

USTEL, INC.

P.S.C.MO. No. 1
Original Title Sheet

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SEP 25 1995

Title Sheet

MO. PUBLIC SERVICE COMM.

MISSOURI INTEREXCHANGE TELECOMMUNICATIONS TARIFF

OF

USTEL, INC.

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for interexchange telecommunications services provided by UStel, Inc. ("UStel") within the State of Missouri.

UStel operates as a competitive telecommunications company within the State of Missouri.

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by TM-00-419
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Public Service Commission

Issued: September 26, 1995

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COMPETITIVE TELECOMMUNICATIONS COMPANY WAIVERS

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USTel, Inc. is classified as a competitive telecommunications company in Missouri for which the following statutes and regulatory requirements are waived:

Statutes

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- | | |
|---------------------|--|
| Section 392.240 (1) | - Ratemaking |
| Section 392.270 | - Property valuation (ratemaking) |
| Section 392.280 | - Depreciation accounts |
| Section 392.290 | - Issuance of securities |
| Section 392.310 | - Stock and debt issuance |
| Section 392.320 | - Stock dividend payments |
| Section 392.330 | - Issuance of securities, debt and notes |
| Section 392.340 | - Reorganization(s) |

Commission Rules

- | | |
|--|-------------------------------|
| 4 CSR 240-10.020 | - Depreciation fund income |
| 4 CSR 240-30.010(2)(C) | - Rate schedules |
| 4 CSR 240-30.040 (1),
(2), (3), (5) and (6) | - Uniform systems of accounts |
| 4 CSR 240-32.030(1)(B) | - Exchange boundary maps |
| 4 CSR 240-32.030(1)(C) | - Record keeping |
| 4 CSR 240-32.030(2) | - In-state record keeping |
| 4 CSR 240-32.050(3) | - Local office record keeping |
| 4 CSR 240-32.050(4) | - Telephone directories |
| 4 CSR 240-32.050(5) | - Call intercept |
| 4 CSR 240-32.050(6) | - Telephone number changes |
| 4 CSR 240-32.070(4) | - Public coin telephone |
| 4 CSR 240-33.030 | - Minimum charges rules |
| 4 CSR 240-33.040(5) | - Financing Fees |

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SYMBOLS

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The following symbols are used for the purposes indicated below:

- (C) - Changed regulation.
- (D) - Delete or discontinue.
- (I) - Increase in a rate.
- (M) - Moved from another tariff location.
- (N) - New.
- (R) - Reduction in a rate.
- (T) - Change in text but no change in rate or regulation.

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RECEIVED**TARIFF FORMAT**

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. **SEP 25 1995**
is added between sheets already in effect, a decimal is added. **MO-PUBLIC SERVICE COM.** For example, a new sheet added between sheets 14 and 15 would be 14.1.

B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the PSCM. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the PSCM follows in its tariff approval process, the most current sheet number on file with the Commission is not always the tariff page 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.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

The following definitions are applicable to this tariff **SEP 25 1995**

Access Line - An arrangement which connects the Subscriber's or Customer's location to the Carrier's designated point of presence or network switching center.

Authorized User - A person, firm or corporation, or any other entity authorized by the Customer or Subscriber to communicate utilizing the Company's services.

Carrier or Company - UStel, Inc. unless otherwise indicated by the context.

Customer - The person, firm or corporation, or other entity which orders, cancels, amends, or uses service and is responsible for the payment of charges and/or compliance with tariff regulations.

Customer Premises Equipment - Terminal equipment, as defined herein, which is located on the Customer's premises.

Dedicated Access - See Special Access Origination/Termination.

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RECEIVED**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, (CONT'D.)**

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Personal Identification Number (PIN) - A number provided by the Company to the Customer for use with the Customers 800 service. PINS may also be used in conjunction with shared **MO. PUBLIC SERVICE COMM.** uniquely identify the terminating location for an incoming call. Upon dialing a shared 800 number, the caller enters the PIN number associated with the party they are trying to reach.

PSCM - Public Service Commission of Missouri

Special Access Origination/Termination - Where originating or terminating access between the Customer and the interexchange carrier is provided on dedicated circuits. The Access Provider provides these dedicated circuits from the Customer's location to the Company's point of presence. The rates and charges for dedicated circuits are determined by the Access Provider and the Customer is responsible for payment of these charges to the Access Provider.

Subscriber - The person, firm, corporation, or other legal entity which arranges for services of the Company on behalf of itself or Authorized Users. The Subscriber is responsible for compliance with the terms and conditions of this tariff. A Subscriber may also be a Customer when the Subscriber uses services of the Company.

Switched Access Origination/Termination - Where originating or terminating access between the Customer and the interexchange carrier is provided on Feature Group circuits.

Terminal Equipment - Devices, apparatus, and associated wiring, such as teleprinters, telephones, or data sets.

UStel - Used throughout this tariff to refer to UStel, Inc. unless otherwise indicated by the text.

V & H Coordinates - Geographic points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage is used for the purposed of rating calls.

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RECEIVED**SECTION 2 - RULES AND REGULATIONS****2.1 Undertaking of UStel, Inc.**

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UStel's services and facilities are furnished for communications originating at specified points in the state of Missouri under terms of this tariff.

UStel installs, operates, and maintains the communications services provided hereinunder in accordance with the terms and conditions set forth under this tariff. UStel may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities (such as the local exchange company), when authorized by the Customer, to allow connection of a Customer's location to the UStel network. The Customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless otherwise provided, and are available twenty-four hours per day, seven days per week.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of the necessary facilities and equipment, or both facilities and equipment, and subject to the provisions of this tariff.
- 2.2.2 UStel reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer is using service in violation of provisions of this tariff, or in violation of the law.

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

2.2 Limitations, (Cont'd.)

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2.2.3 The Company does not undertake to transmit messages, but offers the use of its facilities, if available, and will not be liable for errors in transmission or for failure to establish connections.

2.2.4 All facilities provided under this tariff are directly or indirectly controlled by USTel and the Customer may not transfer or assign the use of service or facilities without the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.

2.2.5 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions of service.

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

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2.3 Use

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Services provided under this tariff may be used for any lawful purpose for which the service is technically ~~MO. PUBLIC SERVICE COMM.~~

2.4 Liabilities of the Company

2.4.1 The liability of the Company for its willful misconduct or gross negligence which is the sole legal cause of damage or injury is not limited by this tariff. With respect to any other claim or suit, by a Customer or by any others, for damages associated with acts or omissions involving initiation, installation, provision, termination, maintenance, repair, interruption or restoration of any service or facilities offered under this tariff, the Company's liability, if any, is limited to the lesser of \$500 or the actual damages or injury sustained, which in the event of any failure of service shall be deemed to be 1/30 of the monthly charge for service affected for each 24-hour period during which such failure of service occurs and is reported to or known by the Company. In addition, Customer credits for interrupted service will be issued, where applicable, in accordance with the provisions of Section 2.14.

2.4.2 In no event will Company be responsible for consequential damages or lost profits suffered by Customer on account of interrupted or unsatisfactory service unless Company is found to have been willfully negligent.

2.4.3 The Company is not liable for any act or omission of any other company or companies furnishing a portion of the service. No agents or employees of other carriers shall be deemed to be agents or employees of the Company.

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

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2.4 Liabilities of the Company, (cont'd.)

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2.4.4 The Company shall be indemnified and held harmless by the Customer against:

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- a. Claims for libel, slander, infringement of copyright or unauthorized use of any trade mark, trade name or service mark arising out of the material, data, information, or other content transmitted by the Customer over the Company's facilities; and
- b. Claims for patent infringement arising from combining or connecting the Company's facilities with apparatus and systems of the Customer; and
- c. All other claims arising out of any act or omission of the Customer in connection with any service provided by the Company.

2.4.5 The Company will make no refund of overpayments by a Customer unless the claim for such overpayment together with proper evidence be submitted within one (1) year from the date of alleged overpayment unless billing records prepared by the Company can be produced which would justify a credit beyond one year.

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

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2.5 Deposits

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The Company will not collect deposits from Customers.

2.6 Advance Payments

The Company reserves the right to require an advance payment from a Customer instead of a deposit. The advance payment shall be in amount equal to or less than two months estimated billing. Advance payments are applied against the first month's charges.

2.7 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

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RECEIVED**SECTION 2 - RULES AND REGULATIONS, (CONT'D.) SEP 25 1995****2.8 Terminal Equipment****MO. PUBLIC SERVICE COMM.**

The Company's facilities and service may be used with or terminated in Customer-provided terminal equipment or Customer-provided communications systems, such as a PBX, key systems or other telecommunications device. Such terminal equipment shall be furnished and maintained at the expense of the Customer, except as otherwise provided. The Customer is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of the Company's service. When such terminal equipment is used, the equipment shall comply with the generally accepted minimum protective criteria standards of the telecommunications industry as endorsed by the Federal Communications Commission.

2.9 Installation

Service is installed upon mutual agreement between the Customer and the Company. The service agreement does not alter rates specified in this tariff.

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

2.10 Payment for Service

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The Customer is responsible for payment of all charges for services and equipment furnished to the Customer or to an Authorized User of the Customer by UStel. UStel will arrange to bill calls in accordance with the credit card, collect call, or calling card instruction of the caller, via the designated commercial credit card clearing center or the applicable telephone company with whom UStel has a billing agreement. Direct dialed calls will be billed to the Customer's originating line account. All charges due by the Customer are payable to the Company or to any agency duly authorized to receive such payments. Terms of payment shall be according to the rules and regulations of the agency and subject to the rules of regulatory agencies, such as the Public Service Commission of Missouri. When payment is made through another entity, the billing conditions of that entity apply. Account payment will not be considered delinquent if payment has been received within 21 days of bill rendering. Any objections to billed charges must be promptly reported to the Company or the Company's billing agent. Adjustments to Customer's bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate.

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SECTION 2 - RULES AND REGULATIONS, (CONT'D.) SEP 25 1995

2.11 Cancellation by Customer

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Customer may cancel service by providing thirty (30) days written notice to the Company.

2.12 Interconnection

Service furnished by UStel may be connected with the services or facilities of other carriers. Such service or facilities are provided under the terms, rates and conditions of the other carrier. The Customer is responsible for all charges billed by other carriers for use in connection with UStel's service. Any special interface equipment or facilities necessary to achieve compatibility between carriers is the responsibility of the Customer.

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RECEIVED**SECTION 2 - RULES AND REGULATIONS, (CONT'D.) SEP 25 1995****2.13 Refusal or Discontinuance by Company****MO. PUBLIC SERVICE COMM.**

USTel may refuse or discontinue service under the following conditions provided that, unless otherwise stated, the Customer shall be given fifteen (15) days notice to comply with any rule or remedy any deficiency:

- (a) For non-compliance with or violation of any State, municipal, or Federal law, ordinance or regulation pertaining to telephone service.
- (b) For use of telephone service for any other property or purpose than that described in the application.
- (c) For neglect or refusal to provide reasonable access to USTel or its agents for the purpose of inspection and maintenance of equipment owned by USTel or its agents.
- (d) For noncompliance with or violation of Commission regulation or USTel's rules and regulations on file with the Commission, provided five (5) days' written notice is given before termination.
- (e) For nonpayment of delinquent bills (see Section 2.10), provided that suspension or termination of service shall not be made without five (5) days written Company or billing agent notice to the Customer. At least twenty-four (24) hours prior to discontinuance, the Company will make reasonable efforts to speak with the Customer in order to advise the Customer of the proposed discontinuance and to advise the Customers of steps necessary to avoid discontinuance.
- (f) Without notice in the event of Customer or Authorized User use of equipment in such a manner as to adversely affect USTel's equipment or service to others.
- (g) Without notice in the event of tampering with the equipment or services owned by USTel or its agents.

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RECEIVED**SECTION 2 - RULES AND REGULATIONS, (CONT'D) SEP 25 1995****2.13 Refusal or Discontinuance by Company, (Cont'd.)****MO. PUBLIC SERVICE COMM.**

- (h) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, UStel may, before restoring service, require the Customer to make, at his or her own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.
- (i) Without notice when necessary for the Company to comply with any order or request of any governmental authority having jurisdiction.
- (j) For periods of inactivity over sixty (60) days.
- (k) When any governmental or regulatory condition imposed upon UStel materially and negatively impacts the financial viability of the service, as determined by UStel in its best business judgment.

2.14 Credit Allowance for Interruption of Service

Credit allowances for interruptions of service are limited to the initial minimum period call charges incurred for re-establishing the interrupted call.

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RECEIVED**SECTION 2 - RULES AND REGULATIONS, (CONT'D.) SEP 25 1995****2.15 Inspection, Testing and Adjustment****MO. PUBLIC SERVICE COMM.**

Upon reasonable notice, the facilities provided by the Company shall be made available to the Company for tests and adjustments as may be deemed necessary by the Company for maintenance. No interruption allowance will be granted for the time during which such tests and adjustments are made when the interruption is less than twenty-four (24) consecutive hours.

2.16 800 Numbers

- 2.16.1 The Company will make every effort to reserve "800" vanity numbers on behalf of Customers, but makes no guarantee or warrantee that the requested "800" number(s) will be available or assigned to the Customer requesting the number.
- 2.16.2 If a Customer accumulates undisputed past-due charges, the Company reserves the right not to honor the Customer's request for a change in 800 service to another carrier (e.g., "porting" of the 800 number), including a request for a Responsible Organization (Resp Org) change, until such time as all charges are paid in full.
- 2.16.3 800 numbers shared by more than one Customer, whereby individual customers are identified by a unique Personal Identification Number, may not be assigned or transferred for use with service provided by another carrier. Subject to the limitations provided in Section 2.16.2, the Company will only honor Customer requests for change in Resp Org or 800 service provider for 800 numbers dedicated to the sole use of that single Customer.

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RECEIVED**SECTION 3 - SERVICE AND RATE DESCRIPTION****SEP 25 1995****3.1 General**

Calls are rated and billed according to one or more of the following variables: mileage between end points, time of day and day of week, type of access, term commitment, and/or volume. **MO. PUBLIC SERVICE COMM.**

3.2 Timing of Calls

- 3.2.1 Long distance usage charges are based on the actual usage of the Company's network. Chargeable time begins when the calling and the called station are connected.
- 3.2.2 Chargeable time ends when the calling service point terminates, thereby releasing the network connection. If the called party hangs up but the calling number does not, chargeable time ends when the network connection is released by signal from the called party location or by automatic timing equipment in the telephone network.
- 3.2.3 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is eighteen (18) seconds.
- 3.2.4 Unless otherwise specified in this tariff, usage is measured and rounded in six (6) second increments for billing purposes.
- 3.2.5 There is no billing for unanswered calls.

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SECTION 3 - SERVICE AND RATE DESCRIPTION, (CONT'D.)

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3.3 Calculation of Distance

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Usage charges for mileage sensitive services vary based on the type of service subscribed to by the Customer. For services utilizing switched access, mileage measurements for rate schedules are based on the distance in airline miles between rate centers associated with the originating and terminating stations. For services utilizing dedicated access, mileage measurements for rate schedules are based on the distance in airline miles between the UStel network access point associated with the station utilizing Dedicated Access Origination/Termination and the rate center associated with the called/calling station.

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The distance between the originating and terminating points is calculated by using the "V" and "H" coordinates of the serving wire centers as defined by BellCore (Bell Communications Research), in the following manner:

- Step 1: Obtain the "V" and "H" coordinates for the serving wire center or network access point serving the Customer's location and the called/calling station.
- Step 2: Obtain the difference between the "V" coordinates. Obtain the difference between the "H" coordinates.
- Step 3: Square the differences obtained in Step 2.
- Step 4: Add the squares of the "V" difference and "H" difference obtained in Step 3.
- Step 5: Divide the sum of the square obtained in Step 4 by ten (10). Round to the next higher whole number if any fraction results from the division.
- Step 6: Obtain the square root of the whole number obtained in Step 5. Round to the next higher whole number if any fraction is obtained. This is the distance between the originating and terminating locations of the call.

Formula:

$$\sqrt{\frac{(V_1 - V_2)^2 + (H_1 - H_2)^2}{10}}$$

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SECTION 3 - SERVICE AND RATE DESCRIPTION, (CONT'D.)

3.4 Time of Day Rate Periods

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All UStel services offered within the State of Missouri will be provided on a flat rate basis. There is no time of day or day of week sensitive pricing. Service is available twenty-four (24) hours a day, seven (7) days a week.

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SECTION 3 - SERVICE AND RATE DESCRIPTION, (CONT'D.)

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3.5 UStel 1+ Service - Switched

UStel 1+ Service - Switched is a flat rate ~~MO. PUBLIC SERVICE COMMISSION~~ utilizing switched access facilities. Customers can be either presubscribed to UStel or can reach the carrier by dialing the Company's "10xxx" access code. Calls are billed in six (6) second increments with an initial calling period of eighteen (18) seconds.

Per Minute Rate: \$0.2350

3.6 UStel 1+ Service - Dedicated

UStel 1+ Service - Dedicated is a flat rate outbound service utilizing dedicated Customer provided access facilities. Calls are billed in six (6) second increments with an initial calling period of eighteen (18) seconds. This service is offered as interexchange service only.

Per Minute Rate: \$0.2350

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RECEIVED**SECTION 3 - SERVICE AND RATE DESCRIPTION, (CONT'D.)****3.7 UStel "800" Service - Switched****SEP 25 1995**

UStel 800 Service - Switched is a flat rate inbound calling service utilizing switched access facilities. This service permits the Customer to receive incoming calls from all locations within the State of Missouri. With UStel 800 service, the Customer is charged for the call, not the calling party. Calls are billed in six (6) second increments with an initial calling period of eighteen (18) seconds.

Per Minute Rate: \$0.2350

3.8 UStel "800" Service - Dedicated

UStel 800 Service - Dedicated is a flat rate inbound calling service utilizing Customer provided dedicated access facilities. This service permits the Customer to receive incoming calls from all locations within the State of Missouri. With UStel 800 service, the Customer is charged for the call, not the calling party. Calls are billed in six (6) second increments with an initial calling period of eighteen (18) seconds.

Per Minute Rate: \$0.2350

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Public Service Commission

Issued: September 26, 1995

Effective: November 10, 1995

Issued by: Barry Epling, Chief Operating Officer
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SECTION 3 - SERVICE AND RATE DESCRIPTION, (CONT'D.)

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3.9 UStel Travel Card Service

SEP 25 1995

UStel Travel Card Service allows the Customer to place calls within the State of Missouri while away from the office. The Customer must dial an "800" number and a special access code before completing the call. Calls are billed in one (1) minute increments with an initial calling period of one (1) minute.

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Per Minute Rate	\$0.2350
Per Call Charge	\$0.50

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Public Service Commission
MISSOURI**FILED****NOV 10 1995**
96 - 97**MISSOURI**
Public Service Commission

Issued: September 26, 1995

Effective: November 10, 1995

Issued by: Barry Epling, Chief Operating Officer
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RECEIVED**SECTION 4 - MISCELLANEOUS SERVICES****SEP 25 1995****4.1 Directory Assistance****MO. PUBLIC SERVICE COMM.**

Directory Assistance is available to the Customer subscribing to the Company's intrastate interexchange switched communications services. The Directory Assistance charge applies to each call regardless of whether the Directory Assistance bureau is able to furnish the requested telephone number. Directory Assistance calls shall not count toward the volume commitments. If the Customer receives an incorrect telephone number, a credit allowance for Directory Assistance shall be provided.

Directory Assistance, per request

\$0.75

4.2 Late Payment Charge

A late fee of 1.5% per month will be charged on any past due balance.

4.3 Return Check Charge

A return check charge of \$25.00 or 5% of the balance due (whichever is greater) will be assessed for checks returned for insufficient funds. Any applicable return check charges will be assessed according to the terms and conditions of the billing entity (i.e. local exchange company and/or commercial credit card company) and pursuant to Missouri law and Commission regulations.

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MAR 24 2000

TM-00-419
Public Service Commission
MISSOURI**FILED****NOV 10 1995**
96 - 97**MISSOURI**
Public Service Commission

Issued: September 26, 1995

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RECEIVED**SECTION 5 - PROMOTIONS****SEP 25 1995****5.1 Promotions - General**

From time to time the Company shall, at its option, promote subscription or stimulate network usage by offering to waive some of all of the nonrecurring or recurring charges for the Customer (if eligible) of target services for a limited duration, not to exceed 90 days, or by offering premiums or refunds of equivalent value. Such promotions shall be made available to all similarly situated Customers in the target market area. These promotions must be approved by the PSCM before they are offered to the public.

5.2 Demonstration of Calls

From time to time the Company shall demonstrate service by providing free test calls of up to four minutes duration over its network.

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TM-00-419
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MISSOURI**FILED**NOV 10 1995
96 - 97MISSOURI
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SECTION 6 - CONTRACT SERVICES

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6.1 General

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At the option of the Company, service may be offered on a contract basis to meet specialized dedicated services requirements of the Customer not contemplated in this tariff. Rates for Special Access Services will be provided to the PSCM upon request.

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Public Service Commission
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