

## APPENDIX B

### VNXX DECISIONS BY STATE COMMISSIONS<sup>1</sup>

STATE	VNXX TREATMENT
Arizona	Allows exchange of VNXX arrangements in Qwest-Level 3 arbitration; compensation for calls is based on historical geographic LCAs. <sup>2</sup>
California	For routing purposes, VNXX is considered interexchange, but is rated as local traffic, subject to state determined reciprocal compensation; ILECs receive call origination charges for transporting to POI. <sup>3</sup>
Colorado	Bill and keep for all ISP-bound traffic, not just VNXX; voice VNXX not allowed. <sup>4</sup>
Iowa	Bill and keep for all ISP-bound traffic, including VNXX. <sup>5</sup>
Massachusetts	Access charges apply to VNXX traffic. <sup>6</sup>
Minnesota	Allows exchange of VNXX traffic subject to a unitary rate for all traffic types exchanged (excludes VNXX for which bill and keep applies). <sup>7</sup>

<sup>1</sup> References to and descriptions of additional state decisions are included in Staff's, Qwest's and Pac-West's pleadings before the Commission: See Staff's Opening Brief, nn.48-50; Qwest's Initial Brief, nn.95-103; Pac-West Petition, ¶¶ 39-40, nn.48-51.

<sup>2</sup> *Pac-West Telecomm, Inc. v. Qwest Communications*, Docket Nos. T-01051B-05-0495, T-03693A-05-0495, ACC Decision No. 68820; *Level 3 Communications, LLC v. Qwest Communications*, Docket Nos. T-01051-B-050415, T-03654A-05-0415, ACC Decision No. 68855; See *Qwest v. Arizona*, No. CV-06-2130-PHX-SRB, Slip Opinion (Dist. Arizona, Nov. 20, 2007), appeal docketed, No. 08-15887 (9<sup>th</sup> Cir., Apr. 4, 2008).

<sup>3</sup> *Re Competition for Local Exchange Service Rulemaking*. Proceeding 95-04-043, Interim Order 95-04-044, Decision 99-09-029, California Public Utilities Commission (Sept. 2, 1999).

<sup>4</sup> See *In the Matter of Level 3 Communications, LLC's Petition for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934, as Amended by the Telecommunications Act of 1996, and Applicable State Laws for Rates, Terms, and Conditions of Interconnection with Qwest Corporation*, Initial Commission Decision, Docket No. 05B-210T, Colo. PUC at ¶¶ 46, n.28, 49 (Mar. 6, 2007).

<sup>5</sup> See *Final Decision and Order, In Re Sprint Communications Company, L.P., and Level 3 Communications, LLC*, Docket Nos. SPU-02-11, SPU-02-13, 2003, Iowa PUC LEXIS 229, \*10-\*12 (Iowa Utils. Bd. June 6, 2003); See *Level 3 Communications LLC v. Qwest Corporation*, Order on Reconsideration, 2006 WL 2067855 at 17-19 (Iowa U.B., July 19, 2006).

<sup>6</sup> See *Global NAPs I*, 444 F.3d 59 (1<sup>st</sup> Cir. 2006).

<sup>7</sup> *In the Matter for the Joint Application for Approval of the March 15, 2007 Amendment to the Interconnection Agreement Between MCIMetro and Qwest*, Order Dismissing Level 3's Objection and Approving the Qwest MCI Interconnection Agreement Amendment, Minnesota P.U.C. Docket No. P-5321, 421/IC-07-3121 (July 26, 2007).

STATE	VNXX TREATMENT
New Hampshire	Developed special Information Access NXX codes for use in carrying information traffic out of LCAs, subject to interim FCC rate for ISP bound traffic. Allows VNXX voice traffic, but carriers must have local presence in exchange from which VNXX service is requested, and requires transport and transit charges, as geographic endpoints of call control. <sup>8</sup>
Ohio	Intercarrier compensation depends on the geographic endpoints of a call; Access charges apply to VNXX traffic. <sup>9</sup>
Oregon	VNXX traffic allowed for ISP-bound traffic, not voice, subject to bill and keep; CLECs pays for transport at Qwest private line transport rates. <sup>10</sup>
Pennsylvania	CLECs must assign NXX codes to customers that conform to the same local calling area/rate centers where customers are actually located in order to ensure calls are properly rated; VNXX calls not subject to reciprocal compensation. <sup>11</sup>
South Carolina	VNXX is interexchange traffic not subject to FCC's reciprocal compensation or ISP-bound rate; Access charges apply to VNXX traffic. <sup>12</sup>

<sup>8</sup> Order, Re New England Fiber Communications, LLC, Nos. DT 99-081 & DT 99-085, 2003 N.H. PUC LEXIS 128, at 32-33 (NH PUC Nov. 12, 2003)

<sup>9</sup> *Re Global NAPs, Inc.*, No. 02-879-TP-ARB, 2002 Ohio PUC Lexis 644, \*22-\*23 (Ohio PUC July 22, 2002)

<sup>10</sup> *In the Matter of Level 3 Communications, LLC Petition for Arbitration of an Interconnection Agreement with Qwest Corporation, Pursuant to Section 252(b) of the Telecommunications Act*, 2007 WL 978413 (Ore. PUC, Mar. 14, 2007).

<sup>11</sup> *Application of MFS Intelenet of Pennsylvania, Inc.*, Docket No. A-310203F0002, *Application of TCG Pittsburgh*, Docket No. A-310213F0002, *Application of MCI Metro Access Transmission Services, Inc.*, Docket No. A-310236F0002, *Application of Eastern Telelogic Corp.*, Docket No. A-310258F0002, Opinion and Order at 19 (Pa. PUC July 18, 1996); Opinion and Order, *Petition of Global NAPs South, Inc. for Arbitration . . . with Verizon Pennsylvania Inc.*, Docket No. A-310771F7000 at 45 (Pa. PUC, Apr. 21, 2003)

<sup>12</sup> *In re Petition of MCI Metro Transmission Services, LLC for Arbitration of Certain Terms and Conditions of Proposed Agreement with Horry Telephone Cooperative*, Order Ruling on Arbitration, 2006 S.C. PUC LEXIS 2, at \*35 (S.C. PUC, January 11, 2006).

STATE	VNXX TREATMENT
Texas	FCC rate applies to VNXX traffic, but due to prior decision establishing bill and keep for reciprocal compensation, and to FX traffic, bill and keep also applies to VNXX traffic. <sup>13</sup>
Virginia	NPA/NXX of originating and terminating callers determines rating of call, based on tariff's silence on whether customer's location depends on physical presence or number assignment. <sup>14</sup>
Vermont	VNXX traffic not allowed. <sup>15</sup>
Wyoming	VNXX not allowed; VNXX traffic determined not to be local, not subject to reciprocal compensation. <sup>16</sup>

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<sup>13</sup> Arbitration of Non-costing Issues for Successor Interconnection Agreements to the Texas 271 Agreement, Texas PUC Docket 28821, Arbitration Award – Track II Issues at 9 (June 17, 2005).

<sup>14</sup> *In the Matter of Starpower Communications, LLC v. Verizon South Inc.*, 18 FCCR 23,625 (2003)

<sup>15</sup> *See Global NAPs II*, 454 F.3d 91 (2<sup>nd</sup> Cir., 2006).

<sup>16</sup> *In the Matter of the Petition of Level 3 Communications LL, for Arbitration of an Interconnection Agreement with Qwest Corporation*, Memorandum Opinion, Docket Nos. 70043-TK-05-10 and 70000-TK-05-1132, at 11, 19-22 (Wyo. PSC, April 30, 2007).