

**McGILL, GOTSDINER, WORKMAN & LEPP, P.C., L.L.O.**

R. THOMAS WORKMAN  
GARY M. GOTSDINER  
ROBERT L. LEPP  
MICHAEL S. MOSTEK  
PAUL R. ELOFSON  
ROBERT J. KMIECIK  
KEITH A. GREEN  
MARK A. PIEPER  
MARY L. HEWITT  
ALAN E. PEDERSEN  
JULIE ENGELHARDT  
KRISTIN S. CARNABY  
CHRISTINA M. FINK

ATTORNEYS AT LAW  
FIRST NATIONAL PLAZA - SUITE 500  
11404 WEST DODGE ROAD  
OMAHA, NEBRASKA 68154-2584  
(402) 492-9200  
FAX: (402) 492-9222  
INTERNET: mgwl@mgwl.com

OF COUNSEL:

RICHARD D. MYERS  
WILLIAM E. MOONEY  
RONALD R. VOLKMER  
G. MICHAEL FENNER

STEPHEN T. MCGILL  
(1932-1997)

WRITER'S  
INTERNET  
ADDRESS:

cmf@mgwl.com

May 7, 2002

Missouri Public Service Commission  
Governor Office Building  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360

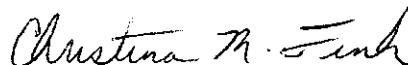
RE: Viva Telecom, L.L.C. Application  
Our File No.: 7704-0003

Dear Sir or Madam:

Viva Telecom, L.L.C. hereby submits the enclosed Application, seeking authority to operate as a reseller of interexchange telecommunications services within the State of Missouri. An original and nine (9) copies are provided. Please date stamp one copy and return it to our office in the enclosed self-addressed, stamped envelope.

Should there be any questions or additional information required, please do not hesitate to contact me at the indicated phone number. Thank you.

Very truly yours,



Christina M. Fink  
FOR THE FIRM

CMF  
Enclosures  
#214877.1

In the Matter of the Application )  
of Viva Telecom, L.L.C. for a )  
Certificate of Service Authority to )  
Provide Interexchange )  
Telecommunications Services )

2. The name and address of the person to whom correspondence, communications, and orders and decision of the commission are to be sent is:

Mark A. Pieper  
MCGILL, GOTSCHNER, WORKMAN & LEPP, P.C., LLO  
First National Plaza  
11404 West Dodge Road, Suite 500  
Omaha, NE 68154

3. Applicant proposes to provide interexchange telecommunications services within Missouri including the sale of prepaid long distance services through Debit Phone Cards. Applicant proposes to provide service to prospective customers throughout the state of Missouri.

4. Viva Telecom, L.L.C. neither owns nor operates any switching, transmission, or other physical facilities in the state of Missouri. In other words, Viva Telecom, L.L.C. is non-facilities based reseller of long-distance telephone service offered by facilities-based interexchange carriers, such as AT&T and MCI. Viva Telecom, L.L.C. will obtain inbound and outbound WATS and WATS-type services from interexchange carriers that are certified to render such service in Missouri. These services will in turn be resold to Viva Telecom, L.L.C.'s customers who purchase its prepaid phone cards and other calling products.

The prepaid phone cards of Viva Telecom, L.L.C. offer a method of prepayment of long distance charges. End users will be able to buy the prepaid phone cards in various denominations from a variety of retail and other outlets. Each card will contain a 1-800 number and a unique identifying number. The prepaid phone cards may be used at most touchtone telephones. Callers will obtain access to the Viva Telecom, L.L.C. system by dialing a conventional 800 or POTS number. As a call is placed, Viva Telecom, L.L.C.'s preprocessor tracks the call and the costs associated with the call are deducted on a real time basis from the prepaid amount on the card.

Callers may add value to a prepaid phone card at the termination of a call in order to continue use of the card. The caller receives notification when the remaining value of the prepaid phone card will only permit one additional minute of conversation time. Additional value can be added to a Viva Telecom, L.L.C. phone card by subsequently dialing a 1-800 number, speaking with a live operator, and providing a valid commercial credit card number. Thus, if a caller wishes to continue using the same Viva Telecom, L.L.C. prepaid phone card for an extended period, he/she can easily do so by automatically adding value to the card.

Viva Telecom, L.L.C. proposes to offer prepaid phone cards on a wholesale and retail basis. The prepaid phone cards of Viva Telecom, L.L.C. will be available for purchase and distribution at various retail establishments, such as truck stops, restaurant chains, convenience stores, shopping clubs, hotels, or gas stations. Viva Telecom, L.L.C. will also market its prepaid phone cards to a variety of groups, such as businesses whose employees travel or associations whose members have a common interest. Prepaid phone cards sold on a retail basis will be prepaid. Viva Telecom, L.L.C. also plans to market its prepaid phone cards directly to wholesale distributors who will be able to use their own private labeling on the prepaid phone card. Prepaid phone cards sold on a wholesale basis will be either prepaid or invoiced.

Viva Telecom, L.L.C. will offer universal origination and termination in the state of Missouri. Its service offerings will be ubiquitous.

5. Applicant has the experience in the telecommunications industry and the technical and financial resources to provide telecommunications services within Missouri. A brief description of the qualifications and experience of Mr. Jeddie Ricks, Viva Telecom, L.L.C.'s key manager, is attached as Exhibit 2.

Viva Telecom, L.L.C. will resell telecommunication services using the transmission facilities of other interexchange carriers. Accordingly, Viva Telecom, L.L.C. does not have the capital requirements associated with owning and operating network and switching equipment.

Exhibit 3, which is contained in a sealed envelope stamped "Privileged and Confidential," contains the Applicant's balance sheets and financial statements. The information in these documents is proprietary and commercially sensitive and its disclosure would put Viva Telecom, L.L.C. at a competitive disadvantage. Therefore, Viva Telecom, L.L.C. requests that Exhibit 3 be given proprietary treatment and not be disclosed to anyone other than Commissioners or staff involved in processing Viva Telecom, L.L.C.'s Application.

6. Applicant's draft tariff is attached as Exhibit 4. The proposed tariff contains the rules and regulations applicable to its customers, a description of the services offered, and a list of rates associated with such services.

7. Applicant requests classification as a competitive telecommunications company within the state of Missouri. Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation. Granting of this application will allow greater price and service options for telephone users.

8. Applicant also requests, pursuant to Section 392.420, RSMo (Cum. Supp. 1992), that the Commission waive the application of the following rules and statutory provision as it relates to the regulation of the Applicant.

392.240(1)	Rates-reasonable average return on investment
392.270	Property valuation
392.280	Depreciation rates
392.290	Issuance of stocks and bonds
392.310	Issuance of stocks and bonds
392.320	Issuance of stocks and bonds
392.330	Issuance of stocks and bonds
392.340	Reorganization
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 240-32.030(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

The above-referenced rules and statutory provisions have been waived to other inter-exchange carriers in prior cases. Furthermore, complying with such requirements would place an unreasonable burden on Viva Telecom, L.L.C., with little public gain.

9. Applicant, pursuant to Section 386.570, Cum. Supp. 1992, will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the Applicant.

10. Applicant submits that the public interest will be served by Commission approval of this application because Viva Telecom, L.L.C.'s proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application will also expand the availability of innovative, high quality, and reliable telecommunications services within the State of Missouri.

11. Applicant states that there are no pending actions or final unsatisfied judgment or decisions against it from any state or federal agency or court which involves customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the Application.

12. Applicant states that no annual report or assessment fees are overdue.

WHEREFORE, Applicant respectfully requests that the Missouri Public Service Commission grant it a Certificate of Service Authority to provide interexchange telecommunications services within the state of Missouri. Applicant also requests classification as a competitive telecommunications company. In addition Applicant requests a waiver of the above-referenced rules and statutory provisions.

Respectfully submitted,

VIVA TELECOM, L.L.C.

By: Mark A. Pieper  
 Nebraska Attorneys  
 Mark A. Pieper  
 Christina M. Fink  
 MCGILL, GOTSCHNER, WORKMAN & LEPP, P.C.  
 LLO

11404 West Dodge Road, Suite 500  
Omaha, NE 68154-2576  
(402) 492-9200  
Attorneys for Viva Telecom, L.L.C.

#214809.1

### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served by regular United States mail, postage prepaid, on this 7<sup>th</sup> day of May 2002, upon the following:

Office of Public Counsel  
Governor Office Building, 6<sup>th</sup> Floor  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360

Christina M. Fink

**EXHIBIT 1**

**APPLICANT'S ARTICLES OF ORGANIZATION  
AND  
MISSOURI CERTIFICATE OF AUTHORITY**

4816675

XS

I hereby certify that the foregoing has been filed  
and approved on this 17 day of Nov 2000  
in the office of this Division and hereby issue  
this Certificate thereof.

Examiner \_\_\_\_\_ Date 11/17/00



LORENA RIFKIN-CHAPMAN  
DIVISION DIRECTOR

AMENDED ARTICLES OF ORGANIZATION  
OF  
VIVA TELECOM, L.L.C.

On September 27, 2000, Articles of Organization for Viva Telecom, L.L.C. were filed with the State of Utah. The undersigned acting as Managers of this Utah Limited Liability Company (the "Company") under the Utah Limited Liability Company Act, hereby adopts the Amended Articles of Organization for the Company as follows:

1. The name of the Company is Viva Telecom, L.L.C.
2. The latest date upon which the Company is to be dissolved is January 1, 2080.
3. The principal business purpose for which the Company is formed is to transact any and all lawful business for which limited liability companies may be organized under the Act.
4. The street address of the Company's registered office and the name and street address of the registered agent and the principal place of business where the records required to be maintained are to be kept are as follows:

Jeddie W. Ricks  
2009 South 4130 West #D  
Salt Lake City, Utah 84104

I hereby consent to be named as the registered agent of the Company.

Jeddie W. Ricks

5. The Company appoints the director of the Division of Corporations and Commercial Code of the Utah Department of Commerce as agent for service of process of the Company if the appointed registered agent has resigned, the registered agent's authority has been revoked, or if the agent cannot be found or served with the exercise of reasonable diligence.

296350.1

FILED

NOV 17 2000



11-17-00 10:03 AM



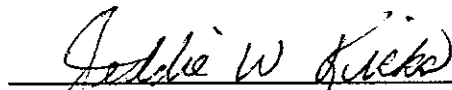
6. The business and affairs of the Company shall be managed by Managers. The name and address of each Manager of the Company is as follows:

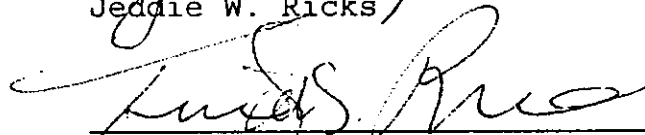
Jeddie W. Ricks  
2009 South 4130 West #D  
Salt Lake City, Utah 84104

Timothy S. Ricks  
2009 South 4130 West #D  
Salt Lake City, Utah 84104

Dated this 16 day of Nov, 2000.

**MANAGERS:**

  
\_\_\_\_\_  
Jeddie W. Ricks

  
\_\_\_\_\_  
Timothy S. Ricks

No. FL0060182

# STATE OF MISSOURI



Matt Blunt  
Secretary of State

CERTIFICATE OF REGISTRATION  
FOREIGN LIMITED LIABILITY COMPANY

WHEREAS,  
VIVA TELECOM, L.L.C.

using in Missouri the name  
VIVA TELECOM, L.L.C.

and existing under the laws of the State of UTAH  
has filed with this state its application for registration and  
WHEREAS this application for registration conforms to the  
Missouri Limited Liability Company Act;

NOW, THEREFORE, I, MATT BLUNT, Secretary of State of the  
State of Missouri, by virtue of authority vested in me by law,  
do certify and declare that on the 22nd day of JANUARY, 2002,  
the above Foreign Limited Liability Company is duly authorized  
to transact business in the State of Missouri  
and is entitled to any rights granted  
Limited Liability Companies.

IN TESTIMONY WHEREOF, I have set my  
hand and imprinted the GREAT SEAL of  
the State of Missouri, on this, the  
22nd day of JANUARY, 2002.

A handwritten signature in cursive script that reads "Matt Blunt".

Secretary of State

\$105.00





# State of Missouri

Matt Blunt, Secretary of State

Corporations Division  
P.O. Box 778, Jefferson City, MO 65102

James C. Kirkpatrick State Information Center  
600 W. Main Street, Rm 322, Jefferson City, MO 65101

## Application for Registration of a Foreign Limited Liability Company

(Submit in duplicate with filing fee of \$105.00)

- (1) The name of the foreign limited liability company is:  
Viva Telecom, L.L.C.
- (2) The name under which the foreign limited liability company will conduct business in Missouri is (must contain "limited company, "limited liability company", "LC", "LLC", "L.C.", or "L.L.C.") (must be filled out if different from line (1)):  
\_\_\_\_\_
- (3) The foreign limited liability company was formed under the laws of Utah on the  
(state or jurisdiction)  
date of September 27, 2000, and is to dissolve on January 1, 2080  
(month/day/year, event, or perpetual)
- (4) The purpose of the foreign limited liability company or the general character of the business it proposes to transact in this state is:  
Resale of telecommunication services
- (5) The name and address of the limited liability company's registered agent in Missouri is (this line must be completed and include a street address):  
Lexis Document Services, 222 E. Dunkin, Suite 102, Jefferson City, MO 65101  
Name Address (P.O. Box may only be used in conjunction with a physical street address) City/State/Zip

The Secretary of State is appointed agent for service of process if the foreign limited liability company fails to maintain a registered agent. Note: failure to maintain a registered agent constitutes grounds to cancel the registration of the foreign limited liability company.

- (6) The address of the registered office in the jurisdiction organized. If none required, then the principal office address of the foreign limited liability company is:  
Viva Telecom, L.L.C., 1844 South 3850 West, Suite A, Salt Lake City, UT 84104  
Name Address (P.O. Box may only be used in conjunction with a physical street address) City/State/Zip
- (7) For tax purposes, is the limited liability company considered a corporation? \_\_\_\_\_ yes X no

In affirmation thereof, the facts stated above are true.

Jeddie W. Ricks  
(Authorized Signature)

Jeddie W. Ricks  
(Printed Name)

Jan 11, 2002  
(Date)

(Authorized Signature)

(Printed Name)

(Date)

FILED

JAN 22 2002

**EXHIBIT 2**

**RESUME OF JEDDIE W. RICKS**

10413 South Gladys Drive  
South Jordan, UT 84095  
Home 801-253-0142

**Jeddie Ricks**

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**EXPERIENCE**

**Viva Telecom, L.L.C. Salt Lake City, UT**

**Sales Manager 2001- Present**

Ensures implementation of sales and marketing activities for the company; follows the company pricing levels; generates new accounts through phone contacts and mailing current literature; ensures existing accounts are maintained with customer satisfaction; assures high-quality and sound customer relations; follow up with leads and lead sources; submit reports on sale levels and customer contacts; ensures company policies and procedures are followed within the department, adhere to all state and federal government laws and regulations pertaining to the telecommunications industry relating to employee safety, health and environmental regulations; performs special assignments and provides information and communications accurately and as scheduled.

**J D SERVICES, INC. Salt Lake City, UT**

**Director, Distributor Operation 1993 - 2000**

Planning, coordinating, scheduling and controlling all distributor activities, which may include product pricing for individual transactions or to implement particular sales strategies, to achieve the budgeted sales and income objective and goals; preparing, negotiating and obtaining approval of agreements for new distribution ventures; ensuring records of sales calls and all contact with customers are maintained and monitored to assure contacts meet the professional quality standards of the company; ensure distributor management has the appropriate practices and controls to keep inventory investment, shrinkage and losses within budget; meeting customer order delivery commitments and liquidating any unsold inventory; review monthly functional and operations Income and Expense Reports; review monthly functional and operations Budget Variance Reports; provide support to the other functions, as required, for effective and efficient operation of the company; maintain knowledge of competitor actions and keep management team informed of any unusual activity.

**A.L. WILLIAMS**

**Regional Vice President 1986 - 1993**

Specialized in Term Insurance Securities sales; achieved new customer base; implemented new policies and procedures in the Sales Department; drafted a new marketing and sales plan for Sales Department.

**EXHIBIT 3**

**APPLICANT'S FINANCIAL STATEMENTS**

**Viva Telecom, LLC**  
**Balance Sheet**  
**as of November 30, 2001**

**Assets**

Current Assets	
Cash	\$2,593
Accounts Receivable	265,174
Inventory (cards)	32,233
Prepaid Network Time	<u>72,777</u>
Total Current Assets	372,777
Equipment	
Computer Equipment	647,439
Accumulated depreciation	<u>-81,398</u>
Total Fixed Assets	566,041
Total Assets	<u><u>\$938,818</u></u>

**Liabilities & Shareholders' Equity**

Current assets	
Accounts Payable	\$323,077
Current Portion of Notes Payable	45,000
Accrued Payroll & Payroll Taxes	142,754
Accrued Taxes (Federal Excise etc.)	<u>496,779</u>
Total Current Liabilities	1,007,610
Long-term Liabilities	
Long-term Portion of Notes Payable	1,093,182
Shareholders' Equity	
Common Stock	132,000
Retained Earnings	<u>-1,293,974</u>
Total Shareholder's Equity	-1,161,974
Total Liabilities & Shareholder's Equity	<u><u>\$938,818</u></u>

See Accountants' Compilation Report

**Viva Telecom, LLC**  
**Income Statement**  
For the Eleven Months Ended November 30, 2001

		December 12 Monrhs
<b>Income</b>		
Sales	\$11,161,490	12,176,171
Cost of sales (network time)	-9,589,740	-10,460,548
Gross Profit	<u>1,571,750</u>	<u>1,715,622</u>
<b>Operating Expenses</b>		
Advertising & marketing	16,392	17,882
Bank Service Charges	25,868	25,868
Commissions	5,783	6,309
Credit Card Expense	3,610	3,938
Depreciation	64,944	64,944
Employee Benefits	129,911	129,911
Equipment Rental	15,222	16,606
Filing Fees	10,018	10,929
Insurance	23,995	23,995
Mileage	35,847	35,847
Miscellaneous	3,998	4,361
Payroll	1,697,459	1,851,773
Payroll Expenses	5,722	6,242
Payroll Taxes	135,327	147,629
Postage	9,970	10,876
Professional Fees	77,418	84,456
Rent	116,778	127,394
Repairs & Maintenance	55,634	55,634
Supplies	129,699	129,699
Taxes & Licenses	13,373	14,589
Telephone Sales	37,156	40,534
Telephone	32,628	35,594
Travel & Entertainment	56,625	61,773
Utilities	55,077	60,084
	<u>2,758,454</u>	<u>2,966,868</u>
<b>Operating Loss</b>	-1,186,704	-1,251,246
<b>Other Income (Expense)</b>	2,602	2,602
Interest & Bank Charges	-109,596	-119,559
	<u>-106,994</u>	<u>-116,957</u>
<b>Net Loss</b>	<u><u>(\$1,293,698)</u></u>	<u><u>(\$1,368,203)</u></u>

See Accountants' Compilation Report



**EXHIBIT 4**  
**APPLICANT'S TARIFF**

Telecommunications Service

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TITLE SHEET

MISSOURI INTEREXCHANGE TELECOMMUNICATIONS TARIFF  
OF  
VIVA TELECOM, L.L.C.

This tariff applies to the Long Distance Telecommunications Services furnished by Viva Telecom, L.L.C., with principal offices at 1844 South 3850 West, Suite A, Salt Lake City, UT 84104, between one or more points in the state of Missouri. This tariff is on file with the Missouri Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

Viva Telecom, L.L.C. operates as a competitive telecommunications company as defined by Case No. TO-88-142 within the state of Missouri.

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Issued: \_\_\_\_\_, 2002

Effective: \_\_\_\_\_, 2002

Issued by:

Jeddie W. Ricks, Manager  
VIVA TELECOM, L.L.C.  
1844 South 3850 West, Suite A  
Salt Lake City, UT 84104  
(801) 990-0325  
FAX: (801) 990-0326

Telecommunications Service

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WAIVER OF RULES AND REGULATIONS

Pursuant to Case No. TA- 96-131, 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 240-32.030(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.

---

Issued: \_\_\_\_\_, 2002

Effective: \_\_\_\_\_, 2002

Issued by:

Jeddie W. Ricks, Manager  
VIVA TELECOM, L.L.C.  
1844 South 3850 West, Suite A  
Salt Lake City, UT 84104  
(801) 990-0325  
FAX: (801) 990-0326

Telecommunications Service

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Issued: \_\_\_\_\_, 2002

Effective: \_\_\_\_\_, 2002

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Jeddie W. Ricks, Manager  
VIVA TELECOM, L.L.C.  
1844 South 3850 West, Suite A  
Salt Lake City, UT 84104  
(801) 990-0325  
FAX: (801) 990-0326

Telecommunications Service

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EXPLANATION OF SYMBOLS

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

- C - to signify change in regulation
- D - to signify discontinued rate of regulation
- I - to signify rate increase
- M - to signify matter relocated without change
- N - to signify a new rate or regulation
- R - to signify a rate reduction
- T - to signify a change in text but no change in rate or regulation

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Issued: \_\_\_\_\_, 2002

Effective: \_\_\_\_\_, 2002

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Salt Lake City, UT 84104  
(801) 990-0325  
FAX: (801) 990-0326

Telecommunications Service

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TARIFF FORMAT

- 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 Missouri Public Service Commission (MPSC). For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the MPSC follows in its tariff approval process, the most current sheet number on file with the Commission is not always the tariff page 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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Issued: \_\_\_\_\_, 2002

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1844 South 3850 West, Suite A  
Salt Lake City, UT 84104  
(801) 990-0325  
FAX: (801) 990-0326

Telecommunications Service

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SECTION 1 TECHNICAL TERMS AND ABBREVIATIONS

**Access Line:** An arrangement which connects the calling customer's location to an interexchange switching center.

**Authorization Code:** A numerical code, one or more of which is available to an End User to enable him/her to access the Company, and which is used by the Company both to prevent unauthorized access to its Services and to identify the End User for billing purposes.

**Called Station:** The terminating point of a call (i.e., the called number).

**Calling Station:** The originating point of a call (i.e., the calling number).

**Company:** Viva Telecom, L.L.C. ("Viva"), a Utah limited liability company.

**End User:** Any person, firm, partnership, corporation, or other entity furnished telecommunications Services under the provisions and regulations of this tariff and that is responsible for payment of the charges and for compliance with the Company's tariff regulations.

**Enhanced Service:** Any for-profit telecommunications Service that adds value to users' voice and data messages during the course of transmission. Examples of Enhanced Services would include storage of a spoken message within the network for forwarding or retrieval at some future time, or processing data within the network and sending the results to the intended recipient.

**Incomplete Call:** Any calls where voice transmission between the Calling Station and the Called Station is not established (i.e., busy, no answer, etc.)

**Independent Representative:** An entity who markets the Company's Services by acting as its agent or representative in dealing with users of said Service. An Independent Representative does not hold itself out as a provider of common carrier service, does not establish the rates for said Service, does not render bills to End Users, and is not required by the Company to offer Service subject to the regulatory authority of the Federal Communications Commission or any other competent governmental authority.

---

Issued: \_\_\_\_\_, 2002

Effective: \_\_\_\_\_, 2002

Issued by:

Jeddie W. Ricks, Manager  
VIVA TELECOM, L.L.C.  
1844 South 3850 West, Suite A  
Salt Lake City, UT 84104  
(801) 990-0325  
FAX: (801) 990-0326

Telecommunications Service

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Technical Terms and Abbreviations, continued

**LATA:** Local Access and Transport Area. A geographic area established as required by the modification of Final Judgment entered in *United States v. Western Electric Co., Inc.*, 552 F. Supp. 131 (D.D.C. 1982), within which a local exchange company provides communication service.

**Local Exchange Company:** A telephone company utility which provides local telecommunications services to a specific geographical area for business and residential End Users.

**Pay Telephone:** A telephone instrument equipped with devices that permit the instrument to access the Company's Services and that is authorized to provide such Services and conforms with state and federal regulations governing such equipment.

**Private Label:** A name affixed to the Company's Service when that Service is provided to End Users by another entity, in its own name or cobranded, rather than exclusively in the name of Viva.

**Retailer:** Seller, whether individual or establishment, of Viva Calling Card products to End Users.

**Service:** All telecommunications Services provided by the Company for the benefit of End Users.

**Tariff Identification Number:** The identifying number printed on the back of each Viva Calling Card that corresponds to a rate structure set forth in this tariff ("Tariff Id. No.").

**Unit:** A measurement of telecommunications Service.

**Viva Calling Card Calls:** Calls for which charges are billed to a Viva Calling Card or any other prepaid product offerings set forth herein and not to the originating telephone number.

**Wholesale Calling Card Customers:** A person, firm or corporation, or other legal entity which purchases prepaid Calling Cards from Viva and resells the same to the End Users.

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SECTION 2 RULES AND REGULATIONS2.1 Application of Tariff

2.1.1 This tariff contains the regulations and rates applicable to intrastate resale telecommunications Services provided by Viva Telecom, L.L.C. ("Viva") for telecommunications between points within the State of Missouri. Viva's Services are furnished subject to the availability of products or facilities and subject to the terms and conditions of this tariff.

2.1.1.A Viva may, from time to time, offer various Enhanced Services and information within the State of Missouri. Such Enhanced Services will be provided pursuant to contract and will not be governed by this tariff.

2.1.1.B The Services of Viva are not part of a joint undertaking with any other entity providing telecommunications channels, facilities or Services, but do involve the resale of Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers who may be subject to the jurisdiction of this Commission.

2.1.1.C The rates and regulations contained in this tariff apply only to the Services furnished by Viva and 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 Viva.

2.1.1.D The Services of Viva are furnished to purchasers of Viva's Calling Cards and authorized End Users. The purchase of a Viva Calling Card or subscription to a Service makes available to the purchasing End User Viva's nationwide Services, including the intrastate Services offered under the terms and conditions of this tariff.

2.2 Use of Services

2.2.1 Viva's Services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of Services.

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Rules and Regulations, continued

- 2.2.2 The use of Viva'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.
- 2.2.3 The use of Viva's Services without payment for Service or attempting to avoid payment for Service by fraudulent means or devices, schemes, false or invalid numbers, false credit cards or false Viva Calling Cards or false numbers of such cards, is prohibited.
- 2.2.4 Viva's Service area is available for use twenty-four hours per day, seven days per week.
- 2.2.5 Viva does not transmit messages pursuant to this tariff, but its Services may be used for that purpose.
- 2.2.6 Viva's Services may be denied for nonpayment of charges or for other violations of this tariff.

2.3 Liabilities of the Company

- 2.3.1 Viva shall not be liable for loss or damage sustained by reason of any failure in or breakdown of facilities associated with Viva's Services or for any interruption or delay of Services, whatever shall be the cause of such failure, breakdown, or interruption, and whether negligent or otherwise, and however long it shall last. In no event shall Viva's liability for any Service exceed the charges applicable under this tariff for such Service.
- 2.3.2 Viva shall be indemnified and saved harmless by any End User or by any other entity against claims for libel, slander or the infringement of copyright arising from the material transmitted over its Services; and against all other claims arising out of any act or omission of an End User or of any other entity in connection with the Services provided by Viva.

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Rules and Regulations, continued

- 2.3.3 Viva is not liable for any act or omission of any entity furnishing facilities or Services connected with or provided in conjunction with the Services of Viva.
- 2.3.4 Viva shall not be liable for any personal injury, or death of any person or persons, nor for any loss or damage sustained by reason of acts, mistakes, omissions, errors or defects in providing its Services, whatever shall be the cause, and whether negligent or otherwise.
- 2.3.5 Viva shall not be liable for and shall be indemnified and saved harmless by any End User or other entity from any and all loss, claims, demands, suits, or other action or any liability whatever, whether suffered, made, instituted, or asserted by any End User or any other entity or any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any End User or others, caused or claimed to have been caused, directly or indirectly, by any act or omission of the End User or others or by any installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of Services, facilities or equipment provided by Viva which is not the direct result of Viva's negligence. No agents or employees of any other entity shall be deemed to be the agents or employees of Viva.
- 2.3.6 Viva shall not be liable for any failure of performance due to causes beyond its control, including, without being limited to, acts of God, fires, floods or other catastrophes, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppage or other labor difficulties, acts or omissions of other carriers, and any law, order, regulation or other action of any governing authority or agency thereof.

2.4 Responsibilities of the End Users

- 2.4.1 The End User is responsible for payment for the use of Viva Calling Cards and for complying with tariff regulations. The End User is also responsible for the payment of charges for calls which the End User elects to continue following notification that the prepaid amount on the Viva Calling Card then in use has been fully used.
- 2.4.2 The End User must pay Viva for replacement or repair of damage to the equipment or facilities of Viva caused by negligence or willful act of the End User or others, by improper use of the Services, or by the use of equipment provided by the End User or others.

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Rules and Regulations, continued

2.4.3 The End User is responsible for compliance with the applicable regulations set forth in this tariff.

2.4.4 The End User is responsible for establishing its identity as often as necessary during the course of the call.

2.5 Cancellation or Interruption of Service

2.5.1 Without incurring liability, Viva may immediately discontinue Services to an End User or may withhold Services to an End User or may withhold the provision of ordered or contracted Services:

2.5.1.A For nonpayment of any sum due Viva for the use of Viva's Calling Cards or the provision of any other communications Services to the End User. Suspension or termination of Service shall not be made without five (5) working days' written notice to the End User, except in extreme cases;

2.5.1.B For violation of any of the provisions of this tariff;

2.5.1.C For non-compliance with and/or violation of the Commission's regulations or the Company's rules and regulations on file with the Commission, provided five (5) working days' written notice is given before termination; or

2.5.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting Viva from furnishing its Services.

2.5.2 Without incurring liability, Viva may interrupt the provision of Services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Viva equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.

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Rules and Regulations, continued

2.5.3 Service may be discontinued by Viva, without notice to the End User, by blocking traffic to certain countries, cities, or exchanges, or by blocking calls using certain End User account numbers, when Viva deems it necessary to take such action to prevent unlawful use of its Service. Viva will restore Service as soon as it can be provided without undue risk, and will, upon request by the End User affected, assign a new account number to replace the one that has been deactivated. Viva reserves the right to limit the number of times an End User may utilize a commercial charge card to add value to a Viva Calling Card; further, Viva reserves the right to block certain destinations for terminating calls for any reason.

2.5.4 Viva Calling Card Services expire at a predefined period of time after the last call.

2.6 Billing of Calls

All charges due by the End User are payable at any agency duly authorized to receive such payments. Any objection to billed charges should be promptly reported to the Company. Adjustments to End Users' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

2.7 Billing Arrangements

2.7.1 Viva Calling Card Charges

Charges for calls of this type will be prepaid upon purchase by the End User of a Viva Calling Card.

2.7.2 Wholesale Calling Card Customers

2.7.2.A Late Payment Charges. Charges for these accounts will be invoiced on a monthly basis. Invoices will be due upon receipt, and delinquent 30 days thereafter. Delinquent accounts will accrue interest at the rate of 1.5% per month, or the highest rate authorized under Missouri law.

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Rules and Regulations, continued

- 2.7.2.B Return Check Charges. A return check charge of \$25.00 or 5% of the amount of the check (whichever is greater) will be assessed for checks returned for insufficient funds. In the event of suit for payment, Viva may recover all its costs expended therein, including reasonable attorneys' fees.

2.8 Restoration of Service

A reconnection fee of \$25.00 per occurrence is charged when Service is reestablished for End Users who had been disconnected for nonpayment.

2.9 Validation of Credit

Viva reserves the right to validate the creditworthiness of users through available verification procedures. Where a requested billing method cannot be validated, the End User may be required to provide an acceptable alternative billing method or Viva may refuse to place the call.

2.10 Termination, Denial or Suspension of Service by Company

2.10.1 Reasons for Termination

The Company may deny, terminate, or suspend Service to any End User in the event that any of the following circumstances occur:

- 2.10.1.A without notice, if an End User uses the Service in such a manner as to adversely affect the Company's network or the Company's Service of others;
- 2.10.1.B without notice, if an End User tampers with equipment owned and furnished by Company;
- 2.10.1.C with notice, if an End User violates any statute, law, municipal ordinance, or any rule or regulation of any state or federal regulatory agency relating to communications, or otherwise fails to comply with this tariff; or

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Rules and Regulations, continued

2.10.1.D with notice, if an End User fails to permit Company reasonable access to such locations as may be necessary for maintenance or repair of facilities used by Company to provide Service to End User.

2.10.1.E with notice, if a Retailer or Wholesale Calling Card Customer fails to pay Company's bill when due, subject to the provisions of 2.10.2, below.

2.10.2 Termination for Nonpayment

Viva reserves the right to terminate Service to End Users in the event the Retailer or Wholesale Calling Card Customer responsible for payment for End User network costs to Viva does not make proper and timely payment under the terms of the Agreement with the Retailer or Wholesale Calling Card Customer. In such event, the End User will be notified and directed, via prerecorded message, to seek a refund from the retail establishment. The End User's Service may, at Company's sole discretion, be reinstituted upon receipt of full payment of the undisputed portion of the balance due. Service shall not be terminated for nonpayment of a bill rendered unless:

2.10.2.A The Company shall have verified that payment has not been received at any office of the Company, or at any office of an authorized collection agent, through the end of the period indicated in the notice.

2.10.2.B The Company shall have checked the Retailer's or Wholesale Calling Card Customer's payment record on the day termination occurs.

Service shall not be terminated on account of nonpayment of any amount that is subject to bona fide dispute pursuant to the provisions of this tariff, but any such dispute shall not relieve the Retailer or Wholesale Calling Card Customer of the obligation of paying all undisputed amounts in a timely manner.

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Rules and Regulations, continued2.10.3 Termination for Cause Other Than Nonpayment

In the event the Company terminates Service for any reason other than nonpayment of bills, it may be done so with notice to the End Users, except in the circumstances listed in 2.10.1.A and 2.10.1.B above, in which case the Company may terminate Service immediately.

2.11 Termination by End User

Except as otherwise agreed between the End User and Company, Service may be terminated by the End User at any time, subject to payment in full of all charges that are due and are undisputed for the period Service is rendered.

2.12 Payment and Billing

Paragraphs 2.12.1 through 2.12.6, below, apply only to Services for which Company bills directly.

2.12.1 Service is provided and billed on a monthly basis, beginning on the date that Service becomes effective. Payment is due thirty (30) days after the postmarked date of the End User's bill.

2.12.2 Accounts shall be delinquent when payment is not received by thirty (30) days after the postmarked date of the End User's invoice. Discounts for prompt payment are not offered by the Company.

2.12.3 The End User is responsible for payment of all charges for Services furnished to the End User or the End User's authorized users. Nonrecurring charges will appear on the first monthly bill rendered after Service is initiated. Recurring charges are billed monthly in advance. Charges based on actual usage during a month and any accrued interest will be billed monthly in arrears.

2.12.4 Company will provide a toll free telephone number 800-373-3963, for inquiries regarding bills or Service. Company may change the toll free number by a notice appearing on End User's bill. This toll free number will be answered approximately 24 hours per day. Voice Mail messages may be left during the down time in which a live voice does not answer and will be responded to in a prompt manner.

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Rules and Regulations, continued

2.12.5 Billing disputes: All bills are presumed accurate. In the case of a billing dispute between the End User and the Company for Service furnished to the End User, which cannot be settled with mutual satisfaction by a telephonic inquiry, the End User may request in writing, and the Company will provide, an in depth review of the disputed amount. If the End User is dissatisfied with this review, the End User may file a complaint with the Missouri Public Service Commission.

2.12.6 Re-establishment of credit: A End User whose Service has been discontinued for non-payment of bills will be required to pay the unpaid balance due the Company for the premises for which Service is to be restored. Restoration of Service will be subject to all applicable installation charges.

2.13 Deposits

The Company does not require a deposit from the End User.

2.14 Advance Payments

For End Users whom the Company feels an advance payment is necessary, 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 and, if necessary, a new advance payment will be collected for the next month.

2.15 Contested Charges

For consideration of any disputed charge, an End User may discuss the dispute with a service agent, who may adjust the Viva Calling Card balance as necessary. Alternatively, an End User may submit in writing to Viva, within thirty (30) days of the date the call is placed, detailed information on the basis for any requested adjustment. Viva will promptly investigate and advise the End User as to its findings and disposition.

Company will provide a toll free telephone number, 800-373-3963, for inquiries regarding bills or Service. Company may change the toll free number by a notice appearing on End User's bill. This toll free number will be answered approximately 24 hours per day. Voice Mail messages may be left during the down time in which a live voice does not answer and will be responded to in a prompt manner.

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Rules and Regulations, continued

If an End User is not satisfied with Viva's resolution of a disputed charge, the End User may contact the MPSC at the following address:

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**2.16** Refunds

Viva agrees to refund any amounts remaining on a Viva Calling Card upon physical return of the card. Refund will only be issued upon a showing that the Service provided by Viva has failed to meet either the Service requirements set forth in this tariff, the requirements set forth in the Commission's Rules and Regulations, or the general standards of quality applicable to the industry. To qualify for a refund, an End User must return the Calling Card to Viva within three (3) months of the original purchase and submit in writing detailed information on the basis for any requested refund. Viva will promptly investigate and advise the End User as to its findings and disposition.

If an End User is not satisfied with Viva's resolution of a claim for refund, the End User may contact the MPSC at the following address:

Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

Viva will not be held responsible to the original purchaser for any lost, stolen, or expired Viva Calling Cards. Viva will not be responsible for ensuring that any individual applying for a refund gained possession of the Viva Calling Card through legitimate means.

**2.17** Taxes

All state and local taxes (e.g., gross receipts tax, sales tax, municipal utilities tax) and applicable foreign taxes are listed as separate line items and are not included in tariffed rates for such Services.

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SECTION 3 DESCRIPTION OF SERVICE3.1 Timing of Calls

3.1.1. Billing for calls placed over the Viva network is based in part on the duration of the call. Timing of each call begins when the End User connects to the Viva network and ends when the calling or called party hangs up.

3.1.2. There shall be no charge for calls which ring "busy" or "no answer".

3.2 Minimum Call Completion Rate

An End User can expect a call completion rate of not less than 90% during peak use periods for all FGD services ("1+" dialing).

3.3 Service Offerings

Viva Calling Card Service is a prepaid long distance Service offered to all End Users. Service is available twenty-four (24) hours per day, seven (7) days a week.

Cards issued by Viva have Viva's name on the back of the card as well as a telephone number which rings through to Viva's switchboard. Operators answering the telephone identify the company as Viva. The underlying long distance Service is the same for all of Viva's cards. The only difference between the different cards is the place from which they are sold.

A call is placed by dialing a 1-800 number to obtain access to Viva's network. The caller is prompted by an automated voice response system to enter his/her account number, and then to enter the terminating telephone number.

Viva's processor tracks the call duration and destination for rating purposes on a real time basis. The total price of each call, including applicable taxes, is deducted from the prepaid amount on the caller's Viva phone card. When the balance on the card approaches zero, the caller is so advised, and, if desired, the caller may "recharge" the phone card by using a valid commercial credit card number.

Viva also offers private labeling to its Retailers that allows such businesses to purchase cards with custom designs, logos or print. These private label cards are used by the End User in exactly the same manner as other Viva Calling Cards.

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## Telecommunications Service

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**SECTION 4 RATES AND CHARGES****4.1 Viva Calling Cards****Interstate, Intrastate prepaid phone card Service**

Viva Calling Cards are available in various unit and dollar denominations. Many Viva Calling Cards have the same rate structure even though they may have different names or different unit or dollar denominations. The rates and charges listed herein are based on the rate structure of the card, rather than the card name. Each of Viva's rate structures has been given a Tariff Identification Number. The Tariff Identification Number for a card's particular rate structure is printed on the back of the card. The rates, charges and billing increments listed herein are the maximum for the particular rate structure, and an End User may actually be charged lower rates and be subject to smaller billing increments than those listed. The rates include taxes that are calculated based on usage, but they do not include sales or excise taxes due at the point of purchase.

Viva will deduct an additional \$0.60 per call for calls made from payphones on all products contained herein.

Viva will enter into agreements with Retailers or other distributors of its prepaid phone cards to discount the price of cards purchased by a particular Retailer or other distributor in order to induce the Retailer or other distributor to offer the cards to End Users. These distribution arrangements will not affect the rates charged to End Users of the cards. Viva may also enter into special arrangements with certain End Users who purchase cards in volume directly from Viva. Discounts on direct purchases will apply to intrastate rates.

**4.1.1 Tariff Id. No. 1**

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
4 min. increment	\$0.029	\$0.029
Set-up and operational fee: 70% <sup>1</sup>		
Service fee: \$0.69 <sup>2</sup>		

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Rates and Charges, continued4.1.2 Tariff Id. No. 2

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.035	\$0.035
Set-up and operational fee: 50% <sup>1</sup>		
Service fee: \$1.17 <sup>2</sup>		

4.1.3 Tariff Id. No. 3LX

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.0384	\$0.0384
Set-up and operational fee: 5% <sup>1</sup>		
Service fee: \$0.35 <sup>2</sup>		

4.1.4 Tariff Id. No. 4

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.049	\$0.049
Set-up and operational fee: 50% <sup>1</sup>		
Service fee: \$0.70 <sup>2</sup>		

4.1.5 Tariff Id. No. 5

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.050	\$0.050
Set-up and operational fee: 55% <sup>1</sup>		
Service fee: \$1.00 <sup>2</sup>		

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## Telecommunications Service

Rates and Charges, continued4.1.6 Tariff Id. No. 6

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.055	\$0.055
Set-up and operational fee: 30% <sup>1</sup>		
Service fee: \$1.00 <sup>2</sup>		

4.1.7 Tariff Id. No. 7

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
5 min. increment	\$0.060	\$0.060
Set-up and operational fee: 50% <sup>1</sup>		
Service fee: \$0.88 <sup>2</sup>		

4.1.8 Tariff Id. No. 8

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.065	\$0.065
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.35 <sup>2</sup>		

4.1.9 Tariff Id. No. 9

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.075	\$0.075
Set-up and operational fee: 25% <sup>1</sup>		
Service fee: \$1.00 <sup>2</sup>		

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## Telecommunications Service

Rates and Charges, continued4.1.10 Tariff Id. No. 10LX

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.0768	\$0.0768
Set-up and operational fee: 5% <sup>1</sup>		
Service fee: \$0.35 <sup>2</sup>		

4.1.11 Tariff Id. No. 11

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
4 min. increment	\$0.079	\$0.079
Set-up and operational fee: 50% <sup>1</sup>		
Service fee: \$0.00 <sup>2</sup>		

4.1.12 Tariff Id. No. 12

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
5 min. increment	\$0.083	\$0.083
Set-up and operational fee: 36% <sup>1</sup>		
Service fee: \$1.00 <sup>2</sup>		

4.1.13 Tariff Id. No. 13

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.098	\$0.098
Set-up and operational fee: 30% <sup>1</sup>		
Service fee: \$0.70 <sup>2</sup>		

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FAX: (801) 990-0326

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Rates and Charges, continued4.1.14 Tariff Id. No. 14

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
9 min. increment	\$0.10	\$0.10
Set-up and operational fee: 60% <sup>1</sup>		
Service fee: \$1.00 <sup>2</sup>		

4.1.15 Tariff Id. No. 15

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.111	\$0.111
Set-up and operational fee: 50% <sup>1</sup>		
Service fee: \$1.00 <sup>2</sup>		

4.1.16 Tariff Id. No. 16

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.125	\$0.125
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.50 <sup>2</sup>		

4.1.17 Tariff Id. No. 17

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.169	\$0.169
Set-up and operational fee: 25% <sup>1</sup>		
Service fee: \$0.25 <sup>2</sup>		

Rates and Charges, continued4.1.18 Tariff Id. No. 18

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Salt Lake City, UT 84104  
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<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
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60 sec. increment	\$0.010	\$0.010
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Set-up and operational fee: 45%<sup>1</sup>  
Service fee: \$1.39<sup>2</sup>  
Surcharge: \$0.25<sup>3</sup>

4.1.19 Tariff Id. No. 19

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
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60 sec. increment	\$0.047	\$0.047
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Set-up and operational fee: 20%<sup>1</sup>  
Service fee: \$0.50<sup>2</sup>  
Surcharge: \$0.25<sup>3</sup>

4.1.20 Tariff Id. No. 20

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
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60 sec. increment	\$0.010	\$0.010
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Set-up and operational fee: 59%<sup>1</sup>  
Service fee: \$1.00<sup>2</sup>  
Surcharge: \$0.29<sup>3</sup>

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VIVA TELECOM, L.L.C.  
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Rates and Charges, continued4.1.21 Tariff Id. No. 21NV

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.019	\$0.019
Set-up and operational fee: 25% <sup>1</sup>		
Service fee: \$0.50 <sup>2</sup>		
Surcharge: \$0.29 <sup>3</sup>		

4.1.22 Tariff Id. No. 22

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.019	\$0.019
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.25 <sup>2</sup>		
Surcharge: \$0.49 <sup>3</sup>		

4.1.23 Tariff Id. No. 23

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.025	\$0.025
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.50 <sup>2</sup>		
Surcharge: \$0.49 <sup>3</sup>		

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Rates and Charges, continued4.1.24 Tariff Id. No. 24

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.029	\$0.029
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.50 <sup>2</sup>		
Surcharge: \$0.49 <sup>3</sup>		

4.1.25 Tariff Id. No. 25

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.010	\$0.010
Set-up and operational fee: 50% <sup>1</sup>		
Service fee: \$1.61 <sup>2</sup>		
Surcharge: \$0.59 <sup>3</sup>		

4.1.26 Tariff Id. No. 26

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.017	\$0.017
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.50 <sup>2</sup>		
Surcharge: \$0.59 <sup>3</sup>		

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VIVA TELECOM, L.L.C.  
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Rates and Charges, continued4.1.27 Tariff Id. No. 27

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.039	\$0.039
Set-up and operational fee: 15% <sup>1</sup>		
Service fee: \$0.50 <sup>2</sup>		
Surcharge: \$0.69 <sup>3</sup>		

4.1.28 Tariff Id. No. 28

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.019	\$0.019
Set-up and operational fee: 15% <sup>1</sup>		
Service fee: \$0.25 <sup>2</sup>		
Surcharge: \$0.99 <sup>3</sup>		

4.1.29 Tariff Id. No. 29

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.081	\$0.081
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.59 <sup>2</sup>		
Surcharge: \$0.99 <sup>3</sup>		

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Rates and Charges, continued4.1.30 Tariff Id. No. 30

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.039	\$0.039
Set-up and operational fee: 70% <sup>1</sup>		
Service fee: \$1.40 <sup>2</sup>		

4.1.31 Tariff Id. No. 31

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.059	\$0.059
Set-up and operational fee: 40% <sup>1</sup>		
Service fee: \$0.99 <sup>2</sup>		

4.1.32 Tariff Id. No. 32

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.069	\$0.069
Set-up and operational fee: 75% <sup>1</sup>		
Service fee: \$0.70 <sup>2</sup>		

4.1.33 Tariff Id. No. 33CA

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
5 min. increment	\$0.0413	\$0.0413
Set-up and operational fee: 30% <sup>1</sup>		
Service fee: \$0.50 <sup>2</sup>		

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Rates and Charges, continued4.1.34 Tariff Id. No. 34

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
5 min. increment	\$0.090	\$0.090
Set-up and operational fee: 60% <sup>1</sup>		
Service fee: \$1.40 <sup>2</sup>		

4.1.35 Tariff Id. No. 35

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
5 min. increment	\$0.0909	\$0.0909
Set-up and operational fee: 23% <sup>1</sup>		
Service fee: \$1.00 <sup>2</sup>		

4.1.36 Tariff Id. No. 36

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
5 min. increment	\$0.099	\$0.099
Set-up and operational fee: 68% <sup>1</sup>		
Service fee: \$1.40 <sup>2</sup>		

4.1.37 Tariff Id. No. 37

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.010	\$0.010
Set-up and operational fee: 90% <sup>1</sup>		
Service fee: \$0.63 <sup>2</sup>		
Surcharge: \$0.49 <sup>3</sup>		

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Salt Lake City, UT 84104  
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Rates and Charges, continued4.1.38 Tariff Id. No. 40

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.107	\$0.107
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$0.70 <sup>2</sup>		

4.1.39 Tariff Id. No. 41

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.010	\$0.010
Set-up and operational fee: 20% <sup>1</sup>		
Service fee: \$0.70 <sup>2</sup>		

4.1.40 Tariff Id. No. 42

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
5 min. increment	\$0.005	\$0.005
Set-up and operational fee: 45% <sup>1</sup>		
Service fee: \$1.17 <sup>2</sup>		
Surcharge: \$0.39 <sup>3</sup>		

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VIVA TELECOM, L.L.C.  
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Salt Lake City, UT 84104  
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Rates and Charges, continued4.1.41 Tariff Id. No. 43

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.010	\$0.010
Set-up and operational fee: 15% <sup>1</sup>		
Service fee: \$0.25 <sup>2</sup>		
Surcharge: \$0.39 <sup>3</sup>		

4.1.42 Tariff Id. No. 44

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
12 min. increment	\$0.034	\$0.034
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$0.35 <sup>2</sup>		

4.1.43 Tariff Id. No. 45AZ

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
12 min. increment	\$0.045	\$0.045
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$0.35 <sup>2</sup>		

4.1.44 Tariff Id. No. 45GA

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
12 min. increment	\$0.045	\$0.045
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$0.35 <sup>2</sup>		

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1844 South 3850 West, Suite A  
Salt Lake City, UT 84104  
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Rates and Charges, continued4.1.49 Tariff Id. No. 47

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
4 min. increment	\$0.054	\$0.054
Set-up and operational fee: 80% <sup>1</sup>		
Service fee: \$0.70 <sup>2</sup>		

4.1.50 Tariff Id. No. 48

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
4 min. increment	\$0.061	\$0.061
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$0.88 <sup>2</sup>		

4.1.51 Tariff Id. No. 49AZ

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.080	\$0.080
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$2.45 <sup>2</sup>		

4.1.52 Tariff Id. No. 50

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
3 min. increment	\$0.089	\$0.089
Set-up and operational fee: 50% <sup>1</sup>		
Service fee: \$2.80 <sup>2</sup>		

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Rates and Charges, continued4.1.53 Tariff Id. No. 51

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.0948	\$0.0948
Set-up and operational fee: 35% <sup>1</sup>		
Service fee: \$0.70 <sup>2</sup>		

4.1.54 Tariff Id. No. 52

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.104	\$0.104
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$2.45 <sup>2</sup>		

4.1.55 Tariff Id. No. 53

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.109	\$0.109
Set-up and operational fee: 23% <sup>1</sup>		
Service fee: \$2.80 <sup>2</sup>		

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Rates and Charges, continued4.1.56 Tariff Id. No. 54

<u>Billing</u>	<u>Initial Minute</u>	<u>Each Additional Minute</u>
60 sec. increment	\$0.113	\$0.113
Set-up and operational fee: 0% <sup>1</sup>		
Service fee: \$2.45 <sup>2</sup>		

<sup>1</sup> Set-up and operational fees include estimated federal, state and local fees and taxes. They are calculated and deducted for each call. The price of the call, based upon the per minute rate charged for use of the Viva Calling Card, is increased by the stated percentage. After the call is made, the per-minute price and the set-up and operational fees are deducted in minutes from the card.

<sup>2</sup> The service fee is deducted in minutes once every five (5) days after first use.

<sup>3</sup> The surcharge is an additional charge per call, in addition to the per minute rate.

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