

PSC NO: 1 TELEPHONE
SBC Long Distance, LLC d/b/a SBC Long
Distance
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11.2.5 Network Availability

For SBC PremierSERVSM ATM and Frame Relay Services provided to the Customer, the Company is committed to maintaining an average Network Availability of 99.99% each calendar month per network and within a LATA. Network Availability is measured based on components purchased from Company.

If Customer's entire network consists of Port and Access provided by Company at all Customer locations, then Network Availability is based on PVC/VPC/VCC, measured from Network Interface to Network Interface.

If Customer purchased port only from Company, then Network Availability is based on PVC/VPC/VCCs measured from ingress switch port to egress switch port.

(A) The calculation for the average Network Availability for a given calendar month shall be as follows:

$$\text{Network \%} = 100 - \left(\frac{\text{Total minutes of PVC/VPC/VCC network outage time per month}}{\text{Total \# of PVC/VPC/VCCs} \times 24 \text{ hours} \times \text{days per month} \times 60 \text{ minutes}} \right) \times 100$$

The following shall be excluded from any "network outage time":

- Force majeure;
- Data lost during the Company's scheduled maintenance window;
- Failures due to facilities or equipment provided by another party or the Customer;
- Failures due to unauthorized use of Service or inaccurate network specifications requested by the Customer;
- Failures due to negligence or willful misconduct by the Customer;
- Customer "no access" time as defined below:
 - Customer not available;
 - Coordinated Vendor meeting;
 - Abeyance on Customer request;
 - After hours testing because no Customer daytime release; or
 - Tickets referred to another party.
 - Access failures (if Access is not provided by Company)

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