

COLORADO VALLEY TELEPHONE COOPERATIVE, INC.
DIGITAL SUBSCRIBER LINE ACCESS SERVICES
TERMS, CONDITIONS, AND RATES

1. Digital Subscriber Line Access Services

Digital Subscriber Line (DSL) Access Services provide transmission services over local exchange service facilities that can be used for simultaneous voice and data communications. Service is provided, where available, on a wholesale basis only to Telecommunications Service Providers (TSPs) and is not available on a retail basis for purchase by end user subscribers.

The following terms, conditions and rates are applicable to the provision of DSL Access Services by Colorado Valley Telephone Cooperative, Inc., hereinafter referred to as the "Telephone Company".

1.1 Asymmetric Digital Subscriber Line Access Service

1.1.1 General

Asymmetric Digital Subscriber Line (ADSL) Access Service enables data traffic generated by a TSP-provided modem to be transported to a DSL Access Service Connection Point using the Telephone Company's local exchange service facilities. A DSL Access Service Connection Point is an interconnection point designated by the Telephone Company in the National Exchange Carrier Association, Inc. (NECA) Tariff F.C.C. No. 4. The DSL Access Service Connection Point aggregates ADSL Access Service data traffic from and to suitably equipped Telephone Company Serving Wire Centers (SWCs). The DSL Access Service Connection Point is located within the operating territory of the Telephone Company for connections to the TSP via Special Access Services or Ethernet Transport Service (ETS) provided under the Telephone Company's Interstate Access Services Tariff.

ADSL Access Service to an end user premises must be connected to the customer designated premises of a single TSP.

Where technically feasible, ADSL Access Service is available as two service options, i.e., ADSL Voice-Data and ADSL Data-Only.

- (A) The ADSL Voice-Data option provides transmission of data signals using the Telephone Company's existing local exchange service line at peak data transmission speeds of 1 Mbps upstream/6 Mbps downstream, 3 Mbps upstream/15 Mbps downstream, 25 Mbps upstream/50 Mbps downstream, or 50 Mbps upstream/100 Mbps downstream. The ADSL Voice-Data option may be used for simultaneous voice and data communications.

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1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.1 General (Cont'd)

- (B) The ADSL Data-Only option provides transmission of data signals using the Telephone Company's existing local exchange facilities at peak transmission speeds of 1 Mbps upstream/6 Mbps downstream, 3 Mbps upstream/15 Mbps downstream, 25 Mbps upstream/50 Mbps downstream, or 50 Mbps upstream/100 Mbps downstream. The ADSL Data-Only option does not provide the ability to transmit voice communications.

1.1.2 Limitations

- (A) Where suitable facilities exist, the Telephone Company will offer ADSL Access Service at the following maximum upstream (i.e., from the end user's equipment up to the DSL Access Service Connection Point) and downstream (i.e., from the DSL Access Service Connection Point down to the end user's equipment) speeds:

- (1) 1 Mbps upstream/6 Mbps downstream in compliance with the requirements specified in Technical References:

ATIS-0600413.2009,
ITU-T G.983.1-January 2005,
ITU-T G.983.2-July 2005,
ITU-T G.983.3-March 2001,
ITU-T G.983.4-November 2001,
ITU-T G.984.1-March 2008,
ITU-T G.984.2-March 2003,
ITU-T G.984.3-March 2008,
ITU-T G.984.4-February 2008,
ITU-T G.992.1-June 1999,
ITU-T G.992.3-January 2005,
ITU-T G.992.4-July 2002,
ITU-T G.992.5-January 2005
ITU-T G.993.1-June 2004,
ITU-T G.993.2-February 2006,
and/or IEEE Std. 802.3-2008, Part 3, Section 5, Clauses 56 through 67.

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1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.2 Limitations (Cont'd)

(A) (Cont'd)

- (2) 3 Mbps upstream/15 Mbps downstream in compliance with the requirements specified in Technical References:

ITU-T G.983.1-January 2005,
ITU-T G.983.2-July 2005,
ITU-T G.983.3-March 2001,
ITU-T G.983.4-November 2001,
ITU-T G.984.1-March 2008,
ITU-T G.984.2-March 2003,
ITU-T G.984.3-March 2008,
ITU-T G.984.4-February 2008,
ITU-T G.992.5-January 2005,
ITU-T G.993.1-June 2004,
ITU-T G.993.2-February 2006,
and/or IEEE Std. 802.3-2008, Part 3, Section 5,
Clauses 56 through 67.

- (3) 25 Mbps upstream/50 Mbps downstream, or 50 Mbps upstream/100 Mbps downstream in compliance with the requirements specified in Technical References:

ITU-T G.983.1-January 2005,
ITU-T G.983.2-July 2005,
ITU-T G.983.3-March 2001,
ITU-T G.983.4-November 2001,
ITU-T G.984.1-March 2008,
ITU-T G.984.2-March 2003,
ITU-T G.984.3-March 2008,
ITU-T G.984.4-February 2008,
ITU-T.G 993.1-June 2004,
ITU-T G.993.2-February 2006,
and/or IEEE Std. 802.3-2008, Part 3, Section 5,
Clauses 56 through 67.

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1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.2 Limitations (Cont'd)

(A) (Cont'd)

These peak speeds are not guaranteed by the Telephone Company due to factors that may affect the actual speeds delivered, including the ADSL Access Service end user's distance from the Telephone Company Serving Wire Center, condition of the existing exchange service facilities, and any capacity limitations in the TSP's network design.

- (B) The Telephone Company does not provide customer premises equipment (CPE) in conjunction with the ADSL Access Service offering.
- (C) ADSL Access Service may not be used in conjunction with multi-point Special Access Service configurations as described in Section 7.1.3 of the Telephone Company's Interstate Access Services Tariff.
- (D) ADSL Access Service will be furnished where suitable facilities exist as determined by the Telephone Company. The Telephone Company will identify its ADSL-equipped Serving Wire Centers and DSL Access Service Connection Point Serving Wire Centers in the National Exchange Carrier Association, Inc. (NECA) Tariff F.C.C. No. 4.
- (E) ADSL Access Service will be provided over existing Telephone Company local exchange service facilities. When the TSP orders the ADSL Voice-Data option, the rates and regulations for ADSL Access Service to the TSP are in addition to any rates and regulations that apply to the end user for the associated local exchange service line provided under the terms and conditions in the Telephone Company's general and/or local exchange service tariffs. The Telephone Company will automatically disconnect the ADSL Access Service Voice-Data option when the associated local exchange service line is disconnected for any reason.

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1. Digital Subscriber Line Access Services (Cont'd)

1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.2 Limitations (Cont'd)

- (F) Rates and regulations, as described in the Telephone Company's Interstate Access Services Tariff, for Special Access Services and Ethernet Transport Service will apply for the access service(s) provided between the TSP's customer designated premises and the DSL Access Service Connection Point.

1.1.3 Undertaking of the Telephone Company

Where technically feasible, the Telephone Company will offer ADSL Access Service as described in Section 1.1.2, preceding. The Telephone Company will provide ADSL Access Service, at rates and charges as set forth in Section 1.4, as follows:

- (A) The Telephone Company will determine if the associated local exchange service line or facilities are suitable for use with the ADSL Access Service option ordered by the TSP. Service will not be provided on lines that the Telephone Company determines are not suitable for ADSL Access Service or on lines that produce interference with other services provided by the Telephone Company.
- (B) The Telephone Company, after determining if the facilities are suitable for ADSL Access Service, will notify the TSP if any additional CPE is necessary to support ADSL Access Service.
- (C) The Telephone Company will provision and maintain ADSL Access Service from the DSL Access Service Connection Point to the Point of Termination at the ADSL Access Service end user's premises.

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1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.4 Obligations of the TSP

- (A) The TSP purchases ADSL Access Service for the purpose of combining these telecommunications services with its own information service(s) to create a new retail service for sale to its end user customer(s).
- (B) The TSP is responsible for providing the Telephone Company with the necessary information to provision ADSL Access Service (e.g., end user name, telephone number and premises address; the TSP's billing name and address; and the end users Internet Protocol (IP) address).
- (C) The TSP is responsible for providing and maintaining all required CPE, which is compatible with ADSL Access Service and complies with the applicable Technical References specified in Section 1.1.2(A), preceding.
- (D) The TSP will deal directly with its end user customer(s) with respect to all matters pertaining to the service provided, including marketing, sales, ordering, installation, maintenance, trouble reporting, repair, billing and collections. The TSP will not direct its end users to contact the Telephone Company for any aspect of the service the TSP provides.
- (E) The TSP will submit orders for ADSL Access Service to the Telephone Company in a format and manner designated by the Telephone Company.
- (F) The TSP will obtain the appropriate authorization to allow the Telephone Company to provision ADSL Voice-Data Access Service over the end user's existing telephone exchange service line.

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1. Digital Subscriber Line Access Services (Cont'd)

1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.5 Rate Regulations

This section contains the regulations governing the rates and charges that apply for ADSL Access Service. Regulations governing the rates and charges for the Special Access Services and Ethernet Transport Service used in conjunction with ADSL Access Service are as specified in the Telephone Company's Interstate Access Services Tariff.

(A) Minimum Period

The minimum period for which ADSL Access Service is provided to a TSP and for which charges are applicable is one month.

(B) Moves

A move involves a change in the physical location of the Point of Termination at the ADSL Access Service end user's premises.

The charges for the move are dependent on whether the move is to a new location within the same building or to a different building.

(1) Moves Within the Same Building

When the move is to a new location within the same building, the charge for the move will be an amount equal to one half of the nonrecurring (i.e., installation) charge. There will be no change in the minimum period requirements.

(2) Moves to a Different Building

Moves to a different building will be treated as a discontinue and start of service and all associated nonrecurring charges will apply. New minimum period requirements will be established for the new service. The TSP will also remain responsible for satisfying all outstanding minimum period charges for the discontinued service.

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1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.5 Rate Regulations (Cont'd)

(C) Temporary Suspension of Service

When an end user temporarily suspends the local exchange service that is associated with an ADSL Voice-Data option, one half of the monthly ADSL Voice-Data Line Charge will be temporarily suspended for the time period the associated local exchange service is suspended.

(D) Rate Categories

There are two types of rates and charges applicable to ADSL Access Service. These are monthly rates and nonrecurring charges.

The monthly rate for the ADSL Line Charge applies each month or fraction thereof for each ADSL Voice-Data option and ADSL Data-Only option ordered by the TSP.

A nonrecurring charge applies for each ADSL Voice-Data and ADSL Data-Only option ordered by the TSP for the installation of ADSL Access Service. The nonrecurring installation charge will be waived for each new ADSL Voice-Data option and ADSL Data-Only option Access Line ordered when the TSP commits to retain the ADSL Access Line for a minimum period of 6 months following installation of service. If the ADSL Access Line is disconnected for any reason prior to the end of the 6-month minimum commitment period other than for:

- an ADSL service conversion as described below, or
- a discontinuance of service due to a fire, flood or other occurrence as described below;

the Telephone Company will bill the TSP a prorated amount equal to 1/6 of the waived nonrecurring charge for each full month remaining in the unsatisfied commitment period. For example, if the TSP discontinues service during the fourth month of its commitment period, the TSP would be billed an amount equal to 3/6ths of the previously waived nonrecurring charge.

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1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.5 Rate Regulations (Cont'd)

(D) Rate Categories (Cont'd)

Except as otherwise specified in Section 1.1.5(D), below, changes to an existing ADSL Access Service will be treated as a discontinuance of the existing service and an installation of a new service. A nonrecurring installation charge will apply per ADSL Access Line for this work activity.

ADSL service conversions include change of a service option (i.e., replacing ADSL Voice-Data with ADSL Data-Only, or vice versa), any change of a speed level (e.g., replacing ADSL Voice-Data 1 Mbps with ADSL Voice-Data 3 Mbps), or any combination of a simultaneous change of service option and speed level (e.g., replacing ADSL Voice-Data 1 Mbps with ADSL Data-Only 3 Mbps).

When a TSP orders an ADSL service conversion but has not met its 6-month minimum commitment on the existing ADSL service, the Telephone Company will not bill the previously waived nonrecurring charge if the TSP commits to a new minimum 6-month period for the newly converted ADSL service.

When a TSP disconnects its ADSL Access Service prior to the expiration of its 6-month minimum commitment as a result of a fire, flood or other occurrence, as described in Section 2.4.5 of the Telephone Company's Interstate Access Services Tariff, the Telephone Company will not bill the previously waived nonrecurring charge.

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1.1 Asymmetric Digital Subscriber Line Access Service (Cont'd)

1.1.5 Rate Regulations (Cont'd)

(D) Rate Categories (Cont'd)

The following administrative changes will be made without charge to the TSP:

- Change of TSP premises address when the change of address is not a result of a physical relocation of equipment,
- Change of the associated local exchange service line over which ADSL Voice-Data Access Service is provided when there is no physical relocation of the ADSL Access Service involved,
- Change in billing data (name, address or contact name or telephone),
- Change of billing account number,
- Change of agency authorization that requires no changes to the Telephone Company's network,
- Change in the ADSL Access Service end user's existing IP address when requested by the end user's TSP,
- Change to limit the data speed delivered over the end user's existing ADSL Access Service line when requested by the end user's TSP,
- Change of TSP contact name or telephone number, and
- Change of jurisdiction.

The nonrecurring installation charge will not apply to restore an ADSL Access Service that was temporarily suspended by the Telephone Company for non-payment of charges.

Rates and charges for ADSL Access Service are as set forth in Section 1.4.1, following.

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1. Digital Subscriber Line Access Services (Cont'd)

1.2 DSL Volume Pricing Plan

The DSL Volume Pricing Plan (DSL VPP) is an optional pricing plan that provides the TSP with a discount applied against the monthly ADSL Line Charges for all of its in-service lines in the Telephone Company's study area. The amount of the DSL VPP discount applied is based on the level of the monthly volume commitment selected by the TSP. The DSL VPP discount does not apply to any rate elements other than the monthly recurring ADSL Line Charges specified in Section 1.4.1, following.

The TSP will select its monthly volume commitment level based on its projected number of monthly in-service ADSL Access Service lines within the Telephone Company's study area.

Available DSL VPP commitment levels and associated discounts are specified in Section 1.4.2, following.

The TSP may order the DSL VPP at any time. The DSL VPP monthly commitment and discount applies until the DSL VPP is terminated by the TSP.

Each month on the bill date, the Telephone Company will determine if the TSP achieved its monthly volume commitment level of in-service ADSL Access Service lines. In any month in which the monthly volume commitment was not met, the Telephone Company will bill the TSP a DSL VPP shortfall charge of \$10.00 per line for each line below its volume commitment level. The following example illustrates the application of the shortfall charge for a TSP that selected a monthly volume commitment level of 5,000 lines. If on the bill date, the TSP had achieved only a total of 4,750 in-service lines, the Telephone Company would assess a shortfall charge of \$2,500.00 (250 lines x \$10.00 per line). The shortfall charge would be in addition to the applicable discounted billing for the 4,750 in-service lines.

Upon providing thirty (30) days written notice to the Telephone Company, a TSP with an existing DSL VPP will be permitted to increase the existing volume commitment when it establishes a new higher volume commitment level. The DSL VPP discount associated with the higher level of commitment will apply on a prospective basis.

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1. Digital Subscriber Line Access Services (Cont'd)

1.2 DSL Volume Pricing Plan (Cont'd)

Upon providing thirty (30) days written notice to the Telephone Company, a TSP with an existing DSL VPP will be permitted to terminate its existing volume commitment on a prospective basis as described herein. When the TSP elects to terminate its existing DSL VPP for any reason, it will be prohibited from establishing a new DSL VPP commitment with the Telephone Company within the ninety (90) days following such termination. During this 90-day period, the TSP will not be eligible for any DSL VPP discounts. Downgrades from a higher volume commitment level to a lower volume commitment level are treated as terminations subject to the provisions in this paragraph.

1.3 ETS Multimedia Virtual Circuit Channel (MM-VCC)

Where suitable facilities exist, a TSP that is connected to the DSL Access Service Connection Point via Ethernet Transport Service (ETS) and requires the ability to send high speed multimedia transmissions may also order an ETS Multimedia Virtual Circuit Channel (ETS MM-VCC) between its customer designated premises and the premises of its end user customer.

There are two types of ETS MM-VCCs available: (1) One-Way ETS MM-VCC or (2) Two-Way ETS MM-VCC. The One-Way ETS MM-VCC enables the TSP to send to its end user customer's premises high speed multimedia transmissions. The Two-Way MM-VCC enables the TSP to send to and receive from its end user customer's premises high speed multimedia transmissions. The total transmission capacity for the any ADSL Access Service line using the Two-Way MM-VCC option may not exceed 1 Gbps.

ETS MM-VCCs do not increase the bandwidth capacity of the ETS Channel Terminations, ETS Ports, and ETS EVCs used by the TSP to connect its customer designated premises to the DSL Access Service Connection Point SWC.

Transmission speed across the ETS MM-VCC is not guaranteed and may be affected by factors that affect the actual speeds delivered, including the ADSL Access Service end user's distance from the Telephone Company SWC, condition of the facilities, and any capacity limitations in the TSP network design.

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1.3 ETS Multimedia Virtual Circuit Channel (MM-VCC) (Cont'd)

At each premises to which the TSP wants to transmit multimedia content using an ETS MM-VCC, the TSP must specify on its order (1) its end user customer's premises location, (2) the type of MM-VCC (i.e., one-way or two-way), and (3) the total number of 10 Mbps bandwidth capacity increments required to that location. For example, a TSP requires an additional 40 Mbps of bandwidth capacity to one of its end user customers to send and receive high speed multimedia transmissions. On its order to the Telephone Company, the TSP would specify the end user customer's premises address and order one Two-Way ETS MM-VCC made up of four 10 Mbps increments. In this example, the Telephone Company would bill the TSP for one ETS MM-VCC nonrecurring charge and the monthly recurring rate for this Two-Way ETS MM-VCC would be calculated at four times the two-way 10 Mbps increment rate.

Monthly and nonrecurring charges apply to each ETS MM-VCC established by the Telephone Company. Rates and charges are specified in Section 1.4.3, following.

The Telephone Company will waive the ETS MM-VCC monthly rate when the local exchange telephone service, ADSL Access Service, and ETS MM-VCC are provided from the same serving wire center where the Telephone Company has located its DSL Access Service Connection Point. The ETS MM-VCC nonrecurring charge will apply.

When the TSP elects to change the bandwidth capacity of an existing ETS MM-VCC, remove an existing ETS MM-VCC from its associated ADSL Access Service line, or convert from a One-Way ETS MM-VCC to a Two-Way ETS MM-VCC or vice versa, the ETS MM-VCC nonrecurring charge will apply.

When the TSP disconnects an ETS MM-VCC and the associated ADSL Access Service line at the same time, the ETS MM-VCC nonrecurring charge will not apply.

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1. Digital Subscriber Line Access Services (Cont'd)

1.4 Rates and Charges

1.4.1 <u>ADSL Line Charge</u>	<u>Monthly Rate</u>	<u>Nonrecurring Charge</u>
- Per Voice-Data Option		
- 1 Mbps / 8 Mbps	\$19.75	\$185.00
- 3 Mbps / 15 Mbps	\$29.26	\$185.00
- 25 Mbps / 50 Mbps	\$31.42	\$185.00
- 50 Mbps / 100Mbps	\$52.23	\$185.00
- Per Data-Only Option		
- 1 Mbps / 8 Mbps	\$138.74	\$211.00
- 3 Mbps / 15 Mbps	\$146.47	\$211.00
- 25 Mbps / 50 Mbps	\$188.00	\$211.00
- 50 Mbps / 100 Mbps	\$206.86	\$211.00

1.4.2 DSL Volume Pricing Plan

<u>Monthly Volume Commitment Level</u>	<u>Monthly Discount</u>
500 lines	15%
2,500 lines	30%
5,000 lines	50%

1.4.3 ETS MM-VCC
Per 10 Mbps Increment

- One-Way	\$8.63	\$7.00
- Two-Way	\$8.63	\$7.00