

## ACCESS SERVICE

41. Pricing Flexibility Contract Offerings

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41.31 Contract Offer No. 31 - Special Access Service Offer41.31.1 General Description

The Special Access Service Offer (Contract Offer No. 31) is an access discount pricing plan requiring subscription from Customers under the following Access Tariffs: Ameritech Operating Companies Tariff F.C.C. No 2., Nevada Bell Telephone Company Tariff F.C.C. No. 1, The Southern New England Telephone Company Tariff F.C.C. No. 39, Pacific Bell Telephone Company Tariff F.C.C. No. 1, and Southwestern Bell Telephone Company Tariff F.C.C. No. 73 (SWBT). The plan requires Customers to maintain a Minimum Annual Revenue Commitment (MARC) for five (5) years. Contract Offer No. 31 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 Southwestern Bell Telephone Company (SWBT) are listed in Section 41.31.3(B). The Customer must meet the Eligibility Criteria as described in Section 41.31.2 and the Terms and Conditions as described in Section 41.31.3.

(Nx)

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 41.31.4(D), otherwise termination liability charges will apply. Contract Offer No. 31 will only be available November XX, 2004 through January XX, 2004.

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41.31.2 Eligibility Criteria

The following Eligibility Criteria must be met in order to receive Contract Offer No. 31 discounts:

- (A) Contract Offer No. 31 is only available for services located in the following Metropolitan Statistical Areas (MSAs): Fayetteville, Fort Smith, Little Rock, AR; Kansas City, Topeka, Wichita, KS; Joplin, Kansas City, Springfield, St. Joseph, St. Louis, MO; Oklahoma City, Tulsa, OK; Abilene, Amarillo, Austin-San Marco, Beaumont, Brownsville- Harlingen, Corpus Christi, Dallas-Ft. Worth, El Paso, Houston, Lubbock, Midland, San Antonio, Waco, Wichita Falls, TX.

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 41.31.4.

- (B) The Customer cannot subscribe to this Contract Offer concurrently with SBC's MVP offering in Section 38;

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(This page filed under Transmittal No. xxx)

ACCESS SERVICE

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41. Pricing Flexibility Contract Offerings (Cont'd)

41.31 Contract Offer No. 31 - Special Access Service Offer (Cont'd)

41.31.2 Eligibility Criteria (Cont'd)

- (C) The Customer must have a minimum of \$18.7 million in cumulative annual recurring revenue for Voice Grade (VG), MegaLink Data (DS0), High Capacity (DS1), Mega Link Custom (DS3), Optical Carrier Network (OCN) Point-to-Point (PTP), Gigabit Ethernet Metropolitan Area Network (GigaMAN) and Dedicated SONET Ring (DSR) Services from this Contract Offer and the Contract Offers listed in Section 41.31.3 (A).
- (D) The Customer must maintain an Access Service Ratio, equal to or greater than 98%. The Access Service Ratio is defined in Section 41.31.3(H) and will be measured monthly.

(Nx)

41.31.3 Terms and Conditions

(A) Concurrent Subscription

The Customer must concurrently subscribe to the parallel Contract Offers of Contract Offer No. 31 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) Nevada Bell Tariff F.C.C. No. 1, Section 23, Contract Offer No. 2.
- (4) Southern New England Tariff F.C.C. No. 39, Section 25, Contract Offer No. 5.

(Nx)

(B) Subject Services

Contract Offer No. 31 applies to pricing-flexibility-qualified access services (hereafter referred to as Subject Services) contained in the following tariff sections:

- (1) VG/DS0 Services - SWBT Tariff F.C.C. No. 73 Sections 7.3.4, 7.3.9 for Phase I MSAs, and Sections 39.5.2.3, 39.5.2.6 for Phase II MSAs;
- (2) DS1/DS3 Service - SWBT Tariff F.C.C. No. 73, Sections 7.3.10, 20.5 for Phase I MSAs and Section 39.5.2.7 and 39.5.2.12 for Phase II MSAs;
- (3) OCN PTP OC48/OC48c/OC192 Service - SWBT Tariff F.C.C. No. 73, Section 40.3 for Phase I and Section 39.5.2.17 for Phase II;
- (4) DSRS - SWBT Tariff F.C.C. No. 73, Sections 29.4 and 30.4 for Phase I MSAs, and Sections 39.5.2.15 and 39.5.2.16 for Phase II MSAs.
- (5) GigaMAN Service - SWBT Tariff F.C.C. No. 73 Section 7.3.12 for Phase I MSAs and Section 39.2.5.18 for Phase II MSAs.

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