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August 7, 2012
Via E-Mail

Hon. Jaclyn A. Brillling, Commission Secretary
New York State Department of Public Service
Three Empire State Plaza
Agency Building 3
Albany, NY 12223-1350
Secretary@dps.ny.gov

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AUG 08 2012

RE: ACN Communication Services, Inc.
Revision for New York PSC No. 3 - Telephone (Access)

Office of Telecommunications

Dear Hon. Brillling:

Enclosed for filing please find the above referenced tariff filing submitted on behalf of ACN Communication Services, 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) and Second Order On Reconsideration, FCC 12-47, (released Apr. 25, 2012) regarding the treatment of VoIP-PSTN traffic. The Company respectfully requests an effective date of September 6, 2012.

The following tariff pages are included:

1 st Revised Leaf 1	Updates Company Address on Title Page
1 st Revised Leaf 11	Adds Definitions
Original Leaves 25.1 – 25.4	Adds Identification and Rating of Toll VoIP-PSTN Access Traffic

Any questions you may have regarding this filing should be directed to my attention at 407-740-3031 or via email to sthomas@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 - New York - Access
tms: NYa1205

Enclosures
ST/sp

ACN COMMUNICATION SERVICES, INC.

ACCESS SERVICES TARIFF

Regulations and Schedule of Intrastate Access Rates

This tariff includes the rates, charges, terms and conditions of service for the provision of intrastate access telecommunications services by ACN Communication Services, Inc. This tariff is available for public inspection during normal business hours at the main office of ACN Communication Services, Inc. at 1000 Progress Place NE, Concord, North Carolina 28025.

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

Tandem Switch - See Access Tandem.

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

Terminal Equipment - Telecommunications devices, apparatus and associated wiring on the Customer-designated 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.

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)
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(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.

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 - 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)
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(N)

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SECTION 2 - RULES AND REGULATIONS, (CONT'D)**2.9 Obligations of the Customer (Cont'd.)****2.9.3 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.

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SECTION 2 - RULES AND REGULATIONS, (CONT'D)**2.9 Obligations of the Customer (Cont'd.)****2.9.3 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 2.9.3.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 September 6, 2012 and after June 30, 2014. From September 6, 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 September 6, 2012 and after June 30, 2014. From September 6, 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 September 6, 2012 and after June 30, 2014. From September 6, 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.

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SECTION 2 - RULES AND REGULATIONS, (CONT'D)**2.9 Obligations of the Customer (Cont'd.)****2.9.3 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 September 6, 2012 and after June 30, 2014. From September 6, 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.

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SECTION 2 - RULES AND REGULATIONS, (CONT'D)**2.9 Obligations of the Customer (Cont'd.)****2.9.3 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 2.9.3.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 2.9.3.C.1 or 2.9.3.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. No prorating or back billing will be done based on updated PVU factors.

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