

AT&T Communications of New York, Inc.
P.S.C. No. 28 -- Telephone
Access Services And Network Interconnection Services
Effective Date: February 9, 2012

Section 2
Leaf No. 22
Revision: 1
Superseding Revision: 0

2. GENERAL REGULATIONS

2.3 OBLIGATIONS OF THE CUSTOMER (Cont'd)

2.3.10 Determination of Charges for Mixed Intrastate-interLATA, Intrastate-intraLATA, Interstate and/or Local Usage

Usage Sensitive Rate Elements

When the Customer's usage has mixed intrastate-interLATA, intrastate-intraLATA, interstate and/or local traffic, for that portion of the usage for which the Company is unable to determine the appropriate jurisdiction, the usage charges will be prorated between the various jurisdictions. The jurisdictional percentages or default procedure set forth in 2.3.9, preceding, will serve as the basis for prorating the charges.

Monthly and Nonrecurring Chargeable Rate Elements

When the jurisdiction of the rate element can be determined by the Company the charges applicable to the appropriate jurisdiction will be applied (e.g., a DS1 facility ordered in connection with Network Interconnection Services will be applied 100% to the local jurisdiction). Rate elements for which the Company cannot determine the appropriate jurisdiction will be prorated between the various jurisdictions. The jurisdictional percentages or default procedure set forth in 2.3.9, preceding, will serve as the basis for prorating the charges.

Identification and Rating of VoIP-PSTN Traffic (N)

A. Scope (N)

This section applies to VoIP-PSTN traffic exchanged between the Company and the customer in time division multiplexing ("TDM") format that originates in Internet protocol ("IP") format. (N)
VoIP-PSTN 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. (1) (N)

- (1) Although the Company has taken the position that this tariff, by its own terms, already applies to VoIP-PSTN traffic, as defined herein, the Company has included this section in the tariff out of an abundance of caution to prevent any claim that it does not so apply, and to implement the decision 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") that VoIP-PSTN access traffic should be exchanged at interstate access rates (unless the parties have agreed otherwise). By its terms, the FCC Order is prospective only and does not address preexisting law with regard to the applicability of intercarrier compensation or the enhanced service providers ("ESP") exemption to VoIP-PSTN Traffic. Including this section in the tariff in no way alters or otherwise affects the applicability of this tariff to VoIP-PSTN Traffic before the effective date of the FCC Order. (N)

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