

**Happy, Kim**

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**From:** Happy, Kim

**Sent:** Wednesday, October 15, 2003 9:08 AM

**To:** Snodgrass, Cliff

**Subject:** XM-2003-0493 Transpoint Communications

The order approving the transfer of assets issued on 6/24/03 in case XM-2003-0493 states that once WorldxChange Corp. notifies the Commission of the completed transaction, the Commission will cancel the certificate of Transpoint Communications. WorldxChange Corp. notified the Commission of the completion of the transaction in a letter dated 8/12/03 and the case was closed on 8/14/03, but the certificate of Transpoint Communications was not canceled.

*Kimberly Happy  
Missouri Public Service Commission  
Data Center Manager  
kimhappy@psc.state.mo.us*

10/29/2003

Missouri Public

REC'D JUN 15 2001

Service Commission

TITLE SHEET

MISSOURI INTEREXCHANGE TELECOMMUNICATIONS TARIFF  
OF  
LOCAL TELCOM HOLDINGS, LLC  
d/b/a TRANSPPOINT COMMUNICATIONS

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of interexchange telecommunications services provided by Local Telcom Holdings, LLC d/b/a Transpoint Communications (the "Company") 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.

Missouri Public

FILED JUL 15 2001

01 - 659

Service Commission

Issued: May 31, 2001

Effective: July 15, 2001

By:

Paul Black, President/CEO  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

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CANCELLED  
June 27, 2003  
XM-2003-0493  
Missouri Public  
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SYMBOLS

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

- D - Delete or Discontinue
- I - Change Resulting in an Increase to a Customer's Bill
- M - Moved From Another Tariff Location
- N - New
- R - Change Resulting in a Reduction to a Customer's Bill
- T - Change in Text or Regulation but no Change in Rate or Charge

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TARIFF FORMAT

Service Commission

- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the sheet. 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 sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect.
- C. Paragraph Number Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 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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WAIVER OF RULES AND REGULATIONS

The following statutes, rules and regulations have been waived for purposes of offering telecommunications service as set forth herein:

Missouri Public

392.210.2	Uniform System of Accounts.
392.240(1)	Just & Reasonable Rates.
392.270	Property Valuation.
392.280	Depreciation Accounts.
392.290	Issuance of Securities.
392.300.2	Acquisition of Stock.
392.310	Issuance of Stock & Debt.
392.320	Issuance of Stock Dividend Payment.
392.330	Issuance of Securities, Debts & Notes.
392.340	Reorganizations.

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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 240-30.040	Uniform System of Accounts.
4 CSR 240-33.030	Inform Customers of Lowest Priced Service.
4 CSR 240-35	Bypass

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REC'D JUN 15 2001

APPLICATION OF TARIFF

This Tariff includes the rates, terms and conditions of service applicable to the furnishing of the within described intrastate interexchange services by the Company within the State of Missouri. This Tariff applies only to services subject to regulation by the Commission. This Tariff does not apply to the within described services which are not provided by the Company:

- (a) to other communications carriers pursuant to any contractual arrangements;
- (b) pursuant to other Company tariffs unless specifically stated thereon;
- (c) to affiliates of the Company;
- (d) on an interstate or international basis.

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

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Service Commission  
SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

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**Access Line** - An arrangement which connects the Customer's location to a Local Telecom Holdings, LLC d/b/a Transpoint Communications Underlying Carrier's network switching center.

**Authorization Code** - A numerical code, one or more of which are available to a Customer, to enable him/her to access the Carrier, and which are used by the Carrier both to prevent unauthorized access to its facilities and to identify the Customer for billing purposes.

**Calling Card** - A card issued by the Company, the Customer's Local Exchange Company, authorized vendor, or other common carrier which allows the Customer to make telephone calls and bill calls to the Calling Card by entering a PIN.

**Card Number** - A multi-digit identifying number which may be printed on each Calling Card, which may also be referred to in this tariff as a PIN.

**Commission** - Missouri Public Service Commission.

**Company or Carrier** - Local Telecom Holdings, LLC d/b/a Transpoint Communications

**Customer** - The person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

**Day** - From 8:00 a.m. up to, but not including, 5:00 p.m. local time Monday through Friday.

**Evening** - From 5:00 p.m. up to, but not including, 11:00 p.m. local time Sunday through Friday.

**Holidays** - The Company's recognized holidays are New York's Day, Martin Luther King, Jr. Day, Presidents' Day, Veterans' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day and Christmas Day.

**Night/Weekend** - From 11:00 p.m. up to, but not including, 8:00 a.m. Sunday through Friday, and 8:00 a.m. Saturday up to, but not including 5:00 p.m. Sunday.

**Underlying Carrier** - Approved telecommunications service providers whose services the Company resells to its Customers under the provisions of this tariff.

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Service Commission  
SECTION 2 - RULES AND REGULATIONS

2.1 Contact Information

2.1.1. Customer complaints, bill inquiry, new service or disconnect requests:

Mr. Adam Bir  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
Toll Free No. 1 (888) 239-2941

2.1.2. Commission contact - tariff information:

Mr. Adam Bir  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
Telephone No. (818) 871-9900

2.1.3. Commission Contact Complaints:

Mr. Adam Bir  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
Telephone No. (818) 871-9900

2.1.4. Missouri Agent:

National Registered Agents, Inc.  
300-B East High Street  
Jefferson City, MO 65101

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Service Commission  
SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.2 Undertaking of the Company

The Company operates and maintains the communication services provided hereunder in accordance with the terms and conditions set forth under this tariff. It 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 the Company network. The Customer shall be responsible for all charges due for such service arrangement.

The Company's services are provided on a monthly basis unless ordered on a longer time basis, and are available 24 hours per day, seven days per week.

2.3 Limitations

2.3.1 Service is offered subject to the availability of facilities and the provisions of this tariff.

2.3.2 The Company reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control or when the Customer is using service in violation of the law or the provisions of this tariff.

2.3.3 All services provided under this tariff are directly controlled by the Company and the Customer may not transfer or assign the use of service, except with 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.

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Service Commission  
SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.3 Limitations (Cont'd)

2.3.4 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 for service.

2.4 Liabilities of the Company

2.4.1 The Company's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the aforementioned faults in transmission occur.

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

- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Underlying Carrier's facilities.
- (B) All other claims arising out of any act or omission of the Customer in connection with any service or facility provided by the Company.

2.4.3 The included tariff language does not constitute a determination by the Commission that a limitation of liability imposed by the Company should be upheld in a court of law. Acceptance for filing by the Commission recognizes that it is a court's responsibility to adjudicate negligence and consequential damage claims. It is also the court's responsibility to determine the validity of the exculpatory clause.

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Service Commission  
SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4 Liabilities of the Company (Cont'd)

2.4.4 The Company will give at least 10 days notice to Customers and the Commission before increasing existing rates or other changes to existing rates.

2.5 Interruption of Service

2.5.1 Credit allowances 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 2.4.1 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 an action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer.

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

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

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SECTION 2 - RULES AND REGULATIONS (Cont'd)2.5 Interruption of Service (Cont'd)

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

Credit Formula:

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

"A" -- outage times in hours

"B" -- total fixed monthly charge for affected facility

2.6 Suspension-of-Service Guidelines

The Company will provide written notice at least ten days in advance of suspending a Customer's service for non-payment of charges. In cases of bona fide emergencies, the Company will attempt to avoid suspension of service for non-payment. Service will be suspended without notice in the following situations:

- 1) The Customer obtained service fraudulently;
- 2) Risk of non-payment is evident; or
- 3) A safety hazard is found on the Customer's premises.

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Service Commission

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SECTION 2 - RULES AND REGULATIONS (Cont'd)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 Billing Periods

The Customer will receive a bill after the 30-day cycle.

2.9 Understanding the Company Bill

The Customer's bill will outline specific charges or adjustments for the Company's services.

2.10 Questions About the Company Bill

If the Customer has questions about the Company's charges that may appear on its bill, the Customer should call the Company service representative or the Company's designated billing agent.

2.11 Pay By Mail

A return envelope is included with each Customer's bill. If the return envelope is unavailable, Customers should contact the Customer service telephone number indicated on the bill for the appropriate address.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

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2.12 Lost Bills

If a bill is lost, the Customer should call the Company service representative or the Company's designated billing agent for the amount due. The Customer should include his/her account number, name, address and telephone number with payment.

Service Commission

2.13 Forms of Payment

For the protection of the Customer, check or money orders payable in United States dollars should be sent with the applicable account number, area code, and telephone number included. Unless otherwise required by law, tariff or Commission order, partial payments received without Customer direction will be prorated by the Company.

Alternate forms of payment include traveler's checks and bank drafts.

2.14 Returned Check Charge

A fee of \$10.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

2.15 Late Charge

A late fee of 1.5% per month will be charged on any balances due for more than thirty (30) days.

2.16 Requirements for Service Restoral After Suspension for Non-Payment

In most cases, all charges billed for service must be paid before service will be restored. This would include any amount which the Customer may have received on a new bill. There is also a charge to restore service, which will be billed on the Customer's account.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

REC'D JUN 15 2001

2.17 Responsibility of the Customer

Service Commission

The Customer is responsible for paying its bills on time and must report any problems in a timely manner so that they can be corrected.

2.18 Cancellations

Customers may cancel their service at any time through written or oral instruction.

2.19 Nonpayment

The Company or the Company's designated billing agent will contact a Customer when their payment is late. At the point where payment exceeds 60 days late, the Customer may be turned over to a collection agency and the Customer's service may be terminated. Suspension or termination of service shall not be made without ten (10) working days' written notice to the Customer except as otherwise set forth herein. The written notice shall be separate and apart from the regular monthly bill for service.

2.20 Credit for Incomplete Calls

When a Customer calls in and identifies that specific calls were incomplete, the Company's Customer Service department has the capability to credit the Customer's card. In the event that the call was incomplete, the Company will automatically credit the Customer's account.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

Missouri Public

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Service Commission

2.21 Deposit

The Company does not require a deposit from the Customer.

2.22 Advance Payments

The Company does not require an advanced payment from the Customer.

2.23 Collection Costs

In the event Company is required to initiate legal proceedings to collect any amounts due to Company for regulated or non-regulated services, equipment or facilities, or to enforce any judgment obtained against a Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Company for all reasonable costs incurred by Company in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and courts costs. In any such proceeding, the amount of collection costs, including attorneys' fees, due to the Company, will be determined by the court.

2.24 Taxes

All federal, State and local taxes 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.

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SECTION 3 - DESCRIPTION OF SERVICES

REC'D JUN 15 2001

3.1 Usage Based Services

Service Commission

The Company's charges are based on the actual usage of Company's services, plus any special features and/or service options, if any. Charges begin when the designated communication termination(s) is/are accessed and enabled thereby ("connected") to receive the communication from the originating location on the network. Charges cease when the called or calling party "hangs up".

3.2 Long Distance Telecommunications Network Service

The Company's Long Distance Telecommunications Network Service provides for the switchless resale of various underlying carriers' services including, AT&T's tariffed Software Defined Network (SDN) Service. This service is a custom designed private telecommunications network that combines the efficiencies and benefits of both switched and private line service to meet the specific requirements of Customers needing to communicate on an interlata basis within the State.

Each service Customer is billed individually for each call, on a conversation minute basis, placed through the Company since the previous month's billing. Each call is measured and billed at the applicable rate for the initial sixty (60) second period or fraction thereof, and then at the applicable rate for each additional sixty (60) second period or fraction thereof. The minimum length of a call is sixty (60) seconds. See Section 4, Rates, for the applicable rate schedule.

Dedicated access circuits may be provided and billed by the local exchange company (LEC). Dedicated access channels may be purchased from carriers other than the LEC only in accordance with Commission rules. Charges for the dedicated access channel are determined by the access provider.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

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3.3 Group Billing Service

Group Billing Service allows the Customer with more than one location to consolidate billing. Group Billing provides enhanced Customer bills with call summaries by NPA, time period and location.

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3.4 Directory Assistance Service

Directory Assistance Service is provided to assist subscribers in obtaining telephone numbers.

3.5 Accessing Service

The service provided by the Company is one way dial in-dial out, multi-point telecommunications services, allowing the Customer to originate calls through the network facilities of the Underlying Carrier. Customers may originate calls only in the city or cities where they have an active account. Access to the Company may differ dependent upon the type of exchange access service provided by the local exchange telephone company to the Underlying Carrier.

3.6 Availability of Service

The services provided through the Company, are available where equal access and underlying long distance billing systems are provided.

3.7 Locations of Service

The services offered by the Company are to be available statewide, where interexchange service is available. The services offered by the Company are not intended to be limited geographically.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

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3.8 Timing of Calls

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3.8.1 Usage charges are based on usage of the Company's service. Chargeable time begins when a connection is established between the calling station and the called station. Chargeable time ends when either party "hangs up" thereby releasing the network connections.

3.8.2 Minimum call duration and usage measurement and rounding for billing purposes is specified on per-product basis in the rate section of this tariff.

3.8.3 There is no billing applied for incomplete calls.

3.9 Company Calling Card

3.9.1 This service permits use of a Calling Card to access and pay for the Company's telecommunications services.

3.9.2 Customers obtain the service by dialing an 800 number or other access codes to access the Company's network. The Customer is prompted by an automated voice response system to enter his/her PIN, and then to enter the terminating telephone number. The Company's processor tracks the call duration from when the call is answered by the Company's processor for rating purposes on a real time basis. Billing for all calls ends when the called party hangs-up.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

REC'D JUN 15 2001

3.10 Customer Complaints and/or Billing Disputes

Service Commission

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

26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
(888) 239-2941

Any objection to billed charges should be reported promptly to the Company. 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 Customer occurs, due either to Company or Customer error, no liability exists which will require the Company to pay any interest, dividend or other compensation on the amount overbilled.

If Customer complaints cannot be resolved by the Company, the Customer may contact the Missouri Public Service Commission at the following address:

200 Madison Street  
Jefferson City, MO 65102-0360

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

REC'D JUN 15 2001

3.11 Billing Entity Conditions

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When billing functions on behalf of the Company 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. The Company's name and toll-free telephone number will appear on the Customer's bill.

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SECTION 4 - RATES

Service Commission

4.1 Long Distance Telecommunications Network and Calling Card Usage Rates

4.1.1 The calls placed through the Company are rated using one of the following schedules. The charges for all calls during a billing month will be totaled. If the total charge includes a fraction of a cent, the fraction is rounded to the next whole cent (e.g., \$4,101.345 would be rounded to \$4,101.35).

4.1.2 Day, Evening and Night rate periods apply to Long Distance Telecommunications Network Usage. The rates apply for all days of the week including holidays. The Day rate period is 8:00 a.m. to, but not including, 5:00 p.m., Monday through Friday and 5:00 p.m. to, but not including 11:00 p.m. Sunday. The Night/Weekend Rate period is 11:00 p.m. to, but not including, 8:00 a.m. Monday through Sunday, all day Saturday, and from 8:00 a.m. to, but not including, 5:00 p.m. Sunday. For New Year's Day (January 1), Independence Day (July 4), Labor Day, Thanksgiving Day and Christmas Day (December 25), the Evening Rate applies.

4.1.3 Missouri Intrastate Interlata Rates

	<u>DAY</u>	<u>EVE</u>	<u>NIGHT</u>
Switched Outbound:			
\$0.246/min. \$0.246/min	\$0.246/min	\$0.246/min	\$0.246/min
Switched Inbound:			
\$0.246/min. \$0.246/min	\$0.246/min	\$0.246/min	\$0.246/min
Dedicated Outbound:			
\$0.149/min. \$0.149/min	\$0.149/min	\$0.149/min	\$0.149/min
Dedicated Inbound:			
\$0.149/min. \$0.149/min	\$0.149/min	\$0.149/min	\$0.149/min

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SECTION 4 - RATES (Cont'd)4.1 Long Distance Telecommunications Network and Calling Card Usage Rates (Cont'd)4.1.4 Missouri Intrastate Intralata Rates

	<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>
Switched Outbound:					
\$0.246/min.	\$0.246/min		\$0.246/min	\$0.246/min	\$0.246/min
Switched Inbound:					
\$0.246/min.	\$0.246/min		\$0.246/min	\$0.246/min	\$0.246/min
Dedicated Outbound:					
\$0.149/min.	\$0.149/min		\$0.149/min	\$0.149/min	\$0.149/min
Dedicated Inbound:					
\$0.149/min.	\$0.149/min		\$0.149/min	\$0.149/min	\$0.149/min

4.1.5 Calling Card Service

	<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>
<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>
\$0.20/min.	\$0.20/min.	\$0.20/min.	\$0.20/min.	\$0.20/min.	\$0.20/min.

4.1.5.1 Operator Handling Charge

Customers will be billed the following operator handling charge for each automated operator assisted Calling Card call.

Per Call Charge: \$3.50

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SECTION 4 - RATES (Cont'd)

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4.2 Directory Assistance Service.

Customers will be charged at the following per call charge for each directory assistance call, provided by its underlying Carrier(s). The directory assistance charge applies to each call regardless of whether the directory assistance bureau is able to furnish the requested telephone number.

Per Call Charge: \$0.99

4.3 Exemptions and Special Rates

4.3.1 Discount for Hearing Impaired Customers:

A telephone toll message which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will receive, upon request, calls placed between TDDs. The credit to be given on a subsequent bill for such calls placed between TDDs will be equal to applying the evening rate during business day hours and the night/weekend rate during the evening rate period. Discounts do not apply to surcharges or per call add on charges for operator service when the call is placed by a method that would normally incur the surcharge.

4.3.2 Operator Assistance for Handicapped Persons:

Operator station surcharges will be waived for operator assistance provided to a caller who identified him or herself as being handicapped and unable to dial the call because of a handicap.

4.3.3 Directory Assistance for Handicapped Persons:

There is no charge for Directory Assistance for calls from handicapped persons. Such persons must contact the Company for credit on their directory assistance calls.

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SECTION 4 - RATES (Cont'd)

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4.4 Private Line Service

Private line services will be made available to customers in a non-discriminatory manner. Rates for interexchange and local exchange dedicated access, private line, non-switched services will be determined on an Individual Case Basis (ICB). ICB rates will be structured to recover the Company's cost of providing the service and will be made available to the Commission's Staff upon request on a proprietary basis. ICB rates will not be used for switched services.

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