



Control Number: 27385



Item Number: 7774

Addendum StartPage: 0



RECEIVED

1 212 PM 12: 38

COMMISSION
CLERK

September 18, 2012
Via Overnight Delivery

Ms. Tracie Lowrey, Central Records
Texas Public Utility Commission
1701 N. Congress Avenue
Austin, TX 78711

RE: DeltaCom, Inc. d/b/a EarthLink Business
Revision for Switched Access Tariff
Control No. 27385

RECEIVED
12 SEP 19 PM 12: 38
PUBLIC UTILITY COMMISSION
FILING CLERK

Dear Ms. Lowrey:

Enclosed for filing please find the original and three (3) copies of the above referenced tariff filing submitted on behalf of DeltaCom, Inc. d/b/a EarthLink Business. This filing makes revisions to incorporate the requirements of the Federal Communications Commission Report and Order in WC Docket No. 10-90, etc., FCC No. 11-161 (released Nov 18, 2011) ("FCC Order") regarding the treatment of VoIP-PSTN traffic. The Company respectfully requests an effective date for this filing of September 19, 2012.

The following tariff pages are included with this filing:

16 th Revised Page 2	Updates Check Sheet
15 th Revised Page 3	Updates Check Sheet
2 nd Revised Page 9	Updates Table of Contents
1 st Revised Page 15	Adds Definitions
Original Pages 63 – 67	Adds Identification and Rating of VoIP-PSTN Traffic

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 407-740-3001 or via email to tforte@tminc.com. Thank you for your assistance in this matter.

Sincerely,

Thomas M. Forte
Consultant to DeltaCom, Inc. d/b/a EarthLink Business

cc: Mary Whiting (via Email) - EarthLink - Deltacom
file: EarthLink - Deltacom - Texas - Access
tms: TXa1202

Enclosures
TF/sp

7774

DeltaCom, Inc.
d/b/a EarthLink Business
1375 Peachtree Street, Level A
Atlanta, GA 30309
Issued By: Vice President, Tax

Switched Access Tariff
16th Revised Page 2
Cancels 15th Revised Page 2

Issued: September 19, 2012

Effective: September 19, 2012

CHECK SHEET

The pages of this tariff listed below are effective as of the date shown. Revised sheets contain all changes from the original tariff that are in effect as of the date indicated.

<u>Page</u>	<u>Revision</u>	
1	Original	
2	16 th	*
3	15 th	*
4	Original	
5	Original	
6	Original	
7	Original	
8	Original	
9	2 nd	*
10	Original	
11	Original	
12	Original	
13	Original	
14	Original	
15	1 st	*
16	Original	
17	Original	
18	Original	
19	Original	
20	Original	
21	Original	
22	Original	
23	Original	
24	2 nd	
24.1	1 st	
25	Original	
26	Original	
27	Original	
28	Original	
29	Original	
30	Original	

DeltaCom, Inc.
d/b/a EarthLink Business
1375 Peachtree Street, Level A
Atlanta, GA 30309
Issued By: Vice President, Tax

Switched Access Tariff
15th Revised Page 3
Cancels 14th Revised Page 3

Issued: September 19, 2012

Effective: September 19, 2012

CHECK SHEET

The pages of this tariff listed below are effective as of the date shown. Revised sheets contain all changes from the original tariff that are in effect as of the date indicated.

<u>Page</u>	<u>Revision</u>	<u>Page</u>	<u>Revision</u>	
31	Original	57	2 nd	
32	Original	58	Original	
33	1 st	59	Original	
34	1 st	59.1	Original	
35	1 st	59.1.1	Original	
35.1	Original	59.1.2	Original	
35.2	Original	59.1.3	1 st	
35.3	Original	60	8 th	
35.4	Original	60.1	Original	
35.5	Original	60.2	Original	
36	Original	60.3	Original	
37	Original	60.4	Original	
38	Original	60.5	Original	
39	Original	60.6	Original	
40	Original	60.7	Original	
41	Original	61	1 st	
42	Original	62	1 st	
43	Original	63	Original	*
44	Original	64	Original	*
45	Original	65	Original	*
46	Original	66	Original	*
47	Original	67	Original	*
48	Original			
49	Original			
50	Original			
51	Original			
52	1 st			
53	1 st			
54	Original			
55	8 th			
56	8 th			

DeltaCom, Inc.
d/b/a EarthLink Business
1375 Peachtree Street, Level A
Atlanta, GA 30309
Issued By: Vice President, Tax

Switched Access Tariff
2nd Revised Page 9
Cancels 1st Revised Page 9

Issued: September 19, 2012

Effective: September 19, 2012

TABLE OF CONTENTS

Definitions.....	10	
Terms and Conditions	16	
Switched Access Service	37	
Carrier Common Line Access Service.....	62	
Wireless Termination Service.....	60.1	
Promotions	63	
Contract Services	64	
VoIP-PSTN Traffic.....	63	(N)

DeltaCom, Inc.
d/b/a EarthLink Business
1375 Peachtree Street, Level A
Atlanta, GA 30309
Issued By: Vice President, Tax

Switched Access Tariff
1st Revised Page 15
Cancels Original Page 15

Issued: September 19, 2012

Effective: September 19, 2012

SECTION 1- DEFINITIONS, (Cont'd.)

Special Access - See Dedicated Access.

Term Agreement - A method of purchasing the Company's services whereby the Customer agrees to purchase service between specific locations for a specified and mutually agreed upon length of time.

Terminal Equipment - Telecommunications devices, apparatus and associated wiring on the Customer-designated premises.

Terminating Direction - The use of Switched Access Service for the completion of calls from an IC's premises to an End User premises.

Toll VoIP-PSTN Traffic - The term Toll VoIP-PSTN Traffic denotes a customer's interexchange voice traffic exchanged with the Telephone 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)

Transmission Path - An electrical path capable of transmitting signals within the range of the service offering. A transmission path is comprised of physical or derived facilities consisting of any form or configuration of plant used in the telecommunications industry.

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

Trunk Group - A set of trunks which are traffic engineered as a unit for the establishment of connections between switching systems in which all of the communications paths are interchangeable.

VoIP Provider - For the purposes of this Tariff, any service provider, including but not limited to carriers, that originates and/or terminates traffic in Internet protocol ("IP") format. (N)

VoIP Provider Partner - Any VoIP Provider that uses the Company's services to exchange traffic with the PSTN.

VoIP-PSTN Traffic - Traffic exchanged between the Company and a Customer in Time-Division-Multiplexing format that originates and/or terminates in IP format. (N)

Wire Center - A physical location in which one or more central offices, used for the provision of exchange services, are located.

United States - The contiguous United States, Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands.

Issued: September 19, 2012

Effective: September 19, 2012

SECTION 8 – VOIP-PSTN TRAFFIC

(N)

8.1 Identification and Rating of VoIP-PSTN Traffic

8.1.1 Scope - This section governs the identification of VoIP-PSTN Traffic that is required to be compensated at interstate access rates (unless the parties have agreed otherwise) 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), as Amended or Revised ("FCC Order"). 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 Order.

8.1.2 Rating of VoIP-PSTN Traffic - The Relevant VoIP-PSTN Traffic identified in accordance with this Section will be billed at rates equal to those tariffed for the Company's interstate switched access services as described in Section 3 of the Company's FCC access services tariff. Consistent with the FCC Order, charges are assessed by the Company for services provided by the Company and/or by any of its VoIP Provider Partner(s).

(N)

Issued: September 19, 2012

Effective: September 19, 2012

SECTION 8 – VOIP-PSTN TRAFFIC (CONT'D.)

(N)

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

- 8.1.3 Calculation and Application of Percent-VoIP-Usage Factor – the Company will determine the number of Relevant VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection 8.1.2, above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU (however determined – either based on call detail information or PIU) exchanged between the Company and the Customer.

The PVU for traffic will be derived and applied as follows:

- A. The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the percentage of the total intrastate and interstate access MOU for traffic that the Customer exchanges with the Company in the State, that (a) is sent to the Company and that originates in IP format; or (b) is received from the Company and terminates in IP format. This PVU-A 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 consistent with the FCC Order.
- B. Company will, likewise, calculate a factor (the "PVU-B") representing the percentage of the Company's total access MOU for traffic in the State that the Company originates 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 FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information consistent with the FCC Order.

(N)

Issued: September 19, 2012

Effective: September 19, 2012

SECTION 8 – VOIP-PSTN TRAFFIC (CONT'D.)

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

(N)

8.1.3 (Cont'd.)

- C. The Company will use the PVU-A and PVU-B factors to calculate an over-all PVU factor that represents the percentage of total access MOU for service exchanged between the Company and the Customer that is originated 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-A factor and (B) the PVU-B factor times (1.0 minus the PVU-A factor).
- D. The Company will apply the over-all PVU factor to the total service intrastate access MOU exchanged with the Customer to determine the number of Relevant VoIP-PSTN Traffic MOUs for service.

Examples for PVU Factor Calculations:

(The calculation elements in these examples are generic.)

Example 1: The PVU-B is 10% and the PVU-A is 40%. The over-all PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. The Company will bill 46% of the Customer's intrastate access MOU as VoIP-PSTN Traffic, pursuant to this Section of this Tariff.

Example 2: The PVU-B is 10% and the PVU-A is 0%. The over-all PVU factor is $0\% + (100\% \times 10\%) = 10\%$. The Company will bill 10% of the Customer's intrastate access MOU as VoIP-PSTN Traffic, pursuant to this Section of this Tariff.

Example 3: The PVU-A is 100%. No matter what the PVU-B factor is, the over-all PVU is 100%. The Company will bill 100% of the Customer's intrastate access MOU as VoIP-PSTN Traffic, pursuant to this Section of this Tariff.

(N)

Issued: September 19, 2012

Effective: September 19, 2012

SECTION 8 – VOIP-PSTN TRAFFIC (CONT'D.)

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

(N)

8.1.3 (Cont'd.)

D. (Cont'd.)

Use of Default Percentages - Company

Where the Company's PVU-B is equal to the percentage of VoIP subscribers in the state based on the FCC's *Local Competition Report*, as released periodically, as set forth in paragraph 963 of the FCC Order (the "Default Percentage"), and the Customer's PVU-A is also equal to the Default Percentage, the PVU factor applicable to traffic exchanged between the Company and the Customer shall be the Default Percentage.

Default PVU Factors - Customer

If the Customer does not furnish the Company with a PVU factor pursuant to the preceding paragraph 5.1.3.A of this Section, the Company will utilize a PVU equal to the Company's PVU-B factor.

- 8.1.4 Initial PVU Factors -** If the PVU factors are not available and/or cannot be implemented in the Company's billing systems by September 19, 2012, once the factors are available and can be implemented the Company will adjust the Customer's bills to reflect the PVUs retroactively to September 19, 2012. In calculating the initial PVUs, the Company will take the Customer-specified PVU-A into account retroactively to September 19, 2012, provided that the Customer provides the factor to the Company no later than November 3, 2012; otherwise, it will set the initial PVU equal to the PVU-B, as specified in subsection 8.1.3.B, above.

(N)

Issued: September 19, 2012

Effective: September 19, 2012

SECTION 8 – VOIP-PSTN TRAFFIC (CONT'D.)

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

(N)

8.1.5 PVU Factor Updates - The Customer may update the PVU-A factor quarterly using the method set forth in subsection 8.1.3.A, 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. The Company will use the revised PVU-A to calculate a revised PVU. The revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new PVU.

8.1.6 PVU Factor Verification - Not more than twice in any year, the Company may ask the Customer to verify the PVU-A factor furnished to the Company and Customer may ask the Company to verify the PVU-B 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 respective PVU-A and PVU-B factor.

(N)