

Missouri Public

REC'D APR 02 2002

Missouri P.S.C. Tariff No. 1

Universal Telecommunications, Inc.

Service Commission  
Original Sheet No. 1

TITLE SHEET

MISSOURI TELECOMMUNICATIONS TARIFF

This tariff contains the description, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Universal Telecommunications, Inc., ("UTI" or "Company") within the state of Missouri. This tariff is on file with the Missouri Public Service Commission, where copies may be inspected during normal business hours.

UTI operates as a competitive telecommunications company as defined by Case No. TA-2002-\_\_\_\_\_ within the state of Missouri.

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UNIVERSAL TELECOMMUNICATIONS, INC.

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**WAIVER OF RULES AND REGULATIONS**

Pursuant to Case No. TA-2002-470 the following statutes and rules have been waived for purposes of offering telecommunications services as set forth herein:

**Statutes**

- 392.210.2 - System of Accounts
- 392.240(1)- Rates – reasonable average return on investment
- 392.270 - Valuation of property (ratemaking)
- 392.280 - Depreciation rates
- 392.290 - Issuance of securities
- 392.300.2 - Transfer of capital stock
- 392.310 - Issuance of Stocks and Bonds
- 392.320 - Issuance of Stocks and Bonds
- 392.330 - Issuance of Stocks and Bonds
- 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 - Uniform system of accounts
- 4 CSR 240-33.030 - Minimum charges rule
- 4 CSR 240-35- Bypass and customer specific arrangements

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SYMBOLS

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

- (D) - Discontinued rate or regulation
- (I) - Increase in rate
- (M) - Moved to/ from another tariff location
- (N) - New rate or regulation
- (R) - Reduction in rate
- (T) - Change in text or regulation only but no change in rate or charge
- (C) - Changed Regulation

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Universal Telecommunications, Inc.Service Commission  
Original Sheet No. 5TARIFF FORMAT

- A. Page Numbering- Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.
- B. Page Revision Numbers- Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file with the Missouri P.S.C. For example, 4th Revised Page 14 cancels the 3<sup>rd</sup> Revised page 14. Because of various suspension periods, deferrals, etc. the Missouri P.S.C. is not always the tariff page in effect. Consult the Check Sheet for the stage 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.(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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SECTION 1 – TECHNICAL TERMS AND ABBREVIATIONS

Carrier or Company – Universal Telecommunications, Inc.

Commission or Missouri P.S.C. – Missouri Public Service Commission.

Customer – The person, firm, corporation, end user or other entity, which orders or uses services and is responsible for the payment of charges.

Holidays – New Year's Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

Service Agreement – Company's standard form for the ordering and acceptance of a customer's request for and commitment to take Company's service offerings pursuant to this tariff.

Underlying Carrier – The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of customer telecommunications traffic within Missouri.

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## Missouri P.S.C. Tariff No. 1

Universal Telecommunications, Inc.Service Commission  
Original Sheet No. 7SECTION 2 – RULES AND REGULATIONS2.1 Undertaking of Company

Company undertakes to provide only those designated Services as are furnished under the terms and subject to the conditions and customer payment of the applicable rates of this tariff for communications originating and terminating within Missouri.

2.2 Limitations

2.2.1 Service is offered subject to the availability of the facilities of Company's Underlying Carrier and the provisions of this tariff.

2.2.2 Company reserves the right to discontinue furnishing service, or limit the use of service, if necessitated by conditions beyond its control, including without limitations, for customer non-payment of charges in accordance with the Commission's rules; or when the customer's use of a service becomes or is in violation of the law or the provisions of this tariff.

2.2.3 The Services provided under this tariff are subject to the direct and exclusive control of the Company. No one may alter the Services nor transfer or assign its use of the Services without the express written consent of the Company, which consent may be withheld, without limitation, by Company in its sole discretion at any time such alteration, effect, transfer or assignment would result in an interruption of the Services or a change in the customer's location to which the Services are to be provided.

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Universal Telecommunications, Inc.Original Sheet No. 8SECTION 2 – RULES AND REGULATIONS (Cont'd)2.2 Limitations (cont'd)

2.2.4 In the event prior written permission from the Company is given for any assignment or transfer, all regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as conditions for service.

2.3 Liabilities of the Company

2.3.1 Company has no liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission or call processing of customer's communications traffic by the Underlying Carrier. The Company's liability of such damages occurring in the course of furnishing the Company's Services but not caused by its gross negligence or willful misconduct or that of its employees or agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which such mistakes, interruptions, omissions, delays, errors, or defects in the Company's furnishing of its Services occur.

2.3.2 Acceptance of the provisions of Section 2.3.1 by the Commission does not constitute its determination that the limitation of liability imposed by the Company should be upheld in a court of law; but the recognition that as it is the duty of the courts to adjudicate negligence claims and rights to recover damages, so it is the duty of the courts to determine the validity of the exculpatory provisions of Section 2.3.1.

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SECTION 2 – RULES AND REGULATIONS (Cont'd)

2.3 Liabilities of the Company (cont'd)

2.3.3 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 of a customer's communications traffic;
- (B) Claims for patent infringement arising from a customer's use of its equipment, facilities, or systems with the Company's Services; and
- (C) All other claims arising out of any act or omission of the customer in connection with any service provided by Company.

2.4 Interruption of Service

2.4.1 Credit allowance for the interruption of service is subject to the general liability provisions set forth in Section 2.3.1 herein. Customer shall receive no credit allowance for interruption of service due to Carrier's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is claimed. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission within customer's control, or is not in wiring or equipment, if any, furnished by the customer in connection with the Company's Services.

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

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SECTION 2 – RULES AND REGULATIONS (Cont'd)

2.4 Interruption of Service (cont'd)

- 2.4.3 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of Company or in the event Company is entitled to a credit for the failure of the facilities of Company's Underlying Carrier used to furnish customer's service.
- 2.4.4 No credit shall be allowed:
  - (A) For failure of services or failure of customer; or
  - (B) For failure of services or equipment caused by the negligence or willful acts of customer.
- 2.4.5 Credit for an interruption shall commence after customer notifies Company of the interruption or when Company becomes aware thereof, and ceases when service has been restored.
- 2.4.6 Before customer notifies Company of an interruption, customer shall make reasonable attempts to ascertain that customer, a third party or its or their actions and/or equipment is/ are not the cause thereof.
- 2.4.7 Credits are applicable only to that portion of service interrupted.
- 2.4.8 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.4.9 No credit shall be allowed for an interruption of a continuous duration of less than two hours.

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## Missouri P.S.C. Tariff No. 1

Universal Telecommunications, Inc.Original Sheet No. 11SECTION 2 - RULES AND REGULATIONS (Cont'd)2.4 Interruption of Service (cont'd)

2.4.10 The customer shall be credited for an interruption of two hours or more at the rate of  $1/720^{\text{th}}$  of the monthly charge for the service affected for each hour or major fraction thereof that the interruption continues. Calculations of the credit shall be made in accordance with the following formula.

Credit Formula:

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

"A" = outage time in hours

"B" = total monthly charge for affected facility

2.5 Restoration of Service

The use and restoration of service shall be administered by the Underlying Carrier in accordance with the priority system specified in the Rules and Regulations of the Missouri P.S.C.

2.6 Deposits

The Company does not require a deposit from its customers.

2.7 Advance Payments

The Company does not collect advance payments.

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Universal Telecommunications, Inc.Original Sheet No. 12SECTION 2 – RULES AND REGULATIONS (Cont'd)2.8 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax and so forth) are listed as separate line item and are not included in the Company's scheduled rates.

2.9 Billing

2.9.1 Company's billing and collection practices shall be governed by the Commission's rules regarding such practices. Company's billing agents are certified local exchange carriers operating in Missouri.

2.9.2 In the event of a billing dispute between the customer and the Company, the customer shall notify the Company of its disagreement within thirty days of receiving its bill. The customer may request, and the Company will provide a detailed review of the disputed amount. In this event, the undisputed amount and any subsequent billing must be paid on a timely basis. If after investigation by a manager of the Company there is still a disagreement about the disputed amount, the customer is notified by the Company that an appeal to the state public utilities commission may be made.

2.9.3 Pursuant to the Commission's rules, in the event Company incurs fees or expenses, including attorney's fees, to collect, or attempt to collect, any charges owed Company by customer, including charges alleged to have resulted from fraud or abuse of customer's services, the Company shall charge customer all such fees and expenses, including Company's reasonable attorney's fees, incurred to collect or to attempt to collect its charges, all in accordance with and subject to the following additional legal requirements-

2.9.4 In accordance with the "filed tariff doctrine," as established by judicial and regulatory decisions and precedents, customer shall pay all charges due and owing irrespective of any claims of loss, liability, set off, damages, or other claims against Company to which customer may claim to be entitled. The duty to pay such charges shall arise upon the demand for payment by Company and shall not be delayed or deferred by the commencement of any legal or equitable action by either customer or Company in connection with such charges incurred under this tariff.

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Universal Telecommunications, Inc.Original Sheet No. 13SECTION 2 – RULES AND REGULATIONS (Cont'd)

2.9.5 Customer agrees that all actions, suits, or proceedings to recover charges due under this tariff shall be prosecuted in the United States District Court for the Northern District of Georgia, Atlanta Division. Customer consents to and submits to the exercise or jurisdiction over the subject matter, waives personal service of any and all process upon it, and consents that all such service of process is made by registered mail directed to customer at its address registered with Company. Service so made shall be deemed to be completed five business days after such process shall have been deposited in the mail, postage prepaid. Customer waives trial by jury, any objection based on forum non convenes, any objection to venue or jurisdiction of any action instituted hereunder, and consents to the granting of such legal or equitable relief as deemed appropriate by the Court.

2.10 Employee Concessions

There are no employee concessions.

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## Missouri P.S.C. Tariff No. 1

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Universal Telecommunications, Inc.Original Sheet No. 14SECTION 3 – DESCRIPTION OF SERVICE3.1 Usage-Based Services

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

3.1.1. Long distance usage charges are based on the actual usage of the Company's network. Timing for all calls begin when the called party answers the call (i.e., when two-way communications are established.) Answer detection is based on standard industry answer detection methods, including hardware and software answer detection.

3.1.2. Chargeable time for all calls ends when one of the parties disconnects from the call.

3.1.3. Unless otherwise specified in this tariff, the minimum call duration for billing purposes is one minute.

3.1.4. Unless otherwise specified in this tariff, usage is measured and rounded to the next increment for billing purposes.

3.1.5. There are no billing charges applied for incomplete calls.

3.2 Rate Plans 1, 2, 3, 4, and 5

Carrier's Rate Plans 1, 2, 3, 4, and 5 are switched outbound services using standard equal access dialing to place interLATA, interexchange calls 10XXX dialing or, where available, standard equal access dialing to place intraLATA and interexchange calls from customer premises to points located within Missouri. Rates, charges, and restrictions are set forth in section 4 following:

3.3 Services Not Available

Carrier does not offer 900, 911, collect or third-party-billed calling.

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SECTION 3 - DESCRIPTION OF SERVICES

3.4 Directory Assistance

Directory Assistance is provided by Company's underlying carrier and is billed on a pass through basis. Directory Assistance charge applies whether or not the requested telephone number is provided. When Directory Assistance personnel complete a call to a requested telephone number, appropriate Service Charges as listed in section 4 also apply.

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SECTION 4- RATES

4.1 Description of Rates

Switched outbound services are available to business and residential subscribers under the following rate plans. Calls in each rate plan are billed in increments with minimum billing increments of one minute. Calls in each rate plan are distance insensitive. No charge is made for an uncompleted call.

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SECTION 4- RATES (Cont'd)

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Universal Telecommunications, Inc.Original Sheet No. 17.1SECTION 4 -- RATES (Cont'd)4.2 Rate Plan 1 -- Basic Switched Services

Switched outbound, inbound, and calling card services are distance and day-of-week insensitive, time-of-day sensitive, incur a monthly charge, and are offered with voice mail. Basic switched services are available to residential customers billed in full minute increments at the following rates.

	Each 60 Seconds Or Fraction
1+ Night Residential Usage Rates (11:30 PM – 7:59:59 AM)	\$0.10
1+ Day/Evening Usage Rates (8:00 AM – 11:29:59 PM)	\$0.29
Calling Card Service	\$0.24
Personal Toll Free Access (800, 888, 877, etc.)	\$0.29
Monthly Service Charges:	
Presubscribed Services:	\$6.00
Calling Card:	\$4.00

Calling Card and Toll Free Access Services are optional

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Universal Telecommunications, Inc.Original Sheet No. 17.2SECTION 4 – RATES (Cont'd)4.3 Rate Plan 2 – Save Plan Services

Switched outbound, inbound, and calling card services are distance insensitive, time-of-day and day-of-week sensitive, but do not include monthly charge nor voice mail services. Save Plan switched services are available to residential customers billed in full minute increments at the following rates. Carrier's 1 + off-peak usage rates apply to each minute of 1 + Sunday Service which exceeds fourteen hours in any calendar month.

	Each 60 Seconds Or Fraction
1 + Peak Residential Usage Rates (7:00 PM – 6:59:59 AM Monday thru Friday)	\$0.10
1 + Off-peak Usage Rates (7:00 A< - 6:59:59 PM Monday thru Friday)	\$0.29
1 + Saturday Service	\$0.10
1 + Sunday Service (first 14 hours per month)	\$0.04
Calling Card Service	\$0.24
Personal Toll Free Access (800, 888, 877, etc.)	\$0.19

Calling Card and Personal Toll Free Access Services are optional.

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Universal Telecommunications, Inc.Original Sheet No. 17.3SECTION 4 – RATES (Cont'd)4.4 Rate Plan 3 – Simplicity Services

Simplicity Services offer switched outbound, inbound, and calling card services that distance, time-of-day and day-of-week insensitive, do not incur a monthly charge, and do not include voice mail. Simplicity Services are available to residential customers billed in full minute increments at the following rates.

Each 60 Seconds  
Or Fraction

1 + All Time Periods \$0.14

Calling Card Service \$0.24

Personal Toll Free Access (800, 888, 877, etc.) \$0.19

Calling Card and Personal Toll Free Access Services are optional

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Universal Telecommunications, Inc.Service Commission  
Original Sheet No. 17.4SECTION 4 – RATES (Cont'd)4.5 Rate Plan 4 – Save Evenings/Weekends Plan Services\*

Switched outbound, inbound, and calling card services that are distance insensitive, and time-of-day and day-of-week sensitive, with no monthly charge and no voice mail service. Save Plans switched services are available to residential customers billed in full minute increments at the following rates.

Each 60 Seconds  
Or Fraction1 + Peak Residential Usage Rates \$0.10  
(7:00 PM – 6:59:59 AM Monday thru Friday)1 + Off-Peak Usage Rates \$0.24  
(7:00 AM – 6:59:59 PM Monday thru Friday)1 + Weekend Service \$0.10  
(All day Saturday and Sunday)

Calling Card Service \$0.24

Personal Toll Free Access (800, 888, 877, etc.) \$0.19

4.6 Rate Plan 5 – Single Plan 2000\*

Switched outbound, inbound, and calling card services are distance, time-of-day, and day-of-week insensitive. Calls are billed in full minute increments at the following rates:

Each 60 Secs.  
or Fraction  
\$0.27

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SECTION 4 – RATES (Cont'd)

4.7 Rate Plan 6. Super 7 Direct Dial 1 + Standard Service\*

Rate Plan 6 includes 1 + outbound and calling card services. Rate Plan 6 is offered 24 hours a day, 7 days a week. Intrastate and Calling Card rates are time-of-day, day-of-week insensitive. Calls are billed in one (1) minute increments with a two (2) minute minimum.

4.7.1 1+ Outbound Service

Per minute  
Or Fraction Thereof:

\$0.15

4.7.2 Calling Card

Per Minute  
Or Fraction Thereof:

\$0.21

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SECTION 4 - RATES (Cont'd)

4.8 Rate Plan 7. Super 7 Direct Dial 1 + Save Plan Service\*

Rate Plan 7 includes 1 + outbound and calling card service. Rate Plan 7 is offered 24 hours a day, 7 days a week. Rates are time-of-day, day-of-week insensitive. Calls are billed in one (1) minute increments with a two (2) minute minimum.

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SECTION 4 – RATES (Cont'd)

4.9 Basic Plan

4.9.1 1+ Outbound – Basic Plan

Switched 1 + Outbound Service is billed in one minute increments with a minimum billing increment of two minutes at the following flat rate:

\$0.14/minute 24 hours per day, every day

4.9.2 Calling Card Service – Basic Plan

Calling Card Service is billed in one minute increments with billing increments of one and one half minutes at the following flat rate:

\$0.24/minute 24 hours per day, every day

4.10 Save Plan

4.10.1 1+ Outbound – Save Plan

Switched 1 + Outbound Service is billed in one minute increments with a minimum billing increment of two minutes at the following flat rate: \$0.12

4.10.2 Calling Card Service – Save Plan

Calling Card Service is billed in one minute increments with a minimum billing increment of one and a half minute at the following flat rate:

\$0.24/minute 24 hours per day, every day

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Universal Telecommunications, Inc.Original Sheet No. 18SECTION 4 – RATES (Cont'd)4.11 Method of Computing Charges

Charges for each call are totaled by rate period. If the computed charges include a fraction of a cent, the fraction is rounded up to the next whole cent (e.g., \$1.426 would be rounded up to \$1.43)

4.12 Directory Assistance

4.12.1 Directory Assistance charge applies whether or not the requested telephone number is provided.

Directory Assistance Charge Per Call \$0.95.

4.12.2 When Directory Assistance personal complete a call to a requested telephone number, appropriate Service Charges as listed below also apply.

Directory Assistance Call Completion Charge \$0.95.

4.13 PSP Surcharge

A surcharge applies to all completed intrastate toll-free and 10XXX/101XXXX access code calls, including any 800/888 or travel card calls, including any 800/888 or travel card calls, originating from a pay telephone. This surcharge is applied in addition to any other applicable service charge or surcharges. The surcharge does not apply to: calls paid for by inserting coins at the pay telephone; calls from situations other than a pay telephone.

PSP Surcharge Rate: \$0.35 per call

4.14 Monthly Service Fee

\*Applies to Basic Plan customers, pursuant to Section 4.9, preceding, billing less than \$10.00 in long distance calling per month.

Missouri Public

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UNIVERSAL TELECOMMUNICATIONS, INC.

3781 Presidential Parkway

Suite 132

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Service Commission

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## Missouri P.S.C. Tariff No. 1

Universal Telecommunications, Inc.Service Commission  
Original Sheet No. 19SECTION 5 – PROMOTIONAL SECTION5.1 7<sup>TH</sup> invoice Incentive Credit

Where a Customer qualifies as a new customer or Company deems it necessary to save or win back a Customer (i.e., retain an existing Customer or winback a prior Customer who has already switched its services to another carrier), and the Customer meets the eligibility requirements set forth in paragraph C below, Customer will receive a credit of \$100.00 on its 7<sup>th</sup> invoice, as provided following:

- A. For the purposes of calculating the qualify time period set forth in paragraph B below, the qualifying date shall be the date coverage is initiated for a new customer or the save/winback date for customers qualifying as either a "save" or "winback"
- B. Where a qualifying customer completes six (6) months of consecutive, uninterrupted services, as of the Customer's qualifying date, a credit of \$100.00 shall be applied to Customer's 7<sup>th</sup> invoices.
- C. To be eligible for the 7<sup>th</sup> Invoice Credit, each Customer must:
1. have initiated service under a Basic Flat Rate Plan or Save Rate Plan offered under this tariff;
  2. have current usage that exceeds the established minimum monthly usage level for the applicable rate plan;
  3. have no record of nonpayment in any of the preceding six (6) months of service;
  4. have received consecutive and uninterrupted invoices over the preceding six (6) month period;
  5. have selected the 7<sup>th</sup> Invoice Credit prior to the first day in the period of service covered by the Customer's 7<sup>th</sup> invoice; and
  6. pay all charges rendered in Customer's 7<sup>th</sup> invoice in excess of the amount of credit set forth in paragraph B, preceding.

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