

wholesale basis (e.g., UNE-P/unbundled local switching if and to the extent available, a Local Wholesale Complete product, 271 local switching);

70% of 251(b)(5) and Mandatory EAS traffic shall be compensated at the end office switching rate;

30% of 251(b)(5) and Mandatory EAS traffic shall be compensated at the end office switching rate, tandem switching rate and common transport rates (assuming 15 miles of transport).

15.3 The rates, terms and conditions for optional EAS are set forth in the ICAs.

**16. Terms Applicable to Both ISP-Bound and Section 251(b)(5) Traffic**

16.1 The Parties agree to compensate each other based upon the amounts of ISP-bound and 251(b)(5) traffic exchanged by the Parties and reflected in traffic studies conducted and exchanged by the Parties prior to the Effective Date of this Amendment. The Parties specifically acknowledge that the compensation for ISP-bound and 251(b)(5) traffic is based on measurements of actual traffic exchanged by the Parties.

16.2 Upon mutual agreement of the Parties in writing, the Parties may implement a single rate for both Section 251(b)(5) and ISP-bound Traffic based upon the percentage of ISP-bound Traffic (compensated at \$0.0007 per minute of use) and the percentage of Section 251(b)(5) traffic (70% at the state TELRIC end office rate set forth in Exhibit A and 30% at the state TELRIC tandem rates set forth in Exhibit A).

16.3 Notwithstanding anything to the contrary in this Agreement, either Party may, after this Amendment has been in effect for one (1) year, request that the Parties conduct new traffic studies to determine the proportions of ISP-bound and 251(b)(5) traffic terminated by each Party. Upon such request, the Parties shall conduct and exchange traffic studies according to the methodology used in the studies described in Section 14.4.2. The Parties shall use the resulting proportions of ISP-bound and 251(b)(5) traffic from the new studies to compensate each other prospectively for local traffic for the remainder of the term of this Amendment. If the Parties can not agree upon the appropriate proportion of ISP-Bound and 251(b)(5) traffic, either Party may take appropriate action at the state Commission pursuant to section 252 of the Act to seek appropriate compensation on ISP-Bound and 251(b)(5) traffic. If a Party takes such action at the applicable state Commission, the Parties agree to use such proportion and/or methodology approved by the state Commission as of the date of the Commission approval and, in addition, the Commission-ordered proportion/methodology shall be utilized to determine the true-up as