received by the Telephone Company no later than fifteen days after the first of each such month, a revised report showing the interstate and intrastate percentage of use for the past three months ending the last day of December, March, June, and September, respectively, for each service arranged. Such revised report will serve as the basis for the next three months billing for determining the jurisdiction for Switched Access Services in cases where the Telephone Company does not have sufficient call detail to do so, and will be applied to the customer's usage on a prospective basis only. No prorating or back billing will be done based on the report.

For each service, the customer may only provide jurisdictional factors that are in a whole number format, i.e., a number from 0 to 100.

2.3.10 Jurisdictional Report Requirements (Continued)

(C) Jurisdictional Reporting - Switched Access (Continued)

(3) Quarterly Reports (Continued)

If the customer does not supply a quarterly report, the Telephone Company will assume the percentages to be the same as those provided in the last quarterly report received. In the instance the customer has failed to update the percentages after six months either as set by the previous quarterly report or a service order, the Telephone Company may develop a jurisdictional percentage based on either actual usage, or a weighted average using billed access minutes of all other customers' usage.

(4) Subsequent Orders

When the customer adds Busy Hour Minutes of Capacity (BHMC), lines or trunks to an existing end office group, the customer shall furnish revised projected interstate and intrastate percentages that apply to the total BHMC, lines or trunks. When the customer discontinues BHMC, lines or trunks from an existing group, the customer shall furnish revised projected interstate and intrastate percentages for the remaining BHMC, lines or trunks in the end office group. The revised report will serve as the basis for future billing, and will be applied to the customer's usage on a prospective basis only. No prorating or back billing will be done based on the report.

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2.3.10 Jurisdictional Report Requirements (Continued)

(C) Jurisdictional Reporting - Switched Access (Continued)

(5) Telephone Company Application of Jurisdictional Percentages

A floor of 10% will be set for a switched access customer's terminating minutes when they are lacking originating number information needed to determine jurisdiction. The 10% floor will be applied as follows:

- When the percentage of terminating traffic without sufficient call detail to determine jurisdiction does not exceed 10% floor, the Telephone Company will apply the jurisdictional percentages to all of the traffic that does not have sufficient jurisdictional call detail.
- When the percentage of terminating traffic without sufficient call detail to determine jurisdiction exceeds the 10% floor, the Telephone Company will apply the jurisdictional percentages to 10% of the traffic and assess intrastate jurisdiction on all minutes exceeding the 10% floor.

(D) Disputes Involving Jurisdictional Reports

For Switched Access, if a jurisdictional dispute arises concerning the projected interstate or intrastate percentages, the Telephone Company will notify the customer to provide the data the customer used to determine the projected interstate or intrastate percentages. The Telephone Company will not request such data more than once a year provided that the customer complies with the initial request. The customer shall supply the data within thirty (30) days of the request.

If the customer fails to provide the requested data to the Telephone Company within thirty (30) days of the receipt of the notice, the customer will be in violation of the Tariff. In such event, the Telephone Company may develop percentages for originating and terminating usage based on either actual usage, or a weighted average using billed access minutes of all other customers' usage. This factor will be applied to the customer's usage on a prospective basis only and will be utilized until the customer provides supporting data that substantiates the requested percentages.

2.3.10 Jurisdictional Report Requirements (Continued)

(D) Disputes Involving Jurisdictional Reports (Continued)

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If the Telephone Company finds that the data submitted by the customer does not adequately support the reported percentages, the Telephone Company may develop percentages for originating and terminating usage based on either actual usage, or a weighted average using billed access minutes of all other customers' usage. Upon assigning an intrastate percentage of use, the Telephone Company will notify the customer of the change and when it will go into effect. The Telephone Company's designated methodology used to develop the jurisdictional percentage will remain in effect for twelve (12) months.

If the Telephone Company and the customer cannot informally resolve the dispute, the customer may contest the designated intrastate percentage by requesting an audit be conducted by a mutually agreed upon independent auditor.

- (1) The cost of an independent audit will be borne by the customer.
- (2) During the audit, if the customer fails to provide the requested data to the auditor within thirty (30) days of the receipt of the notice, the customer will be in violation of the Tariff.
- (3) The audit results will be furnished to both the customer and Telephone Company.
- (4) The Telephone Company will adjust the customer's jurisdictional percentage based upon the audit results. The jurisdictional percentage resulting from the audit shall be applied to the customer's usage on a prospective basis only and will remain in effect for the two (2) quarters following the completion of the audit. After that time, the customer may report revised jurisdictional percentage pursuant to (C.3) above.

The Telephone Company may also request an independent audit to resolve a jurisdictional dispute. If, as a result of the audit conducted by an independent auditor, a customer is found to have over-stated its jurisdictional percentage by 5 percentage points or more, the Telephone Company shall require reimbursement from the customer for the cost of the audit. Such bill(s) shall be due and paid in immediately available funds within 30 days from receipt, and shall carry a late payment penalty as set forth in Section 2.4.1(C)(2)(b), Payment of Rates, Charges and Deposits following, if not paid within the 30 days. The jurisdictional percentage resulting from the audit shall be applied to the usage for the quarter the audit was completed, the usage for the quarter prior to the completion of the audit, and to the usage for the two quarters following the completion of the audit. After that time, the customer may report revised jurisdictional percentage pursuant to (C.3) above

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