**VIA OVERNIGHT DELIVERY**

August 5, 2014

Kristi Izzo
Board Secretary
New Jersey Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

REC'D

2014 AUG 7 PM 1 51

NJ BPU
CASE MANAGEMENT

Re:   *XO Communications Services, LLC's New Jersey Tariff No. 5*

Dear Ms. Izzo:

TT14080895

    Please find enclosed for filing an original and ten (10) copies of tariff revisions XO Communications Services, LLC's New Jersey Tariff No. 5.  This filing modifies VoIP language.
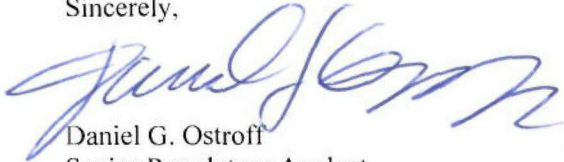
    The following pages are included in this filing:

> **21st Revised Page 1**
> **2nd Revised Page 34.1**
> **2nd Revised Page 34.2**
> **1st Revised Page 34.3**

    This tariff is being filed with an issued date of August 6, 2014 and effective date of August 13, 2014.

    Also enclosed is an additional copy and a self-addressed stamped envelope, please return a date-stamped copy of this letter in this envelope provided.  Should you have any questions, please contact me by telephone at (703)547-2635 or via email at daniel.ostroff@xo.com.

Sincerely,

Daniel G. Ostroff
Senior Regulatory Analyst

Enclosures

cc:   Seema M. Singh, Esq., Division of the Ratepayer Advocates
      31 Clinton Street, 11th Floor
      Newark, NJ 07101

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## CHECK SHEET

Pages of this tariff, as indicated below, are effective as of the date shown at the bottom of the respective pages. Original and revised pages, as named below, comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

| PAGE | REVISION | | PAGE | REVISION | | PAGE | REVISION |
|---|---|---|---|---|---|---|---|
| 1 | 21st Rev. | * | 26 | Original | | 46 | Original |
| 2 | Original | | 27 | Original | | 47 | Original |
| 3 | Original | | 28 | Original | | 48 | Original |
| 4 | Original | | 29 | Original | | 49 | Original |
| 5 | Original | | 30 | Original | | 50 | Original |
| 6 | Original | | 31 | Original | | 51 | Original |
| 7 | 1st Rev. | | 32 | Original | | 52 | Original |
| 8 | 2nd Rev. | | 33 | Original | | 53 | Original |
| 9 | 1st Rev. | | 34 | Original | | 54 | Original |
| 10 | 1st Rev. | | 34.1 | 2nd Rev. | * | 55 | Original |
| 11 | 1st Rev. | | 34.2 | 2nd Rev. | * | 56 | Original |
| 12 | 1st Rev | | 34.3 | 1st Rev. | * | 57 | 7th Rev. |
| 13 | 2nd Rev | | 34.4 | Original | | 58 | Original |
| 14 | Original | | 34.5 | Original | | 59 | 6th Rev. |
| 15 | Original | | 34.6 | 1st Rev. | | 60 | 6th Rev. |
| 16 | Original | | 35 | Original | | 61 | 8th Rev. |
| 17 | Original | | 36 | 1st Rev. | | 61.1 | Original |
| 18 | Original | | 37 | Original | | 61.2 | Original |
| 19 | Original | | 38 | Original | | 61.3 | Original |
| 20 | Original | | 39 | Original | | 61.4 | Original |
| 21 | Original | | 40 | Original | | 61.5 | Original |
| 22 | 2nd Rev. | | 41 | Original | | 62 | Original |
| 23 | 1st Rev. | | 42 | Original | | 63 | 3rd Rev. |
| 23.1 | Original | | 43 | Original | | 63.1 | 1st Rev. |
| 24 | Original | | 44 | Original | | 64 | Original |
| 25 | Original | | 45 | Original | | 65 | Original |

* - indicates those pages included with this filing

## ACCESS SERVICE
## SECTION 2 - TERMS AND CONDITIONS (CONT'D.)

**2.19    Obligations of the Customer, (Cont'd.)**

**2.19.9    Identification and Rating of Toll VoIP-PSTN Traffic**

**A.  Scope**

1.   Toll VoIP-PSTN Traffic is a Customer's interexchange voice traffic that (1) is exchanged with the Company in Time Division Multiplexing ("TDM") format over Public Switched Telephone Network ("PSTN") facilities and (2) originates and/or terminates in Internet Protocol ("IP") format. Toll VoIP-PSTN Traffic originates and/or terminates in IP format when it originates from and/or terminates to an end user of a service that requires IP-compatible customer premises equipment.

2.   In the absence of an agreement between the Company and the Customer specifying the treatment of Toll VoIP-PSTN Traffic, this section governs the treatment of Toll VoIP-PSTN Traffic pursuant 47 C.F.R. § 51.913 and to the Federal Communications Commission's orders adopting and amending those rules ("Section 51.913").

3.   This section will be applied to identify intrastate Toll VoIP-PSTN Traffic exchanged with a Customer or its affiliate that is a local exchange carrier only to the extent that the Customer or its local exchange carrier affiliate has also implemented billing for intrastate Toll VoIP-PSTN Traffic in accordance with Section 51.913.

**B.  Rating of Toll VoIP-PSTN Traffic**

All interstate Toll VoIP-PSTN Traffic and intrastate terminating Toll VoIP-PSTN Traffic will be billed at rates equal to the Company's relevant interstate switched access rates as provided in Section 6.3.3.h of this tariff.    (C)

Any intrastate originating Toll VoIP-PSTN Traffic identified in accordance with this tariff section will be billed at rates equal to the Company's relevant intrastate originating switched access rates as provided in section 3 of this tariff.    (N)

(N)

(D)

(D)

**C.  Calculation and Application of Percent-VoIP-Usage Factor**

The Company will determine the number of intrastate originating Toll VoIP-PSTN Traffic minutes of    (C)
use ("MOU") to which the relevant interstate originating switched access rates will be applied under    (C)
section 2.19.9.B, above, by applying a Percentage VoIP Usage ("PVU") factor to the total intrastate
originating switched access MOU sent by the Company to the Customer. The PVU will be derived    (C)
and applied as follows:

## ACCESS SERVICE

### SECTION 2 - TERMS AND CONDITIONS (CONT'D.)

2.19    **Obligations of the Customer, (Cont'd.)**

2.19.9    **Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd)**

C.    **Calculation and Application of Percent-VoIP-Usage Factor (Cont'd)**

1.    The Customer will calculate and furnish to the Company a factor (the "PVU-C") representing the percentage of the total intrastate originating switched access MOU that    (C)
the Customer receives from the Company in the state, and terminates in IP format. This    (C)
PVU-C shall be based on information such as the number of the Customer's retail VoIP subscriptions in the state (e.g., as reported on FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information.

2.    The Company will, likewise, calculate a factor (the "PVU-X") representing the percentage of the Company's total intrastate originating switched access MOU in the state that the    (C)
Company originates on its network in IP format.    This PVU-X shall be based on    (C)
information, such as the number of the Company's retail VoIP subscriptions in the state (e.g., as reported on FCC Form 477), traffic studies, actual call detail, or other relevant and verifiable information.

3.    The Company will use the PVU-C and PVU-X factors to calculate a PVU factor that represents the percentage of total intrastate originating switched access MOU sent by the    (C)
Company to the Customer that is originated or terminated in IP format, whether at the    (C)
Company's end, at the Customer's end, or at both ends. The PVU factor will be calculated as the sum of: (A) the PVU-C factor and (B) the PVU-X factor times (1.0 minus the PVU-C factor).

4.    The Company will apply the PVU factor to the total intrastate originating switched access    (C)
MOU sent to the Customer in order to determine the number of intrastate originating Toll    (C)
VoIP-PSTN Traffic MOU.

Example 1: The PVU-C is 40% and the PVU-X is 10%. The PVU factor is equal to 40% + (10% x 60%) = 46%. The Company will bill 46% of the Customer's intrastate originating switched access MOU at the Company's tariffed interstate originating switched    (C)
access rates.

Example 2: The PVU-C is 0% and the PVU-X is 10%. The PVU factor is equal to 0% + (10% x 100%) = 10%. The Company will bill 10% of the Customer's intrastate originating    (C)
switched access MOU at the Company's tariffed interstate originating switched access    (C)
rates.

Example 3: The PVU-C is 100%. No matter what the PVU-X factor is, the PVU is 100%. The Company will bill 100% of the Customer's intrastate originating switched access    (C)
MOU at the Company's tariffed interstate originating switched access rates.    (C)

## SECTION 2 - TERMS AND CONDITIONS (CONT'D.)

2.19   Obligations of the Customer, (Cont'd.)

    2.19.9   Identification and Rating of Toll VoIP-PSTN Traffic (Cont'd)

        C.   Calculation and Application of Percent-VoIP-Usage Factor (Cont'd)

            5.     The Customer shall not modify its reported PIU factor to account for Toll VoIP-PSTN Traffic.

            6.     The Customer shall retain any call detail, work papers and information used to develop the PVU-C factor for a minimum of one year.

            7.     If the Customer does not furnish the Company with a PVU-C pursuant to section 2.19.9.C.1, above, the Company will utilize a PVU-C equal to zero.

        D.   Initial PVU factor

            1.     If the PVU factor cannot be implemented in the Company's billing systems by July 1,   (C)
2014, once the factor can be implemented, the Company will adjust the Customer's bills
to reflect the PVU factor retroactively to July 1, 2014. In calculating the initial PVU,
the Company will take the Customer-specified PVU-C into account retroactively to July
1, 2014, provided that the Customer provides the PVU-C factor to the Company no later
than October 15, 2014; otherwise, the Company will set the initial PVU-C equal to zero   (C)
and calculate the PVU accordingly.

            2.     The Company may choose to provide credits based on the PVU-C and PVU-X factors on a quarterly basis until such time as billing system modifications can be implemented.