

 **CROCKER & CROCKER**
ATTORNEYS AT LAW

PATRICK D. CROCKER
patrick@crockerlawfirm.com

RECEIVED

JUN 01 2012

May 29, 2012

PUBLIC SERVICE COMMISSION

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

RE: First Communications, LLC
Access Tariff Revision

Dear Mr. Nitschke:

Enclosed for filing with the Commission, please find an original and six (6) of the above captioned corporation's revised Access tariff pages 2, 29, 29.1-29.3 and 50-51.

This Tariff has been amended to comply with 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 and to reduce Intrastate Access Rates in accordance with FCC Requirements.

Also enclosed is an exact duplicate of this letter. Please stamp the duplicate received and return same in the self-addressed, stamped envelope attached thereto.

Should you have any questions, please contact the undersigned at (269) 381-8893 or patrick@crockerlawfirm.com.

Very truly yours,

CROCKER & CROCKER


Patrick D. Crocker

PDC/tld

1 **PU-12-245** Filed: 6/1/2012 Pages: 8
VOIP-PSTN Traffic

First Communications, LLC
Patrick Crocker

The Kalamazoo Building 107 West Michigan Avenue, Fourth Floor Kalamazoo, Michigan 49007

T 269.381.8893 | F 269.381.4855

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

CHECK SHEET

Pages of this Price List are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original Price List and are currently in effect as of the date on the bottom of this page.

| Page Number | Revision | Page Number | Revision | Page | Revision |
|-------------|--------------------------|-------------|--------------------------|------|--------------------------|
| 1 | Original | 24 | Original | 44 | Original |
| 2 | 1 st Revised* | 25 | Original | 45 | Original |
| 3 | Original | 26 | Original | 46 | Original |
| 4 | Original | 27 | Original | 47 | Original |
| 5 | Original | 28 | Original | 48 | Original |
| 6 | Original | 29 | 1 st Revised* | 49 | Original |
| 7 | Original | 29.1 | Original* | 50 | 1 st Revised* |
| 8 | Original | 29.2 | Original* | 51 | 1 st Revised* |
| 9 | Original | 29.3 | Original* | 52 | Original |
| 10 | Original | 30 | Original | 53 | Original |
| 11 | Original | 31 | Original | | |
| 12 | Original | 32 | Original | | |
| 13 | Original | 33 | Original | | |
| 14 | Original | 34 | Original | | |
| 15 | Original | 35 | Original | | |
| 16 | Original | 36 | Original | | |
| 17 | Original | 37 | Original | | |
| 18 | Original | 38 | Original | | |
| 19 | Original | 39 | Original | | |
| 20 | Original | 40 | Original | | |
| 21 | Original | 41 | Original | | |
| 22 | Original | 42 | Original | | |
| 23 | Original | 43 | Original | | |

*- indicates pages included in this filing

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS, (Cont' d.)

2.3 Obligations of the Customer (Cont'd.)

2.3.3 Jurisdictional Reporting (cont'd.)

(cont'd.)

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

* 2.4 moved to page 29.3

(M)

(M)

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

2.3.4 Identification and Rating of VoIP-PSTN Traffic**(A) Scope**

- (1) VoIP-PSTN Traffic is defined as traffic exchanged between the Telephone Company end user and the customer 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 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) ("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.
- (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 Relevant VoIP-PSTN Traffic in accordance with the FCC Order.

(B) Rating of VoIP-PSTN Traffic

The Relevant VoIP-PSTN Traffic identified in accordance with this tariff section will be billed at rates equal to the Telephone Company's applicable tariffed interstate switched access rates as specified in the Telephone Company's applicable federal access tariff. Please see: <http://www.firstcomm.com>.

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

The Telephone Company will determine the number of Relevant VoIP-PSTN 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 exchanged between a The Telephone Company end user and the customer. The PVU will be derived and applied as follows:

- (1) The customer will calculate and furnish to the Telephone Company a factor (the "PVU") representing the percentage of the total intrastate and interstate access MOU that the customer exchanges with the Telephone Company in the State, that (a) is sent to the Telephone Company and that originated in IP format; or (b) is received from the Telephone Company and terminated in IP format. This PVU shall be based on information such as traffic studies, actual call detail, or other relevant and verifiable information.

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

- (2) The Telephone 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.
- (3) If the customer does not furnish the Telephone Company with a PVU pursuant to the preceding paragraph 1, the Telephone Company will utilize a PVU equal to zero.

(D) Initial PVU Factor

If the PVU factor is not available and/or cannot be implemented in the Telephone Company's billing systems by December 29, 2011, once the factor is available and can be implemented the Telephone Company will adjust the customer's bills to reflect the PVU retroactively to December 29, 2011. This retroactive adjustment will be made to December 29, 2011, provided that the customer provides the factor to the Telephone Company no later than June 15, 2012; otherwise, it will set the initial PVU equal to zero, as specified in subsection (C)(1), above.

(E) PVU Factor Updates

The customer may update the PVU factor quarterly using the method set forth in subsection (C)(1), 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, April, July and/or October of each year, a revised PVU factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new PVU.

(F) PVU Factor Verification

Not more than four times in any year, the Telephone Company may ask the customer to verify the PVU factor furnished to the Telephone Company. The party so requested shall comply, and shall reasonably provide the records and other information used to determine the PVU factors.

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

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.

2.4.2 Station Equipment

- A. The Customer is responsible for providing and maintaining any terminal equipment on the Customer Premises. The electric power consumed by such equipment shall be provided by, and maintained at the expense of, the Customer. All such terminal equipment must be registered with the FCC under 47 C.F.R., Part 68 and all wiring must be installed and maintained in compliance with those regulations. The Company will, where practicable, notify the Customer that temporary discontinuance of the use of a service may be required; however, where prior notice is not practicable, nothing contained herein shall be deemed to impair the Company's right to discontinue forthwith the use of a service temporarily if such action is reasonable under the circumstances. In case of such temporary discontinuance, the Customer will be promptly notified and afforded the opportunity to correct the condition which gave rise to the temporary discontinuance. During such period of temporary discontinuance, credit allowance for service interruptions as set forth in Section 2.6 following is not applicable.

(M)

(M)

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

SECTION 5 - SWITCHED ACCESS RATES, (Cont' d.)

5.4 Rates and Charges

5.4.1 Reserved for Future Use

(T)
(D)
(D)
(N)

5.4.2 Transport and Termination and Facility Rates

| Mileage Band | Tandem Switched Transport – Termination Per Minute | Tandem Switched Transport – Facility, Per Minute, per Mile |
|---------------|--|--|
| 0 | \$0.00000000 | \$0.00000000 |
| Over 0 to 8 | \$0.00018000 | \$0.00004800 |
| Over 8 to 25 | \$0.00023100 | \$0.00002700 |
| Over 25 to 50 | \$0.00023800 | \$0.00001700 |
| Over 50 | \$0.00024000 | \$0.00001500 |

5.4.3 End Office Switching

| Zone | Interconnection Charge Per Minute | End Office Trunk Port Per Minute | Local Switching |
|------|-----------------------------------|----------------------------------|-----------------|
| All | \$0.00000000 | \$0.00074700 | \$0.00197400 |

(N)

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

SECTION 5 - SWITCHED ACCESS RATES, (Cont' d.)

5.4 Rates and Charges, (Cont'd.)

5.4.4 Toll-Free 8XX Data Base Query (T)

Per Query \$0.0055 (I)

5.4.5 Switched Access Optional Features (T)

All Optional Features are offered on an Individual Case Basis (ICB).