

SECTION 2 - RULES AND REGULATIONS, (CONT'D)

2.9 Obligations of the Customer (Continued)

2.9.2 (continued)

D. Jurisdictional Audits (continued)

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- 4) Should an audit reveal that the misreported percentage(s) of use has resulted in an underpayment of access charges to the Company of five percent or more of the total Switched Access Services bill, the customer shall reimburse the Company for the cost of the audit. Proof of cost shall be the bills, in reasonable detail submitted to the Company by the auditor.
- 5) Within 15 days of completion of the auditor's report, the Company will furnish a copy of the audit results to the person designated by the customer to receive such results.

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2.9.3 Identification and Rating of Toll VoIP-PSTN Traffic

A. Application of Access Charges to Toll VoIP-PSTN Access Traffic

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- 1) In the absence of an agreement between the Company and the Customer specifying the treatment of Toll VoIP-PSTN Traffic, Relevant Toll VoIP-PSTN Access traffic will be assessed access charges at the rates set forth in Section 2.9.3.C of this tariff
- 2) The Company shall assess and collect 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 that does not itself seek to collect access charges for the same traffic. The Company will charge for functions provided by the Company, and/or its affiliated or unaffiliated providers of VoIP service. For purposes of this provision, functions provided by the Company, or 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.

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