**EarthLink Business, LLC** Utah Price List No. 1

1375 Peachtree Street, Level A Original Title Page

Atlanta, GA 30309

Issued By: Vice President, Tax

Issued: February 18, 2014 Effective: February 19, 2014

LOCAL TELECOMMUNICATIONS SERVICES PRICE LIST

*This Price List, Utah Price List No. 1, issued by EarthLink Business, LLC*

*replaces in its entirety*

*Utah Price List No. 2 issued by New Edge Network, Inc. d/b/a EarthLink Business II*

TITLE PAGE

TELECOMMUNICATIONS PRICE LIST

OF

EarthLink Business, LLC

This price list contains the rates, terms, and conditions applicable to

Telecommunications Services within the State of Utah

offered by EarthLink Business, LLC.

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Atlanta, GA 30309 Cancels 2nd Revised Page 1

Issued: March 19, 2015 Effective: March 24, 2015

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| Page | Revision |  | Page | Revision |  |
| Title | Original |  | 37 | Original  | \* |
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| 30 | 1st Revised | \* |  |  |  |
| 31 | 1st Revised | \* |  |  |  |
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\* - New or Revised

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**SYMBOLS**

Explanation of Symbols - When changes are made on any price list page, a revised page will be listed canceling the price list page affected. Changes will be identified on the revised page (s) through the use of the following symbols:

(C) To signify change in regulation

(D) To signify discontinued rate, or regulation or text

(I) To signify increased rate

(L) To signify material relocated from one page to another without change

(N) To signify new rate, regulation, or text

(R) To signify reduced rate

(T) To signify a change in text or regulation, but no change in rate

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**APPLICATION OF PRICE LIST**

This price list contains the regulations, services and rates applicable to the provision of intrastate, common carrier telecommunications services by EarthLink Business, LLC hereinafter referred to as "the Company", within the State of Utah.

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**SECTION 1 - DEFINITIONS**

Access Line - An arrangement that connects the Customer’s location to a EarthLink Business, LLC switching center or point of presence.

ADSL - Asymmetric Digital Subscriber Line. ADSL service allows the transmission of digital data signals over standard copper telephone lines. Transmission rates vary depending upon the direction of the traffic (i.e., upstream or downstream) and the length and quality of the copper telephone line.

Authorized User - A person, firm, corporation, or any other entity authorized by the Customer to communicate utilizing the Company’s service.

Carrier or Company - Whenever used in this price list, "Carrier", "Company" refers to EarthLink Business, LLC, unless otherwise clearly indicated by the contract.

Customer - The person, firm, corporation, or other entity which orders, cancels, amends or uses service and is responsible for the payment of charges and compliance with the Company’s price list.

DS-1 – Digital Signal Level 1, transmitting at 1.544 million bits per second (Mbps).

DS-3 – Digital Signal Level 3, transmitting at 44.736 million bits per second (Mbps).

DSL – Digital Subscriber Line. DSL Services is a digital data telecommunications service that allows for the transmission of digital data signals over standard copper telephone lines.

IDSL – ISDN digital subscriber line is a symmetrical service that can deliver high speed data communications up to 144 Kbps. The Company will initially offer IDSL at a speed of 128 Kbps. IDSL uses 2B1Q signaling and has no basic voice grade service support.

Local Calling Area - The area within which telecommunication service is furnished Customers under a specific schedule or exchange access rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

ILEC - The Incumbent Local Exchange Carrier.

LEC - Local Exchange Company.

Local Calling Area - The area within which telecommunications service is furnished Customers under a specific schedule or exchange access rates. A local calling area may include one or more exchange service areas or portions of exchange service areas.

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**SECTION 1 - DEFINITIONS (CONT'D.)**

Local Exchange Services - Telecommunications services furnished for use by end-users in placing and receiving local telephone calls within local calling areas.

Regulatory Authority - The Public Service Commission of Utah.

Resold Local Exchange Service - A service composed of the resale of exchange access lines and local calling provided by other authorized Local Exchange Carriers, in combination with Company-provided usage services, miscellaneous services, or interstate/international services.

SDSL - Symmetric digital subscriber line service that allows for upstream and downstream transmission of digital data signals over standard copper telephone lines at equal rates that vary from 192 kilobits per second (Kbps) to 1.0 megabits per second (Mbps) depending upon the length and quality of the copper telephone line.

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**SECTION 2 - RULES AND REGULATIONS**

2.1 Undertaking of the Company

The services of the Company offered pursuant to this price list are furnished for high speed digital access and high capacity private line services. The Company may offer these services over leased, unbundled or resold facilities.

The Company installs, operates, and maintains the telecommunications services provided hereunder in accordance with the terms and conditions set forth under this price list. The Company may act as the Customer’s agent for ordering access connection facilities provided by other carriers or entities as required in the Regulatory Authority’s rules and orders, when authorized by the Customer, to allow connection of a Customer’s location to the Company’s network. The Customer shall be responsible for all charges due for such service arrangement as listed in Section 3 as well as any pass through charges billed by other carriers or entities.

The Company’s services and facilities are provided on a monthly basis unless otherwise indicated and are available twenty-four hours per day, seven days per week.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.2 Limitations

2.2.1 Service is offered subject to the availability of the necessary facilities and equipment and subject to the provisions of this price list.

2.2.2 The Company reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer is using service in violation of provisions of this price list, or in violation of the law.

2.2.3 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.

2.2.4 All facilities provided under this price list are directly controlled by the Company, and the Customer may not transfer or assign the use of service or facilities without the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.

2.2.5 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this price list shall apply to all such permitted assignees or transferees, as well as all conditions of service.

2.3 Use of Service

Services provided under this price list may be used for any lawful purposes for which the service is technically suited.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.4 Liability of the Company

2.4.1 The Company’s liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in transmission which occur in the course of furnishing service or facilities, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the faults in transmission occur.

2.4.2 The Company shall not be liable for claim or loss, expense or damage (including indirect, special or consequential damages), for any interruption, delay, error, omission, or defect in any service, facility, or transmission provided under this price list, if caused by any person or entity other than the Company, by any malfunction of any service or facility provided by any other carrier, by an act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond the Company’s direct control.

2.4.3 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim or loss, expense, or damage (including indirect, special or consequential damages) for defamation, libel, slander, invasion, infringement of copy right or patent, unauthorized use of any trademark, trade name, or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data, information, or other content revealed to, transmitted, or used by the Company under this price list; or for any act or omission of the Customer; or for any personal injury or death of any person caused directly or indirectly by the installation, maintenance, location, condition, operation, failure, presence, use or removal of equipment or wiring provided by the Company, if not directly caused by the gross negligence of the Company.

2.4.4 No agent or employee of any other carrier shall be deemed to be an agent or employee of the Company.

2.4.5 The Company shall not be liable for any defacement of or damages to the premises of a Customer resulting from the furnishing of service which is not the direct result of the Company’s gross negligence or willful misconduct.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.5 Deposits

Deposits and/or advanced payments are not required.

2.6 Taxes

All federal, state and local taxes (including but not limited to franchise fees, excise tax, sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.7 Equipment

2.7.1 The Company’s facilities and service may be used with or terminated in Customer-provided terminal equipment or Customer-provided communications systems. Such terminal equipment shall be furnished and maintained at the expense of the Customer, except as otherwise provided. The Customer is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of the Company’s service. The Customer is responsible for ensuring that Customer-provided equipment connected to Company equipment and facilities is compatible with such equipment and facilities.

* + 1. The Company shall use reasonable efforts to maintain facilities and equipment that it furnishes to the Customer. The Customer may not, nor may the Customer permit others to, disconnect, rearrange, remove, attempt to repair or otherwise interfere with any of the facilities or equipment installed by the Company, except upon the written consent of the Company.

2.7.3 Equipment the Company provides or installs at the Customer’s premises for use in connection with services the Company offers shall not be used for any purpose other than that for which the Company provided it.

2.7.4 The Customer shall be responsible for payment of service charges, as set forth herein, for visits by the Company’s agents or employees to the premises of the Customer when the service difficulty or trouble report results from the use of equipment or facilities provided by any party other than the Company, including but not limited to the Customer.

2.7.5 The Company shall not be responsible for the installation, operation or maintenance of any Customer-provided equipment. Where such equipment is connected to the facilities furnished pursuant to this price list, the responsibility of the Company shall be limited to the furnishing of facilities offered under this price list and to the maintenance and operation of such facilities. Subject to this responsibility, the Company shall not be responsible for the transmission of signals by Customer-provided equipment or for the quality of, or defects in, such transmission or; the reception of signals by Customer-provided equipment.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.7 Equipment (Cont'd.)

* + 1. Upon reasonable notification to the Customer, and at a reasonable time, the Company may make such tests and inspections as may be necessary to determine that the Customer is complying with the requirements set forth in the section for the installation, operation and maintenance of Customer-provided facilities, equipment and wiring in the connection of such facilities and equipment to Company-provided facilities and equipment.

2.7.7 Title to all facilities provided by the Company under this price list shall remain in the Company’s name or in the name of the carrier supplying the services and facilities being resold.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.8 Payment for Service

2.8.1 The Customer is responsible for payment of all charges for services and equipment furnished to the Customer or to an authorized user of the Customer by the Company. Bill payment is due ten (10) days after the invoice date of five (5) days after the date of mailing, whichever is later. All charges due by the Customer are payable to the Company or to any agency duly authorized to receive such payments. Service is provided and billed on a monthly basis in arrears. The Customer’s bill will be prorated for a fraction of the service if service begins and/or ends after the first of the month.

2.8.2 The Company’s billing invoices will be considered correct and binding upon the Customer if no written notice is received from the Customer within fifteen (15) days of the date of the invoice. Adjustments to Customer’s bills shall be made to the extent circumstances exist which reasonably indicate that such changes are appropriate.

2.8.3 Upon receipt of a billing inquiry, charges involved in the disputed element(s) of the invoice will be temporarily suspended pending resolution of the dispute. The Customer, however, remains responsible for the timely payment of the non-disputed elements of the invoice.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.9 Cancellation by the Customer

* + 1. Pending proper identification, the Customer may cancel service by providing notice to the Company.
		2. Where an application for service is canceled by the Customer prior to the start of any design work or installation of facilities, no charge applies.

2.9.3 When an application which requires special design work is canceled after the design work has begun, the Company may collect charges equal to the cost incurred for the associated design work to date.

2.9.4 If cancellation is requested after completion of an installation, it will be treated as a discontinuance of service. Any minimum contract requirements of prescribed service will be application.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.10 Interconnection

Interconnection with the facilities or service of other carriers shall be under the applicable terms and conditions of the other carrier's price lists. The Customer is responsible for taking all necessary legal steps for interconnecting Customer-provided terminal equipment or communications systems with carrier's facilities. The Customer shall secure all licenses, permits, right-of-way, and other arrangements necessary for such interconnection. Any special interface equipment of facilities necessary to achieve compatibility between the facilities of the carrier and other participating carriers shall be provided at the Customer’s expense.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.11 Refusal or Discontinuance by the Company

The Company may refuse, suspend or discontinue service under the following conditions without incurring any liability provided that, unless otherwise stated, the Customer shall be given seven (7) days written notice to comply with any rule or to remedy any deficiency.

2.11.1 For non-compliance with or violation of any State, municipal, or Federal law, ordinance or regulation pertaining to telecommunications service.

2.11.2 For use of telecommunications service for any property or purpose other than that described in the application.

2.11.3 For neglect or refusal to provide reasonable access to the Company or its agents for the purpose of inspection and maintenance of equipment owned by the Company or its agents.

2.11.4 For noncompliance with or violation of a Regulatory Authority regulation or the Company’s rules and regulations on file with the Regulatory Authority.

2.11.5 For nonpayment of bills, including bills for any of the Company’s other communication services, provided that suspension or termination of service shall not be made without five (5) days written notice to the Customer. However, residential basic local service shall not be disconnected for nonpayment for at least thirty (30) days from the date of the bill, and the Company has given the Customer a written notice of the proposed disconnection at least five (5) days before the date of disconnection.

2.11.6 Without notice in the event of Customer or authorized user use of equipment in such a manner as to adversely affect the Company’s equipment or service to others.

2.11.7 Without notice in the event of tampering with the equipment or services owned by the Company or its agents.

2.11.8 Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the Company may, before restoring service, require the Customer to make, at his or her own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.

2.11.9 Without notice by reason of any order or decision of a court or other government authority having jurisdiction which prohibits the Company from furnishing such services.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.12 Inspection, Testing, and Adjustment

Upon reasonable notice, the facilities provided by the Company shall be made available to the Company for tests and adjustments as may be deemed necessary by the Company for maintenance. No interruption allowance will be granted for the time during which such tests and adjustments are made.

2.13 Interruption of Service

* + 1. Credit allowances for interruptions of service which are not due to the Company’s testing or adjusting, to the negligence of the Customer, or to the failure of channels, equipment or communications systems provided by the Customer, are subject to the general liability provisions set forth in Section 2.4 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired by the Customer. Before giving such notice, the Customer shall ascertain that the trouble is not within his or her control, or is not in wiring or equipment, if any, furnished by the Customer and connected to the Company’s terminal. Interruptions caused by Customer-provided or Company-provided automatic dialing equipment are not deemed an interruption of service as defined.
		2. In the event of a service interruption for 8 hours or more during a continuous 24 hours period, the Customer will receive a credit proportional to the duration of the service interruption. Each occurrence of the loss of service for 8 hours during the 24 hour time period counts as one day.

2.14 Cost of Collection and Repair

The Customer is responsible for any and all costs incurred in the collection of moneys due the Company including legal and accounting expenses. The Customer is also responsible for recovery costs of Company-provided equipment and any expenses required for repair or replacement of damaged equipment.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.15 Returned Check Charge

A fee of $20.00 may be charged for each check returned for insufficient funds.

2.16 Service Implementation

Absent a promotional offering, service implementation charges as listed in Section 3 will apply per service order to a new service order or to orders to change existing service as specified in Section 3.

2.17 Reconnection Charge

A reconnection fee per occurrence may be charged when service is re-established for Customers who have been disconnected for non-payment, and is payable at the time that the restoration of suspended service and facilities is arranged. If a Customer premises visit is required, an additional fee may be charged. Reconnection charges are listed in Section 3.

2.18 Late Payment Charge

A late payment charge of 1.5% of unpaid balance after thirty (30) days may be charged per month.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.19 Special Construction

Subject to the agreement of the Company and to all of the regulations contained in this price list, special construction of facilities may be undertaken on a reasonable efforts basis at the request of the Customer. Special construction is construction undertaken:

A. where facilities are not presently available, and there is no other requirement for the facilities so constructed;

B. of a type other than that which the Company would normally utilize in the furnishing of its services;

C. over a route other than that which the Company would normally utilize in the furnishing of its services;

D. in a quantity greater than that which the Company would normally construct;

E. on an expedited basis;

F. on a temporary basis until permanent facilities are available;

G. involving abnormal costs; or

H. in advance of its normal construction.

The Customer will be charged for the special construction based upon engineering, labor and cost of materials. An estimate will be provided to the Customer before any construction is undertaken.

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**SECTION 2 - RULES AND REGULATIONS (CONT'D.)**

2.20 Disputes and Complaints

Inquiries, general questions or complaints may be directed to the Company by telephone or in writing. Customers can reach the Company’s Customer Service Department by dialing toll free 855-352-2731 or via email to customercare@earthlinkbusiness.com. The Company's Customer Service Department accepts calls seven-days-per week, twenty-four-hours-per-day.

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**SECTION 3 - DESCRIPTION OF SERVICE**

3.1 Description of Service

3.1.1 The Company provides data transport between End-Users and its Customers using a variety of digital transmission technologies, over the Company’s own facilities and/or facilities of other carriers. Also, the Company provides high-speed network aggregation services for delivery of End-User network traffic to a Customer network presence. Aggregation services require a minimum of DS3 interface and are required for all Customer network service arrangements. DS3 aggregation transport services can be purchased from Company.

3.1.2 Depending on distance from the Company’s facilities, service may not be available to all Customers. Special construction charges may apply in each case. Company’s services are data services only and will not be accompanied by 411, 911, or other voice services. In addition to the charges specified for each service, additional charges may apply for transfers of data per month, at certain times, in excess of certain thresholds, or for certain billing, monitoring or other services. Other services may be provisioned by the company on an individual case basis (ICB), depending on such factors as length of loops involved, quality of loops and other factors.

3.2 Location of Service

This price list applies to the services offered by EarthLink Business, LLC within the State of Utah.

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**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D)**

3.3 Rates and Charges

3.3.1 Aggregation (Customer) Circuit Charges

When the Company provides the transport, the Aggregation Circuit charges are for connections where the interoffice circuit length is 15 miles or less (the length of the circuit between the Customer and the Central Office where aggregation circuits terminate for the respective service area). For circuit lengths greater than 15 miles pricing may be determined on an individual case basis incorporating the LEC’s circuit charge and Company’s port charge.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Aggregation Circuits | Delivery | Month(s) | MonthlyRecurringCharges(MRC) | Non-RecurringCharges(NRC) |
| DS-1 – Port Only | Frame or ATM | 1-12 | $275.63 (I) | $150.00 |
| DS-1 - Port and Transport | Frame or ATM | 1 | $0.00  | $1,500.00 |
|  |  | 2 | $275.63 (I) | $0.00 |
|  |  | 3-12 | $551.63 (I) | $0.00 |
| DS-3 - Port Only | ATM | 1-12 | $2,756.25 (I) | $300.00 |
| DS-3 - Port and Transport | ATM | 1 | $1,102.50 (I) | $3,000.00 |
|  |  | 2 | $2,205.00 (I) | $0.00 |
|  |  | 3 | $3,307.50 (I) | $0.00 |
|  |  | 4-14 | $4,410.00 (I) | $0.00 |

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**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D)**

3.3 Rates and Charges (Cont'd.)

3.3.2 End User Services

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Service Name | Delivery | Maximum Throughput Downstream | Maximum Throughput UpStream | Maximum Distance from CO |
| 144 Kbps | IDSL | 144 Kbps | 144 Kbps | 36,000 feet |
| 192 Kbps | SDSL | 192 Kbps | 192 Kbps | 20,500 feet |
| 384 Kbps | SDSL | 384 Kbps | 384 Kbps | 16,000 feet |
| 768 Kbps | SDSL | 768 Kbps | 768 Kbps | 13,500 feet |
| 1.1 Mbps | SDSL | 1.1 Mbps | 1.1 Mbps | 12,000 feet |
| 384 Kbps/128 Kbps | ADSL | 384 Kbps | 128 Kbps | 12,000 feet |
| 768 Kbps/384 Kbps | ADSL | 768 Kbps | 384 Kbps | 12,000 feet |

3.3.3 End User Monthly Recurring (MRC) Charges

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| INVOICEPERIOD LINECOUNT | 144 Kbps | 192 Kbps | 384 Kbps | 768 Kbps | 1.1 Mbps  | 384 Kbps128 Kbps | 768 Kbps384 Kbps |
| 0-299 | $99.23 (I) | $99.23 (I) | $137.81 (I) | $176.40 (I) | $214.99 (I) | $44.04 (I) | $55.06 (I) |
| 300-599 | $94.82 (I) | $94.82 (I) | $131.20 (I) | $167.58 (I) | $203.96 (I) | $44.04 (I) | $55.06 (I) |
| 600-999 | $89.30 (I) | $89.30 (I) | $124.58 (I) | $158.76 (I) | $194.04 (I) | $44.04 (I) | $55.06 (I) |
| 1,000-2499 | $80.48 (I) | $80.48 (I) | $111.35 (I) | $143.33 (I) | $174.20 (I) | $44.04 (I) | $55.06 (I) |
| 2,500-4,999 | $78.28 (I) | $78.28 (I) | $109.15 (I) | $138.92 (I) | $169.79 (I) | $44.04 (I) | $55.06 (I) |
| 5,000-9,999 | $76.07 (I) | $76.07 (I) | $105.84 (I) | $135.61 (I) | $165.38 (I) | $44.04 (I) | $55.06 (I) |
| >10,000 | $73.87 (I) | $73.87 (I) | $102.53 (I) | $130.10 (I) | $158.76 (I) | $44.04 (I) | $55.06 (I) |

IDSL and SDSL End User MRCs will be determined by the number of SDSL and IDSL End User circuits invoiced in the prior month (or by the Volume Level Commitment if applicable). Discounts will apply only to incremental SDSL and IDSL End User circuits. For example, the first 299 SDSL and IDSL End User Circuits (based on End User Acceptance Date) will be billed at the prices associated with the 0-299 Invoice Period Line Count. The circuits in excess of 299 lines will be billed at the price associated with the 300-599 Invoice Period Line Count, etc. The Customer must be current on all invoices to be eligible for the Volume Discount.

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**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D)**

3.3 Rates and Charges (Cont'd.)

3.3.4 End User Non-Recurring Charges

|  |  |
| --- | --- |
| Standard Installation (inside wiring NID to RJ45) | $200 |
| Nonstandard Installation (materials extra) | $200 + $40/hr after 2nd |
| Standard Inside Move | $150 |
| Non standard Inside Move | $150 + $40/hr after 2nd |
| Outside Move | Same as Installation |
| Early Termination Fee (per circuit) | $200 |
| Speed Change (requires technician)  | $200 |
| Speed Change (no technician) | $100 |
| Inside Wiring Repair | $150 + $40/hr after 1st |
| Reschedule Visit Due to Lack of Access | $150 |
| Site Survey | $150 |
| Facilities Management Riser Connection | $250 |
| ILEC Line Conditioning Charges | Varies by Installation and ILEC |

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**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D)**

3.3 Rates and Charges (Cont'd.)

3.3.5 Customer Premises Equipment (CPE) Non-Recurring Charges

|  |  |
| --- | --- |
| SDSL CPE – FlowPoint 2200 Router | $437 |
| SDSL CPE – FlowPoint 2200 Bridge | $335 |
| IDSL CPE – FlowPoint 144 Router | $369 |
| ADSL CPE – FlowPoint 2200 Bridge | $335 |

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**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D)**

3.3 Rates and Charges (Cont'd.)

3.3.6 Explanation of Non-Recurring Charges

|  |  |
| --- | --- |
| Standard Installation  | Identification of copper loop at the MPOE (minimum or main point of entry); cross connection through existing riser cable to satellite terminal serving the end user; wiring from the riser cable to End User specified location; termination on an RJ-45 or equivalent outlet. Placement of the CPE (Customer Premise Equipment), connection to an existing 110v AC outlet and connection of the CPE to the RJ outlet using a provided cord. Continuity test from the CPE through the RJ jack and an end-to-end test with the Company's control center. Materials included: RJ outlet, cord and up to 50 feet of CAT 5 four pair PVC wire. Does not include any charges for additional conditioning of the copper loop by the ILEC. |
| Nonstandard Installation (materials extra) | Any installation requiring work beyond that included in the standard installation or requiring, multiple visits. |
| Reschedule visit due to lack of access | Applies if the Company's personnel are not able to perform an installation, move, or repair due to access not being provided by the End User during the agreed upon period. This charge does not apply if a request to reschedule is received at least 24 hours in advance of appointment scheduled during business hours, or 48 hours in advance of appointment scheduled for evening, weekends or holidays. |
| Standard Inside move | Moving existing service within area served by the same phone company MPOE. This is limited to the services provided in standard installation, including installing any necessary inside wiring and reinstalling the CPE. |
| Nonstandard inside move | Any movement of existing service within an area served by the same phone company MPOE that requires work beyond that included in the standard inside move or requiring multiple visits. |
| Outside Move | Moving existing service to an area serviced by a different main point of entry; this includes installing any necessary inside wiring and reinstalling the CPE. Includes downgrading speed if technically necessary. |
| Early Termination Fee | Applies to both Customer and End User Circuits that are terminated prior to the end of the minimum term. |

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**SECTION 3 - DESCRIPTION OF SERVICE (CONT'D)**

3.3 Rates and Charges (Cont'd.)

3.3.6 Explanation of Non-Recurring Charges (Cont'd.)

|  |  |
| --- | --- |
| Inside Wiring Repair | The inside wiring has been damaged and the Company is asked to perform repairs. This is includes, but is not limited to, damage caused by negligence, fire, flood, and natural disasters. |
| Site survey (on request)  | Identification of availability, type and length of loops at End User premises, and estimation of costs. Performed upon request only. |
| Facilities Management Riser Connection | The facilities management company, or equivalent, of the end user site requires its own employees or vendors to cross-connect an existing riser pair from the MPOE to the satellite terminal service the end user as part of an installation process. |
| ILEC Line Conditioning Charges | Charges for line conditioning (removal of bridge taps and/or load coils) may be assessed by the ILEC and passed through by the Company. Line conditioning may be required in order to make an end user copper loop useable for DSL Services. |

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES**

(N)
|
|
(N)

The rates provided in Section 4 apply to Customers that are currently in a Service Term agreement with the Company. All Customers being provided Month to Month services through an expired service term or who have never had a contractual relationship with the Company will find the rates for their specific out of contract services in Section 5 - Non-Term Rates.

4.1 EarthLink Complete Voice Services

EarthLink Complete Voice Services are converged services capable of providing voice, Internet and data services delivered via Internet Protocol (IP) to the Customer’s service location. EarthLink Complete Voice Services are built in a modular fashion where service type (Service Package) and Access Method have been separated. The following elements comprise the EarthLink Complete Voice Services offering:

- Service Package (Line Side, Hosted Voice, PRI, SIP Trunking\*)

- Access Method (T1, Bonded T1, DSL, Ethernet)

- Optional Features

- Complete Voice Services Minutes

Separate charges apply for the Service Package selected and for the Access Method selected. EarthLink Complete Voice Services are available only to business Customers where suitable facilities exist.

\* - SIP Trunking is a nonregulated service using Internet Protocol and requiring IP compatible CPE.

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont’d.)

4.1.1 Service Packages

A. Line Side Service

Line Side Service offers delivery of Internet service and line side local exchange service. The option employs the use of the entire available bandwidth for data transmission when voice lines are not in use. When multiple services are in use, voice applications will takes precedence over data. The Line Side Service package accommodates local lines and Internet bandwidth on a single access line, at a single location. The Line Side Service Customer may order up to 24 lines per access product, with a minimum of 2 lines per product. Access Method must be added to the Line Side Service package; Access Methods utilized to deliver service include DSL, T-1, bonded T-1 and Ethernet.

Calling features available with the Line Side Service package include Call Forward Variable, Call Forward Busy, Selective Call Forward, Selective Call Rejection, Selective Call Acceptance, Call Waiting with Caller ID, Message waiting indication, Voice Mail access (if voicemail purchased), Calling Name and Number Disable, Do not Disturb, Delayed Call Forwarding, Distinctive Ringing, Speed Calling 1 digit, Speed Calling 2 digit, Automatic Call Back, Automatic Call Return, Call Park, Call Pickup and Anonymous Call Rejection. The Line Side Service Customer may purchase additional EarthLink Complete Voice Services features where available.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Monthly RecurringCharges | Month-To-Month | 2 Year Term | 3 Year Term | 4 Year Term | 5 Year Term |
| EarthLink Complete Voice Line Side Service, (per service package) | $139.65 | $106.73**(I)** | $101.12**(I)** | $95.50**(I)** | $89.88**(I)** |
| EarthLink Complete Voice Line Side Service Line Charge (per line) | $20.94 | $16.01**(I)** | $15.16**(I)** | $14.32**(I)** | $13.48**(I)** |

See Section 4.1.2 for pricing associated with the Access Method element of this service.

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont’d.)

4.1.1 Service Packages (Cont’d.)

B. Hosted Service Bundle

Hosted Service Bundle is a hosted PBX service that provides network based voice and data connectivity. The features and services in the network interact with compatible equipment at the Customer premises to deliver the service package end user features\*. Access Method must be added to the Hosted Voice Service package; Access Methods utilized to deliver Hosted Service Bundle service include DSL, T-1, bonded T-1 and Ethernet.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Monthly Recurring Charges | Month-to-Month | 2 Year Term | 3 Year Term | 4 Year Term | 5 Year Term |
| EarthLink Complete Voice Hosted Service Bundle (per service package) | $139.65 | $106.73**(I)** | $101.12**(I)** | $95.50**(I)** | $89.88**(I)** |

See Section 4.1.2 for pricing associated with the Access Method element of this service.

\* - Hosted Service Bundle service package end user features are unregulated IP-based services.

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont'd.)

4.1.1 Service Packages (Cont'd.)

C. PRI Service

PRI Service is a dynamic bandwidth service which offers Trunk-side PRI and DID Services, with Dynamic Bandwidth allocation. The base product offers up to 23 voice-grade channels to a Time Division Multiplexing (TDM)-based PRI using standard PRI hand-offs and supporting up to 46 b-channels, depending on the chosen options. The PRI Service package also provides Internet and/or MPLS (MPLS IP VPN) service delivery across dedicated T1, NxT1, or Ethernet based local loops. Non-Facility Associated Signaling (NFAS) is not supported. EarthLink Business must provide the Integrated Access Device\*. The base product supports up to 23 PRI Trunks. Additional trunks can be added for a Monthly Recurring Charge per trunk. Access Method must be added to the PRI Service package; Access Methods utilized to deliver PRI Service include T-1, bonded T-1, Ethernet and DS3.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Monthly Recurring Charges | Month-to-Month | 2 Year Term | 3 Year Term | 4 Year Term | 5 Year Term |
| EarthLink Complete Voice PRI Service (per T1 equivalent) | $314.20 | $240.14**(I)** | $227.50**(I)** | $214.87**(I)** | $202.23**(I)** |
| EarthLink Complete Voice PRI Service - Additional PRI Channels Charge(per channel) | $13.95 | $10.67**(I)** | $10.11**(I)** | $9.54**(I)** | $8.99**(I)** |

See Section 4.1.2 for pricing associated with the Access Method element of this service.

\* - Unregulated equipment.

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont'd.)

4.1.2 Access Methods

The EarthLink Complete Voice Service Customer must select appropriate Access Methods for each Service Package ordered. Monthly Recurring Charges and Non-Recurring Charges are associated with each Access Method channel, as described below.

|  |  |  |
| --- | --- | --- |
|  | Monthly Recurring Charge\* | Non-Recurring Charge |
| DSL | $1,468.53 (I) | $600.00 |
| T1 – 1.5M | $14,698.53 (I) | $6,000.00 |
| Ethernet | $14,698.53 (I) | $2,000.00 |
| DS3 | $146,998.53 (I) | $10,000.00 |

\* - At the Customer’s request, the Company may develop Individual Case Basis pricing based on Customer-specific location, term, and volume. All Individual Case Basis pricing will be available on a nondiscriminatory basis to similarly situated Customers. Where required, ICB agreements will be filed with the Commission.

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont'd.)

4.1.3 Optional Features

A. Directory Listings

The EarthLink Complete Voice Services Customer is provided one free white page listing for each Billing Telephone Number (BTN). The Customer may purchase additional white page listings, with Monthly Recurring Charges as specified below for each additional or special listing.

|  |  |
| --- | --- |
|  | Monthly Recurring Charge |
| Additional White Page Listing (includes extra listing, cross reference, duplicate, foreign, alternate number, extra line, reference, indented, toll-free, where available) | $8.08 (I) |
| Non Published (private) | $9.55 (I) |
| Non-Directory Listed (semi-private) | $6.61 (I) |

B. Multiline Hunt Group (MLHG)

Lines can be provisioned in a multiline hunt group. Hunting allows calls to a line to rollover to the next available line in the group when the first line is busy.

(I)

(I)

Monthly Recurring Charge: $7.35

C. Analog Fax and Modem Lines (Analog FXS)

Analog facsimile and modem lines can be delivered over the transport method as part of any Service Package.

Monthly Recurring Charge: $22.05 per line

D. Load Balancing

Load Balancing allows the EarthLink Complete Voice Services Customer to balance calling between multiple PBXs via network based call distribution.

Non-Recurring Charge: $100.00 per order

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont'd.)

4.1.3 Optional Features (Cont'd.)

E. Auto Re-Route

Auto Re-Route allows the EarthLink Complete Voice Services Customer to program a single ten-digit telephone number for call completion in the event that the primary termination point is unreachable.

Non-Recurring Charge: $100.00 per order

F. Direct Inward Dialing Number Blocks:

The Company will provide telephone numbers for direct inward dialing number service in blocks of 20. A monthly recurring charge applies for each block ordered.

(I)

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Monthly Recurring Charge: $14.70

per block of 20 numbers

or fraction thereof

G. Idle DID:

Idle DID is a telephone number that is part of a larger sequential block of telephone numbers which the EarthLink Complete Voice Services Customer has reserved with the Company for future use but which is not currently routed.

Monthly Recurring Charge: $0.66

per number

H. Multi Appearance Directory Number (MADN):

A Multiple Appearance Directory Number (MADN) provides the EarthLink Complete Voice Services Customer with one telephone number which, when called, is directed to multiple lines/stations or IP Phones.

Monthly Recurring Charge: $7.35

per number

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont'd.)

4.1.4 Complete Voice Services Minutes

A. Converged Minutes

Converged Minutes allows Customers to bundle long distance and mobile minutes\* and share the combined minutes between multiple locations. The Customer subscribing to a qualified EarthLink Complete Voice Service will be provided with 1500 minutes per qualifying service. Qualifying services include EarthLink Complete Line Side Service, EarthLink Complete Hosted Voice, EarthLink Complete PRI and EarthLink Complete SIP Trunking\*. Minutes may be shared across multiple locations or provided on a location-by-location basis, at the Customer’s option.

Converged Minutes include domestic long distance and toll free services. International usage, directory assistance, operator services and calling card usage are not included. The Customer can select to bundle long distance and mobile minutes or choose long distance only. Allotted minutes not used within a given month are forfeited and may not be carried over to subsequent months.

Additional Converged Minutes packages are available in increments of 1000 minutes.

The Customer who exceeds the allotted number of minutes in any given billing period will be billed usage at the per minute rate below on all overage minutes during the billing period.

|  |  |  |  |
| --- | --- | --- | --- |
| EarthLink Complete Voice Converged Minutes | Monthly Recurring Charge | Overage Rate (LD Minutes) | Overage Rate (Mobile Minutes) |
| 1500 Converged Minutes (included with qualifying service) | $0.00 | $0.045 | $0.075 |
| 1000 Additional Converged LD Minutes | $36.75 (I) | $0.045 | N/A |
| 1000 Additional Converged LD/Mobile Minutes | $73.50 (I) | $0.045 | $0.075 |

\* - SIP trunking and mobile minutes are non-regulated services.

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**SECTION 4 - EARTHLINK BUSINESS SERVICES, RATES AND CHARGES (CONT'D.)**

4.1 EarthLink Complete Voice Services (Cont'd.)

4.1.4 Complete Voice Services Minutes (Cont'd.)

B. Toll Free Service

Toll Free Service is not available on a standalone basis. A Monthly Recurring Charge does not apply to the first toll-free number ordered, but does apply to additional toll-free numbers. Toll free numbers must terminate to a valid phone number assigned in connection with an EarthLink Complete Voice Service.

|  |  |
| --- | --- |
|  | Monthly Recurring Charge |
| Toll-Free Number, per number | $4.41 (I) |

The following features are available in conjunction with the Company’s toll free service.

|  |  |  |
| --- | --- | --- |
|  | Monthly Recurring Charge | Non-Recurring Charge |
| Time of Day Routing | $29.40 (I) | $50.00 |
| Day of Week Routing | $29.40 (I) | $50.00 |
| Holiday Routing | $29.40 (I) | $50.00 |
| Point of Origination Routing | $29.40 (I) | $50.00 |
| Percent Allocation Routing | $29.40 (I) | $50.00 |
| Routing with Call Completion | $36.75 (I) | $100.00 |
| Routing with Call Completion Intercept Message | $36.75 (I) | --- |
| Route Advance | $14.70 (I) | $50.00 |
| Toll Free Blocking | $29.40 (I) | $50.00 |
| Dialed Number Identification Service (DNIS) | $4.41 (I) | $100.00 |
| Real-Time ANI | $4.41 (I) | --- |

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**SECTION 5 - NON-TERM RATES**

The rates provided in this section only apply to Customers that are being provided Month to Month services through an expired Service Term agreement or who have never had a Service Term Agreement with the Company. Customers still under a current Service Term agreement with the Company will find the rates for their services in Earthlink Business Services, Rates and Charges.

6.1 EarthLink Complete Voice Services

6.1.1 Service Packages

A. Line Side Service

|  |  |
| --- | --- |
| Monthly Recurring Charges | Month-To-Month |
| EarthLink Complete Voice Line Side Service, (per service package) | $209.48  |
| EarthLink Complete Voice Line Side Service Line Charge (per line) | $31.41  |

See Section 6.1.2 for pricing associated with the Access Method element of this service.

B. Hosted Service Bundle

|  |  |
| --- | --- |
| Monthly Recurring Charges | Month-to-Month  |
| EarthLink Complete Voice Hosted Service Bundle (per service package) | $209.48 |

See Section 6.1.2 for pricing associated with the Access Method element of this service.

\* - Hosted Service Bundle service package end user features are unregulated IP-based services.

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**SECTION 5 - NON-TERM RATES, (CONT'D.)**

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6.1 EarthLink Complete Voice Services (Cont'd.)

6.1.1 Service Packages (Cont'd.)

C. PRI Service

|  |  |
| --- | --- |
| Monthly Recurring Charges | Month-to-Month  |
| EarthLink Complete Voice PRI Service (per T1 equivalent) | $471.30  |
| EarthLink Complete Voice PRI Service - Additional PRI Channels Charge(per channel) | $20.93  |

See Section 6.1.2 for pricing associated with the Access Method element of this service.

6.1.2 Access Methods

The EarthLink Complete Voice Service Customer must select appropriate Access Methods for each Service Package ordered. Monthly Recurring Charges and Non-Recurring Charges are associated with each Access Method channel, as described below.

|  |  |
| --- | --- |
|  | Monthly Recurring Charge\* |
| DSL | $2,202.80 |
| T1 – 1.5M | $22,047.80  |
| Ethernet | $22,047.80 |
| DS3 | $220,497.80 |

\* - At the Customer’s request, the Company may develop Individual Case Basis pricing based on Customer-specific location, term, and volume. All Individual Case Basis pricing will be available on a nondiscriminatory basis to similarly situated Customers. Where required, ICB agreements will be filed with the Commission.

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**SECTION 5 - NON-TERM RATES, (CONT'D.)**

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6.1 EarthLink Complete Voice Services (Cont'd.)

6.1.3 Optional Features

A. Directory Listings

|  |  |
| --- | --- |
|  | Monthly Recurring Charge |
| Additional White Page Listing (includes extra listing, cross reference, duplicate, foreign, alternate number, extra line, reference, indented, toll-free, where available) | $12.12 |
| Non Published (private) | $14.33 |
| Non-Directory Listed (semi-private) | $9.92 |

B. Multiline Hunt Group (MLHG)

Monthly Recurring Charge: $11.03

C. Analog Fax and Modem Lines (Analog FXS)

Monthly Recurring Charge: $33.08 per line

D. Direct Inward Dialing Number Blocks:

Monthly Recurring Charge: $22.05

per block of 20 numbers

or fraction thereof

E. Idle DID:

Monthly Recurring Charge: $0.99

per number

F. Multi Appearance Directory Number (MADN):

Monthly Recurring Charge: $11.03

per number

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6.1 EarthLink Complete Voice Services (Cont'd.)

6.1.4 Complete Voice Services Minutes

A. Converged Minutes

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| EarthLink Complete Voice Converged Minutes | Monthly Recurring Charge |
| 1500 Converged Minutes(included with qualifying service) | $0.00 |
| 1000 Additional Converged LD Minutes | $55.13 |
| 1000 Additional Converged LD/Mobile Minutes | $110.25 |

\* - SIP trunking and mobile minutes are non-regulated services.

B. Toll Free Service

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|  | Monthly Recurring Charge |
| Toll-Free Number, per number | $6.62 |

The following features are available in conjunction with the Company’s toll free service.

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|  | Monthly Recurring Charge |
| Time of Day Routing | $44.10 |
| Day of Week Routing | $44.10 |
| Holiday Routing | $44.10 |
| Point of Origination Routing | $44.10 |
| Percent Allocation Routing | $44.10 |
| Routing with Call Completion | $55.13 |
| Routing with Call Completion Intercept Message | $55.13 |
| Route Advance | $22.05 |
| Toll Free Blocking | $44.10 |
| Dialed Number Identification Service (DNIS) | $6.62 |
| Real-Time ANI | $6.62 |