

## ACCESS SERVICE

23. Pricing Flexibility Contract Offerings

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23.2 Contract Offer No. 2 - Special Access Service Offer23.2.1 General Description

The Special Access Service Offer (Contract Offer No. 2) is an access discount pricing plan requiring subscription from Customers under the following Access Tariffs: Ameritech Operating Companies Tariff F.C.C. No 2., Southwestern Bell Telephone Company Tariff F.C.C. No. 73, The Southern New England Telephone Company Tariff F.C.C. No. 39, Pacific Bell Telephone Company Tariff F.C.C. No. 1. and Nevada Bell Telephone Company Tariff F.C.C. No. 1. The plan requires Customers to maintain a Minimum Annual Revenue Commitment (MARC) for five (5) years. Contract Offer No. 2 is available to any Customer with at least \$18.7 million in cumulative annual recurring revenue for qualified access services in the SBC Interstate Access Tariffs as identified above. The qualified access services for the Nevada Bell Telephone Company (NBTC) are listed in Section 23.2.3(B). The Customer must meet the Eligibility Criteria as described in Section 23.2.2 and the Terms and Conditions as described in Section 23.2.3.

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The Customer must meet a Minimum Annual Revenue Commitment (MARC) for each year of the five (5) year term. In the event the Customer does not meet its MARC as of each anniversary date, the Customer will be required to remit a payment, via the Annual True-Up process described in Section 23.2.4(D), otherwise termination liability charges will apply. Contract Offer No. 2 will only be available November X, 2004 through January X, 2005.

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23.2.2 Eligibility Criteria

The following Eligibility Criteria must be met in order to receive Contract Offer No. 2 discounts:

- (A) Contract Offer No. 2 is only available for services located in the following Metropolitan Statistical Areas (MSAs): Reno, NV

If the Telephone Company receives pricing flexibility relief in additional MSAs, the Customer will be able to use services and/or revenue from those areas to meet MARC commitments upon adjustment of the MARC for those incremental revenues as defined in Section 23.2.4.

- (B) The Customer cannot subscribe to this Contract Offer concurrently with SBC's MVP offering in Section 22.
- (C) The Customer must have a minimum of \$18.7 million in cumulative annual recurring revenue for Voice Grade(VG), Digital Data (DS0), High Capacity (DS1 and DS3), Optical Carrier Network (OCN) Point-to-Point (PTP), and Gigabit Ethernet Metropolitan Area Network (GigaMAN) Services from this Contract Offer and the Contract Offers listed in Section 23.2.3 (A).

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23. Pricing Flexibility Contract Offerings (Cont'd)

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23.2 Contract Offer No. 2 - Special Access Service Offer (Cont'd)23.2.2 Eligibility Criteria (Cont'd)

- (D) The Customer must maintain an Access Service Ratio, equal to or greater than 98%. The Access Service Ratio is defined in Section 23.2.3(H) and will be measured monthly.

23.2.3 Terms and Conditions

(Nx)

(A) Concurrent Subscription

The Customer must concurrently subscribe to the parallel Contract Offers of Contract Offer No. 23 pursuant to the following tariffs:

- (1) Pacific Bell, Tariff F.C.C No. 1, Section 33, Contract Offer No. 34.
- (2) Ameritech Tariff F.C.C. No. 2, Section 22, Contract Offer No. 42.
- (3) Southwestern Bell Tariff F.C.C. No. 73, Section 41, Contract Offer No. 31.
- (4) The Southern New England Telephone Company Tariff F.C.C. No. 39, Section 25, Contract Offer No. 5.

(Nx)

(B) Subject Services

Contract Offer No. 2 applies to pricing-flexibility-qualified access services (hereafter referred to as Subject Services) contained in the following tariff sections:

- (1) VG/DS0 Services - NBTC Tariff F.C.C. No. 1, Sections 7.7.6, 7.10.5 for Phase I MSAs, and Sections 22.5.2.1, 22.5.2.4 for Phase II MSAs;
- (2) DS1/DS3 Service - NBTC Tariff F.C.C. No. 1, Section 7.11.5.3 for Phase I MSAs and Section 22.5.2.5, 22.5.2.6, 22.5.2.11 for Phase II MSAs;
- (3) OCN PTP OC48/OC48c/OC192 Service - NBTC Tariff F.C.C. No. 1, Section 21.3 and Section 22.5.2.10 for Phase II
- (4) GigaMAN Service - NBTC Tariff F.C.C. No. 1 Section 7.3.12 for Phase I MSAs and Section 22.5.2.7 for Phase II MSAs.

All Terms and Conditions for the Subject Services listed above are governed by their respective tariff sections except as noted herein. Annual recurring revenue generated from these services will be used in the MARC calculations defined in Section 23.2.4.

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