

**MILLER
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ANDREW O. ISAR

RECEIVED

DEC 20 2011

PUBLIC SERVICE COMMISSION

Via Electronic and U.S. Mail

December 20, 2011

Mr. Darrell Nitchke
Executive Secretary
Public Service Commission of North Dakota
600 E. Boulevard Ave., Dept. 408
Bismarck, North Dakota 58505-0480

RE: 360networks (USA) inc. Tariff North Dakota P.S.C. Tariff No. 1, Advice Letter No. 4

Dear Mr. Nitchke:

Enclosed for filing with the North Dakota Public Service Commission are an original and seven (7) copies of amended sheets 2, 10, 11, and 54, and original sheet 53.1 to 360networks (USA) inc.'s ("360") switched exchange access tariff, North Dakota P.S.C. Tariff No. 1, for incorporation into the Company's Tariff.

With this filing, 360 complies with the Federal Communications Commission's ("FCC") Report and Order and Further Notice of Proposed Rulemaking, in Docket Nos. WC Docket No. 10-90, et al., FCC 11-161, by implementing provisions governing Voice over Internet Protocol telephony – Public Switched Telephone Network ("VoIP-PSTN") Traffic. Though the amendment applies to intrastate VoIP-PSTN Traffic, applicable rates are contained in 360's interstate F.C.C. Tariff No. 1, pursuant to newly promulgated 47 C.F.R. §51.913 of the FCC's rules. Company requests a December 29, 2011, coincident with the effective date of the FCC's Report and Order and Further Notice of Proposed Rulemaking.

Please acknowledge receipt of this filing by date stamping and returning the additional copy of this transmittal letter in the self-addressed, postage pre-paid envelope provided for this purpose

Thank you for your attention to this matter. Questions may be directed to me.

Sincerely,

MILLER ISAR, INC.


Andrew O. Isar

Regulatory Consultants to
360 networks (USA) inc.

Enclosures

1 **PU-11-718** Filed: 12/20/2011 Pages: 6
VoIP-PSTN traffic

360networks (USA) inc.

CHECK SHEET

The sheets of this Tariff are effective as of the date shown. The original and revised sheets named below contain all changes from the original Tariff and are in effect on the date shown. An asterisk (*) reflects the revision number of Sheets included in a current filing with the Commission.

<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>
1	First	30	Original				
2	Third*	31	Original				
3	Original	32	Original				
4	First	33	Original				
5	Original	34	Original				
6	Original	35	Original				
7	Original	36	Original				
8	Original	37	Original				
9	Original	38	Original				
10	First*	39	Original				
11	First*	40	Original				
12	Original	41	Original				
13	Original	42	Original				
14	Original	43	Original				
15	Original	44	Original				
16	Original	45	Original				
17	Original	46	Original				
18	Original	47	Original				
19	Original	48	First				
20	Original	49	Original				
21	Original	50	Original				
22	Original	51	Second				
23	Original	52	Second				
24	Original	53	First				
25	Original	53.1	Original*				
26	Original	54	Third*				
27	Original	55	Original				
28	Original						
29	Original						

Issued: December 21, 2011

Effective: December 29, 2011

Issued By:

Gary Ray
Vice President and Co-General Counsel
370 Interlocken Blvd., Suite 600
Broomfield, CO 80021

DEFINITIONS (cont'd)

Toll Free

A term to describe an inbound communications service which permits a call to be completed at a location without charge to the calling party. Access to the service is gained by dialing a ten (10) digit telephone number (e.g. NPA is 800, 888, etc.).

Universal Emergency Telephone Number (911) Service

Wherever feasible, the Company will provide a universal Central Office number "911" for the use of Public Safety Agencies having the responsibility to protect the safety and property of the general public. It is intended that use of 911 Service will provide the public with a means of simple and direct telephone access to a Public Safety Answering Point.

VoIP-PSTN Traffic

VoIP-PSTN Traffic is traffic exchanged between the Company and the Customer in Time Division Multiplexing (TDM) format that originates and/or terminates in Internet Protocol (IP) format.

(N)
—
(N)

Wire Center

A building in which one or more central offices, used for the provision of Exchange Services, are located.

APPLICATION

This Tariff applies to intrastate switched exchange access service supplied to Customers for origination and termination of traffic to and from Central Office codes directly assigned to 360 networks (USA) inc. in the State of North Dakota. .1 This Tariff does not apply to carriers with whom the Company has a written agreement for different intercarrier compensation.

(N)

BY UTILIZING THE EXCHANGE ACCESS SERVICES SET FORTH IN THIS TARIFF, CARRIERS ARE DEEMED TO HAVE CONSTRUCTIVELY ORDERED SERVICE AS CUSTOMERS, AND AGREE TO THE SERVICE RATES, CHARGES, TERMS, AND CONDITIONS AS SET FORTH HEREIN.

(N)

Company provides exchange access Services contained in this Tariff under a Multiple Bill-Multiple Tariff method, as set forth in the Alliance for Telecommunications Industry Solutions Inc. Ordering and Billing Forum Multiple Exchange Access Billing document, **ATIS/OBF-MECAB-08**, Issue 8 dated January 2003. This method allows each provider to bill for the services it provides within the Multiple Bill option when there are more than two companies providing access Service. Each provider's Tariff or contract rates apply.

(T)

(T)

This Tariff applies only to the extent that facilities are available and services provided hereunder are used by a Customer for the purpose of originating or terminating intrastate communications.

1 f/k/a GTE California

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Broomfield, CO 80021 (C)

RATES

4.1 Access Service

4.1.2. Voice over Internet Protocol – Public Switched Telephone Network (“VoIP - PSTN”) Traffic

(N)

This section governs the identification and treatment of VoIP-PSTN Traffic that is required to be compensated at interstate access rates unless the parties have agreed otherwise

Company is entitled the full access reciprocal compensation on traffic exchanged with Customers when such traffic originates and/or terminates in Internet Protocol format, as set forth in Section 51.913 of the Federal Communications Commission’s rules, 47 C.F.R. §51.913, 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 interconnected Voice over Internet Protocol service. 2

Intrastate VoIP – PSTN traffic is subject to the Company’s applicable interstate switched access rate per minute, as set forth in the Company’s F.C.C. Tariff No. 1.

A Customer delivering traffic to Company will identify the percentage of traffic that is VOIP – PSTN Traffic (“Percentage VOIP Usage” or “PVU”) and will provide a traffic study or similar analysis that is subject to audit. If a Customer fails to provide this information, Company will assign a default PVU equal to zero.

(N)

2 See, In the Matter of Connect America Fund A National Broadband Plan for Our Future Establishing Just and Reasonable Rates for Local Exchange Carriers High-Cost Universal Service Support Developing an Unified Intercarrier Compensation Regime Federal-State Joint Board on Universal Service Lifeline and Link-Up Universal Service Reform – Mobility Fund, Report and Order and Further Notice of Proposed Rulemaking, Docket Nos. WC Docket No. 10-90, et al., FCC 11-161, (Rel. November 18, 2011).

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RATES (cont'd)4.1 Access Service4.1.3. Toll Free Data Base Access Service

(T)

A)	800 Carrier Identification Code, per call	\$0.003461
B)	Vertical Features	
1)	POTS Translation Charge, per call	\$0.003624
2)	Call Handling and Destination Feature Charge, per query	\$0.000686

4.2 Miscellaneous Services4.2.1 Presubscription

Authorized PIC Change	
-Per Telephone Exchange Service Per Line or Trunk	\$5.50
- Electronic PIC change Per Line or Trunk	\$1.25

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