

February 16, 2012 Via Web Filing

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

RE: BullsEye Telecom, Inc. Revision for I.U.R.C. No. T-1

Dear Ms. Darlington:

Enclosed for filing please find the above referenced tariff filing submitted on behalf of BullsEye Telecom, Inc. This filing 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) ("FCC Order") regarding the treatment of VoIP-PSTN traffic. This filing also mirrors the Company's FCC access tariff revision and rates related to Toll VoIP-PSTN traffic. Included with this filing as Attachment A are the revisions to the Company's FCC Tariff No. 3 (Access) filed on December 30, 2011, Included as Attachment B are the current interstate rates as filed in the Company's FCC Tariff No. 3. The Company respectfully requests an effective date of March 18, 2012 for this filing.

The following tariff pages are included:

4 th Revised Page 4	Updates Table of Contents
35 th Revised Page 5	Updates Check Sheet
1 st Revised Page 9	Adds Definitions
5 th Revised Page 59	Adds Application of Charges to VoIP-PSTN Traffic, Moves Text
1 st Revised Page 59.1	Moves Text
Original Pages 60.1 – 60.4	Adds Identification & Rating of VoIP-PSTN Traffic

Any questions you may have regarding this filing should be directed to my attention at 407-740-3004 or via email to rnorton@tminc.com. Thank you for your assistance in this matter.

Sincerely,

/s/ Robin Norton

Robin Norton Consultant to BullsEye Telecom, Inc.

cc: David Bailey - BullsEye Telecomfile: BullsEye Telecom - Indiana - Accesstms: INa1201

Enclosures RN/sp

<u>Received by IURC 2/16/12-BD</u> BULLSEYE TELECOM, INC.

<u>30-day Filing ID # 2956</u> I.U.R.C. NO. T-1 4TH REVISED PAGE NO. 4 CANCELS 3RD REVISED PAGE NO. 4

5.	Other Services		
5.1	Operator Services	54	
	5.1.1 Operator Assistance	54	
	5.1.2 Busy Line Verification and Interrupt Service	55	
	5.1.3 Local Operator Services Rates	55	
	5.1.4 Local Operator Assisted Call Surcharges	55	
5.2	Directory Listings		
5.3	Vanity Numbers	58.1	
6.	Access Charges	59	
6.1	General		
6.2	Billing and Payment for Service59		
6.3	Exceptions to BullsEye Telecom, Inc.'s FCC No. 3 Tariff	59.1	(T)
	A. Miscellaneous Services and Charges		(T)
	B. Local Transport		. ,
6.4	Identification and Rating of VoIP-PSTN Traffic	60.1	(N)
7.	Grandfathered Services	61	. ,
7.1	Local Exchange Service	61	

BULLSEYE TELECOM, INC.

CHECK SHEET

Pages of this tariff are effective as of the date shown. Original and revised pages, as named below, comprise all changes from the original tariff in effect on the date indicated.

37.1 Original 50 Original	361st Revised46.2Original70Original36.1Original46.3Original711st Revised36.21st Revised47Original72Original36.3Original48Original732nd Revised371st Revised49Original732nd Revised	36.1 36.2 36.3 37	Original 1 st Revised Original 1 st Revised	46.3 47 48 49	Original Original Original Original	71 72	1 st Revised Original	* * * * *
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Local Exchange Carrier: A company that furnishes exchange telephone service.

Mbps: Megabits, or millions of Bits, per second.

Non-Recurring Charges: The one-time initial charges for services or facilities, including but not limited to charges for construction, installation, or special fees, for which the Customer becomes liable at the time the Service Order is executed.

Off-Hook: The term "off-hook" denotes the active condition of a telephone exchange service line.

On-Hook: The term "on-hook" denotes the idle condition of a telephone exchange service line.

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

Service Commencement Date: The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order or this tariff, in which case the Service Commencement Date is the date of the Customer's acceptance of service. The parties may mutually agree on a substitute Service Commencement Date.

Service Order: The written request for local exchange services executed by the Customer and the Company in a format specified by the Company. The signing of a Service Order by the Customer and acceptance thereof by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

Services: The Company's telecommunications services offered on the Company's network.

Station: Telephone equipment from or to which calls are placed.

TDM – Time Division Multiplexing – a method of transmitting and receiving voice signals over the Public (N) Switched Telephone Network (PSTN). (N)

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

User: A Customer or any other person authorized by the Customer to use service provided under this tariff.

(N) VoIP-PSTN Traffic - VoIP-PSTN Traffic is the 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.

VoIP Service - 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.

6. **Access Charges**

6.1 General

This Part applies to the provision of Intrastate Access Services. Regulations, Rates and Charges applying to the provision of Access Services within a Local Access and Transport Area (LATA) for Connection to Intrastate Communications Facilities for Intrastate Customers within the operating territory of BullsEye Telecom, Inc. in the State of Indiana are as specified in BullsEye Telecom, Inc. Tariff F.C.C. No. 3, Access Services, as it now exists, **(T)** and as it may be revised, added to or supplemented.

In those cases where the customer is unable, or does not, provide Percentage of Intrastate IntraLATA Use (PILU) as specified herein, the Telephone Company use a default PIU which will be an even split of 50% interstate and 50% intrastate.

Access Services are provided by means of wire, fiber optics, radio or any other suitable technology or a combination thereof.

6.1.1 Application of Access Charges to VoIP-PSTN Access Traffic

- Α. In the absence of an agreement between the Company and the Customer specifying the treatment of VoIP-PSTN Traffic, all VoIP-PSTN Access traffic will be assessed switched access charges at the rates set forth in Section 6.4.2 of this tariff.
- Β. The Company shall assess and collect switched access rate elements under this tariff for access services, regardless of whether the Company itself delivers such traffic to the called party's premises or delivers the call to the called party's premises via contractual or other arrangements with an affiliated or unaffiliated provider of VoIP service that does not itself seek to collect switched access charges for the same traffic. The Company will charge for functions provided by the Company, its affiliated or unaffiliated provider of VoIP service. For purposes of this provision, functions provided by the Company, its affiliated or unaffiliated provider of VoIP service as part of transmitting telecommunications between designated points using, in whole or in part, technology other than TDM transmission in a manner that is comparable to a service offered by a local exchange carrier constitutes the functional equivalent of carrier access service.

6.2 **Billing and Payment For Service**

All charges due by the Customer are payable to the Company or any agent duly authorized to receive such payments. The Company shall bill on a current basis all charges incurred by, and credits due to, the Customer under this tariff. Any known unbilled charges for prior periods and any known unbilled adjustments also will be applied to this bill. Terms of payment shall be according to the rules and regulations of the agent and subject to the rules of regulatory bodies having jurisdiction.

Some material previously found on this page now found on 1st Revised Page 59.1

(N)

6. Access Charges, (Cont'd.)

6.3	Exceptions to BullsEye Telecom, Inc.'s FCC No. 3 Tariff			(M)	
	A. <u>Miscellaneous Services and Charges</u>				
		1.	PICC	Monthly	
			Multi-line Business per line or trunk ISDN BRI per primary telephone number ISDN PRI per trunk	\$1.73 \$ 0.0 \$.38	 (M)
		2.	End User Access Service		
	The Company will provide End User Access Service to end users who obtain local exchange service from the Company under this tariff. End User Access Service consists of the Intrastate End User Common Line (EUCL) charges.		ff. End User		

EUCL per month rates will be billed to the end user of the associated local exchange service.

A. Embarq Service Area

Per line or trunk	Rate Per Month
Individual Line Business:	\$3.50
Multi-Line Business Subscriber:	\$4.40

B. <u>AT&T and Verizon Service Areas</u>

Per line or trunk	Rate Per Month
Individual Line Business:	\$0.00
Multi-Line Business Subscriber:	\$0.00

Some material now found on this page previously found on 4th Revised Page 59

BULLSEYE TELECOM, INC.

6. Access Charges, (Cont'd.)

6.4 Identification and Rating of VoIP-PSTN Traffic

6.4.1 <u>Scope</u>

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 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"). Specifically, this section establishes the method of separating such traffic (referred to in this tariff as "Relevant VoIP-PSTN Traffic") from the Customer's traditional intrastate access traffic, so that such Relevant VoIP-PSTN Traffic can be billed in accordance with the FCC Order.

6.4.2 Rating of VoIP-PSTN Traffic

The Relevant VoIP-PSTN Traffic identified in accordance with this tariff section will be billed in accordance with the Company's applicable interstate switched access tariff. Current and pending interstate access rates for the Company are located at http://fjallfoss.fcc.gov/cgi-bin/ws.exe/prod/ccb/etfs/mainmenu.hts.

BULLSEYE TELECOM, INC.

6. Access Charges (Cont'd.)

6.4 Identification and Rating of VoIP-PSTN Traffic (Cont'd.)

Calculation and Application of Percent-VoIP-PSTN-Usage Factor 6.4.3

The Company will determine the number of Relevant VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under Section 6.4.2, 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. The PVU will be derived and applied as follows:

- A. The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the whole number percentage of the total access MOU that the Customer exchanges with the Company in the State, that (a) is sent to the Company and that originates in IP format; or (b) is received from the Company and terminates in IP format. 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.
- Β. Company will, likewise, calculate a factor (the "PVU-B") representing the percentage of the Company's total access MOU in the State that the Company originates or terminates in IP format. 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.
- C. The Company will use the PVU-A and PVU-B factors to calculate an effective PVU factor that represents the percentage of total access MOU exchanged between the Company and the Customer that is originated and/or terminated in IP format, whether at the Company's end, at the Customer's end, or at both ends. 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).

6. Access Charges (Cont'd.)

6.4 Identification and Rating of VoIP-PSTN Traffic (Cont'd.)

- 6.4.3 Calculation and Application of Percent-VoIP-PSTN-Usage Factor (Cont'd.)
 - D. The Company will apply the effective PVU factor to the total intrastate access MOU exchanged with the Customer to determine the number of Relevant VoIP-PSTN 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 intrastate access MOU in accordance with the Company's applicable 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 intrastate access MOU in accordance with the Company's applicable interstate switched access tariff.

Example 3: The PVU-A is 100%. No matter what the PVU-B 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.

- Ε. If the Customer does not furnish the Company with a PVU-A pursuant to 6.4.3.A preceding, the Company will utilize an effective PVU equal to the PVU-B.
- F. The Customer shall not modify their reported PIU factor to account for VoIP-PSTN Traffic.

(N)

BULLSEYE TELECOM, INC.

6. Access Charges (Cont'd.)

6.4 Identification and Rating of VoIP-PSTN Traffic (Cont'd.)

6.4.4 Initial PVU Factor

> If the PVU factor is not available and/or cannot be implemented in the Company's billing systems by December 29, 2011, once the factor is available and can be implemented the Company will adjust the Customer's bills to reflect the PVU retroactively to December 29, 2011. In calculating the initial PVU, the Company will take the Customer-specified PVU-A into account retroactively to December 29, 2011, provided that the Customer provides the factor to the Company no later than April 15, 2012; otherwise, it will set the initial PVU equal to the PVU-B, as specified in subsection 6.4.3.E above.

6.4.5 **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 6.4.3.A or 6.4.3.B, 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 PVU. The revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new PVU.

6.4.6 **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 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. No prorating or back billing will be done based on updated PVU factors.

Attachment A



December 30, 2011 Via ETFS Filing

BullsEye Telecom, Inc. 25925 Telegraph Road Suite 210 Southfield, MI 48033

FRN: 0004-3509-30

TRANSMITTAL No. 12

Secretary, Federal Communications Commission Washington, DC 20554 ATTN: Wireline Competition Bureau

The accompanying tariff material, issued by BullsEye Telecom, Inc. and bearing Tariff FCC No. 3 (Access), effective January 1, 2012, is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended. This filing adds regulations regarding the identification and rating of VoIP-PSTN traffic in compliance with the provisions of FCC No. 11-161, adds an Access Recovery Charge and to makes various textual changes in compliance with the requirements of 61.52 and 61.54 of the Commission's rules.

The material contained in this filing consists of tariff pages indicated by the check sheet(s) listed below:

FCC Tariff No. $3 - 1^{st}$ Revised Page No. 1

This transmittal letter and associated attachments are being filed electronically today via the Federal Communications Commission's Electronic Tariff Filing System (ETFS). Payment in the amount of \$845.00 has been electronically transmitted to the U.S. Bank in St. Louis, Missouri in accordance with the fee program procedures.

Supporting material is not required with this filing. Petitions pertaining to this filing may be served in person or by facsimile to:

Contact:	David Bailey, Vice President – Business Development
Address:	25925 Telegraph Road, Suite 210
	Southfield, MI 48033
Telephone:	248-784-2500
Facsimile:	248-784-2501

December 30, 2011 BullsEye Telecom, Inc. FRN: 0004-3509-30 TRANSMITTAL No. 12 Page 2

Any questions you may have regarding this filing should be directed to my attention at 407-740-3004 or via email to rnorton@tminc.com. Thank you for your assistance in this matter.

Sincerely,

/s/ Robin Norton

Robin Norton Consultant to BullsEye Telecom, Inc.

cc: David Bailey - BullsEye Telecom

file: BullsEye Telecom - FCC - Access

tms: FCa1112

RN/sp

SECTION 1 - DEFINITIONS AND ABBREVIATIONS, (CONT'D)

TDM – Time Division Multiplexing – a method of transmitting and receiving voice signals over the Public (N) Switched Telephone Network (PSTN). (N)

Terminal Equipment - Telecommunications devices, apparatus and associated wiring on the Customerdesignated premises.

Terminating Direction - The use of Switched Access Service for the completion of calls from a Customer's Point of Presence to an End User Premises.

Timely Payment – A payment on a Customer's account made on or before the due date.

Toll VOIP-PSTN Traffic – The term Toll VoIP-PSTN Traffic denotes a Customer's interexchange voice traffic (N) exchanged with the Telephone Company in Time Division Multiplexing format over PSTN facilities, which originates and/or terminates in Internet Protocol (IP) format. Toll VoIP-PSTN Traffic originates and/or terminates in IP format when it originates from and/or terminates to an end user customer of a service that requires IP-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.

Trunk Group - A set of trunks, which are traffic engineered as a unit for the establishment of connections between switching systems in which all of the communications paths are interchangeable.

Underlying Carrier – A provider of interstate telecommunications services from whom the Company acquires facilities or services that it utilizes to provide Company services to Customers.

V & H Coordinates - Geographic points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage may be used for the purpose of rating calls.

VoIP Service – 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)

Transmittal No. 12

Issued: December 30, 2011

Effective: January 1, 2012

Issued By: Vice President – Business Development 25925 Telegraph Rd., Suite 210 Southfield, MI 48033

FCC Tariff No. 3 1st Revised Page No. 41 Cancels Original Page No. 41

SECTION 3 - SWITCHED ACCESS SERVICE

3.1 General

- 3.1.1 Switched Access Service, which is available to Customers for their use in furnishing their services to End Users, provides a two-point communications path between a Customer's Premises and an End User's Premises. It provides for the use of common terminating, switching and trunking facilities, and for the use of common subscriber plant of the Company. Switched Access Service provides for the ability to originate calls from an End User's Premises to a Customer's Premises and to terminate calls from a Customer's Premises to an End User's Premises in the LATA where it is provided.
- 3.1.2 When a rate as set forth in this tariff is shown to more than two decimal places, the charges will be determined using the rate shown. The resulting amount will then be rounded to the nearest penny (i.e., rounded to two decimal places).
- 3.1.3 In the absence of an ASR as described in Section 3.4, delivery of calls to, or acceptance of calls from, the Customer's End User location(s) via Company-provided switched access services shall constitute a Constructive Order and an agreement by the Customer to purchase the Company's switched access services as described and priced herein.
- 3.1.4 Application of Access Charges to Toll VoIP-PSTN Traffic
 - A. All Toll VoIP-PSTN traffic will be assessed switched access charges at the rates set forth in Section 4.1 of this tariff.
 - B. The Company shall assess and collect switched access rate elements under this tariff for access services, regardless of whether the Company itself delivers such traffic to the called party's premises or delivers the call to the called party's premises via contractual or other arrangements with an affiliated or unaffiliated provider of VoIP service that does not itself seek to collect switched access charges for the same traffic.
 The Company will not charge for functions not performed by the Company, its affiliated or unaffiliated provider of VoIP service. For purposes of this provision, functions provided by the Company as part of transmitting telecommunications between designated points using, in whole or in part, technology other than TDM transmission in a manner that is comparable to a service offered by a local exchange carrier constitutes the functional equivalent of carrier access service.

Transmittal No. 12

Issued: December 30, 2011

Effective: January 1, 2012

Issued By: Vice President – Business Development 25925 Telegraph Rd., Suite 210 Southfield, MI 48033

Attachment B

BullsEye Telecom, Inc.

FCC Tariff No. 3 1st Revised Page No. 53 Cancels Original Page No. 53

SECTION 4 – RATES AND CHARGES

4.1 Rate Elements

4.1.1 Rates and Charges – AT&T Territory

A. Illinois, Indiana, Michigan, Ohio and Wisconsin*

Tandem-Switched Transport - Termination, per minute

minute	
Zone 1	\$0.000103
Zone 2	\$0.000103
Zone 3	\$0.000105
Zone 4	\$0.000107
Zone 5	\$0.000109
Tandem-Switched Transport - Facility, per minute	
per mile	
Zone 1	\$0.000013
Zones 2-5	\$0.000013
Access Tandem Switching, per minute	ψ0.000014
Zone 1	\$0.0010840 (R)
Zone 2	\$0.0011160 (R)
Zone 2 Zone 3	\$0.0011200 (R)
Zone 5 Zone 4	\$0.0011200 (R) \$0.0012520 (R)
Zone 5	
	\$0.0018000 (R)
CMUX, per minute	¢0,00001 <i>5</i>
Zone 1	\$0.000015
Zone 2	\$0.000017
Zone 3	\$0.000018
Zone 4-5	\$0.000018
CTP, per minute	\$0.000371
Local Switching, per minute	\$0.003116
Local Switching, per finiture	\$0.005110
Host-Remote Transport - Termination, per minute	\$0.000410
Host-Remote Transport - Facility, per minute per	\$0.000021
mile	
Host-Remote CTP, per minute	\$0.000371
-	

Issued: July 12, 2011

Effective: July 13, 2011

BullsEye Telecom, Inc.

Original Page No. 60

SECTION 4 – RATES AND CHARGES, (CONT'D)

4.1 Rate Element (Cont'd.)

- 4.1.3 Rates and Charges CenturyLink (Cont'd.)
 - C. Indiana, all zones

Tandem-Switched Transport - Termination, per minute	\$0.000253
Tandem-Switched Transport - Facility, per minute per mile	\$0.000040
Access Tandem Switching, per minute	\$0.000210
CMUX, per minute	\$0.000280
CTP, per minute	\$0.000406
Local Switching, per minute	\$0.003747
Host-Remote Transport - Termination, per minute	\$0.000253
Host-Remote Transport - Facility, per minute per mile	\$0.000040
Host/Remote - CMUX per minute	\$0.000280
Host Remote - CTP per minute, per termination	\$0.000406

Issued: March 8, 2010

Issued By: Peter LaRose, Vice President - Finance BullsEye Telecom, Inc. 25900 Greenfield Road, Suite 330 Oak Park, MI 48237 Effective: March 9, 2010

BullsEye Telecom, Inc.

4.1

		SECTION 4 – RATES AND CHARGES, (CONT'D)				
Rate E	lements (Cont'd.)				
4.1.5	Rates an	Rates and Charges – Frontier (former Verizon) Territory (Cont'd.)				
	C.	Indiana		(T)		
		Tandem-Switched Transport - Termination, per minute per termination	\$0.0000000			
		Tandem-Switched Transport - Facility, per minute per mile Access Tandem Switching, per minute	\$0.0000020 \$0.0024000			
		CMUX, per minute	\$0.0000000			
		CTP, per minute	\$0.0007198			
		err, per hindue	ψ0.0007170			
		Local Switching, per minute	\$0.0020889			
		Host-Remote Transport - Termination, per minute per termination	\$0.0000000			
		Host-Remote Transport - Facility, per minute per mile	\$0.0000020			
		Host/Remote - CTP, per minute	\$0.0007198			
	D.	Michigan		(T)		
		Tandem-Switched Transport - Termination, per minute per termination	\$0.0000000			
		Tandem-Switched Transport - Facility, per minute per mile	\$0.0000020			
		Access Tandem Switching, per minute	\$0.0030000			
		CMUX, per minute	\$0.0000000			
		CTP, per minute	\$0.0005292			
		Local Switching, per minute	\$0.0014123			
		Host-Remote Transport - Termination, per minute per termination	\$0.0000000			
		Host-Remote Transport - Facility, per minute per mile	\$0.0000020			

Host/Remote - CTP, per minute

Effective: July 13, 2011

\$0.0005292

FCa1111