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September 12, 2011

Mr. John F. Jennings
Chief Financial Officer
Big River Telephone Company, LLC
JJennings@BigRiverTelephone.com

Dear Mr. Jennings:

I am responding to your letter to AT&T Notices Manager in which Big River disputes the charges billed by AT&T in Missouri from February 5, 2010 through March 5, 2011 on BAN 110 401 0113 803. Big River claims that the Missouri Interconnection Agreement allows Big River to "report a Percent Enhanced Usage ("PEU") factor on a statewide basis or as otherwise determined by CLEC at its sole discretion" settlement agreement executed by AT&T".

First, as Big River acknowledges, the dispute resolution prior to the October 31, 2009 settlement agreement involves charges for all Interconnected Voice Over Internet Protocol ("VoIP") traffic. While you contend otherwise, the October 31, 2009 Settlement Agreement between the parties provides further support for this premise. It states the following:

> "The Enhanced Services Dispute shall be resolved for all billings covering the period from July 31, 2009 through January 1, 2010 by AT&T Missouri suppressing or reversing or crediting any switched access charges for specified enhance/information services traffic, *specifically interconnected VOIP traffic* per Attachment 12, section 13.3 of the current Interconnection Agreement" (emphasis added)

The Settlement Agreement also provides that "On and after January 1, 2010, the Parties' respective obligations will be governed by the Interconnection Agreement *as to be amended* as described herein" (emphasis added).

The Interconnection Agreement was amended on November 4, 2009 to include the following language from House Bill 1779:

> "House Bill 1779, Section 392,550. The Parties shall exchange interconnected voice over Internet protocol service traffic, as defined in Section 386.020 RSMo, subject to the appropriate exchange access charges to the same extent that Telecommunications services are subject to such charges; provided, however, to the extent that as of August 28, 2008, the Agreement contains intercarrier compensation provisions specifically applicable to interconnected voice over Internet protocol service traffic, those provisions shall remain in effect through December 31, 2009, and the intercarrier compensation arrangement described in the first clause of this Section shall not become effective until January 1, 2010"

As a result, the traffic disputed by Big River as VoIP prior to the October 31, 2009 Settlement was resolved between the parties. However, VOIP traffic exchanged after January 1, 2010 is governed by House Bill 1779 and subject to the appropriate exchange access charges.

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Please let me know if you have any questions or concerns.

Sincerely,

Janice Mullins
Sr. Carrier Account Manager