

**Choice One Communications of New York Inc.**  
**d/b/a EarthLink Business**  
PSC No. 3 - Telephone  
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## SWITCHED ACCESS SERVICES TARIFF

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### SECTION 2 - GENERAL REGULATIONS, (CONT'D.)

#### 2.10 Obligations Of The Customer, (Cont'd.)

##### 2.10.7 Jurisdictional Reports

Where possible, the Company will determine the jurisdiction of both originating and terminating calls from the call detail records generated via the switched network, and bill usage according to such determination. A call that enters the Customer's network in a state different from the state in which the called station is located will be classified as interstate. A call that enters the Customer's network at a point within the same state where the called station is located will be classified as intrastate.

In those cases where it is not possible for the Company to determine the jurisdiction of the call from the call detail, the Customer may provide the Company with a percent interstate use. The percent, which should be represented as a whole number, is determined by taking the total interstate usage and dividing by the total minutes of use. The Customer may update the jurisdictional percentages reported to the Company on the First of January, First of April, First of July, and First of October. Reports should be received no later than the 20<sup>th</sup> of each month. Reports will be used on a go-forward basis, and will be in effect until the Customer submits a revised report. Customers beginning service in the middle of a quarter may submit a jurisdictional report at the onset of service.

In the absence of a Customer-provided percent interstate use, with respect to those cases where it is not possible for the Company to determine the jurisdiction of the Call from the call detail records, the Company will apply a default percent interstate use of eighty percent (80%) to such access traffic. The amount deemed intrastate in nature will be subject to assessment by the Company pursuant to the terms of this Tariff, and the remaining minutes and/or Facilities or other services will be assessed by the Company under the terms of the Company's FCC Access Tariff or, if applicable, other written agreement between the Customer and the Company.

No pro-rating or back-billing will be done based on the report. The Company may require call detail records to substantiate projected interstate usage provided to the Company. In the event that the required jurisdictional report is not provided, the Company recorded or estimated percentage of interstate usage will be applied to the bill.