



February 15, 2012

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FEB 16 2012

PUBLIC SERVICE COMMISSION

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

RE: Onvoy Filing to Revise its' North Dakota Intrastate Access Tariff

Dear Mr. Nitchke:

Enclosed for filing with the North Dakota Public Service Commission are an original and seven (7) copies of amended tariff pages to Onvoy's Intrastate Switched Access Tariff for North Dakota. These amendments are responsive to Verizon's February 6, 2012 letter raising concerns over Onvoy's methodology for calculation of the Percentage of Voice over Internet Protocol telephony usage ("PVU") made in its December 23, 2011 filing, Docket PU-12-16.¹

In this filing, Onvoy directly addresses Verizon's concerns of 1.) improper omission of IP-terminating traffic, 2.) failure to include provisions for a Company provided PVU and 3.) inadequate traffic identification process. Onvoy believes that the proposed tariff revisions address all of Verizon's concerns. As can be seen from the attached tariff pages, Onvoy's approach is not materially different from Verizon's own procedures.

Onvoy North Dakota Intrastate Access Tariff

New Page Number	Cancel Page Number
2 nd Revised Page 2	1 st Revised Page 2
2 nd Revised Page 46	1 st Revised Page 46
Original Page 46.1	NA
Original Page 46.2	NA
Original Page 46.3	NA

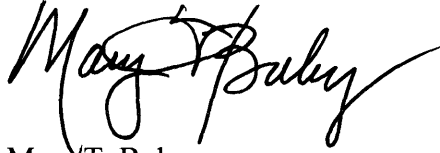
1 **PU-12-87** Filed: 2/16/2012 Pages: 7
Revised VOIP-PSTN traffic tariff

Onvoy, Inc.

¹ The February 6th, 2012 filing was made by Marilyn Foss, Attorney at Law, on behalf of Verizon.

Please acknowledge receipt of this filing by return electronic mail to me at mary.buley@Onvoy.com. Questions regarding this filing may be directed to me at 952-1230-4183.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Mary T. Buley". The signature is fluid and cursive, with the first name "Mary" being the most prominent.

Mary T. Buley
Senior Regulatory & Interconnection Manager
Onvoy, Inc.
952-230-4183

Enclosures

CC: Marilyn Foss, Attorney at Law, foss@btinet.net
Deborah Kuhn, Verizon, Deborah.kuhn@verizon.com

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 that are currently in effect as of the date on the bottom of this sheet.

<u>Sheet</u>	<u>Revision No.</u>	<u>Sheet</u>	<u>Revision No.</u>
1	Original	31	Original
2	2 nd Revised	32	Original
3	Original	33	Original
4	1 st Revised	34	Original
5	Original	35	Original
6	Original	36	Original
7	Original	37	Original
8	Original	38	Original
9	Original	39	Original
10	1 st Revised	40	Original
11	Original	41	Original
12	Original	42	Original
13	Original	43	Original
14	Original	44	Original
15	Original	45	Original
16	Original	46	2 nd Revised
17	Original	46.1	Original
18	Original	46.2	Original
19	Original	46.3	Original
20	Original	47	Original
21	Original	48	Original
22	Original	49	Original
23	Original	50	Original
24	Original	51	Original
25	Original	52	Original
26	Original	53	Original
27	Original	54	Original
28	Original	55	Original
29	Original	56	Original
30	Original	57	Original

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Mary Buley, Senior Regulatory and Interconnection Manager
300 South Highway 169, Suite 700
Minneapolis, Minnesota 55426

SECTION 5 - SWITCHED ACCESS SERVICE (CONT'D)

5.6 BILLING OF ACCESS MINUTES:

When recording originating calls over FGD with SS7 signaling, usage measurement begins with the transmission of the initial address message by the switch for direct Trunk groups and with the receipt of an exit message by the switch for tandem Trunk groups. The measurement of originating FGD usage ends when the entry switch receives or sends a release message, whichever occurs first.

For terminating calls over FGD with SS7 signaling, the measurement of access minutes begins when the terminating recording switch receives the initial address message from the terminating End User. On directly routed Trunk groups or on tandem routed Trunk groups, Onvoy switch receives the initial address message and sends the indication to the Customer in the form of an answer message. The measurement of terminating FGD call usage ends when the entry switch receives or sends a release message, whichever occurs first.

5.7 VOICE OVER INTERNET PROTOCOL – PUBLIC SWITCHED TELEPHONE NETWORK (“VOIP -PSTN”) TRAFFIC

A. 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 in a written agreement. Specifically, this section establishes the method of separating such traffic (referred to in this tariff as “Relevant VoIP-PSTN traffic”) from a Customer’s traditional intrastate access tariff, so that such Relevant VoIP-PSTN traffic can be billed in accordance with the FCC Order.

(N)
|
(N)

SECTION 5 - SWITCHED ACCESS SERVICE (CONT'D)

B. Company will bill and collect 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 the call is delivered to the called party's premises by an affiliated or unaffiliated provider of interconnected Voice over Internet Protocol service or a non-interconnected Voice Over Internet Protocol service that does not itself seek to collect Access Reciprocal Compensations for this traffic.¹

(N)
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(N)

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.

(D)

C. Calculations and Application of Percent VoIP-PSTN Usage

(N)

Company will determine the number of Relevant VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection 5.7.A, above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU exchanged between a Company End User and the Customer. The PVU will be derived and applied as follows.

1. The Customer will calculate and furnish to Company a factor (the "PVU-A") representing the percentage of the total intrastate and interstate access MOU that the Customer exchanges with Company in the State, that (a) is sent to Company and that originated in IP format; or (b) is received from Company and terminated 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.

(N)

¹. 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).

SECTION 5 - SWITCHED ACCESS SERVICE (CONT'D)

- (N)
2. Company will similarly calculate a factor (the "PVU-B") representing the percentage of Company's total intrastate and interstate access MOU in the State that Company originates or terminates on its network in IP format. This PVU-B shall be based on information such as the number of 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.
 3. Company will use the PVU-A and PVU-B factors to calculate a PVU factor that represents the percentage of total intrastate and interstate access MOU exchanged between a Company End User and the Customer that is originated or terminated in IP format, whether at 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).
 4. Company will apply the PVU factor to the total intrastate access MOU exchanged with the Customer to determine the number of Relevant VoIP-PSTN Traffic MOUs.

Example 1: The PVU-B is 10% and the PVU-A is 40%. The PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. Company will bill 46% of the Customer's intrastate access MOU at its applicable tariffed interstate rates.

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

Example 3: The PVU-A is 100%. No matter what the PVU-B factor is, the PVU is 100%. Company will bill 100% of the Customer's intrastate access MOU at Company's applicable tariffed interstate switched access rates.

5. If the Customer does not furnish Company with a PVU factor, the Company will utilize a PVU-a factor of zero.
- (N)

SECTION 5 - SWITCHED ACCESS SERVICE (CONT'D)

D. Initial PVU Factor.

(N)

If the PVU factor is not available and/or cannot be implemented in Company's billing systems by April 15, 2012, the Company will adjust the Customer's bills to reflect a PVU of zero retroactively to January 1, 2012.

E. PVU Factor Updates

The Customer may update the PVU-A factor quarterly. The Customer shall submit such update no later than the 15th day of January, April, July, and October of each year. Revised PVU factors must be based on the 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 factor to calculate a revised PVU. The revised PVU will be used for future billing and will be effective on the bid date of each month and will be used for subsequent monthly billing until superseded by a new PVU factor. No prorating or back billing will be done based on the updated PVU factors. The PVU factor will be billed beginning on January 1, 2012.

F. PVU Factor Verification

Not more than twice in any year, Company may ask the Customer to verify the PVU-A factor furnished to Company and a Customer may ask 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 factors.

(N)

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