

XO Communications Services, LLC
New York PSC – Tariff No. 2 - Telephone
Effective Date: September 20, 2013

Leaf 33
Revision: 0
Superseding Revision:

INTRASTATE ACCESS SERVICES TARIFF

SECTION 2 - REGULATIONS, (CONT'D.)

2.3 Obligations to the Customer, (Cont'd)

2.3.3 Jurisdictional Reporting, (cont'd.)

2.3.3.6 Determination of Jurisdiction of Mixed Use Special Access Service:

When an ASR is submitted for interstate and intrastate Special Access Service or the Customer uses such services, the Customer will provide to the Company an estimate of whether the interstate traffic will comprise more than 10 percent or less than 10 percent of total traffic. For existing services, the Customer is required to certify the jurisdiction of its service.

- (a) If the Customer estimates that the interstate traffic on the service involved constitutes more than 10 percent of the Customer's total traffic on that service, the service will be provided in accordance with the applicable rules and regulations of XO Communications, Inc.'s Federal Access Tariff (FCC No. 3).
- (b) If the Customer estimates that the interstate traffic on the service involved constitutes 10 percent or less of the Customer's total traffic on that service, the service will be provided in accordance with the applicable rules and regulations of this tariff.