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DALE  
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APR 25 2003  
April 17, 2000 By *TD-0335*  
Public Service Commission  
MISSOURI

**VIA OVERNIGHT DELIVERY**

Dale Roberts, Executive Secretary  
Missouri Public Service Commission  
301 W. High Street  
Harry S. Truman State Office Building  
Jefferson City, Missouri 65102

*RECEIVED*<sup>2</sup> ORIGINAL  
APR 18 2000  
*Records*  
*Public Service Commission*

Re: Telscape International, Inc., Telscape USA, Inc., Pointe Communications Corporation, Overlook Communications International Corp. and World Link Communications, Inc. - Notification of Transfers of Control and Related Transactions

Dear Mr. Roberts:

Telscape International, Inc. ("Telscape"), Telscape USA, Inc. ("USA"), Pointe Communications Corporation ("PointeCom"), Overlook Communications International Corp. ("OCI") and World Link Communications, Inc. ("Worldlink")<sup>1/</sup> (Telscape, USA, PointeCom, OCI and Worldlink, collectively, hereafter "Parties"), by their undersigned counsel, hereby notify the Missouri Public Service Commission ("Commission") of transfers of control and related transactions. USA, OCI and Worldlink are nondominant carriers that are authorized to provide resold intrastate interexchange telecommunications services in the State of Missouri.

It is the understanding of the Parties that prior Commission approval is not required for the proposed transaction. Therefore, absent receipt of written notification to the contrary within thirty (30) days, the Parties will proceed with the understanding that no approval or other formal action with respect to the proposed transaction is required by the Commission. This letter is being filed for informational purposes to be associated with the appropriate Commission files and as required by the Commission.

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<sup>1/</sup> The Parties note that although Worldlink's name on its certification is listed as World Link (two words) Communications, Inc., the company's name is Worldlink (one word) Communications, Inc. Accordingly, the Parties respectfully request that the Commission update its records to reflect the proper name.

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An original and fourteen (14) copies of this filing are enclosed. Please date stamp the enclosed copy and return it in the postage-prepaid, self-addressed envelope provided for your convenience.

**I. The Parties**

**A. Telscape**

Telscape is a publicly traded Texas corporation with principal offices located at 2700 Post Oak Blvd., Suite 1000, Houston, Texas, 77056. Telscape is an emerging, fully integrated telecommunications company. Together with its subsidiaries, Telscape is engaged in two primary business segments: voice services and advanced services. Its voice services segment supplies international voice, prepaid calling card services, video and data services, via switched and dedicated networks, principally to, from and within Latin America. Advanced services, including network solution services, customer relationship management and broadband services and products, are provided to customers in the United States, Mexico and Latin America. Telscape is a holding company and does not hold any Federal or State telecommunications authorizations.

**B. USA**

USA is a wholly-owned subsidiary of Telscape. USA is a Texas corporation with principal offices located at 2700 Post Oak Blvd., Suite 1000, Houston, Texas, 77056. USA is authorized to provide resold intrastate interexchange services in 34 states, including Missouri. In Missouri, USA is authorized to provide resold intrastate interexchange telecommunications services pursuant to Commission Order issued in Case No. TA-97-126 on November 12, 1996.

**C. PointeCom**

PointeCom, formerly Charter Communications International, Inc., is a publicly traded Nevada corporation with principal offices located at 1325 North Meadow Parkway, Suite 110, Roswell, Georgia, 30076. PointeCom is an international facilities based communications company primarily serving Hispanic residential and commercial customers in the United States. Together with its subsidiaries, PointeCom provides local and long distance services, Internet services, international private line and prepaid calling card services. PointeCom does not hold any such authorizations in the State of Missouri.

**D. OCI**

OCI is a wholly-owned subsidiary of PointeCom. OCI is a North Carolina corporation with principal offices located at 1325 North Meadow Parkway, Suite 110, Roswell, Georgia, 30076. OCI

is authorized to provide resold intrastate interexchange services in 26 states, including Missouri. In Missouri, OCI is authorized to provide resold intrastate interexchange services pursuant to Commission Order issued in Case No. TA-96-101 on November 30, 1995.

**E. Worldlink**

Worldlink is a North Carolina corporation with principal offices located at 1325 North Meadow Parkway, Suite 110, Roswell, Georgia, 30076. Worldlink is authorized to provide resold intrastate interexchange services in 12 states, including Missouri. In Missouri, Worldlink is authorized to provide resold intrastate interexchange services pursuant Commission Order issued in Case No. TA-97-107 on November 22, 1996.

**II. Description of the Transaction**

Telscape and PointeCom propose to consummate a merger whereby PointeCom will be merged into a newly formed subsidiary of Telscape ("NewCo"). The merger will be achieved through a stock-for-stock transaction. Upon merger closing, expected to occur this Summer, NewCo will cease to exist and PointeCom will survive as a wholly-owned subsidiary of Telscape. Current PointeCom shareholders will own shares representing a majority of the total voting power of Telscape capital stock. Attached hereto as Exhibit A is an illustrative chart depicting the corporate structure of the Parties prior to and immediately following the transfer of control.

Although the proposed transaction will result in a change in control on the holding company level, it will not involve a change in the names under which USA, OCI and Worldlink currently operate nor changes in the manner in which USA and OCI provide service in the State of Missouri. Immediately following consummation of the merger transaction, USA, OCI and Worldlink will continue to offer the same service offerings to Missouri consumers, with no change in name or in the rates, terms, and conditions of service currently offered.

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**III. Conclusion**

As previously stated, it is the Parties' understanding that prior Commission approval is not required for the proposed transaction. This letter is being filed for informational purposes to be associated with the appropriate Commission files and as required by the Commission.

If there are any questions regarding this notification, please do not hesitate to contact the undersigned.

Respectfully submitted,



Priscilla A. Whitehead  
Heather A. Thomas

Counsel to Telscape International Inc. and  
Telscape USA, Inc.

cc: Marco Castilla (Telscape)

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**EXHIBIT A**

**ILLUSTRATIVE CHART OF  
PROPOSED TRANSFER OF CONTROL**

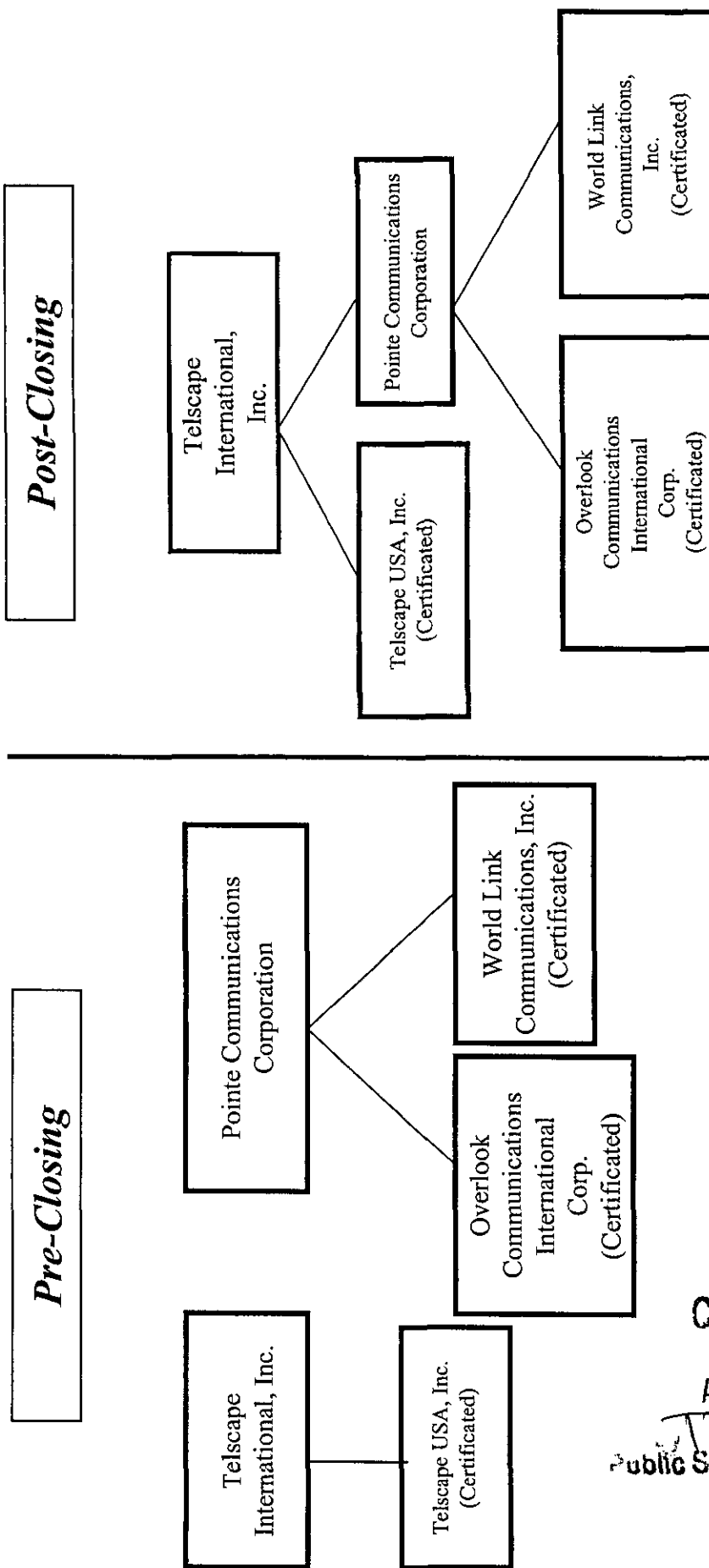
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# Telscape-Pointe Merger

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ORIGINAL SHEET 1

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TITLE SHEET

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MISSOURI INTEREXCHANGE TELECOMMUNICATIONS TARIFF

OF

TELSCAPE USA, INC.

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by Telscape USA, Inc. ("TUI"), with principal offices at 4635 Southwest Freeway, Suite 800, Houston, Texas 77027. This tariff applies for services furnished within the State of Missouri. This tariff is on file with the Missouri Public Service Commission, and copies may be inspected, during normal business hours, at the company's principal place of business.

Telscape USA, Inc. operates as a competitive telecommunications company as defined by Case No. TO-88-142 within the State of Missouri.

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WAIVER OF RULES AND REGULATIONS

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Pursuant to Case No. TA94-370

392.240(1)	Rates-reasonable average return on investment.
392.270	Property valuation.
392.280	Depreciation rates.
392.290	Issuance of stocks and bonds.
392.310	Issuance of stocks and bonds.
392.320	Issuance of stocks and bonds.
392.330	Issuance of stocks and bonds.
392.340	Reorganization.
4 CSR 240-10.020	Income on depreciation fund investments.
4 CSR 240-30.010(2)(C)	Posting exchange rates at central offices.
4 CSR 240-32.030(1)(B)	Exchange boundary maps.
4 CSR 240-32.030(1)(C)	Record of access lines.
4 CSR 240-32.030(2)	Records kept within state.
4 CSR 240-32.050(3-6)	Telephone directories.
4 CSR 240-32.070(4)	Coin telephones.
4 CSR 240-33.030	Inform customers of lowest priced service.
4 CSR 240-33.040(5)	Finance Fee.
4 CSR 240-30.040 (1-3)(5-6)	Uniform System of Accounts

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TARIFF FORMAT

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A. Sheet Numbering: Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between pages 11 and 12 would be page 11.1.

B. Sheet Revision Numbers: Revision numbers also appear in the upper right corner of each sheet where applicable. These numbers are used to indicate the most current page version on file with the Commission. For example, 4th Revised Sheet 13 cancels 3rd Revised Sheet 13. Consult the Check Sheet for the sheets currently in effect.

C. Paragraph Numbering Sequence: There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.  
2.1  
2.1.1  
2.1.1.A  
2.1.1.A.1  
2.1.1.A.1.(a)  
2.1.1.A.1.(a).I  
2.1.1.A.1.(a).I.(i)  
2.1.1.A.1.(a).I.(i).(1)

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D. Check Sheets: When a tariff filing is made with the Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current Revision Number. When new sheets are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current on Commission file.

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SYMBOLS

The following are the only symbols used for the purposes indicated below:

- (C) to signify change in regulation
- (D) to signify a deletion
- (I) to signify a rate increase
- (L) to signify material relocated in the tariff
- (N) to signify a new rate or regulation
- (R) to signify a rate reduction
- (T) to signify a change in text, but no change in rate or regulation

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

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Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to TUI's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable TUI to identify the origin of the Customer so it may rate and bill the call. Automatic number identification (ANI) is used as the authorization code wherever possible.

Commission - Used throughout this tariff to mean the Missouri Public Service Commission.

Customer - The person, firm, corporation or other legal entity which orders the services of TUI or purchases a TUI Prepaid Calling Card and/or originates prepaid calls using such cards, and is responsible for the payment of charges and for compliance with the Company's tariff regulations.

Company or TUI - Used throughout this tariff to mean Telscape USA, Inc., a Texas corporation.

Holiday - New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Holidays shall be billed at the evening rate from 8 a.m. to 11 p.m. After 11 p.m., the lower night rate shall go into effect.

Prepaid Account - An inventory of Telecom Units purchased in advance by the Customer, and associated with one and only one Authorization Code as contained in a specific Prepaid Calling Card.

Prepaid Calling Card - A card issued by the Company, containing an Authorization Code which identifies a specific Prepaid Account of Telecom Units, which enables calls to be processed, account activity to be logged, and balances to be maintained, on a prepayment basis.

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Telecom Unit - A measurement of telecommunications service equivalent to one minute of usage between any two points within the State of Missouri.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or other similar communications.

Underlying Carrier - The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of Customer telecommunications traffic.

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**RECEIVED**SECTION 2 - RULES AND REGULATIONS

SEP 26 1996

**2.1 Undertaking of the Company****MISSOURI  
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This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by TUI for telecommunications between points within the State of Missouri. Resale services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff in compliance with limitations set forth in the Commission's rules. The Company's services are provided on a statewide basis and are not intended to be limited geographically. The Company offers service to all those who desire to purchase service from the Company consistent with all of the provisions of this tariff. Customers interested in the Company's services shall file a service application with the Company which fully identifies the Customer, the services requested and other information requested by the Company. The Company reserves the right to examine the credit record and check the references of all applicants and Customers prior to accepting the service order. The service application shall not in itself obligate the Company to provide services or to continue to provide service if a later check of applicant's credit record is, in the opinion of the Company, contrary to the best interest of the Company. The Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement. The Company does not own any switching, transmission or other physical facilities in Missouri.

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2.1.1 The services provided by TUI are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services, but may involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers subject to the jurisdiction of this Commission.

2.1.2 The rates and regulations contained in this tariff apply only to the resale services furnished by TUI and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carriers for use in accessing the services of TUI.

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2.1.3 The Company reserves the right to limit the length of communications, to discontinue furnishing services, or limit the use of service necessitated by conditions beyond its control, including, without limitation: lack of satellite or other transmission medium capacity; the revision, alteration or repricing of the Underlying Carrier's tariffed offerings; or when the use of service becomes or is in violation of the law or the provisions of this tariff.

## 2.2 Use of Services

2.2.1 TUI's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2.

2.2.2 The use of TUI's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

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- 2.2.3 The use of TUI's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 TUI's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 TUI does not transmit messages, but the services may be used for that purpose.
- 2.2.6 TUI's services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.2.7 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.2.8 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

**2.3 Liability of the Company**

- 2.3.1 The Company shall not be liable for any claim, loss, expense or damage for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.3.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.

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- 2.3.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.3.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff for the long distance call for the period during which the call was affected. No other liability in any event shall attach to the Company.
- 2.3.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.
- 2.3.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.

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2.3.7 The remedies set forth herein are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

**2.4 Responsibilities of the Customer**

- 2.4.1 The Customer is responsible for placing any necessary orders and complying with tariff regulations. The Customer is also responsible for the payment of charges for services provided under this tariff.
- 2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by TUI on the Customer's behalf.
- 2.4.3 If required for the provision of TUI's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to TUI.
- 2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to TUI and the Customer when required for TUI personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of TUI's services.
- 2.4.5 The Customer shall cause the temperature and relative humidity in the equipment space provided by Customer for the installation of TUI's equipment to be maintained within the range normally provided for the operation of microcomputers.

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2.4.6 The Customer shall ensure that the equipment and/or system is properly interfaced with TUI's facilities or services, that the signals emitted into TUI's network are of the proper mode, bandwidth, power and signal level for the intended use of the subscriber and in compliance with criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, TUI will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to TUI equipment, personnel or the quality of service to other Customers, TUI may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, TUI may, upon written notice, terminate the Customer's service.

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2.4.7 The Customer must pay TUI for replacement or repair of damage to the equipment or facilities of TUI caused by negligence or willful act of the Customer or others, by improper use of the services, or by use of equipment provided by Customer or others.

2.4.8 The Customer must pay for the loss through theft of any TUI equipment installed at Customer's premises.

2.4.9 If TUI installs equipment at Customer's premises, the Customer shall be responsible for payment of any applicable installation charge.

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2.4.10 The Customer must use the services offered in this tariff in a manner consistent with the terms of this tariff and the policies and regulations of all state, federal and local authorities having jurisdiction over the service.

2.5 Cancellation or Interruption of Services

2.5.1 Without incurring liability, upon five (5) working days' (defined as any day on which the company's business office is open and the U.S. Mail is delivered) written notice to the Customer, TUI may immediately discontinue services to a Customer or may withhold the provision of ordered or contracted services:

2.5.1.A For nonpayment of any sum due TUI for more than thirty (30) days after issuance of the bill for the amount due,

2.5.1.B For violation of any of the provisions of this tariff,

2.5.1.C For violation of any law, rule, regulation, policy of any governing authority having jurisdiction over TUI's services, or

2.5.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting TUI from furnishing its services.

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- 2.5.2 Without incurring liability, TUI may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and TUI's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.
- 2.5.3 Service may be discontinued by TUI without notice to the Customer, by blocking traffic to certain NXX exchanges, or by blocking calls using certain Customer authorization codes, when TUI deems it necessary to take such action to prevent unlawful use of its service. TUI will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assign a new authorization code to replace the one that has been deactivated.
- 2.5.4 The Customer may terminate service upon thirty (30) days written notice for the Company's standard month to month contract. Customer will be liable for all usage on any of the Company's service offerings until the Customer actually leaves the service. Customers will continue to have Company usage until the Customer notifies its local exchange carrier and changes its long distance carrier. Until the Customer so notifies its local exchange carrier, it shall continue to generate and be responsible for long distance usage.

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2.6 Credit Allowance

2.6.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer, are subject to the general liability provisions set forth in 2.3 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer and connected to the Company's facilities.

2.6.2 No credit is allowed in the event that service must be interrupted in order to provide routine service quality or related investigations.

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2.6.3

Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company or in the event that the Company is entitled to a credit for the failure of the facilities of the Company's Underlying Carrier used to furnish service.

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2.6.4

Credit for interruption shall commence after the Customer notifies the Company of the interruption or when the Company becomes aware thereof, and ceases when service has been restored.

2.6.5

For purposes of credit computation, every month shall be considered to have 720 hours.

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2.6.6 No credit shall be allowed for an interruption of a continuous duration of less than two hours.

2.6.7 The Customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

$$\text{Credit} = \frac{A}{720} \times B$$

"A" - outage time in hours

"B" - monthly charge for affected activity

**2.7 Restoration of Service**

The use and restoration of service shall be in accordance with the priority system specified in part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

**2.8 Deposit**

The Company does not require a deposit to commence service.

**2.9 Advance Payments**

The Company does not require advance payments.

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2.10 Payment and Billing

- 2.10.1 Service is provided and billed on a billing cycle basis, beginning on the date that service becomes effective. Billing is payable upon receipt. Interest at the rate of 1.5% per billing cycle, or the amount otherwise authorized by law, whichever is lower, will accrue upon any unpaid amount commencing 30 days after rendition of bills.
- 2.10.2 The customer is responsible for payment of all charges for services furnished to the Customer, as well as to all persons using the Customer's codes, exchange lines, facilities, or equipment, with or without the knowledge or consent of the Customer. The security of the Customer's Authorization Codes, presubscribed exchange lines, and direct connect facilities is the responsibility of the Customer. All calls placed using direct connect facilities, presubscribed exchange lines, or Authorization Codes will be billed to and must be paid by the Customer. Recurring charges and non-recurring charges are billed in advance. Charges based on actual usage during a month and any accrued interest will be billed monthly in arrears.
- 2.10.3 Reserved for Future Use.

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2.11 Reserved for Future Use

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2.12 Taxes

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein, except as described for prepaid calling card service.

2.13 Reserved for Future Use

2.14 Returned Check Charge

A fee will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

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SECTION 3 - DESCRIPTION OF SERVICE

3.1 Computation of Charges

3.1.1 The total charge for each completed call may be a variable measured charge dependent on the duration, distance and time of day of the call. The total charge for each completed call may also be dependent only on the duration of the call, i.e. a statewide flat rate per minute charge. The variable measured charge is specified as a rate per minute which is applied to each minute. 1+ Dialing and 800 Service calls are measured in six second increments, with a thirty (30) second minimum per call. Travel Cards and Prepaid Calling Cards are measured in one minute increments. All calls are rounded up to the next whole increment.

3.1.2 Where mileage bands appear in a rate table, rates for all calls are based upon the airline distance between the originating and terminating points of the call, as determined by the vertical and horizontal coordinates associated with the exchange (the area code and three digit central office code) associated with the originating and terminating telephone numbers. If the Customer obtains access to the Company's network by a dedicated access circuit, that circuit will be assigned an exchange for rating purposes based upon the Customer's main telephone number at the location where the dedicated access circuit terminates. The vertical and horizontal (V & H) coordinates for each exchange and the airline distance between them will be determined according to industry standards.

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3.1.3 Timing begins when the called station is answered and two way communication is possible, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Recognition of answer supervision is the responsibility of the Underlying Carrier. Timing for each call ends when either party hangs up. TUI will not bill for uncompleted calls.

3.2 Customer Complaints and/or Billing Disputes

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

4635 Southwest Freeway, Suite 800  
Houston, Texas 77027  
(800) 382-9756

Any objection to billed charges should be reported promptly to TUI. Adjustments to Customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate. Where overbilling of a subscriber occurs, due either to Company or subscriber error, no liability exists which will require the Company to pay any interest, dividend or other compensation on the amount overbilled.

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If a Customer accumulates more than Five Hundred Dollars (\$500.00) of undisputed delinquent TUI 800 Service charges, the TUI Resp. Org. reserves the right not to honor that Customer's request for a Resp. Org. change until such undisputed charges are paid in full.

3.3 Level of Service

A Customer can expect end to end network availability of not less than 99% at all times for all services.

3.4 Billing Entity Conditions

When billing functions on behalf of TUI or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply. TUI's name and toll-free telephone number will appear on the Customer's bill.

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3.5 Service Offerings

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3.5.1 1+ Dialing

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The customer utilizes "1+" dialing, or "10XXX" dialing followed by "1 + ten digits" for interLATA calls, or dials "10XXX" followed by "1 + 7 digits" or "1 + 10 digits" for intraLATA calls.

3.5.2 Travel Cards.

The Customer utilizes an 11 digit "800" access number established by TUI to access a terminal. Upon receiving a second dialtone, the Customer uses push button dialing to enter an identification code assigned by the Company, followed by the ten digit number of the called party.

3.5.3 800 Service (Toll free).

This service is a direct access, incoming only, usage sensitive WATS offering. This is a service whereby a Customer can be billed at reduced rates for calls to his premises.

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3.5.4 TUI Prepaid Calling Cards.

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This service permits use of TUI Prepaid Calling Cards for placing long distance calls. Customers may purchase TUI Prepaid Calling Cards at a variety of retail outlets or through other distribution channels. TUI Prepaid Calling Cards are available at a variety of face values ranging from five dollars (\$5.00), in one dollar (\$1.00) increments. TUI Prepaid Calling Card service is accessed using the TUI toll-free number printed on the card. The caller is prompted by an automated voice response system to enter his/her Authorization Code, and then to enter the terminating telephone number. TUI's processor tracks the call duration on a real time basis to determine the number of Telecom Units consumed. The total consumed Telecom Units for each call, which includes applicable taxes, is deducted from the remaining Telecom Unit balance on the Customer's TUI Prepaid Calling Card.

All calls must be charged against an TUI Prepaid Calling Card that has a sufficient Telecom Unit balance. A Customer's call will be interrupted with an announcement when the balance is about to be depleted. Such announcement will occur when five (5) minutes and when one (1) minute remain before the balance will be depleted, based upon the terminating location of the call.

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In order to continue the call, the Customer can either call the toll-free number on the back of the TUI Prepaid Calling Card and "recharge" the balance on the card using a nationally recognized credit card, or the Customer can throw the card away and purchase a new one. Calls in progress will be terminated by the Company if the balance on the TUI Prepaid Calling Card is insufficient to continue the call and the Customer fails to enter the number of another valid TUI Prepaid Calling Card prior to termination.

A card will expire 12 months from the date of purchase, or the date of last recharge, whichever is later.

A credit allowance for TUI Prepaid Calling Card Service is applicable to calls that are interrupted due to poor transmission, one-way transmission, or involuntary disconnection of a call. A Customer may also be granted credit for reaching a wrong number. To receive the proper credit, the Customer must notify the Company at the designated toll-free customer service number printed on the TUI Prepaid Calling Card and furnish the called number, the trouble experienced (e.g. cut-off, noisy circuit, reached wrong number, etc.), and the approximate time that the call was placed.

When a call charged to an TUI Prepaid Calling Card is interrupted due to cut-off, one-way transmission, or poor transmission conditions, the Customer will receive a credit equivalent of one Telecom Unit.

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Credit allowances for calls pursuant to TUI Prepaid Card Service do not apply for interruptions not reported promptly to the Company or interruptions that are due to the failure of power, equipment or systems not provided by the Company.

Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company.

The Company will block all calls beginning with the NPA "900" and NXX "976" calls, therefore such calls can not be completed.

3.5.5 Local Calls and Directory Assistance.

Local calls will not be accepted or completed. TUI does not provide local directory assistance. Access to long distance directory assistance is obtained by dialing 1 + 555-1212 for listings within the originating area code and 1 + (area code) + 555-1212 for other listings. When more than one number is requested in a single call, a charge may apply for each number requested. A charge will be applicable for each number requested, whether or not the number is listed or published.

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3.5.7

Emergency Call Handling Procedures **MISSOURI Public Service Commission**

Emergency "911" calls are not routed to company, but are completed through the local network at no charge.

3.5.8

Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance the marketing of its services. These offerings may be limited to certain dates, times and locations. The Company will notify the Commission of such offerings as required by Commission rules and regulations..

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SECTION 4 - RATES

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4.1 1 + Dialing

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TUI will charge a flat rate per minute with no time of day discounts and without regard to mileage for calls originating and terminating in Missouri as follows:

\$0.336

4.2 Travel Cards

TUI will charge a flat rate per minute with no time of day discounts and without regard to mileage for calls originating and terminating in Missouri as follows:

\$0.30

\$0.60 surcharge per call

4.3 800 Service

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TUI will charge a flat rate per minute with no time of day discounts and without regard to mileage for calls originating and terminating in Missouri as follows:

\$0.217

4.4 Prepaid Calling Cards

TUI Prepaid Calling Cards are available in various Telecom Unit denominations. Prepaid Calling Cards may be recharged in \$1 increments (min. \$5). Prices are inclusive of all taxes.

Price Per Telecom Unit

\$.25

Cards will be decremented by one Telecom Unit for each minute or fractional part of a minute for intrastate calls. These rates apply twenty-four hours per day, seven days per week.

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**4.5 Rate Periods**

Day: 8 a.m. - 5 p.m.\*, Monday - Friday  
Evening: 5 p.m. - 11 p.m.\*, Sunday - Friday  
Night/ 11 p.m. - 8 a.m.\*, Sunday - Friday  
Weekend: & All Day Saturday

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\* To, but not including

When a message spans more than one rate period, total charges for the minutes in each rate period are calculated and the results for each rate period are totaled to obtain the total message charge. If the calculation results in a fractional charge, the amount will be rounded down to the lower cent.

**4.6 Directory Assistance Charges**

A charge per number requested will be \$.75

**4.7 Returned Check Charge**

\$25.00

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