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NEW APPLICATION



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July 23, 2012

VIA FED EX

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

T-02847A-12-0334

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RE: Accipiter Communications, Inc. dba Zona Communications - FCC Order VoIP Compliance Filing

Dear Corporation Commissioners and Staff:

Enclosed are the original and 13 copies of the proposed tariff filing for Accipiter Communications, Inc. dba Zona Communications (T-02847A) filed with the Arizona Corporation Commission on file as A.C.C. No. 1.

Revised
Tariff Sheets

Canceling Tariff
Sheets

1st Revised Contents Sheet No. 1
Original Sheet Nos. 72.1, 72.2, 72.3, 72.4, 72.5

Original Contents Sheet No. 1

The purpose of this filing is to add a section for Identification and Rating of VoIP-PSTN Traffic, which was addressed in the Federal Communications Commission (FCC) Report and Order and Further Notice of Proposed Rulemaking (USF/ICC Transformation Order) in Docket Nos. 10-90, et al. (FCC 11-161), Rel. 11/18/11, that became effective December 29, 2011. This filing establishes the obligations of the customer relevant to VoIP-PSTN Traffic.

This filing is also made in compliance with the recent FCC Second Order on Reconsideration, in Docket Nos. 10-90, et al., (FCC 12-47), Rel. 4/25/12. In that Order, the FCC provides that intrastate originating access rates apply for originating intrastate toll VoIP traffic (including traffic that originates in IP, terminates in IP, or both) until June 30, 2014. The Order clarifies that interstate rates apply to originating access for VoIP-originated traffic for the period of December 29, 2011 until the effective date of the Order which was July 13, 2012.

It is requested that this filing become effective August 21, 2012.

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Docket Control
July 23, 2012
Page 2 of 2

This filing will not increase any rate or charge, cause the withdrawal of service, or conflict with other Tariff sections.

Please call me at 209.955.6103 or e-mail me at lorrie.bernstein@mossadams.com if you have any questions about the content or Chris Gilmore at 209.955.6151 for questions on the filing.

Sincerely,



Lorrie Bernstein
For Moss Adams LLP

LB:cg

Enclosures

cc/encs: Patrick Sherrill (Via E-mail)
Jenifer Vellucci (Via E-mail)

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SWITCHED ACCESS SERVICE

(N)

6. Obligations of the Customer (Cont'd)

6.5 Identification and Rating of Toll VoIP – PSTN Traffic

A. Scope

VoIP-PSTN Traffic is defined as traffic exchanged between the Company end user and the customer in time division multiplexing (“TDM”) format that originates and/or terminates in Internet protocol (“IP”) format. This section governs the identification of Toll VoIP-PSTN Traffic that is required to be compensated at interstate access rates (unless the parties have agreed otherwise) as directed by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (November 18, 2011) (“FCC Order”). Specifically, this section establishes the method of separating Toll VoIP-PSTN Traffic from the customer’s traditional intrastate access traffic, so that such traffic can be billed in accordance with the FCC Order.

B. Rating of Toll VoIP-PSTN Traffic

The relevant VoIP-PSTN Traffic identified in accordance with this tariff section that is originated on the Company’s network that originates and/or terminates in IP format shall be billed for the period December 29, 2011 through July 12, 2012 at rates equal to the Company’s applicable tariffed interstate originating switched access rates as specified in the Company’s applicable federal access tariff; for the period July 13, 2012 through June 30, 2014 such traffic shall be billed at rates equal to the Company’s applicable tariffed intrastate originating switched access rates; and beginning July 1, 2014 such traffic shall be billed at rates equal to the Company’s applicable tariffed interstate originating switched access rates as specified in the Company’s applicable federal access tariff. No inference should be taken that intrastate toll VoIP traffic occurring prior to the effective date of the FCC Order is not subject to this Tariff. The terminating toll VoIP traffic will be billed at the federal access tariff rates and the traffic will be separated using a Percent VoIP Usage (PVU) factor; if provided by the customer.

(N)

SWITCHED ACCESS SERVICE

(N)

6. Obligations of the Customer (Cont'd)

6.5 Identification and Rating of Toll VoIP – PSTN Traffic (Cont'd)

C. Calculation and Application of Percent-VoIP-Usage Factor

1. The Company will determine the number of originating intrastate Toll VoIP-PSTN Traffic minutes of use (MOU) to which interstate rates will be applied under B., preceding, by applying an originating Percent VoIP Usage (PVU) factor to the total intrastate access MOU originated by a Company end user and delivered to the customer.
2. The Company will determine the number of terminating intrastate Toll VoIP-PSTN Traffic minutes of use (MOU) to which interstate rates will be applied under B., preceding, by applying a terminating PVU factor to the total intrastate access MOU terminated by a customer to the Company's end user.
3. The customer will calculate and furnish to the Company an originating PVU factor (along with the supporting documentation in 6.5, C.6 below) representing the whole number percentage of the customer's total originating intrastate access MOU that the customer receives from the Company and that is terminated in IP format and that would be billed by the Company as intrastate originating access MOU.
4. The customer will calculate and furnish to the Company a terminating PVU factor (along with the supporting documentation) representing the whole number percentage of the customer's total terminating intrastate access MOU that the customer sent to Company and which originated in IP format and that would be billed by the Company as intrastate terminating access MOU.
5. The customer shall not modify their reported PIU factor to account for VoIP- PSTN Traffic.

(N)

SWITCHED ACCESS SERVICE

(N)

6. Obligations of the Customer (Cont'd)

6.5 Identification and Rating of Toll VoIP – PSTN Traffic (Cont'd)

C. Calculation and Application of Percent-VoIP-Usage Factor (Cont'd)

6. Both the customer provided originating PVU factor and the terminating PVU factor shall be based on information such as the number of the customer's retail VoIP subscriptions in the state (e.g. as reported on F.C.C. Form 477), traffic studies, actual call detail or other relevant and verifiable information.
7. The customer shall retain the call detail, work papers, and information used to develop the PVU factors for a minimum of two years.
8. If the Customer does not furnish the Company with a PVU factor, the Company will utilize a PVU factor equal to zero.

D. Initial PVU Factor

1. If the customer provided the PVU factors to the Company by April 15, 2012, the Company will retroactively adjust the customer's bills to reflect the PVU as of December 29, 2011. If the Customer did not provide PVU factors by April 15, 2012, the Company will set the PVU factors equal to zero.

E. PVU Factor Updates

The customer may update the PVU factors quarterly using the method set forth in subsection 6.5,C.3 & C.4., preceding. Any updated PVU factors shall be forwarded to the Company no later than 15 days after the first day of January, April, July and/or October of each year. The revised PVU factors shall be based on data for the prior three months, ending the last day of December, March, June and September, respectively. The revised PVU factors will serve as the basis for future billing, and will be effective on the bill date of each such month, and shall serve as the basis for subsequent monthly billing until superseded by new PVU factors. No prorating or back billing will be done based on the updated PVU factors.

(N)

SWITCHED ACCESS SERVICE

(N)

6. Obligations of the Customer (Cont'd)

6.5 Identification and Rating of Toll VoIP – PSTN Traffic (Cont'd)

F. PVU Factor Verification

1. Not more than four times in any year, the Company may request from the customer an overview of the process used to determine the PVU factors, the call detail records, description of the method for determining how the end user originates and terminates calls in IP format, and other information used to determine the customer's PVU factors furnished to the Company in order to validate the PVU factors supplied. The customer shall comply, and shall reasonably supply the requested data and information within 15 days of the Company's request.
2. The Company may dispute a customer's PVU factor in writing based upon:
 - A review of the requested data and information provided by the customer,
 - The Company's reasonable review of other market information, F.C.C. reports on VoIP lines, such as F.C.C. Form 477 or state level results based on the F.C.C. Local Competition Report or other relevant data.
 - A change in a reported PVU factor by more than five percentage points from the preceding submitted factor.
3. If after review of the data and information, the customer and the Company establish a revised PVU factor, the Company may apply the revised PVU factor retroactively to the beginning of the quarter.

(N)

SWITCHED ACCESS SERVICE

(N)

6. Obligations of the Customer (Cont'd)

6.5 Identification and Rating of Toll VoIP – PSTN Traffic (Cont'd)

F. PVU Factor Verification (Cont'd)

4. If the dispute is unresolved, the Company may initiate an audit. The Company shall limit audits of the customer's PVU factor(s) to no more than twice per year. The customer may request that the audit be conducted by an independent auditor. In such cases the associated auditing expenses will be paid by the customer.

- In the event that the customer fails to provide adequate records to enable the Company or an independent auditor to conduct an audit verifying the customer's PVU factor(s), the Company will bill the usage for all contested periods using the most recent undisputed PVU factor(s) reported by the customer. The PVU factor(s) will remain in effect until the audit can be completed.
- During the audit, the most recent undisputed PVU factor(s) from the previous reporting period will be used by the Company.
- The Company will adjust the customer's PVU factor(s) based on the results of the audit and implement the revised PVU factor(s) in the next billing period or quarterly report date, whichever is first. The revised PVU factor(s) will apply for the next two quarters before new factor(s) can be submitted by the customer.
- If the audit supports the customer's PVU factor(s), the usage for the contested periods will be retroactively adjusted to reflect the customer's audited PVU factor(s).

(N)