

TC Systems, Inc.
P.S.C. No. 7 -- Telephone
Access Services
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Section 9
Leaf No. 21
Revision: 2
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9. AT&T DEDICATED ETHERNET

(T)

9.7 Ethernet Payment Plan (EPP) (continued)

9.7.11 Upgrades

The following activities are considered Upgrades for AT&T Dedicated Ethernet:

- Upgrades of AT&T Dedicated Ethernet from a lower capacity to a higher-capacity speed option (e.g., conversion from a 1 Gbps to a 10 Gbps speed option).
- Same speed conversions of AT&T Dedicated Ethernet (e.g. 10GE LAN-PHY to 10GE WAN-PHY, 40GE to OTU3, etc.)
- Replacement of AT&T Dedicated Ethernet with Company-provided service at a transport speed or capacity greater than the speed or capacity available with AT&T Dedicated Ethernet, or at the same transport speed or capacity as available with AT&T Dedicated Ethernet but with enhanced technology or functionality not available with AT&T Dedicated Ethernet.

Upgrades will be treated as a discontinuance of service and activation of new service. The Customer must select an EPP term for the new circuit. The monthly rates for the new service will be those rates in effect at the time the new service is installed. 100% of any waived non-recurring charges will apply if EPP term has not expired. The Customer will experience an out of service condition unless overlapping service is requested. Upgrades are contingent on availability of equipment and fiber facilities. Other Special Construction charges, as necessary, may apply.

EPP Termination Liability will not apply for upgrades, if all of the following conditions are met:

- The new and existing services must be billed to the same Customer at the same Customer location; and
- The Customer's existing AT&T Dedicated Ethernet must have been in place for at least 12 months; and
- The EPP term for the new service must be equal to or greater than the remainder of the Customer's existing EPP term; and
- The order for the new service and the disconnect order for the existing service must be placed by the Customer and received by the Company on the same date; and
- If the Customer requests that both the existing AT&T Dedicated Ethernet and the new higher level service be in service at the same time, such overlapping service shall be provided for no more than 90 days, and all applicable charges will be billed for both services during the period of overlapping service; and
- No lapse in service occurs.

Issued by: Linda Guay, Director