

Talk America Inc.
d/b/a Cavalier Telephone
d/b/a PAETEC Business Services
NY PSC No. 3 Telephone

Leaf 29
Revision 0
Superseding Revision

Effective Date: July 5, 2012

SWITCHED ACCESS SERVICES

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

2.3 Obligations of the Customer, (Cont'd.)

2.3.3 Jurisdictional Report Requirements, (Cont'd.)

E. Contested Audits

1. When a PIU audit is conducted by an independent auditor selected by the Company, the audit results will be furnished to the Customer by Certified U.S. Mail (return receipt requested). The Customer may contest the audit results based on substantive cause by providing written notification, by Certified U.S. Mail (return receipt requested), to the Company within thirty (30) calendar days from the date the audit report is furnished to the Customer. When a PIU audit is conducted by an independent auditor selected by the Customer, the audit results will be furnished to the Company by Certified U.S. Mail (return receipt requested). The Company may contest the audit results by providing written notification, by Certified U.S. Mail (return receipt requested), to the Customer within thirty (30) calendar days from the date the audit report is furnished to the Company.
2. Contested audits may be resolved by a neutral arbitrator mutually agreed upon by the Company and the Customer. Arbitration is an option provided in addition to the Customer's existing right to file a complaint or legal action in a court of law or at the FCC for resolution of the dispute. The arbitration hearing will be conducted in a state or location within the Company operating territory where the Customer maintains a principle or significant presence or a state and location within the Company operating territory that is mutually agreed upon by both parties. The arbitration proceeding shall be governed by the law (both statutory and case) of the state in which the arbitration hearing is held, including, but not limited to, the Uniform Arbitration Act, as adopted in that state. The arbitrator shall determine the Customer's PIU based on A. preceding.

Issued by: Vice President – Regulatory Affairs, Richmond, Virginia 23277