

P.S.C. MO. No. 1
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MISSOURI
Public Service Commission

UTS OF ST. LOUIS, INC.

TARIFF

REGULATIONS AND CHARGES APPLYING TO
TELECOMMUNICATIONS SERVICES
IN THE STATE OF MISSOURI

CANCELLED

Issued pursuant to an Order of the Missouri Public
Service Commission Order in Case No. TA-93-283

MAR 14 2004
by TD-2004-0283
Public Service Commission
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UTS of St. Louis, Inc. is a "competitive"
telecommunications company as defined by Case
No. TO-88-142.

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WAIVER OF RULES AND REGULATIONS

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Pursuant to Case No. TA-93-283, the following Rules and regulations have been waived for purposes of offering network services as set forth herein.

Statutory Provisions

Section 392.240 (1)	ratemaking
Section 392.270	valuation of property (ratemaking)
Section 392.280	depreciation accounts
Section 392.290	issuance of securities
Section 392.310	stock and debt issuance
Section 392.320	stock dividend payment
Section 392.330	issuance of securities, debt & 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 240-30.060 (5) (B)	
through (0)	records re: ratemaking
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 rule

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TARIFF FORMAT

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A. Sheet Numbering

Numbers appear in the upper-right hand of the sheet. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between existing sheets with whole numbers, a decimal is added. For example, the first sheet added between sheets 24 and 25 would be 24.1.

B. Sheet Revisions Numbers

Revision numbers also appear in the upper-right corner of the sheet. These numbers are used to determine the MOst current sheet version on file with the Commission. For example, the fourth revised sheet 24 cancels the third revised sheet. Consult the check sheet for the sheet currently in effect.

C. Check Sheets

When a tariff filing is made with the Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the pages contained in the tariffs with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). The tariff user should refer to the latest check sheet to find out if a particular page is the MOst current page on file with the Commission.

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REFERENCE SHEET

Concurring Carriers

None

Connecting Carriers

None

Other Participating Carriers

None

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EXPLANATION OF SYMBOLS

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D - Deleted text or discontinued service or rate.

I - Increased rate.

M - MOved text from another Tariff location.

N - New text.

R - Reduced rate.

T - Text changed without change to any rate or regulation.

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I. GENERAL

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This tariff sets forth the terms, conditions, and rates applicable to intrastate, dedicated non-switched communications services ("services") offered by UTS of St. Louis, Inc. (the "Company").

The Company's Services are provided over analog and digital facilities such as copper and fiber optics facilities, and are intended for use by end user business customers.

The Services are suitable for transmission of analog and digital signals such as digitally encoded voice band signals, one way or two way transmissions of data at speeds ranging up to 45 mb.

The regulations governing the provision and use of services offered under this tariff are set forth in Section II below. Service descriptions and rates are set forth in Sections III and IV, respectively.

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II. REGULATIONSMISSOURI
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Certain terms used throughout this tariff are defined below.

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Authorized User

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"Authorized User" means a person, firm, company, corporation, or other entity who is

authorized by the Customer to be connected to a Service.

Network Control Center"Network Control Center" means the Company's facility used to terminate traffic on the
Network.**Channel**"Channel" means a communications transmission path between two (2) or MORE points on the
Network.**Customer**"Customer" means the person, firm, company, corporation, or other entity who, pursuant to a
written service agreement, orders Service(s) under this tariff.**Customer Premises Equipment ("CPE")**

"Customer Premises Equipment" or "CPE" means equipment connected to the Network at the

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Subscriber's side of the Network Interface.

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Individual Case Basis ("ICB")MISSOURI
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"Individual Case Basis" or ("ICB") means a determination of rates for Services based on individual circumstances.

Initiation of Service

"Initiation of Service" means the customer's written acknowledgement that the circuit is accepted and ready for use.

Interexchange Carrier ("IXC")

"Interexchange Carrier" or "IXC" means a common carrier authorized by the Federal Communications Commission and/or the Missouri Public Service Commission to provide communications service between points in two (2) or more LATAs.

Interruption

"Interruption" means the removal of the circuit from Service by the Customer or the Company for a predetermined period of time.

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MISSOURI**Joint User**

"Joint User" means two (2) or more unaffiliated persons, firms, companies, corporations, or other entities, who are authorized by the Customer to be connected to a Service.

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Premises

"Premises" means a building on contiguous property, but not including rights-of-way, at which Customer elects to originate or terminate Service(s).

Private Line Services

"Private Line Services" means non-switched, point-to-point or multipoint Service(s) provided over dedicated lines at a fixed MONTHly rate.

Scheduled Interruption

"Scheduled Interruption" means an Interruption which has been scheduled by the Company in advance for maintenance, testing, or other administrative purposes.

Service(s)

"Service(s)" means the Company's non-residential telecommunications services described in Section II of this Tariff.

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Service Period

"Service Period" means the period of time for which the Customer agrees to take Service under this Tariff.

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Subscriber

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"Subscriber" means a customer, Authorized User, or Joint User who takes non-residential Service under this Tariff.

Telecommunication Services (TS)

"TS" means telecommunication services are point-to-point private line access DS0, 1.544 mb DS1 and 45 mb DS3 connectivity between customer provided equipment or telecommunications services which are point-to-point private line access DS0, 1.544 mb DS1 and 45 mb DS3 connectivity between customer provided equipment and the IXC's, or a combination of both.

Termination (Terminate)

"Termination" ("Terminate") means discontinuance of (to discontinue) Service, either at Customer's request, or by the Company in accordance with the regulations of this Tariff.

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Termination Charge

"Termination Charge" means a charge for Customer's Termination prior to the end of the Service Period as set forth in Section IV of this Tariff.

Termination Date

"Termination Date" means the date upon which the Service Period ends.

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B. Transmission and Facilities**MISSOURI
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1. The Company shall select and implement the technology and facilities used to provide Services at any time.

2. The Company provides under the tariff, transmission Services only. The Company neither provides, nor makes any warranties, assurances, or representations of any kind regarding, the content of Subscriber's transmissions, including without limitation, quality of voice recordings, encryption, or compression.

3. Title to all facilities provided by the Company in accordance with Tariff shall remain with the Company

C. CPE

1. CPE attachment by the Subscriber is permitted under this Tariff. All such attached CPE shall conform to the Federal Communications Commission's registration requirements set forth in Part 68 of the Code of Federal Regulations as amended).

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MISSOURI**D. Responsibility and Use**

1. Customer is responsible for payment for all use of Services, where authorized or not.

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2. Customer shall be solely responsible for preventing unauthorized use of access to Services.

3. Unlawful or fraudulent use of the Services is prohibited.

E. Liability

1. Except as otherwise expressly provided by law, the Company's liability shall be limited as set forth in this Section II.E.

2. The Company's liability for damages arising out of mistakes, omissions, Interruptions, Outages, delays in Turn-up, errors or defects in transmission (collectively "Mistakes") occurring in the course of providing Service(s), whether the result of negligence of the Company or other causes, shall in no event exceed an amount equivalent to the charges the Company would make to the customer for the Monthly period of Service during which such Mistakes occur. For purposes of computing such amount, a Month is considered to have thirty (30) days. However, any such Mistake caused or contributed to by the Subscriber's negligence or willful act, or which arises from or in connection with Network components, Premises wiring, or CPE provided by the Subscriber, shall not give rise to any liability whatsoever for the Company.

3. In no event shall the Company or the Customer be liable to each other in connection with the provision and use of the Service(s) for indirect, incidental, consequential or special damages, including without limitation, damages for lost profits.

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4. The Customer shall indemnify and hold the Company harmless against a **MISSOURI Public Service Commission** and all claims, actions, losses, judgements, and expenses, including attorneys' fees, for: (i) libel, slander or infringement of copyright arising from the contents of transmission over the Services; (ii) infringement of patents arising from, combined with or used in connection with the Services; (iii) unlawful use of the Services; (iv) any third party action or claim arising from the interconnection of Company's facilities to other carriers or other third parties; or (v) otherwise arising out of any act or omission of the Subscriber or any third party in connection with the Service.

5. The Company shall not be liable for any damage to or defacement of Premises, fixtures, or personal property, resulting from the installation, provision, or removal of facilities or Services or from the attachment of CPE or other components thereto.

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6. The Customer shall indemnify and hold the Company harmless against any and all claims, losses, actions, judgments, or expenses, including attorneys' fees, without limitation, for injury to or death of any person or damage to any property which arise from the use, installation, removal, or presence of the Company's equipment, facilities, or wiring.

7. When the facilities of other carriers or other third parties are used in establishing connections to points not reached by the Company's facilities, the Company shall not be liable for any act or omission of any such carrier(s) or third party or parties.

8. The Company's failure to provide or maintain Services and the Customer's obligations under this tariff shall be excused by labor difficulties, governmental orders, civil

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disturbances, acts of God, or other circumstances beyond the Company's or the Customer's reasonable control. The Company and the Customer may also agree on other measures to mitigate the consequences of circumstances beyond their control. As required, such agreements will be filed in this Tariff.

**MISSOURI
Public Service Commission****F. Obligations of the Customer.**

1. Customer shall (i) provide adequate space for physical interconnection of Company's circuits and facilities at the Premises; and (ii) take all steps necessary to facilitate such inter-connection.
2. Company shall have the right of entry onto Premises for its employees, agents, or contractors at any reasonable hour and Customer shall provide reasonable access to said Premises for purposes of Turn-up, testing, maintenance, repair, Termination or other operations related to the provision of the Service(s). Customer shall be responsible for preparing in advance all security arrangements necessary to admit Company's employees, agents or contractors onto Premises for such purposes.
3. The Customer shall reimburse Company for any and all loss or damage to Company facilities on Premises except as directly caused by Company's gross negligence or willful act.

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4. It shall be the Customer's responsibility to ensure that all systems or Services connected to the Network comply with applicable carrier standards, as may be specified by Bell Communications Research, the Exchange Carrier Standards Association, or other industry recognized carrier standard setting bodies.

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MISSOURI**G. Obligations of the Company**

1. The Company and the Customer will establish a date for the Initiation of Service. The Company will exercise its best efforts to ensure that all steps required for Initiation of Service are completed by that date. The Company shall not be responsible for delays in Initiation of Service caused by the Customer or Subscriber.
2. The facilities of the Company will be made available for Service as soon as practicable following receipt of a written service agreement from the Customer. The obligation of the Company to provide Service is conditioned upon the Company's ability to obtain, construct, and maintain facilities necessary to meet Subscriber's requirements. The Company shall exercise best efforts to secure such necessary facilities and will amend its Tariff as required. However, the Company shall not provide any new Service which may adversely affect its existing Services.

H. Credit Allowances**FILED****1. Credit Allowances for Interruptions and Outages****AUG 1 1993**
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1.1 It shall be the obligation of the Customer to notify the Company of any Outage or Interruption of service. Before giving such notice, the Customer shall determine that the Outage or Interruption is not due to any act or omission of its Customer, Subscriber, or due to malfunctioning CPE. Failure of the Customer to give such notice shall relieve the Company of any and all liabilities or obligations arising from or related to such Outage or Interruption.

1.2 Customers shall be entitled to a credit allowance ("Credit Allowance") for Interruption in service of sixty (60) minutes or MOre in duration or Outages; provided, however, the Customer will not be entitled to a Credit Allowance for Interruption or Outages due to the Subscriber's:

- (1) non-compliance with the terms of this Tariff;
- (2) negligence;
- (3) facilities, power or equipment malfunction or failure;
- (4) improper operation of facilities, power or equipment used for or in connection with the affected Service; or due to
- (5) events beyond the Company's reasonable control as set forth in Section 3.6 of this Tariff.

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1.3 Credit Allowances will be applied on a prorata basis to the Customer's charges for the Service affected by the Outage or Interruption. The Credit Allowance shall not exceed the Customer's MOnthly charge for the affected Service.

2. Scheduled Interruptions Not Subject To Credit Allowances

2.1 Credit Allowances shall not apply to (i) Scheduled Interruptions or (ii) Interruptions caused by the Subscriber.

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2.2 The Company shall give reasonable prior notice to subscriber of Scheduled Interruptions.

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I. Minimum Service Period

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1. The minimum Service Period for Services offered under this Tariff is thirty (30) days, unless otherwise agreed by the Company and Customer in writing.

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J. Payment

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1. **Payment of Charges.** Company shall invoice Customer for payment of Services on a monthly basis. Customer shall pay each monthly invoice in full upon receipt of said invoice. Company may charge the business or commercial Customer the lesser of eighteen percent (18%) interest per annum or the maximum permitted by law on all unpaid balances beyond thirty (30) days.

2. **Nonpayment of Charges.** The Company may Terminate or otherwise deny customer's access to its Services for nonpayment of charges, unpaid after thirty (30) days. (T)

Company shall give written notice to customer no less than five (5) days prior to Termination or denial of Services for reason of nonpayment. Termination or denial of access to Services under this provision shall not excuse Customer's payment obligations.

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AUGUST 10, 1994
MONTH/DAY/YEAR

ISSUED BY:

Louis A. DiRienzo President
NAME OF OFFICER TITLE1811 Sherman Drive, Suite 1, Saint Charles, MO 63303
ADDRESS

P.S.C. MO. No. 1

Original Sheet No. 18

Cancelling P.S.C. MO. No. _____

Cancelling Sheet No. _____

U. T. S. of St. Louis, Inc.

for Missouri Intrastate
Telecommunications Service

Name of Issuing Corporation

Community, Town or City

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2.2 The Company shall give reasonable prior notice to subscriber of Scheduled Interruptions. **MISSOURI Public Service Commission**

I. Minimum Service Period

1. The minimum Service Period for Services offered under this Tariff is thirty (30) days, unless otherwise agreed by the Company and Customer in writing.

J. Payment

CANCELLED

1. **Payment of Charges.** Company shall invoice Customer for payment of Services on a MONTHly basis. Customer shall pay each MONTHly invoice in full upon receipt of said invoice. Company may charge the business or commercial Customer the lesser of eighteen percent (18%) interest per annum or the maximum permitted by law on all unpaid balances beyond thirty (30) days. **AUG 10 1994**
BY 124 R.S. #18
Public Service Commission
MISSOURI

2. **Nonpayment of Charges.** The Company may Terminate or otherwise deny customer's access to its Services for nonpayment of charges, unpaid after sixty (60) days. Company shall give written notice to customer no less than five (5) days prior to Termination or denial of Services for reason of nonpayment. Termination or denial of access to Services under this provision shall not excuse Customer's payment obligations.

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AUG 1 1993
93 - 283

MO. PUBLIC SERVICE COM.

DATE OF ISSUE: July 3, 1993
MONTH/DAY/YEAR

DATE EFFECTIVE: Aug 1, 1993
MONTH/DAY/YEAR

ISSUED BY: Louis A. DiRienzo President
NAME OF OFFICER TITLE

2745 West Clay, Suite J, Saint Charles, MO 63301
ADDRESS

U. T. S. of St. Louis, Inc.

for Missouri Intrastate
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K. Termination of Service**MISSOURI
Public Service Commission**

1. **Notice of Termination.** Customer shall give Company written notice of its intention to terminate service ("Termination Notice") no less than thirty (30) days prior to the Termination Date. Customers shall continue to incur charges for Services until Termination Date or for a period of thirty (30) days after receipt of Termination Notice, whichever is later. Service shall not be deemed terminated until Termination Notice has been received and the thirty (30) day period after receipt has elapsed.

2. **Early Termination.** Customers taking Service for Service Periods of one (1) year or MORE may elect to take early Termination of Service prior to the end of the Service Period subject to (i) giving the Company Termination Notice no less than thirty (30) days prior to the date of early Termination Charges as set forth in Section IV of this Tariff.

3. **Termination for Cause.** Notwithstanding any other provision of this Tariff, Company may Terminate Service upon written notice to Customer without incurring any liability whatsoever for any of the following reasons:

- (i) Nonpayment of charges in accordance with the provision of Section J.2 of this Tariff;
- (ii) Subscriber's violation or failure to comply with any provision of this Tariff or other regulation governing the Service; or
- (iii) An order of a competent judicial or governmental authority prohibiting the Company from providing Service.

CANCELLED

MAR 14 2004

By TD-2004-0283
Public Service Commission
MISSOURI
FILEDAUG 1 1993
93 - 283

MO. PUBLIC SERVICE COMM.

DATE OF ISSUE: July 3, 1993
MONTH/DAY/YEARDATE EFFECTIVE: ~~August 1, 1993~~
MONTH/DAY/YEAR
AUG 1 1993ISSUED BY: Louis A. DiRienzo President
NAME OF OFFICER TITLE2745 West Clay, Suite J, Saint Charles, MO 63301
ADDRESS

P.S.C. MO. No. 1

Original Sheet No. 20

Cancelling P.S.C. MO. No. __

Cancelling Sheet No. __

U. T. S. of St. Louis, Inc.

for Missouri Intrastate
Telecommunications Service

Name of Issuing Corporation

Community, Town or City

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L. Taxes.

**MISSOURI
Public Service Commission**

1. All utility or telecommunications assessments, franchise fees, or privilege, occupational, excise, or other similar taxes or fees assessed upon or passed on to the Company, based upon intrastate receipts, shall be billed to Customers falling within such taxing jurisdictions on a protected basis. All such taxes or fees shall be separately identified on the Customer's invoice.

III. SERVICE DESCRIPTION

CANCELLED

Services offered by the Company under this tariff are described in this Section.

MAR 14 2004

**by TD-2004-0283
Public Service Commission
MISSOURI**

A. Generic Description

Point-to-Point Private Line DS0, 1.544 mb DS1 and 45 mb DS3 connectivity between customer provided equipment and/or between customer provided equipment and the IXC's point of presence.

B. Specific Description

Private line DS0, 1.544 mb DS1 and 45 mb DS3 connectivity between the customer's multiplexor and the Company's Facilities and between the Company's Facilities and the IXC's points of presence within the State of Missouri.

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**AUG 1 1993
93 - 283**

MO. PUBLIC SERVICE COMM.

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P.S.C. MO. No. 1

Cancelling P.S.C. MO. No. __

Original Sheet No. 21

Cancelling Sheet No. __

U. T. S. of St. Louis, Inc.

for Missouri Intrastate
Telecommunications Service

Name of Issuing Corporation

Community, Town or City

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IV. RATES

MISSOURI
Public Service Commission

Service

Rate

Private Line Access DS0

*
ICB

Private Line Access DS1

*
ICB

Private Line Access DS3

*
ICB

* Rates for services offered on an Individual Case Basis (ICB) will be structured to recover the Company's cost of providing the services. Terms of Specific ICB contracts will be made available to the Commission upon request on a proprietary basis.

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Public Service Commission
MISSOURI

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