

Missouri Public
Service Commission

RECD OCT 05 1998

MISSOURI INTEREXCHANGE TELECOMMUNICATIONS TARIFF

OF

STARPOWER COMMUNICATIONS, LLC

105 Carnegie Center
Princeton, New Jersey 08540

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JUL 05 2003
by TD-03-52P
Public Service Commission
MISSOURI

This tariff contains the descriptions, regulations, and rates applicable to the intrastate interexchange resale telecommunications services offered by Starpower Communications, LLC within the State of Missouri. This tariff is on file with the Missouri Public Service Commission (Commission). Copies may be inspected during normal business hours at the Company's principal place of business.

Starpower Communications, LLC operates as a competitive telecommunications company within the State of Missouri.

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WAIVER OF RULES AND REGULATIONS

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

STATUTES

- Section 392.240(1) Rates-reasonable average return on investment.
- Section 392.270 Property valuation.
- Section 392.280 Depreciation rates.
- Section 392.290 Issuance of stocks and bonds.
- Section 392.310 Issuance of stocks and bonds.
- Section 392.320 Issuance of stocks and bonds.
- Section 392.330 Issuance of stocks and bonds.
- Section 392.340 Reorganization.

COMMISSION RULES

- 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(1-3) Uniform System of Accounts.
- 4 CSR 240-30.040(5)(6) Uniform System of Accounts.
- 4 CSR 240-32.030(1)(B) Exchange boundary maps.
- 4 CSR 240-32.030(1)(C) Record of access lines.
- 4 CSR 240-32.030(2) Records kept within state.
- 4 CSR 240-32.050(3-6) Telephone directories.
- 4 CSR 240-32.070(4) Coin telephones.
- 4 CSR 240-33.030 Inform customers of lowest priced service.
- 4 CSR 240-33.040(5) Finance Fee.

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EXPLANATION OF SYMBOLS

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- (C) To signify **changed** regulation
- (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** but no change in rate or charge

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TARIFF FORMAT

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- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between 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 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. Consult the Check Sheet for the sheet currently in effect.

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

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

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SECTION 1 - APPLICATION OF TARIFF

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- 1.1. This tariff contains the rates applicable to the provision of intrastate interexchange resale telecommunications services by Starpower Communications, LLC between various locations within the State of Missouri. Service is furnished subject to transmission, atmospheric and like conditions.
- 1.2. The telecommunications services of the Company are not part of a joint undertaking with any other entity providing telecommunications channels, facilities or services. However, services offered under this tariff are conditioned upon the continued availability of various services provided to the Company by its underlying carriers.
- 1.3. The rates and regulations contained in this tariff do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of the Company.

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS Missouri Public Service Commission

Authorization Code:

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A numerical code, one or more of which may be assigned to a Customer to enable identification of individual users or groups of users on an account and to allocate costs of service accordingly. Authorization Codes are the sole property of the Company, and no Customer shall have any property or other right or interest in the use of any particular Authorization Code.

Automatic Numbering Identification (ANI):

A type of signaling provided by a local exchange telephone company which automatically identifies the local exchange line from which a call originates.

Billed Party:

The person or entity responsible for payment of the Company's service. The Billed Party is the Customer associated with the Authorization Code used to place the call, with the following exceptions:

- (a) In the case of a calling card or credit card call, the Billed Party is the party assigned the Authorization Code for the calling card or credit card used by the Users; and
- (b) In the case of a collect or third party call, the Billed Party is the person responsible for the local telephone service at the telephone number that agrees to accept charges for the call.

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Called Station:

The terminating point of a call.

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Calling Card:

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A card issued by Company containing such account numbers assigned to its Customer which enables the charges for calls made to be properly billed on a pre-arranged basis.

Calling Station:

The originating point of a call.

Company:

Starpower Communications, LLC.

Commission:

The Missouri Public Service Commission.

Customer:

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

Customer Dialed Calling Card Call:

A Calling Card Call which does not require intervention by an attended operator position to complete.

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Telecommunications:

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The transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or any other form of intelligence.

User:

A Customer, or any person or entity which makes use of services provided to a Customer under this tariff.

Verified Account Code:

A numerical code, one or more of which are available to a Customer to enable identification of individual users or groups of users on an account and to allocate costs of service accordingly. Account codes are verified against a predefined list of codes maintained by the Company.

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SECTION 3 - TERMS AND CONDITIONS

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3.1. UNDERTAKING OF STARPOWER COMMUNICATIONS, LLC

- 3.1.1. The Company undertakes to provide telecommunications services to Customers for their lawful direct transmission and reception of voice, data, and other types of communications in accordance with the terms and conditions set forth in this tariff.
- 3.1.2. All service is subject to the availability of necessary and suitable facilities and to the provisions of this tariff. The Company or its designee may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities, when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement.
- 3.1.3. The Company's services are provided on a monthly basis unless otherwise provided, and are available twenty-four (24) hours per day, seven (7) days per week.
- 3.1.4. For additional cost, and subject to availability, the Customer may use Authorization Codes to identify the users or user groups on an account. The numerical composition of the codes shall be set by Company to assure compatibility with the Company's accounting and billing systems and to avoid the duplication of codes.
- 3.1.5. The Company shall not be responsible for any installation, operation or maintenance of any Customer-provided communications equipment. Where such equipment is connected to service furnished pursuant to this tariff, the responsibility of the Company shall be limited to the furnishing of services under this tariff and to the maintenance and operation of such services in the proper manner.

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3.1.6. Customer-provided station equipment at the Customer's premises for use in connection with this service shall be so constructed, maintained and operated as to work satisfactorily with the facilities of the Company. The Company assumes no liability with respect to the operation or maintenance of such equipment.

3.2. LIMITATIONS

3.2.1. Company reserves the right to disconnect service immediately without incurring liability when necessitated by conditions beyond the Company's control or when the Customer is using the service in violation of either the provisions of this tariff or the laws, rules, regulations, or policies of the jurisdiction of the Calling Station or the Called Station, or the laws of the United States including rules, regulations and policies of the Federal Communications Commission.

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

3.2.3. 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.

3.3. USE

3.3.1. Services may be used for the lawful transmission of communications by the Customer consistent with the provisions of this tariff.

3.3.2. Service may not be used for any unlawful purpose. The use of the Company's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

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- 3.3.3. The use of the Company's services without payment for service, as well as any attempt to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards, is prohibited.
- 3.3.4. The Company's services are available for use twenty-four (24) hours per day, seven (7) days per week.
- 3.3.5. Customers of service provided under this tariff may authorize or permit others to use these services, and may resell or share such services subject to the regulations contained in this tariff. The Customer remains responsible to the Company for payment of all charges for services used by others pursuant to this paragraph, with or without the Customer's knowledge, and is responsible for notifying the Company immediately of any unauthorized use of services.

3.4. LIABILITIES OF THE COMPANY

- 3.4.1. Except as stated in this Section 3.4, the Company shall have no liability for damages of any kind arising out of or related to events, acts, rights or privileges contemplated in this tariff.
- 3.4.2. The Company shall not be liable for any failure of performance hereunder due to causes beyond its control, including but not limited to acts of God, fires, flood or other catastrophes; any law, order, regulation, directive, action or request of the United States Government, or any other government, including state and local governments having jurisdiction over the Company, or of any department, agency, commission, bureau, corporation or other instrumentality of any one or more of said governments, or of any civil or military authority; national emergencies; insurrections; riots; wars; or other labor difficulties.
- 3.4.3. The Company shall not be liable for any act or omission of any other entity furnishing to the Customer facilities, equipment, or services used with the Company's services. Nor shall the Company be liable for any damages or losses due to the failure or negligence of the Customer or due to the failure of Customer-

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provided equipment, facilities or services. 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 connecting, concurring or other participating carriers or companies shall be deemed to be agents or employees of the Company without written authorization.

3.4.4. Company shall not be liable for and Customer shall indemnify and hold Company harmless from any and all loss claims, demands, suits, or other action or liability whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or persons, for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of the Customer or any other property, whether owned by the Customer or by others, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of equipment or wiring provided by Company where such installation, operation, failure to operate, maintenance, condition, location or use is not the direct result of Company's negligence.

3.4.5. The liability of the Company for mistakes, omissions, interruptions, delays, errors, or defects in transmission shall not exceed an amount equivalent to the proportionate recurring charge to the Customer for the period of service during which such events occur. No credit shall be allowed for an interruption of a continuous duration of less than twenty-four (24) hours. For purposes of determining service credits, a month shall be deemed to have seven hundred twenty (720) hours. Any credits will be set off against charges billed during the next month.

3.4.6. 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 trademark, trade name or service mark arising out of the material, data, information or other content transmitted over Company's facilities; and
- B. Claims for patent infringement arising from combining or connecting 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 Company.

3.4.7. The Company shall not be liable for damages or adjustment, refund, or cancellation of charges unless the Customer has notified the Company in writing, of any dispute concerning charges, or the basis of any claim for damages, within thirty (30) calendar days after the invoice is rendered or a debit is effected by the Company for the call giving rise to such dispute or claim. Any such notice must set forth sufficient facts to provide the Company with a reasonable basis upon which to evaluate the Customer's claim or demands. If notice of a dispute concerning the charges is not received, in writing, within thirty (30) calendar days after an invoice is rendered or a debit is effected, such invoice shall be deemed to be correct, accepted, and binding upon the Customer.

3.5. OBLIGATIONS OF THE CUSTOMER

- 3.5.1. The Customer shall provide the personnel, power and space required to operate all facilities and associated equipment installed on the premises of the Customer.
- 3.5.2. The Customer shall be responsible for providing Company personnel access to premises of the Customer at any reasonable hour for the purpose of testing the facilities or equipment of the Company.

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- 3.5.3. The Customer will be liable for damages to the facilities of the Company caused by negligence or willful acts of any officers, employees, agents or contractors of the Customer.
- 3.5.4. The Company may, upon notification of the Customer, at a reasonable time, make such tests and inspections as may be necessary to determine that the requirements of this tariff are being complied with in the installation, operation and maintenance of Customer-provided equipment and in the wiring of the connection of Customer channels to Company-owned facilities. The Company may temporarily suspend service without liability, while making such tests and inspections, and thereafter until any violations of such requirements are corrected.
- 3.5.5. The Company may take such action as necessary to protect its operations and personnel and will promptly notify the Customer by registered mail in writing of the need for protective action. In the event that the Customer fails to advise the Company within ten (10) days after such notice is received that corrective action has been taken, the Company may take whatever additional action is deemed necessary, including the suspension of service, to protect its operations and personnel from harm. The Company will upon request twenty-four (24) hours in advance provide Customer with a statement of technical parameters that the Customer's equipment must meet.
- 3.5.6. The Customer is responsible for prompt payment of all charges for services rendered by the Company.
- 3.5.7. The name(s) of the Customer(s) desiring to use the service must be set forth in the application for service.

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3.6. INTERRUPTION OF SERVICE

Credit allowance for interruptions of service which are not due to Company's testing or adjusting, to the negligence or willful acts of the Customer, or to the failure of channels, equipment and/or communications equipment provided by the Customer, are subject to the general liability provisions set forth in Section 3.4, herein. It shall be the obligation of the Customer to notify Company of any interruptions of service. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission of the Customer, not within the Customer's control, and/or is not in the wiring or equipment connected to the terminal of the Company.

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3.7. RESTORATION OF SERVICE

The use and restoration of service in emergencies shall be in accordance with Part 64, Subpart D of the Federal Communications Commission's Rules and Regulations, which specifies the priority system for such activities.

3.8. PAYMENTS AND BILLING

- 3.8.1. Service is provided and billed on a monthly basis. Unless otherwise agreed, the minimum service period is one (1) month. Service continues to be provided until canceled by the Customer in accordance with the provisions of this tariff.
- 3.8.2. The Customer is responsible for the payment of all charges for services furnished by the Company. Charges are based on actual usage during a month and will be billed monthly in arrears.
- 3.8.3. Bills are due and payable upon receipt and past due thirty (30) days after issuance. Past due amounts are subject to late charges assessed at a rate of eighteen percent (18%) per annum.

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- 3.8.4. An additional charge will be assessed for each Customer check returned as non-payable. Such charge shall be twenty-five dollars (\$25.00) per check returned.
- 3.8.5. Customer questions, complaints and disputes regarding billing or service provided by the Company may be referred to Starpower Communications, LLC's Customer Care Division in writing at 1333 Brunswick Avenue, Lawrenceville, New Jersey 08648 or by telephone at 800-782-7797.

3.9. CANCELLATION BY CUSTOMER

- 3.9.1. Residential customers may cancel service by giving notice to the Company; however, the Customer shall remain liable for charges incurred prior to such cancellation. Business Customers may cancel service upon not less than thirty (30) days' written notice to RCN unless a longer notice period is specified in an applicable service contract executed by the Customer.
- 3.9.2. If the Customer has ordered service requiring special facilities dedicated to the Customer's use and then cancels the order before completion of the minimum service period or some other period mutually agreed with the Customer, the Customer shall be liable for the nonrecoverable portions of expenditures or liabilities incurred expressly on behalf of the Customer by Company.

3.10. INTERCONNECTION

- 3.10.1. Service furnished by Company may be interconnected with services or facilities of other authorized communications common carriers and with private systems, subject to the technical limitations established by Company. Any special interface of equipment or facilities necessary to achieve compatibility between the facilities of Company and other participating carriers shall be provided at the Customer's expense.
- 3.10.2. Interconnection between the facilities or services of other carriers shall be under the applicable terms and conditions of the other carriers' tariffs. The Customer is

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responsible for taking all necessary legal steps for interconnecting Customer provided terminal equipment or communications equipment with Company's facilities. The Customer shall secure all licenses, permits, rights-of-way, and other such arrangements necessary for interconnection.

3.11. CANCELLATION BY COMPANY

3.11.1. Service may be discontinued or temporarily suspended by the Company, without notice to the Customer, and Company may block traffic to certain cities or NXX exchanges, or block calls using certain Authorization Codes, when the Company deems it necessary to take such action to prevent the unlawful, unauthorized or hazardous use of its service. The Company will restore service as soon as it can be provided without undue risk.

3.11.2. Without incurring liability and upon five (5) days' written notice, the Company may discontinue the provision of service to a Customer or to a particular Customer location, or may withhold the provision of ordered or contracted services:

- A. For nonpayment of any sum due the Company for more than (30) thirty days after issuance of the bill for the amount due,
- B. For violation of any of the provisions of this tariff or any applicable service contract,
- C. For violation of any law, rule, regulation or policy of any governing authority having jurisdiction over the Company's services,
- D. By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting the Company from furnishing its services, or

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E. In the event that the Company's underlying carrier(s) cease providing services to the Company which are necessary in order for the Company to provide the services described herein.

At least twenty-four (24) hours preceding discontinuance, a reasonable effort shall be made to contact the customer to advise him of the proposed discontinuance and what steps must be taken to avoid it.

3.12. DEPOSITS

The Company will perform credit history review and credit reference checks for all 800 number accounts and any other accounts that are anticipated to have monthly charges of five hundred (\$500) or more. The Company also reserves the right to require deposits from Customers. The collection, amount and refund of deposits shall be consistent in all respects with 4 CSR 240-33.050. The interest rate on customer deposits shall be nine (9) percent.

3.13. 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. Customers shall be responsible for any applicable taxes. Imposition of other non-tax surcharges or fees are subject to prior Commission approval.

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SECTION 4 - DESCRIPTION OF SERVICE

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4.1. TIMING OF CALLS

4.1.1. Time Periods

As set forth in Section 5, billing for certain services is based in part on the time of day during which the call is made. Calls are billed based on the rate in effect for the actual time period(s) during which the call occurs, as set forth in the table below. Calls that cross rate period boundaries are billed the rates applicable to the time recorded in each rate period.

Time	Mon	Tue	Wed	Thur	Fri	Sat	Sun
8:00 AM to 5:00 PM*	DAY	DAY	DAY	DAY	DAY	NIGHT	NIGHT
5:00 PM to 11:00 PM*	EVE	EVE	EVE	EVE	EVE	NIGHT	NIGHT
11:00 PM to 8:00 AM*	NIGHT	NIGHT	NIGHT	NIGHT	NIGHT	NIGHT	NIGHT

* Up to but not including.

Starpower's Night Rate applies to Residential Services on selected holidays (New Year's Day, Independence Day, Thanksgiving Day and Christmas Day). On these holidays the Night Rate applies all day, unless a lower rate would normally apply.

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- 4.1.2. The minimum call duration for billing purposes is as specified for each of the services described in Section 5.
- 4.1.3. For billing purposes, usage is measured and rounded to the next highest billing increment as specified for subscribed services.
- 4.1.4. There is no billing for incomplete calls.

4.2. STARPOWER COMMUNICATIONS, LLC SERVICES

The Company provides switched inbound and outbound services to residential Customers; switched and dedicated inbound and outbound services to business Customers; the Starpower 25 Cent Card, which is an 800 access calling card; and directory assistance for presubscribed Customers. The Company's residential services may be billed directly or where available through the local exchange carrier ("LEC") at the customer's option. The applicable rates and charges are the same under either option, except that the discounts described in Section 5.2.1.E. are not available to LEC-billed residential customers. Business services are billed directly by the Company.

The rates and other charges applicable to the Company's services are set forth in Section 5.

4.3. COMMITMENT PERIOD

Rates for the Company's business outbound and inbound services vary depending upon the term for which the Customer commits to use the Company services.

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4.4. MINIMUM CALL COMPLETION RATE

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A Customer can expect a call completion rate (number of calls completed/number of calls attempted) of at least ninety-five percent (95%) during peak use periods.

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SECTION 5 - RATES

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5.1. RATE CALCULATIONS

The aggregate per minute rates for each service offered by the Company are listed below, along with the increments in which those charges are billed. Call times are rounded up to the next highest billing increment. Applicable monthly charges, installation fees, and other requirements are set forth below.

5.2. RESIDENTIAL SERVICE RATES

5.2.1. Direct-Billed Residential Rates

5.2.1.A. Starpower Switched Outbound - Residential (Billed in full minute increments)

<u>Day</u>	<u>Eve.</u>	<u>Night</u>
0.210	0.160	0.140

5.2.1.B. Starpower Switched Inbound - Residential (Billed in full minute increments)

<u>Day</u>	<u>Eve.</u>	<u>Night</u>
0.180	0.180	0.180

\$4.00 per month recurring service fee.
One time \$10.00 installation fee.

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5.2.1.C. Starpower Residential Calling Card (Billed in full minute increments)

<u>Day</u>	<u>Eve.</u>	<u>Night</u>
0.250	0.250	0.250

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5.2.1.D. Starpower Residential Directory Assistance

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\$1.040 per call (limit two numbers per call).

5.2.1.E. Starpower Direct-Billed Residential Usage Discounts

Residential Customers billed directly by the Company rather than by the local exchange carrier receive the following discounts on charges for presubscribed outbound toll calls based on their total Qualifying Monthly Usage:

<u>Qualifying Monthly Usage</u>	<u>Discount</u>
\$10.00 - \$25.00	10%
\$25.00+	25%

Qualifying Monthly Usage means the Customer's total monthly long distance charges excluding monthly recurring service charges, installation charges, reconnection charges and taxes. However, the discount applies only to charges for domestic presubscribed outbound toll calls. The discount does not apply to charges for international calls, inbound calls, calling card calls, directory assistance calls, installation, reconnection and monthly recurring service fees, or to any applicable taxes. Although the discount does not apply to charges for international calls, charges for such calls are included for purposes of determining Qualifying Monthly Usage.

5.2.2. LEC-Billed Residential Rates

Residential customers electing to be billed through their local exchange carrier receive the same rates set forth in Section 5.2.1., ~~except that the discounts in Section 5.2.1.E. do not apply.~~

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5.3. BUSINESS SERVICE RATES

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5.3.1. Business Rates

5.3.1.A. Business Switched Inbound and Outbound Services - (Initial billing
Increment is 18 seconds; additional increments of 6 seconds)

<u>Term Commitment</u>	<u>Rate</u>
Month-to-Month	0.1500
One Year	0.1425
Two Years	0.1395

\$5.00 per month minimum charge (Inbound Services only).

5.3.1.B. Business Dedicated Inbound and Outbound Services - (Initial billing
increment is 18 seconds; additional increments of 6 seconds)

	<u>Rate</u>
Outbound	0.090
Inbound	0.100

Charges for dedicated access channels, including installation fees and monthly recurring charges, are determined by the access provider, and the Company reserves the right to charge the Customer the Company's cost of providing such channels plus fifteen percent (15%).

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5.3.1.C. Starpower Business Calling Card (Initial billing increment is 18 seconds; additional increments of 6 seconds)

<u>Day</u>	<u>Eve.</u>	<u>Night</u>
0.250	0.250	0.250

5.3.1.D. Business Directory Assistance

\$0.960 per call (limit two numbers per call)

5.3.1.E. Starpower Business Usage Discounts

Business Customers receive the discounts set forth in the schedules below based on the Customer's Qualifying Monthly Usage in each of the service categories listed (i.e. switched or dedicated):

<u>Qualifying Monthly Switched Usage</u>	<u>Applicable Discount</u>
\$0.00 - \$249.99	0%
\$250.00 - \$999.99	4%
\$1,000.00+	7%

<u>Qualifying Monthly Dedicated Usage</u>	<u>Applicable Discount</u>
\$0.00 - \$2,499.99	0%
\$2,500.00 - \$5,499.99	5.55%
\$5,500.00+	11.11%

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Qualifying Monthly Usage means the Business Customer's total monthly charges for the particular category of listed services (i.e. switched or dedicated) excluding all charges for installation, reconnection, monthly recurring service fees, calling card calls, directory assistance calls and all applicable taxes. The discounts apply to charges for domestic inbound and outbound interstate, intrastate and intralata toll calls by Business Customers in the particular category of services (i.e. switched or dedicated) for which the Customer has met the Qualifying Monthly Usage threshold during that month. Discounts do not apply to charges for international calls, calling card calls and directory assistance calls, installation, reconnection, monthly recurring service fees and any applicable taxes. Although the discount does not apply to charges for international calls, charges for such calls are included for purposes of determining Qualifying Monthly Usage.

5.4. CUSTOMIZED SERVICE PACKAGES

Customized service packages and competitive pricing arrangements at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers for proposals or competitive bids. Service offered under this tariff provision will be provided to Customers pursuant to contract. Unless otherwise specified, the rates, terms and conditions for such arrangements are in addition to the applicable regulations and prices in other sections of the tariff. Customized service packages will be available for dedicated access, private lines and Centrex services only, and will not be available for exchange access services or switched access services. Rates for customized service packages will be structured to recover the Company's cost for providing the services, and will be made available to customers in a non-discriminatory manner. Terms of specific contracts for customized service packages will be made available to the Commission Staff upon request on a proprietary basis.

5.5. PROMOTIONS

The Company may, from time to time, engage in special promotional offerings or trial service offerings limited to certain dates, times and/or locations in order to attract new Customers or increase usage by existing Customers. In such cases, the rates will not exceed those specified herein. Promotions shall be subject to prior approval by the Commission.

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