XO Communications Services, LLC

New York PSC – Tariff No. 3 - Telephone Effective Date: September 20, 2013

Leaf 36 Revision: 0 Superseding Revision:

ACCESS SERVICE

SECTION 2 - TERMS AND CONDITIONS, (CONT'D.)

2.22 <u>Identification and Rating of Toll VoIP-PSTN Traffic</u>

F. PVU Factor Verification

- Not more than twice in any year, the Company may request from the Customer an
 overview of the process used to determine the PVU-C factor, the call detail records,
 description of the method for determining how the end user originates or terminates
 calls in IP format, and other information used to determine the Customer's PVU-C
 factors furnished to the Company in order to validate the PVU-C factor supplied. The
 Customer shall supply the requested data and information within 30 days of the
 Company's request.
- 2. The Company may dispute the Customer's PVU-C factor based upon:
 - (a) A review of the requested data and information provided by the Customer.
 - (b) The Company's review of other market information, FCC reports on VoIP lines, such as FCC Form 477 or state level results based on FCC Local Competition Report or other relevant data.
 - (c) A change in the reported PVU-C factor by more than five percentage points from the preceding quarter.
- 3. If, after review of the data and information, the Customer and the Company agree upon a revised PVU-C factor, the Customer and the Company will begin using that revised PVU-C factor with the next bill period.