



September 4, 2012  
**Via Web Filing**

Ms. Brandy Darlington, Tariff Administrator  
Indiana Utility Regulatory Commission  
101 West Washington Street  
Suite 1500 E  
Indianapolis, IN 46204

RE: ACN Communication Services, Inc.  
Revision for I.U.C. Tariff No. 2 (Access)

Dear Ms. Darlington:

Attached for filing please find the above referenced tariff filing submitted on behalf of ACN Communication Services, Inc. This filing, made under the Thirty-Day Administrative Filing Procedure (170 IAC 1-6-5), makes revisions to incorporate the requirements of the Federal Communications Commission Report and Order in WC Docket No. 10-90, etc., FCC No. 11-161 (released Nov 18, 2011) and Second Order On Reconsideration, FCC 12-47 (released Apr. 25, 2012) regarding the treatment of Toll VoIP-PSTN traffic. A copy of the Legal Notice is attached and the Affidavit of publication will be submitted under separate cover. The Company respectfully requests an effective date of October 5, 2012.

The following tariff pages are included:

3 <sup>rd</sup> Revised Page 1	Updates Check Sheet
1 <sup>st</sup> Revised Page 9	Adds Definitions
1 <sup>st</sup> Revised Page 28	Adds Identification & Rating of Toll VoIP-PSTN Access Traffic, Moves Text
Original Pages 28.1 – 28.3	Adds Identification & Rating of Toll VoIP-PSTN Access Traffic
Original Page 28.4	Moves Text

Any questions you may have regarding this filing should be directed to my attention at 407-740-3031 or via email to [stthomas@tminc.com](mailto:stthomas@tminc.com). Thank you for your assistance in this matter.

Sincerely,

/s/ Sharon Thomas

Sharon Thomas  
Consultant to ACN Communication Services, Inc.

cc: Legal Department - ACN  
file: ACN - Indiana - Access  
tms: INa1205

Attachments  
ST/sp

LEGAL NOTICE  
of  
**ACN Communication Services, Inc.**

ACN Communication Services, Inc. has filed a revision to its Indiana access tariff, I.U.C. Tariff No.2, to add certain terms and conditions to incorporate the requirements of the Federal Communications Commission Report and Order in WC Docket No. 10-90, etc., FCC No. 11-161 (released Nov. 18, 2011) and Second Order On Reconsideration, FCC 12-47 (released Apr. 25, 2012) regarding the treatment of Toll VoIP-PSTN traffic. This filing does not impact rates, but may affect wholesale customers who purchase switched access services from ACN Communication Services, Inc.

The filing was made on September 5, 2012 and upon approval by the Indiana Public Utilities Commission, the change will have an effective date no earlier than October 5, 2012. Objections to this filing may be made to: Indiana Office of Utility Consumer Counselor, PNC Center, 115 W. Washington St., Suite 1500 South, Indianapolis, Indiana 46204; Fax: (317) 232-5923, Telephone: Toll Free 1-888-441-2494, Voice/TDD (317) 232-2494, or the Secretary of the Indiana Regulatory Commission, 101 West Washington St., Suite 1500 E, Indianapolis, IN 46204 Tel.: (317) 232-2701, Fax: (317) 232-6758.

**COMPETITIVE ACCESS PROVIDER SERVICES TARIFF**

---

**CHECK SHEET**

Sheets of this rate sheet are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original rate sheet and are currently in effect as of the date on the bottom of this sheet.

<b>PAGE</b>	<b>REVISION</b>		<b>PAGE</b>	<b>REVISION</b>		<b>PAGE</b>	<b>REVISION</b>
Title	Original		26	Original		43	Original
1	3 <sup>rd</sup> Revised	*	27	Original		44	Original
2	Original		28	1 <sup>st</sup> Revised	*	45	Original
3	Original		28.1	Original	*	46	Original
4	Original		28.2	Original	*	47	Original
5	Original		28.3	Original	*	48	Original
6	Original		28.4	Original	*	49	1 <sup>st</sup> Revised
7	Original		29	Original		50	Original
8	Original		30	Original		51	Original
9	1 <sup>st</sup> Revised	*	31	Original		52	2 <sup>nd</sup> Revised
10	Original		32	Original		53	Original
11	Original		33	Original		54	Original
12	Original		34	Original		55	Original
13	Original		35	Original			
14	Original		36	Original			
15	Original		37	Original			
16	Original		38	Original			
17	Original		39	Original			
18	Original		40	Original			
19	Original		41	Original			
20	Original		42	Original			
21	Original						
22	Original						
23	Original						
24	Original						
25	Original						

\*- indicates pages included in this filing

---

Issued: September 5, 2012

Effective: October 5, 2012

By: Treasurer/CFO

**COMPETITIVE ACCESS PROVIDER SERVICES TARIFF**

---

**SECTION 1 - DEFINITIONS, (Cont' d.)**

Recurring Charges: The monthly charges to the Customer for services, facilities and equipment, which continue for the agreed upon duration of the service.

Service Order: The written request for Network Services executed by the Customer and the Company in a format devised by the Company; or, in the alternative, the submission of an Access Service Request by the Customer in the manner specified in this rate sheet.

Service(s): The Company's telecommunications Access Services offered on the Company's Network.

Signaling Point of Interface: The Customer designated location where the SS7 signaling information is exchanged between the Company and the Customer.

Signaling System 7 (SS7): The common Channel Out of Band Signaling protocol developed by the Consultative Committee for International Telephone and Telegraph (CCITT) and the American National Standards Institute (ANSI).

Switched Access Service: Access to the switched network of an Exchange Carrier for the purpose of originating or terminating communications. Switched Access is available to carriers, as defined in this rate sheet.

TDM: A method of transmitting and receiving voice signals over the Public Switched Telephone Network (PSTN). (N)

Toll VoIP-PSTN Access Traffic: Access traffic exchanged between the Company and the Customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. Traffic originates and/or terminates in IP format if it originates from and/or terminates to an end user customer of a service that requires Internet protocol compatible customer premises equipment. (N)

Trunk: A communications path connecting two switching systems in a network, used in the establishment of an end-to-end connection.

VoIP – Voice over Internet Protocol: Transmission of communication by aid of wire, cable, radio, or other like connection using Voice Over Internet Protocol that is originated or terminated in Internet Protocol (IP) format. VoIP services are those services that require the use of IP compatible customer premises equipment. (N)

Wireless Provider: Any carrier authorized to operate as a provider of cellular, personal communications, paging or any other form of wireless transmission.

COMPETITIVE ACCESS PROVIDER SERVICES TARIFF

**SECTION 2 - RULES AND REGULATIONS, (Cont' d.)**

**2.3 Obligations of the Customer, (Cont' d.)**

**2.3.3 Jurisdictional Reporting, (Cont' d.)**

(Cont' d.)

The Customer shall keep records of call detail from which the percentage of interstate and intrastate use can be ascertained and, upon request of the Company, shall make the records available for inspection as reasonably necessary for purposes of verification of the percentages. The Company reserves the right to conduct an audit at any time during the year. The Customer, as its own expense, has the right to retain an independent auditing firm.

**2.3.4 Identification and Rating of Toll VoIP-PSTN Access Traffic**

(N)

**A. Scope**

Toll VoIP-PSTN Traffic is the traffic exchanged 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) by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90 et. al., FCC No. 11-161 (November 18, 2011) ("FCC Order") and the FCC's Second Order on Reconsideration (April 25, 2012) ("Second Order"). Specifically, this section establishes the method of separating such traffic (referred to in this tariff as "Relevant VoIP-PSTN Access Traffic") from the Customer's traditional intrastate access traffic, so that such Relevant VoIP-PSTN Access Traffic can be billed in accordance with the FCC Order and Second Order.

**B. Rating of Toll VoIP-PSTN Access Traffic**

The Relevant VoIP-PSTN Access Traffic identified in accordance with this tariff section will be billed in accordance with the Company's applicable interstate switched access Tariff FCC No. 1.

(N)

*Some material previously found on this page now found on Original Page 28.4*

**COMPETITIVE ACCESS PROVIDER SERVICES TARIFF**

---

**SECTION 2 - RULES AND REGULATIONS, (Cont' d.)**

**2.3 Obligations of the Customer, (Cont' d.)**

2.3.4 Identification and Rating of Toll VoIP-PSTN Access Traffic (Continued)

(N)

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

The Company will determine the number of Relevant VoIP-PSTN Access Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection 2.3.4.B, above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU (however determined – either based on call detail information or PIU) exchanged between the Company and the Customer until October 5, 2012 and after June 30, 2014. From October 5, 2012 through June 30, 2014, the PVU will be applied to only the terminating intrastate access MOU. The PVU will be derived and applied as follows:

1. The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the whole number percentage of the total intrastate access MOU that the Customer exchanges with the Company in the State, that (a) is terminating access sent to the Company and that originates in IP format; or (b) is originating access received from the Company and terminates in IP format until October 5, 2012 and after June 30, 2014. From October 5, 2012 through June 30, 2014, the PVU will represent only the terminating intrastate access MOU. This PVU-A shall be based on information such as the number of the Customer's retail VoIP subscriptions in the state (e.g., as reported on FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information.
  
2. Company will, likewise, calculate a factor (the "PVU-B") representing the percentage of the Company's total intrastate access MOU in the State that the Company originates or terminates in IP format until October 5, 2012 and after June 30, 2014. From October 5, 2012 through June 30, 2014, the PVU will represent only the terminating intrastate access MOU. This PVU-B shall be based on information such as the number of the Company's retail VoIP subscriptions in the state (e.g., as reported on FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information.

(N)

Issued: September 5, 2012

Effective: October 5, 2012

By: Treasurer/CFO

**COMPETITIVE ACCESS PROVIDER SERVICES TARIFF**

**SECTION 2 - RULES AND REGULATIONS, (Cont' d.)**

**2.3 Obligations of the Customer, (Cont' d.)**

**2.3.4 Identification and Rating of Toll VoIP-PSTN Access Traffic (Continued)**

(N)

**C. Calculation and Application of Percent-VoIP-PSTN Usage Factor (Continued)**

3. The Company will use the PVU-A and PVU-B factors to calculate an effective PVU factor that represents the percentage of total intrastate access MOU exchanged between the Company and the Customer that is originated or/or terminated in IP format, whether at the Company's end, at the Customer's end, or at both ends until October 5, 2012 and after June 30, 2014. From October 5, 2012 through June 30, 2014, the PVU will represent only the relevant terminating intrastate access MOU. The effective PVU factor will be calculated as the sum of: (A) the PVU-A factor and (B) the PVU-B factor times (1.0 minus the PVU-A factor).

4. The Company will apply the effective PVU factor to the applicable intrastate access MOU exchanged with the Customer to determine the number of VoIP-PSTN Access Traffic MOUs.

Example 1: The PVU-A is 40% and the PVU-B is 10%. The effective PVU factor is equal to  $40\% + (10\% \times 60\%) = 46\%$ . The Company will bill 46% of the Customer's applicable intrastate access MOU in accordance with the Company's interstate switched access tariff.

Example 2: The PVU-A is 0% and the PVU-B is 10%. The effective PVU factor is  $0\% + (10\% \times 100\%) = 10\%$ . The Company will bill 10% of the Customer's applicable intrastate access MOU in accordance with the Company's interstate switched access tariff.

Example 3: The PVU-B is 100%. No matter what the PVU-A factor is, the effective PVU is 100%. The Company will bill 100% of the Customer's intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.

5. If the Customer does not furnish the Company with a PVU-A pursuant to the preceding paragraph A., the Company will utilize an effective PVU equal to the PVU-B.

6. The Customer shall not modify their reported PIU factor to account for Toll VoIP-PSTN Traffic.

(N)

**COMPETITIVE ACCESS PROVIDER SERVICES TARIFF**

---

**SECTION 2 - RULES AND REGULATIONS, (Cont' d.)**

**2.3 Obligations of the Customer, (Cont' d.)**

2.3.4 Identification and Rating of VoIP-PSTN Access Traffic (Continued) (N)

D. Initial PVU Factor

Until the Company receives a PVU-A from the Customer, the Company will set the PVU equal to the PVU-B, as specified in 2.3.4.C.5 above.

E. PVU Factor Updates

The Customer may update the PVU-A factor or the Company may update the PVU-B quarterly using the method set forth in subsection 2.3.4.C.1 or 2.3.4.C.2, respectively, above. If the Customer chooses to submit such updates, it shall forward to the Company, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU-A factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The Company will use the revised PVU-A to calculate a revised effective PVU. The revised effective PVU factor will apply prospectively and serve as the basis for billing until superseded by a new effective PVU.

F. PVU Factor Verification

Not more than twice in any year, the Company may ask the Customer to verify the PVU-A factor furnished to the Company and Customer may ask the Company to verify the PVU-B factor and the calculation of the effective PVU factor. The party so requested shall comply, and shall reasonably provide the records and other information used to determine the respective PVU-A and PVU-B factors. The Customer shall retain the call detail, work papers, and/or other information used to develop the PVU factor for a minimum of one year.

**COMPETITIVE ACCESS PROVIDER SERVICES TARIFF**

---

**SECTION 2 - RULES AND REGULATIONS, (Cont' d.)**

**2.4 Customer Equipment and Channels**

**(M)**

2.4.1 General

A Customer may transmit or receive information or signals via the facilities of the Company.

2.4.2 Station Equipment

A. The Customer is responsible for providing and maintaining any terminal equipment on the Customer Premises. The electric power consumed by such equipment shall be provided by, and maintained at the expense of, the Customer. All such terminal equipment must be registered with the FCC under 47 C.F.R., Part 68 and all wiring must be installed and maintained in compliance with those regulations. The Company will, where practicable, notify the Customer that temporary discontinuance of the use of a service may be required; however, where prior notice is not practicable, nothing contained herein shall be deemed to impair the Company's right to discontinue forthwith the use of a service temporarily if such action is reasonable under the circumstances. In case of such temporary discontinuance, the Customer will be promptly notified and afforded the opportunity to correct the condition which gave rise to the temporary discontinuance. During such period of temporary discontinuance, credit allowance for service interruptions as set forth in Section 2.6 following is not applicable.

**(M)**

*Material now found on this page previously found on Original Page 28*