

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 non-residential customers
within the operating territory of Lightpath of New England, LLC
In the Commonwealth of Massachusetts

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

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ISSUED BY: Christopher Yost, General Counsel

EFFECTIVE DATE: May 12, 2021

Lightpath of New England, LLC
1 Court Square West
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CHECK SHEET

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

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EXPLANATION OF SYMBOLS

The following symbols shall be used in this tariff for the purposes indicated below:

C	To signify changed regulation.
D	To signify discontinued rate or regulation.
I	To signify increased rate.
M	To signify a move in the location of text.
N	To signify new rate or regulation.
R	To signify reduced rate.
S	To signify reissued matter.
T	To signify a change in text but no change in rate or regulation.

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RULES AND REGULATIONS

1. Definitions and Rules and Regulations

Definitions and Rules and Regulations are governed by the terms of the Company's M.D.T.C. Tariff No. 1.

2. Identification and Rating of VoIP-PSTN Traffic

2.1. Scope, Pricing

(a) VoIP-PSTN Traffic is defined as traffic exchanged between a Lightpath end user and the customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. Section 2 governs the identification of VoIP-PSTN Traffic all of which is subject to Federal Communications Commission Report and Order, WC Docket Nos. 10-90, etc., FCC Release No. 11-161 (Nov. 18, 2011) and Federal Communications Commission Second Order on Reconsideration, WC Docket Nos. 10-90, etc., FCC Release No. 12-47 (Apr. 25, 2012) ("FCC Orders"). Specifically, Section 2 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 Orders.

(b) Section 2 will be applied to the billing of switched access charges to a customer that is a local exchange carrier only to the extent that the customer has also implemented billing of access charges for Relevant VoIP-PSTN Traffic in accordance with the FCC Orders.

2.2. Pricing and Rating of VoIP-PSTN Traffic

(a) The FCC Orders require that, unless the parties have agreed otherwise, intrastate terminating VoIP-PSTN access traffic shall be compensated at interstate terminating access rates; and intrastate originating VoIP-PSTN access traffic shall be billed at interstate originating access rates thereafter, as set forth in subsection (d) below.

(b) In accordance with the FCC Orders, if the Relevant VoIP-PSTN Traffic identified in accordance with this tariff section is terminating access traffic, it will be billed at rates equal to Lightpath's applicable tariffed interstate switched access rates as specified in Lightpath Tariff FCC No. 4.

(c) In accordance with the FCC Orders, if the Relevant VoIP-PSTN Traffic identified in accordance with this tariff section is intrastate originating access traffic, it will be billed at rates equal to the lower of Lightpath's applicable tariffed intrastate switched access rates or its interstate switched access rates as specified in Lightpath Tariff FCC No. 4, as set forth in subsection (d)

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below.

(d) Switched Access Service

(i) **Change Charges**

	<u>Non-recurring</u>
(A) Service Dates \$ 21.47	\$21.47
(B) Design \$113.98	\$113.98

(ii) **Carrier Common Line Access**

	<u>Per minute of use</u>
(A) Terminating Per Access Minute	\$0.000000
(B) Originating Per Access Minute	\$0.000000

(iii) **Local Transport**

(A) Entrance Facility

To be arranged by Customer from vendor of choice

(B) Tandem Switched Transport

	<u>Per minute of use</u>
1. Local Transport Termination	\$0.000000
2. Local Transport Origination	\$0.000000
3. Local Transport Facility Origination (per minute per mile)	\$0.000002
4. Local Transport Facility Termination (per minute per mile)	\$0.000002
5. Tandem Switching Origination	\$0.001574
6. Tandem Switching Termination	\$0.001574

(C) Interconnection Charge

- Per minute of use	\$0.000000
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(D) Network Blocking Charge

- Per call blocked	\$0.010699
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(E) Common Channel Signaling Access

	<u>Monthly</u>	<u>Non-Recurring</u>
1. STP Link Termination	\$71.48	\$155.00
2. STP Link Channel Mileage		
a. Fixed	\$30.12	None

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	b. Per Mile	\$1.98	None
	To be arranged by Customer from vendor of choice.		
	3. STP Port	\$450.00	None
(F)	<u>TRS Equal Access</u> - Interconnection	None	\$95.00
(G)	<u>Service Rearrangement</u> <i>Change in Point Code</i> First Additional, each	<u>Non-Recurring</u> \$136.87 \$15.80	
(iv)	Local Switching		
(A)	<u>Usage Rate</u> - Local Switching Origination - Local Switching Termination	<u>Per access minute</u> \$0.002406 \$0.000000	
(B)	<u>Local Switching Installation</u> - Per Line or Trunk	\$60.00	
(v)	End Office Trunk Port		
(A)	<u>Usage charges</u> Origination Termination	<u>Per minute of use</u> \$0.001688 \$0.000000	
(vi)	Queries and DIPS	<u>Per minute of use</u>	
(A)	Usage charges	\$0.003711	
(vii)	900 Access	<u>Per minute of use</u>	
(A)	Usage charges	\$0.023000	

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2.3. Calculation and Application of Percent-VoIP-Usage Factor for Terminating Access Traffic

(a) Lightpath will determine the number of terminating Relevant VoIP-PSTN Traffic minutes of use (“**MOU**”) to which interstate rates will be applied under Section 2.1(b), above, by applying a Percent VoIP Usage (“**PVU**”) factor to the total terminating intrastate access MOU exchanged between a Lightpath end user and the customer. The PVU will be derived and applied as follows:

The customer will calculate and furnish to Lightpath a factor (the “**PVU-C**”), M representing the percentage of the total terminating intrastate access MOU that the customer exchanges with Lightpath in the State, that (a) is sent to Lightpath by the customer and that originated in IP format; or (b) is received by the customer from Lightpath and terminated in IP format. This PVU-C 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.

(b) Lightpath will, likewise, calculate a factor (the “**PVU-L**”) representing the percentage of Lightpath’s total terminating intrastate access MOU in the State that Lightpath terminates on its network in IP format. This PVU-L shall be based on information, such as the number of Lightpath’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) Lightpath will use the PVU-C and PVU-L factors to calculate a PVU factor that represents the percentage of total terminating intrastate access MOU exchanged between a Lightpath end user and the customer that is terminated in IP format, whether at Lightpath’s end, at the customer’s end, or at both ends. The PVU factor will be calculated as the sum of: (A) the PVU-C factor and (B) the PVU-L factor times (1.0 minus the PVU-C factor).

(d) Lightpath will apply the PVU factor to the total terminating intrastate access MOU exchanged with the customer to determine the number of Relevant VoIP-PSTN Traffic MOUs.

Example 1: The PVU-L is 10% and the PVU-C is 40%. The PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. Lightpath will bill 46% of the customer’s terminating intrastate access MOU at its applicable tariffed interstate rates.

Example 2: The PVU-L is 10% and the PVU-C is 0%. The PVU factor is $0\% + (100\% \times 10\%) = 10\%$. Lightpath will bill 10% of the customer’s terminating intrastate access MOU at Lightpath’s applicable tariffed interstate switched access rates.

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Example 3: The PVU-C is 100%. No matter what the PVU-L factor is, the PVU is 100%. Lightpath will bill 100% of the customer's terminating intrastate access MOU at Lightpath's applicable tariffed interstate switched access rates.

(e) If the customer does not furnish Lightpath with a PVU-C pursuant to the preceding paragraph 1, Lightpath will utilize a PVU equal to the PVU-L.

2.4. Initial PVU Factor

If the PVU factor is not available and/or cannot be implemented in Lightpath's billing systems by the effective date of Section 2.3, once the factor is available and can be implemented Lightpath will adjust the customer's bills to reflect the PVU retroactively to the effective date. In calculating the PVU, Lightpath will take the customer-specified PVU-C into account retroactively to the effective date of Section 2, *provided that* the customer provides the factor to Lightpath no later than 90 days after the effective date; otherwise, Lightpath will set the PVU equal to the PVU-L, as specified in Section 2.3(e), above.

2.5. PVU Factor Updates

The customer may update the PVU-C factor quarterly using the method set forth in Section 2.3(a) above. If the customer chooses to submit such updates, it shall forward to Lightpath, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU-C factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. Lightpath will use the revised PVU-C 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.

2.6. PVU Factor Verification

Not more than twice in any year, Lightpath may ask the customer to verify the PVU-C factor furnished to Lightpath and customer may ask Lightpath to verify the PVU-L 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-C and PVU-L factors.

2.7. PVU Factor for Originating Relevant VoIP-PSTN Traffic Minutes

Lightpath will determine the number of originating Relevant VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under Section 2.2(c), above, by applying

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a Percent VoIP Usage (“PVU”) factor to the total originating intrastate access MOU exchanged between a Lightpath end user and the customer. The originating Relevant VoIP-PSTN Traffic PVU will be computed quarterly by Lightpath based on relevant information about the Lightpath network.

2.8. Pricing of PSTN-PSTN Traffic

Tandem Switched Transport – Local Transport Termination				
ID	Service Category	Rate Element	Rate	USOC
	Eastern and Western LATAs	Per access minute	.000000	

Tandem Switched Transport – Local Transport Facility				
ID	Service Category	Rate Element	Rate	USOC
	Eastern and Western LATAs	Per mile – Per access minute – Originating	.000002	
		Per mile – Per access minute – Terminating to Third Party	.000002	

Tandem Switched Transport – Tandem Switching				
ID	Service Category	Rate Element	Rate	USOC
	Eastern and Western LATAs	Per access minute – Originating	.001538	
		Per access minute – Terminating to Third Party	0.001574	
		Dedicated Tandem Trunk Port – Monthly – Per activated trunk	12.06	PT8NX

Host/Remote Switched Transport				
ID	Service Category	Rate Element	Rate	USOC
	Host Remote Transport Termination	Per minute of use – Originating and Terminating	.000000	
	Host Remote Transport Facility	Per minute of use – Per mile – Originating and Terminating	.000000	

Local Switching				
ID	Service Category	Rate Element	Rate	USOC
	Eastern and Western LATAs Local Switching	Per access minute – Originating	.002302	
		Per access minute – Terminating	0.00	

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		Shared End Office Trunk Ports – Per Minute of use – Originating	.001688	
		Shared End Office Trunk Ports – Per Minute of use – Terminating	0.00	
		Dedicated End Office Trunk Ports – Monthly – Per activated trunk*	11.25	PT8VX
		Composite Terminating End Office Charge (CTEOC) – Per Minute of use – Terminating	0.000000	
	WATS Access Line Service Termination Optional Features	E&M Supervisory Signaling – NRC – Per 4W WAL	350.00	UGE
		E&M Supervisory Signaling – Monthly – Per 4W WAL	22.70	UGE
		Answer Supervision – NRC – Per 2W WAL	250.00	UGS2X
		Answer Supervision – Monthly – Per 2W WAL	16.25	UGS2X
	Installation	Per line or trunk – NRC	1.00	NRBLS
	Carrier Identification Parameter	Per trunk group – Monthly	60.00	U7CPG
		Per trunk group – NRC	70.00	U7CPG

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