



February 6, 2012
Via Overnight Delivery & E-Mail

Mr. Darrell Nitschke, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue
Department 408
Bismarck, ND 58505-0480

RECEIVED

FEB 07 2012

PUBLIC SERVICE COMMISSION

RE: Access Tariff Revision for **Bandwidth.com CLEC, LLC** - Access #1

Dear Mr. Nitschke:

Enclosed for filing please find the original of the above referenced tariff filing submitted on behalf of Bandwidth.com CLEC, LLC. 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 Toll VoIP-PSTN traffic. The Company requests an effective date for this revision of February 27, 2012.

The following tariff pages are included with this filing:

| | |
|----------------------------------|------------------------|
| 2 nd Revised Sheet 2 | Updates Check Sheet |
| 1 st Revised Sheet 7 | Change Definition text |
| 1 st Revised Sheet 11 | Adds Definition text |
| 1 st Revised Sheet 28 | Adds VoIP text |
| Original Sheets 28.1 thru 28.4 | Adds VoIP text |
| 2 nd Revised Sheet 44 | Adds text |

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 407-740-3031 or via email to stthomas@tminc.com. Thank you for your assistance in this matter.

Sincerely,

Sharon Thomas
Consultant to Bandwidth.com CLEC, LLC

file: Bandwidth.com CLEC - North Dakota - Access
cc: Lisa Jill Freeman
tms: NDa1201

Enclosures
ST/ks

1 **PU-12-68** Filed: 2/7/2012 Pages: 10
VOIP-PSTN Traffic

Bandwidth.com CLEC, LLC

 COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

CHECK SHEET

Sheets of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

| SHEET | REVISION | | SHEET | REVISION | |
|-------|-------------------------|---|-------|-------------------------|---|
| 1 | Original | | 29 | Original | |
| 2 | 2 nd Revised | * | 30 | Original | |
| 3 | 1 st Revised | | 31 | Original | |
| 4 | Original | | 32 | Original | |
| 5 | Original | | 33 | Original | |
| 6 | Original | | 34 | Original | |
| 7 | 1 st Revised | * | 35 | Original | |
| 8 | 1 st Revised | | 36 | 1 st Revised | |
| 9 | Original | | 37 | Original | |
| 10 | 1 st Revised | | 38 | Original | |
| 11 | 1 st Revised | * | 39 | Original | |
| 12 | Original | | 40 | Original | |
| 13 | Original | | 41 | Original | |
| 14 | Original | | 42 | Original | |
| 15 | Original | | 43 | 1 st Revised | |
| 16 | Original | | 43.1 | Original | |
| 17 | 1 st Revised | | 44 | 2 nd Revised | * |
| 18 | 1 st Revised | | 45 | 1 st Revised | |
| 19 | Original | | 46 | 1 st Revised | |
| 20 | Original | | 47 | 1 st Revised | |
| 21 | Original | | 48 | 1 st Revised | |
| 22 | Original | | 49 | 1 st Revised | |
| 23 | Original | | 49.1 | Original | |
| 24 | Original | | 50 | Original | |
| 25 | Original | | 51 | Original | |
| 26 | Original | | 52 | Original | |
| 27 | Original | | 53 | Original | |
| 28 | 1 st Revised | * | | | |
| 28.1 | Original | * | | | |
| 28.2 | Original | * | | | |
| 28.3 | Original | * | | | |
| 28.4 | Original | * | | | |

* - Indicates those pages included with this filing

COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 1 – DEFINITIONS, (CONT'D.)

Company: Bandwidth.com CLEC, LLC, issuer of this tariff.

Constructive Order: Delivery of calls to or acceptance of calls from the Company's End User locations over the Company switched local exchange services constitutes a Constructive Order by the Customer to purchase switched access services as described herein. Similarly the selection by one of the Company's End User of the Customer as the presubscribed IXC constitutes a Constructive Order of switched access by the Customer.

Customer: The person, firm, corporation or other entity that orders Service and is responsible for the payment of charges and for compliance with the Company's tariff regulations. The Customer could be an End User, interexchange carrier, a wireless provider, other telecommunications carriers or providers originating or terminating VoIP-PSTN Access Traffic or any other carrier authorized to operate.

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DS0: Digital Signal Level 0; a dedicated full duplex digital channel with line speeds of 2.4, 4.8, 9.36, 19.2, 56 or 64 Kbps.

DS1: Digital Signal Level 1: a dedicated, high capacity, full duplex channel with a line speed of 1.544 Mbps isochronous serial data having a line signal format of either Alternate Mark Inversion (AMI) or Bipolar with 8 Zero Substitution (B8ZS) and either Superframe (D4) or Extended Superframe (ESF) formats. DS 1 service has the capacity of 24 Voice Grade or DSO services.

DS3: Digital Signal Level 3; a dedicated, high capacity, full duplex channel with a line speed of 44.736 Mbps isochronous serial data having a line code of bipolar with three zero substitutions (B3ZS). Equivalent capacity of 28 DS 1 Services.

COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 1 – DEFINITIONS, (CONT'D.)

Signaling Point of Interface: The Customer designated location where the SS7 signaling information is exchanged between the Company and the Customer.

Signaling System 7 (SS7): The common Channel Out-of-Band Signaling protocol developed by the Consultative Committee for International Telephone and Telegraph (CCITT) and the American National Standards Institute (ANSI).

Station: Refers to telephone equipment or an exchange access line from or to which calls are placed.

TDM – Time Division Multiplexing – a method of transmitting and receiving voice signals over the Public Switched Telephone Network (PSTN).

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

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

VoIP – Voice over Internet Protocol. Transmission of communication by aid of wire, cable, radio, or other like connection using Voice Over Internet Protocol that is originated or terminated in Internet Protocol (IP) format. VoIP services are those services that require the use of IP compatible customer premises equipment.

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VoIP-PSTN Access Traffic - VoIP-PSTN Access Traffic is the access traffic exchanged between the Company and the Customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. 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.

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Wireless Provider: Any carrier authorized to operate as a provider of cellular, personal communications, paging or other form of wireless transmission.

COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

2.3 Obligations of the Customer (Cont'd.)

2.3.3 Jurisdictional Reporting (Cont'd.)

- E. Jurisdictional Reports Verification: If a billing dispute arises or a regulatory commission questions the projected PIU factor, the Customer will provide the data used to determine the projected PIU factor. The Customer will supply the data within 30 days of the Company's request. The Customer shall keep records of call detail from which the percentage of interstate and intrastate use can be ascertained and, upon request of the Company, shall make the records available for inspection as reasonably necessary for purposes of verification of the percentages. The Company reserves the right to conduct an audit at any time during the year. The Customer, as its own expense, has the right to retain an independent auditing firm.
- F. Terminating Traffic from Exchange Carrier. Any exchange, intraLATA or interLATA traffic terminated to the Company's network by an Exchange Carrier that is subject to this Tariff shall be treated as Feature Group D traffic.

2.3.4 Identification and Rating of VoIP-PSTN Access Traffic

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A. Scope

VoIP-PSTN Traffic is the traffic exchanged in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. 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 et. al., FCC No. 11-161 (November 18, 2011) ("FCC Order"). Specifically, this section establishes the method of separating such traffic (referred to in this tariff as "VoIP-PSTN Access Traffic") from the Customer's traditional intrastate access traffic, so that such VoIP-PSTN Access Traffic can be billed in accordance with the FCC Order.

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Material previously located on this page has been moved to Page 28.4.

COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 2 – RULES AND REGULATIONS, (CONT'D.)**2.3 Obligations of the Customer (Cont'd.)****2.3.4 Identification and Rating of VoIP-PSTN Access Traffic, (Cont'd.)****B. Rating of VoIP-PSTN Access Traffic**

The VoIP-PSTN Access Traffic identified in accordance with this tariff section will be billed in accordance with the Company's applicable interstate switched access Tariff FCC No. 1.

C. Calculation and Application of Percent-VoIP-PSTN Usage Factor

The Company will determine the number of VoIP-PSTN Access Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection (B), 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 will be derived and applied as follows:

1. The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the whole number percentage of the total access MOU 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.
2. Company will, likewise, calculate a factor (the "PVU-B") representing the percentage of the Company's total access MOU 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.

COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

2.3 Obligations of the Customer (Cont'd.)

2.3.4 Identification and Rating of VoIP-PSTN Access Traffic, (Cont'd.)

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C. Calculation and Application of Percent-VoIP-PSTN Usage Factor, (Cont'd.)

- 3. The Company will use the PVU-A and PVU-B factors to calculate an effective PVU factor that represents the percentage of total access MOU exchanged between the Company and the Customer that is originated and/or terminated in IP format, whether at the Company's end, at the Customer's end, or at both ends. The effective 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).
- 4. The Company will apply the effective PVU factor to the total intrastate access MOU exchanged with the Customer to determine the number of VoIP-PSTN Access Traffic MOUs.

Example 1: The PVU-A is 40% and the PVU-B is 10%. The effective PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. The Company will bill 46% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.

Example 2: The PVU-A is 0% and the PVU-B is 10%. The effective PVU factor is $0\% + (10\% \times 100\%) = 10\%$. The Company will bill 10% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.

Example 3: The PVU-B is 100%. No matter what the PVU-A factor is, the effective PVU is 100%. The Company will bill 100% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.

- 5. If the Customer does not furnish the Company with a PVU-A pursuant to the preceding paragraph 1, the Company will utilize an effective PVU equal to the PVU-B.
- 6. The Customer shall not modify their reported PIU factor to account for VoIP-PSTN Traffic.

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COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

2.3 Obligations of the Customer (Cont'd.)

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

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D. Initial PVU Factor

If the PVU factor is not available and/or cannot be implemented in the Company's billing systems by December 29, 2011, once the factor is available and can be implemented the Company will adjust the Customer's bills to reflect the PVU retroactively to December 29, 2011. In calculating the initial effective PVU, the Company will take the Customer-specified PVU-A into account retroactively to December 29, 2011, provided that the Customer provides the factor to the Company no later than April 15, 2012; otherwise, it will set the initial effective PVU equal to the PVU-B, as specified in subsection (C)(5), above.

E. PVU Factor Updates

The Customer may update the PVU-A factor or the Company may update the PVU-B quarterly using the method set forth in subsection C.1 or C.2, respectively, 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 effective PVU. The revised effective PVU factor will apply prospectively and serve as the basis for billing until superseded by a new effective PVU.

F. 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 effective 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 factors. The Customer shall retain the call detail, work papers, and/or other information used to develop the PVU factor for a minimum of one year. No prorating or back billing will be done based on updated PVU factors.

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COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 2 – RULES AND REGULATIONS, (CONT'D.)

2.4 Customer Equipment and Channels

2.4.1 General

A Customer may transmit or receive information or signals via the facilities of the Company.

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Material located on this page was previously located on Page 28.

COMPETITIVE TELECOMMUNICATIONS ACCESS SERVICES TARIFF

SECTION 4 – SWITCHED ACCESS SERVICE

4.1 General

Switched Access Service involves the use of common terminating, switching and transport facilities. Switched Access Service provides the ability to originate or terminate calls between an End User's Premises, Conference Bridge or other user of the Company's services and a Customer's Premises.

Rates and charges are set forth in Section 5. The application of rates for Switched Access Service is described in Section 5.

4.1.1 The Company will assess and collect switched access rate elements under this tariff for access services, 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 VoIP services that does not itself seek to collect switched access charges for the same traffic. The Company will not charge for functions not performed by the Company, its affiliated or unaffiliated provider of VoIP services. For purposes of this provision, functions provided by the Company as part of transmitting telecommunications between designated points using, in whole or in part, technology other than TDM transmission in a manner that is comparable to a service offered by a local exchange carrier constitutes the functional equivalent of carrier access service. (N)

4.2 Provision and Description of Switched Access Service Arrangements

4.2.1 Feature Group Access

Feature Group ("FG") Access provides trunk-side access to Local Switching Center switches, for the Customer's use in originating and terminating communications. Basic FG Access service will be provided with Multi-Frequency In-Band Signaling (SS7 is also available, where capabilities exist).

All traffic is routed to and from the Company's local switching center via the Customer's tandem provider or via end office trunking, where available.

4.2.2 Manner of Provision

Trunks used for Switched Access Service may be configured for one-way (either originating only or terminating only) or for two-way directionality.