

7.3.1.1.2 If CLEC uses an existing facility purchased as Private Line Transport or Special Access Service from the Qwest FCC Access Tariff, the rates from the FCC Tariff will apply as described in this Section.

7.3.1.1.2.1 If CLEC has purchased a multiplexed, DS3 Private Line or Special Access Service from the Qwest FCC Access Tariff, and uses this existing facility for local Interconnection, the rates for the DS3 shall be ~~ratcheted~~ determined as follows:

a) DS1's ~~that are used to provide identified as~~ Local Interconnection Service (LIS) ~~DS-1's~~ shall be billed in accordance with the provisions for DS3 Entrance Facilities, DS3 Direct Trunked Transport, or DS3 to DS1 MUX as applicable and as described in this Section 7.3. The actual rate shall be calculated as: (the number of ~~Local Interconnection Service (LIS)~~ DS1's)/(28) times the appropriate Entrance Facility/DTT/Multiplexed DS3 rate.

b) DS1's ~~that CLEC identified as uses for purposes other than LIS ("Non-LIS DS1's")~~ Private Lines shall be billed in accordance with the DS3 rates specified in Qwest's FCC Access intrastate Private Line Tariff. The actual rate shall be calculated as: ((the number of Non-LIS Private Line DS1's)/(28) times the appropriate FCC Access Tariff Private Line DS-3 rate.

c) ~~DS1's associated with a DS3 Private Line that is used to access UNEs in accordance with Section 7.1.2.1 and subject to the local use restrictions described in Section 9.23.3.7 shall be billed in accordance with the DS3 rates specified in Qwest's intrastate Private Line Tariff. The actual rate shall be calculated as: (the number of DS1's associated with DS3 Private Lines that are used to access UNEs)/(28) times the appropriate UNE DS3 rate.~~

d) ~~Any DS1's on the Private Line DS3 that are spare or unused, shall be assigned as LIS or Non-LIS in direct proportion to the LIS DS1's and Non-LIS DS1's on the DS-3. The spare or unused DS1's assigned as LIS DS1's shall be billed at a rate equal to (the number of spare LIS DS1's)/28 times the appropriate Entrance Facility/DTT/Multiplexed DS3 rate. The spare or unused DS1's assigned as Non-LIS DS1's shall be billed at a rate equal to (the number of spare Non-LIS DS1's)/(28) times the appropriate DS3 rate specified in Qwest's FCC Access intrastate Private Line Tariff.~~

e) ~~To qualify for the above ratcheted rates, the DS3 Private Line Facility must qualify for purchase as an~~

~~intrastate facility out of the state Tariff. To qualify, CLEC must demonstrate that no more than ten percent (10%) of the traffic on the circuit is interstate in jurisdiction.~~