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ORIGINAL

April 26, 2000

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

FILED²
APR 26 2000
Missouri Public
Service Commission

Re: Case No. TA-2000-625; Tariff File No. 2000-00-916
essential.com, Inc.
Interexchange/Non-Switched Local Exchange Application

Dear Mr. Roberts:

Please find enclosed for filing in the above-referenced case an original and fourteen copies of **essential.com, Inc.**'s Motion To Amend Application By Interlineation and an original and five copies of substitute tariff sheet nos. 2, 6, 7, 15, 21, 24, 26, and 27 to replace those same numbered sheets originally filed.

A copy of this filing have been sent this date to the Office of the Public Counsel.
Thank you.

Sincerely,

Brent Stewart

Brent Stewart

CBS/bt

Enclosure

cc: Office of the Public Counsel
Edward Madden

200000916

WAIVER OF RULES AND REGULATIONS

The following Rules and Regulations have been waived by the Missouri Public Service Commission for the offering of network services as set forth herein:

Commission Rules

4 CSR 240-10.020	Depreciation fund income.
4 CSR 240-30.010(2)(C)	Posting of exchange rates at central operating offices.
4 CSR 240-30.040	Uniform System of Accounts.
4 CSR 240-33.030	Customer Notification
4 CSR 240-35	Reporting of Bypass

Statutes

Section 392.210.2	Uniform System of Accounts
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 securities.
Section 392.300.2	Stock Acquisition
Section 392.310	Issuance of stocks and bonds.
Section 392.320	Stock dividends.
Section 392.330	Issuance of securities; debts and notes.
Section 392.340	Reorganization(s).

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Basil Pallone

Treasurer, Director of Finance & Controller

3 Burlington Woods Drive, 4th floor

Burlington Massachusetts 01803

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TARIFF FORMAT

- A. **Sheet Numbering** - Sheet numbers appear in the heading of each sheet. Sheets are numbered sequentially. However, occasionally, 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.
- C. **Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of code 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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APPLICATION OF TARIFF

This Tariff contains the rates, terms and conditions applicable to the provision of specialized resold intrastate interexchange common carrier telecommunications services by essential.com, inc. between various locations within the state of Missouri to residential and business customers.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.4. LIABILITIES OF THE COMPANY, Continued

- 2.4.9. The Company shall not be liable for damages or adjustments, refunds, or cancellation of charges unless the Customer has notified the Company of any dispute concerning charges, or the basis of any claim for damages, after the invoice is rendered by the Company for the call giving rise to such dispute or claim, unless ordered by the Commission pursuant to Missouri law. The Company shall not be responsible for claims made outside the 90 day period. 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.
- 2.4.10. The Company shall not be liable for any damages, including usage charges, that the Customer may incur as a result of the unauthorized use of its communications equipment. The unauthorized use of the Customer's communications equipment includes, but is not limited to, the placement of calls from the Customer's premises and the placement of calls through Customer-controlled or Customer-provisioned equipment that are transmitted or carried over the Company's network services without the authorization of the Customer. The Customer shall be fully liable for all such charges.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.10 BILLING AND PAYMENT FOR SERVICE (continued)**

- 4) When billing is based upon Customer usage, usage charges will be billed monthly in arrears for service provided in the preceding billing period.

2.10.3 Disputed Charges

Any objections to billed charges must be reported to the Company or its billing agent within ninety (90) days of the closing date shown on the bill issued to the Customer. Customers should first seek to resolve billing disputes through the Company's website, www.essential.com, or by email to the address indicated on the Customer's most recent invoice. Additionally, inquiries may be addressed to the Company's customer service organization by mail at Three Burlington Woods Drive, 4th Floor, Burlington, MA 01803-4543, or by telephone at (888) 746-4983. Adjustments to Customers' bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate. Customers may contact the Missouri Public Service Commission with 1) any unresolved dispute or 2) disputed charges for which the Company refuses an adjustment if disputed charges were reported to the Company after ninety (90) days from the closing date on the Customer's bill. The Commission's address is:

Missouri Public Service Commission
The Truman State Office Building, Fifth Floor
301 W. High Street
P. O. Box 360
Jefferson City, Missouri 65102
(800) 392-4211

2.10.4 Taxes

The Company reserves the right to bill any and all applicable taxes in addition to any recurring, non-recurring, per call charges, usage charges or charges for special arrangements and construction, including, but not limited to any Federal Excise Tax, State Sales Tax, Municipal Taxes and Gross Receipts Tax. Unless otherwise specified in this tariff, such taxes will be itemized separately on Customer bills. All charges and fees subject to MoPSC jurisdiction, except taxes and franchise fees, will be submitted to the MoPSC for prior approval.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.12 ADVANCE PAYMENTS**

The Company does not normally require advance payments for service. However, for Customers whom the Company determines an advance payment is necessary, in accordance with 4 CSR 240-33.050, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges.

2.13 CANCELLATION OR TERMINATION OF SERVICE**2.13.1 Cancellation by Customer**

Customers of presubscribed long distance services may cancel service by providing the Company with written or verbal notification thirty (30) days prior to the requested cancellation date. The Company shall hold the Customer responsible for payment of all bills for service furnished until the cancellation date specified by the Customer or until thirty (30) days after the date that the cancellation notice is received, whichever is later.

2.13.2 Cancellation by Company

A) Service may be discontinued upon ten (10) days written notice for any of the following reasons:

- 1) Nonpayment of an undisputed delinquent charge;
- 2) Failure to post a required deposit or advance payment;
- 3) Unauthorized use of telephone utility equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment;
- 4) Failure to substantially comply with terms of a settlement agreement;
- 5) Refusal after reasonable notice to permit inspection, maintenance or replacement of telephone utility equipment;

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SECTION 2 - RULES AND REGULATIONS, Continued

2.16 ASSIGNMENT

- 2.16.1 The obligations set forth in this Tariff shall be binding upon and inure to the benefit of the parties hereto and their respective successors or assigns, provided, however, the Customer shall not assign or transfer its rights or obligations without the prior written consent of the Company.

2.17 TAX AND FEE ADJUSTMENTS

- 2.17.1 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. All charges and fees subject to MoPSC jurisdiction, except taxes and franchise fees, will be submitted to the MoPSC for prior approval.
- 2.17.2 If at any future time a municipality acquires the legal right to impose an occupation tax, license tax, other similar tax upon the Carrier, and imposes the same by ordinance or otherwise, such taxes shall be billed to the end users receiving service within the territorial limits of such municipality. Such billing shall allocate the tax among end users uniformly on the basis of each end user's monthly charges for the types of service made subject to such tax.
- 2.17.3 If at any future time a county or other local taxing authority acquires the legal right to impose an occupation tax, license tax or other similar tax upon the Carrier, and imposes the same by ordinance or otherwise, such taxes shall be billed to the end users receiving service within the territorial limits of such county or other taxing authority. Such billing shall allocate the tax among end users uniformly on the basis of each end user's monthly charges for the types of service made subject to such tax.
- 2.17.4 When utility or telecommunications occupational, excise, or other similar taxes, based on interstate or intrastate receipts are imposed by certain taxing jurisdictions upon the Company or upon local exchange companies and passed on to the Company through or with interstate or intrastate access charges, the amounts of such taxes will be billed to Customers in such a taxing jurisdiction on a prorated basis. The amount of tax that is prorated to each Customer's bill is determined by the interstate or intrastate telecommunications service provided to and billed to an end user/customer service

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2.17 TAX AND FEE ADJUSTMENTS, continued

location in such a taxing jurisdiction with the aggregate of such tax equal to the amount of the tax imposed upon or passed on to the Company. For example, should a taxing jurisdiction impose a 5% tax upon the Company for Missouri intrastate telecommunications services, the Company will impose a 5% tax upon the Customer for intrastate telecommunications services.

2.17.5 When any municipality, or other political subdivision, local agency or government, or department of public utilities imposes upon and collects from the Company a gross receipts tax, occupation tax, license tax, permit fee, franchise fee or regulatory fee, such taxes and fees shall, insofar as practicable, be billed pro rata to the Company's customers receiving service within the territorial limits of such municipality, other political subdivision, local agency of government, or public utility commission, provided that all such non-tax surcharges are first approved by and set forth on the customer's bill as required by the Commission.

2.17.6 Subject to prior Commission approval, the Company may adjust its rates and charges or impose additional rates and charges on its Customers in order to recover any amount it is required by governmental or quasi-government authorities to collect from or pay to others in support of statutory or regulatory programs. Examples of such programs include, but are not limited to, the Universal Service Fund, the Primary Interexchange Carrier Charge, and compensation to payphone service providers for use of their payphones to access the Company's services.

2.17.7 All charges and fees other than taxes will be filed with the Commission for approval.

2.18. CREDIT LIMIT

The Company may, at any time and at its sole discretion, set a credit limit for any Customer's consumption of Services for any monthly period. The Company will follow good business practices in creating a standard for said credit limit, which will be fairly and uniformly applied to all Customers.

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