



PAETEC

December 20, 2011

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DEC 20 2011

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue – Dept. 408
Bismarck, North Dakota 58505 – 0480

PUBLIC SERVICE COMMISSION

Re: McLeodUSA Telecommunications Services, L.L.C. d/b/a PAETEC Business Services
North Dakota Access Tariff No. 3

Dear Executive Secretary:

Enclosed are an original and one (1) copy of revisions to McLeodUSA Telecommunications Services, L.L.C. d/b/a PAETEC Business Services' ("McLeodUSA") North Dakota Access Tariff No. 3. Also, a soft copy (PDF format) of this proposed revision was emailed to ndpsc@nd.gov. In this filing, McLeodUSA is adding language for the identification and rating of Toll VoIP-PSTN traffic per the Federal Communications Commission Report and Order in WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (Nov. 18, 2011) (Sheet Nos. 7, 9, 24.1, 24.2, 24.3 and 24.4). The Check Sheet (Sheet No. 1) was modified accordingly.

This tariff has an issue date of December 21, 2011, and an effective date of January 10, 2012. Please file stamp the extra copy and return it to me in the enclosed, self-addressed, stamped envelope. Thank you for your assistance in processing this filing. If there are any questions, please do not hesitate to contact me at (281) 465-1431 or julie.dishman@paetec.com.

Sincerely,

Julie Dishman
Manager, Regulatory & Tariffs

Enclosures

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VoIP-PSTN traffic

CHECK SHEET

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* Denotes new or revised page submitted with this filing.

Issued: December 21, 2011

Effective: January 10, 2012

By: William A. Haas
Vice President, Public Policy & Regulatory
One Martha's Way
Hiawatha, Iowa 52233

SECTION 1 – DEFINITIONS

Company or McLeodUSA or PAETEC

McLeodUSA Telecommunications Services, L.L.C. d/b/a PAETEC Business Services, the issuer of this tariff.

Customer(s)

Denotes any individual, partnership, association, joint stock company, trust, corporation, or governmental entity or other entity which subscribes to the services offered under this tariff, including but not limited to Interexchange Carriers (ICs), End Users and other telecommunications carriers or providers originating or terminating toll VoIP-PSTN traffic.

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End User

A person or entity that is a subscriber to, or customer of local exchange, exchange access, interexchange, CMRS, or other telecommunications service provided by McLeodUSA or another Exchange Telephone Company or other Carrier.

Exchange Telephone Company

Denotes any individual, partnership, association, joint-stock company, trust, or corporation engaged in providing switched communication within an exchange. For purposes of this tariff, a Exchange Telephone Company includes a CMRS provider or a certificated local exchange carrier ("LEC"), that may or may not be legally affiliated with McLeodUSA.

Intrastate Access Service

Provides for a two-point communications path between a Customer's premises or a collocated interconnection location and an end user's premises for originating and terminating intrastate calls.

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; or any other geographic area designated as a LATA in the NATIONAL EXCHANGE CARRIER ASSOCIATION, INC. TARIFF F.C.C. NO. 4.

Local Switching

The McLeodUSA network system that permits an End user to make or receive calls that require local exchange access. With respect to each NPA-NXX code prefix assigned to the Company, the location of the Company's "local switching" for purposes of this tariff shall be the point of interconnection associated with an NPA-NXX code. McLeodUSA Switching may also include a switch port leased by McLeodUSA from another LEC through a commercial or interconnection agreement.

Issued: December 22, 2011

Effective: January 10, 2012

By: William A. Haas
Vice President, Public Policy & Regulatory
One Martha's Way
Hiawatha, Iowa 52233

SECTION 2 – REGULATIONS

2.3 Obligations of the Customer (Cont'd)

2.3.4 Identification and Rating of VoIP-PSTN Traffic

(A) Scope

(1) VoIP-PSTN traffic is defined as traffic exchanged over the public switched telephone network (“PSTN”) facilities that originates and/or terminates in Internet protocol (“IP”) format. This section governs the identification of toll VoIP-PSTN (“toll VoIP”) traffic that in the absence of an interconnection agreement will be subject to interstate switched access rates in accordance with the Federal Communications Commission Report and Order in WC Docket Nos. 10-90, etc., FCC No. 11-161 released (Nov. 18, 2011) (“FCC Order”) as it may hereinafter be amended or clarified. Specifically, this section establishes the method of distinguishing toll VoIP traffic from the customer’s total intrastate access traffic, so that toll VoIP traffic will be billed in accordance with the FCC Order.

(2) This section will be applied to the billing of switched access charges to a customer that is a local exchange carrier only to the extent that the customer has also implemented billing of interstate access charges for VoIP-PSTN Traffic in accordance with the FCC Order.

(B) Rating of toll VoIP-PSTN traffic

The Telephone Company will bill toll VoIP-PSTN traffic which it identifies in accordance with this tariff section at rates equal to the Telephone Company’s applicable tariffed interstate switched access rates.

SECTION 2 – REGULATIONS

2.3 Obligations of the Customer (Cont'd)

2.3.4 Identification and Rating of VoIP-PSTN Traffic (cont'd)

(C) Calculation and Application of Percent-VoIP-Usage Factor

The Telephone Company will determine the number of toll VoIP traffic minutes of use (“MOU”) to which it will apply its interstate rates under subsection (B), above, by applying an originating Percent VoIP Usage (“OPVU”) factor to the total intrastate access MOU originated by a Telephone Company end user and delivered to the customer and by applying a terminating PVU (“TPVU”) factor to the total intrastate access MOU terminated by a customer to the Telephone Company’s end user. The OPVU and TPVU will be derived and applied as follows:

(1) The customer will calculate and furnish to the Telephone Company an OPVU factor, along with supporting documentation, representing the whole number percentage of the customer’s total originating intrastate access MOU that the customer receives from the Telephone Company in the State that is originated by the Telephone Company in IP format.

(2) The customer will calculate and furnish to the Telephone Company a TPVU factor, along with supporting documentation, representing the whole number percentage of the customer’s total terminating intrastate access MOU that the customer exchanges with the Telephone Company in the State that is sent to the Telephone Company and originated in IP format.

(3) The OPVU, TPVU and supporting documentation shall be based on information that is verifiable by the Telephone Company including but not limited to 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. The customer shall not modify its reported PIU factor to account for VoIP-PSTN traffic.

SECTION 2 – REGULATIONS

2.3 Obligations of the Customer (Cont'd)

2.3.4 Identification and Rating of VoIP-PSTN Traffic (cont'd)

(C) Calculation and Application of Percent-VoIP-Usage Factor
(cont'd)

(4) After the Telephone Company verifies the OPVU and TPVU provided by the customer the Telephone Company will apply the OPVU and TPVU factors to the associated intrastate access MOU as indicated in Sections (D) and/or (E) below.

In the event that the Telephone Company can not verify the customer's OPVU and/or TPVU, the Telephone Company will request additional information to support the OPVU and/or TPVU, during this time no changes will be made to the existing OPVU and /or TPVU. The customer shall supply the requested additional information within 15 days of the Telephone Company's request or no changes will be made to the existing OPVU and/or TPVU. If after review of the additional information, the customer and Telephone Company establish a revised and mutually agreed upon OPVU and/or TPVU factor, the Telephone Company will begin using the new factor with the next bill period.

If the dispute is unresolved the customer may request that verification audits be conducted by an independent auditor, at customer's sole expense. During the audit, the most recent undisputed OPVU and/or TPVU factor will be used by the Telephone Company.

(5) In the absence of an interconnection agreement, at no time will the Telephone Company allow an OPVU or TPVU factor greater than the applicable State percentage as identified in Paragraph 963 of the FCC Order.

SECTION 2 – REGULATIONS

2.3 Obligations of the Customer (Cont'd)

2.3.4 Identification and Rating of VoIP-PSTN Traffic (cont'd)

(D) Initial OPVU and TPVU Factor

In calculating the initial OPVU and TPVU factor(s), the Telephone Company will take the factor(s) provided by the customer into account retroactively to January 1, 2012, provided that the customer provides the factor(s) and supporting documentation, as specified in subsection (C) above to the Telephone Company no later than 15 days after the effective date of this tariff. If the customer does not furnish the Telephone Company with an OPVU and/or TPVU factor pursuant to the preceding subsection (C), the initial factor will be zero.

(E) OPVU and TPVU Factor Updates

The customer may update the OPVU and/or TPVU factor(s) semi-annually using the method set forth in subsection (C), 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 and/or July of each year, a revised OPVU and/or TPVU factor and supporting documentation based on data for the prior three months, ending the last day of December and/or June, respectively. Once verified by the Telephone Company the revised OPVU and/or TPVU factor will apply prospectively and serve as the basis for billing until superseded by a new verified factor.