



Customer Name: _____ **Date:** _____

Customer Declaration Form: MPLS/WAN/Business Data Services Jurisdiction

The Universal Service Administration Company (USAC), an independent, not-for-profit corporation, which administers the Federal Universal Service Fund on behalf of the Federal Communication Commission, requires that service providers such as Xclutel, LLC. (Xclutel) seek signed, written certification forms from its enterprise customers about the nature of the traffic utilized over their private line services, including Wide Area (WAN), Point to Point, MPLS circuit(s), or similar services. Such services are also known as Business Data Services, even if they carry voice, or data traffic, or both.

Traffic is interstate if it is a communication or transmission from any state, territory or possession of the United States, or the District of Columbia, to any other state, territory or possession of the United States or the District of Columbia. Note that your physical network may or may not cross state lines to be considered interstate. Also note, that while Internet traffic is jurisdictionally considered interstate traffic, content downloaded over the Internet and then stored and redistributed over your private network would not be considered interstate for purposes of this certification.

For the purposes of this certification, Xclutel-Provided Internet Access is the relative utilization of the circuit directly accessing the Internet through the Xclutel portal. The Internet Access portion is non-regulated interstate service. The remaining portion of the service or utilization may be interstate or intrastate usage as described above (Non-Interstate Usage). When non-Internet Usage is used 10% or more for interstate transmission (voice or data), the service will be considered interstate and Federal USF will apply. When non-Internet Usage is less than 10%, the entire circuit is considered intrastate and any applicable in-state fees will apply.

By signing the form below and returning it to Xclutel, Customer acknowledges and certifies the relative percentage of utilization noted below based on total traffic. Total traffic would include all inter or intraoffice sharing of data across the circuit(s) regardless of the original source of that data, including video, email, document sharing, conferencing, voice, etc. The Customer also acknowledges it is the Customer’s obligation to notify Xclutel promptly of changes that would impact this Declaration.

*Please review this form, execute and return per the instructions above, as applicable, **by no later than 4/1.***

Note: In the event that you (the “Customer”) do not execute and return this form, Xclutel Communications, LLC will be required to pay into the Federal Universal Service Fund at the then prevailing rate against the total monthly service fee for your circuits and will bill this fee to your account. The current FUSF rate is 20%.

Customer Name: _____

Signature/Title/Date: _____ / _____ / _____

