

YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
Second Revised Page 1
Cancels First Revised Page 1

COMPETITIVE ACCESS SERVICE TARIFF

CHECK SHEET

Pages of this tariff are effective as of the date shown at the bottom of the respective page(s). 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
Title	First		33	Original			
1	Second	(T)	34	Original			
2	Original		35	Original			
3	Original		36	Original			
4	Original		37	Original			
5	Original		38	Original			
6	First	(T)	39	Original			
7	First	(T)	39.1	Original	(N)		
8	Original		39.2	Original	(N)		
9	First	(T)	39.3	Original	(N)		
10	First	(T)	39.4	Original	(N)		
11	Original		40	Original			
12	Original		41	Original			
13	Original		42	Original			
14	Original		42.1	Original			
15	Original		43	First			
16	Original		44	First			
17	Original		44.1	Original			
18	Original		45	Original			
19	Original		46	Original			
20	Original		47	Original			
21	Original		48	Original			
22	Original		49	Original			
23	Original		50	Original			
24	Original		51	Original			
25	Original		52	Original			
26	Original		53	Original			
27	Original		54	Original			
28	Original		55	Original			
29	Original		56	First	(T)		
30	Original		57	First	(T)		
31	Original		58	First	(T)		
32	Original		58.1	Original	(N)		

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YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
First Revised Page 6
Cancels Original Page 6

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 1 - DEFINITIONS

Certain terms used generally throughout this tariff for the Access Services of this Company are defined below.

Access Code: A uniform seven digit code assigned by the Company to an individual Customer. The seven digit code has the form 950-XXXX or 101XXXX.

Access Service: Switched Access to the network of an Interexchange Carrier for the purpose of originating or terminating communications.

Access Service Request (ASR): The industry service order format used by Access Service Customers and access providers as agreed to by the Ordering and Billing Forum.

Access Tandem: A switching system that provides a traffic concentration and distribution function for originating or terminating traffic between End Office Switches and Switched Access Customers. An Access Tandem may be operated by the Company, or by another Carrier with which the Company is interconnected.

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Authorized User: A person, firm, corporation or other entity that either is authorized by the Customer to use Access Services or is placed in a position by the Customer, either through acts or omissions, to use Access Services.

Carrier or Common Carrier: See Interexchange Carrier or Exchange Carrier.

Central Office - See End Office.

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Channel — An electrical or photonic, in the case of fiber optic-based transmission systems, communications path between two or more points of termination, which may include a virtual or derived path.

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Co-Carrier: Any other Telecommunications provider authorized by the Commission to provide local exchange service in the state.

Commission: The Colorado Public Utilities Commission.

Common Channel Signaling (CCS): A high-speed packet switched communications network which is separate (out of band) from the public packet switched and message networks. It is used to carry addressed signaling messages for individual trunk circuits and/or database related services between signaling points in the CCS network.

YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
First Revised Page 7
Cancels Original Page 7

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 1 - DEFINITIONS, (CONT'D.)

Company: YMax Communications Corp.

Customer: Any individual, partnership, association, joint-stock company, trust, corporation, or governmental entity or other entity which subscribes to the services offered under this tariff, including but not limited to End Users, Interexchange Carriers (ICs) and other telecommunications carriers or providers originating or terminating toll VoIP-PSTN Traffic.

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800 Data Base Access Service: The term "800 Data Base Access Service" denotes a toll-free originating Trunkside Access Service when the 8XX Service Access Code (i.e., 800, 822, 833, 844, 855, 866, 877, or 888 as available) is used. The term 8XX is used interchangeably with 800 Data Base Service throughout this tariff to describe this service.

End Office Switch: A Switch that provides the first point of connection between an End User and the Public Switched Telephone Network (PSTN), that sets up and takes down voice-grade communications paths between an End User and other parties on the PSTN, and that exchanges SS7-compatible signaling with other switches on the PSTN. The "first point of connection" means there is no other Switch performing these functions between it and the End User, regardless of how the End User obtains its connection to that switch.

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End User : Any customer of an interstate or foreign telecommunications service and/or VoIP provider that is not a carrier, except that a carrier other than a telephone company shall be deemed to be an "end user" when such carrier uses a telecommunications service for administrative purposes, and a person or entity that offers telecommunications service exclusively as a reseller shall be deemed to be an "end user" if all resale transmissions offered by such reseller originate on the premises of such reseller.

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Entrance Facility: A trunk facility connecting the Customer's point of presence with the local switching center.

Exchange Carrier: Any individual, partnership, association, joint-stock company, trust, governmental entity or corporation engaged in the provision of local exchange telephone service.

Firm Order Confirmation (FOC): Acknowledgment by the Company of receipt of an Access Service Request from the Customer and commitment by the Company of a Service Date.

Individual Case Basis: A service arrangement in which the regulations, rates and charges are developed based on the specific circumstances of the Customer's situation.

YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
First Revised Page 9
Cancels Original Page 9

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 1 - DEFINITIONS, (CONT'D.)

Network Services: The Company's telecommunications Access Services offered on the Company's Network.

Non-Recurring Charges: The one-time initial charges for services or facilities, including but not limited to charges for construction, installation, or special fees, for which the Customer becomes liable at the time the Service Order is executed.

Off-Hook: The active condition of Switched Access or a telephone exchange service line.

On-Hook: The idle condition of Switched Access or a telephone exchange service line.

Out of Band Signaling: An exchange access signaling feature which allows customers to exchange call control and signaling information over a communications path which is separate from the message path.

Point of Presence: Location where the Customer maintains a facility for purposes of interconnecting to the Company's Network.

Premises: The space occupied by a Customer or Authorized User in a building or buildings or on contiguous property (except railroad rights-of-way, etc.).

Presubscription: An arrangement whereby an End User may select and designate to the Company an Interexchange Carrier (IXC) or Carriers it wishes to access, without an Access Code, for completing both intraLATA toll calls and/or interLATA calls. The selected IXC(s) are referred to as the End User's Primary Interexchange Carrier (PIC).

Public Switched Telephone Network (or PSTN): The interconnected network of networks providing voice-grade switched communications service to end users with station addressing based upon the North American Numbering Plan, regardless of the technology or facilities used to provide this service, and regardless of the dialing plan or pattern actually used by a particular caller.

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YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
First Revised Page 10
Cancels Original Page 10

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 1 - DEFINITIONS, (CONT'D.)

Recurring Charges: The monthly charges to the Customer for services, facilities and equipment, which continue for the agreed upon duration of the service.

Service Order: The written request for Network Services executed by the Customer and the Company in a format devised by the Company; or, in the alternative, the submission of an Access Service Request by the Customer in the manner specified in this tariff.

Service(s): The Company's telecommunications Access Services offered on the Company's Network.

Serving Wire Center: A geographic location designated by the Company where Switched Access trunks or other access facilities are terminated for purposes of interconnection to other elements or Switched Access Service provided by the Company.

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Signaling Point of Interface: The Customer designated location where the SS7 signaling information is exchanged between the Company and the Customer.

Signaling System 7 (SS7): The common Channel Out of Band Signaling protocol developed by the Consultative Committee for International Telephone and Telegraph (CCITT) and the American National Standards Institute (ANSI).

Switched Access: Refers to the services described in Section 3 of this Tariff, including but not limited to Tandem Connect Access and Direct Connect Access.

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Trunk: A communications path connecting two switching systems in a network, used in the establishment of an end-to-end connection.

VoIP-PSTN Traffic: Traffic exchanged over PSTN facilities that originates and/or terminates in IP format. See FCC 11-161, ¶ 940.

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Wireless Provider: Any carrier authorized to operate as a provider of cellular, personal communications, paging or any other form of wireless transmission.

YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
Original Page 39.1

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 2 - RULES AND REGULATIONS, (CONT'D.)

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

2.3.4 Identification and Rating of VoIP-PSTN Traffic

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A. Scope

1. VoIP-PSTN Traffic is defined as traffic exchanged between the Company and the Customer in time division multiplexing ("TDM") format that originates and/or terminates in Internet protocol ("IP") format. This section governs the identification of VoIP-PSTN Traffic that is required to be compensated at interstate access rates (unless the parties have agreed otherwise) by the Federal Communications Commission in its Report and Order in WC Docket Nos. 10-90 etc., FCC Release No. 11-161 (November 18, 2011) ("FCC Order"). Specifically, this section establishes the method of separating such traffic (referred to in this tariff as "Relevant VoIP-PSTN Traffic") from the Customer's traditional intrastate access traffic, so that such Relevant VoIP-PSTN Traffic can be billed in accordance with the FCC Order.
2. Switched access charges under this tariff apply to VoIP-PSTN Access Traffic whether the connection to the called or calling party's premises is provided by the Company directly or in conjunction with a provider of VoIP Service that does not itself seek to collect switched access charges for the same traffic. As long as the Company is listed in the database of the Number Portability Administration Center as providing the calling party or dialed number, then the provision by the Company of any portion of the transport or termination of VoIP-PSTN Access Traffic shall be considered the functional equivalent of the access service typically provided by an incumbent local exchange carrier, regardless of the technology or network structure employed by the Company or the VoIP Service provider to perform that function.
3. This section will be applied to the billing of switched access charges to a customer that is a local exchange carrier only to the extent that the customer has also implemented billing of interstate access charges for Relevant VoIP-PSTN Traffic in accordance with the FCC Order.

B. Rating of VoIP-PSTN Traffic

The Relevant VoIP-PSTN Traffic identified in accordance with this tariff section will be billed at rates equal to the Company's applicable interstate switched access rates as specified in Tariff FCC No. 2 available for public inspection at:
<https://apps.fcc.gov/etfs/public/search.action>.

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YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
Original Page 39.2

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 2 - RULES AND REGULATIONS, (CONT'D.)

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

2.3.4 Identification and Rating of VoIP-PSTN Traffic, (Cont'd.)

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

The Company will determine the number of Relevant VoIP-PSTN Traffic minutes of use ("MOU") to which interstate rates will be applied under subsection 2.3.4.B., above, by applying a Percent VoIP Usage ("PVU") factor to the total intrastate access MOU exchanged between the Company and the Customer. The PVU will be derived and applied as follows:

1. The Customer will calculate and furnish to the Company a factor (the "PVU-A") representing the percentage of the total intrastate MOU that the Customer exchanges with the Company in the State, that (a) is sent to the Company and that originated in IP format; or (b) is received from the Company and terminated in IP format. This PVU-A 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-B") representing the percentage of the Company's total intrastate MOU in the State that the Company originates or terminates in IP format. This PVU-B shall be based on 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-A and PVU-B factors to calculate a PVU factor that represents the percentage of total intrastate MOU exchanged between the Company and the Customer that is originated or terminated in IP format, whether at the 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-A factor and (B) the PVU-B factor times (1.0 minus the PVU-A factor).

YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
Original Page 39.3

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 2 - RULES AND REGULATIONS, (CONT'D.)

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

2.3.4 Identification and Rating of VoIP-PSTN Traffic, (Cont'd.)

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

4. The Company will apply the PVU factor to the total intrastate access MOU exchanged with the Customer to determine the number of Relevant VoIP-PSTN Traffic MOUs.

Example 1: The PVU-B is 10% and the PVU-A is 40%. The effective PVU factor is equal to $40\% + (10\% \times 60\%) = 46\%$. The Company will bill 46% of the Customer's intrastate access MOU at its applicable tariffed interstate switched access rates.

Example 2: The PVU-B is 10% and the PVU-A is 0%. The PVU factor is $0\% + (100\% \times 10\%) = 10\%$. The Company will bill 10% of the Customer's intrastate access MOU at the Company's applicable tariffed interstate switched access rates.

Example 3: The PVU-A is 100%. No matter what the PVU-B factor is, the PVU is 100%. The Company will bill 100% of the Customer's intrastate access MOU at the Company's applicable tariffed interstate switched access rates.

5. If the Customer does not furnish the Company with a PVU-A pursuant to the preceding paragraph 1, the Company will utilize a PVU equal to the PVU-B.

D. PVU Factor Updates

The Customer may update the PVU-A factor or the Company may update the PVU-B factor quarterly using the method set forth in subsection 2.3.4C.1, above. If the Customer chooses to submit such updates, it shall forward to the Company, no later than 15 days after the first day of January, April, July and/or October of each year, a revised PVU-A factor based on data for the prior three months, ending the last day of December, March, June and September, respectively. The Company will use the revised PVU-A to calculate a revised PVU. The revised PVU factor will apply prospectively and serve as the basis for billing until superseded by a new PVU.

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YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
First Revised Page 57
Cancels Original Page 57

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 4 - SWITCHED ACCESS SERVICE, (CONT'D.)

4.2 Provision and Description of Switched Access Service Arrangements, (Cont'd.)

4.2.2 Manner of Provision

- A. Switched Access is furnished for the Customer's use in originating calls from and terminating calls to End Users.
- B. Switched Access service will be provided with SS7 Signaling or a compatible form of signaling.
- C. Two types of Switched Access are available:
 - 1. Tandem Connect Access: This option applies when the Customer has no direct facilities to the Company's Serving Wire Center or POI. Traffic is routed to and from the Company's Facilities via the Access Tandem. Delivery of calls to, or acceptance of calls from, End User(s) via Company-provided Tandem Connect Access services shall constitute a Constructive Order and an agreement by the Customer to purchase the Company's switched access services as described and priced herein.
 - a. The Customer must order a connection to the Access Tandem from the Carrier operating that tandem, in accordance with that Carrier's applicable terms and conditions of service.
 - 2. Direct Connect Access: This option applies when the Customer connects to the Company's Serving Wire Center or POI by means of dedicated facilities. This transmission path is dedicated to the use of a single Customer. The Customer is responsible for providing such facilities itself or for negotiating such arrangements with possible suppliers. To the extent that the Company is able to provide such arrangements, the dedicated portion of Direct Connect Access would be provided on an Individual Case Basis as Special Service Arrangements pursuant to Section 8 of this tariff.

4.2.3 [Reserved for Future Use]

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YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
First Revised Page 58
Cancels Original Page 58

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 4 - SWITCHED ACCESS SERVICE, (CONT'D.)

4.2 Provision and Description of Switched Access Service Arrangements, (Cont'd.)

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YMax Communications Corp.
5700 Georgia Avenue
West Palm Beach, Florida 33405

Colorado PUC Tariff No. 2
Original Page 58.1

COMPETITIVE ACCESS SERVICE TARIFF

SECTION 4 - SWITCHED ACCESS SERVICE, (CONT'D.)

4.4 Rate Categories

There are three rate categories that apply to Switched Access Service:

- End Office Switching
- Toll-Free 8XX Data Base Access Service
- Optional Features

4.4.1 End Office Switching

The Company combines traditional per minute switched access rate elements into a single composite per minute rate element. This element includes the following:

- A. The switching of access traffic at the Company's end office switch and the delivery of such traffic to or from the called party's premises;
- B. The routing of interexchange telecommunications traffic to or from the called party's premises, either directly or via contractual or other arrangements with an affiliated or unaffiliated entity, regardless of the specific functions provided or facilities used; or
- C. Any functional equivalent of the incumbent local exchange carrier access service provided by the Company.
- D. Toll-Free 8XX Data Base Query

The Toll-Free 8XX Data Base Query Charge, will apply for each Toll-Free 8XX call query received at the Company's (or its provider's) Toll-Free 8XX data base.