

Missouri Public  
Service Commission

RECD AUG 17 2000

**INTEREXCHANGE SERVICE**

360networks (USA) inc.  
143 Union Blvd., Suite 300  
Lakewood, Colorado 80228

**TELECOMMUNICATIONS TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of Telecommunications Services by 360networks (USA) inc., with principal offices at 143 Union Blvd., Suite 300, Lakewood, Colorado 80228. This tariff applies to services furnished within 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.

360networks (USA) inc. operates as a competitive telecommunications company in the State of Missouri.

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WAIVER OF RULES AND REGULATIONS

REC'D AUG 17 2000

Pursuant to Case No. TA-2000-207, the following statutes and rules have been waived for purposes of offering telecommunications services as set forth herein:

STATUTES

- |                    |  |
|--------------------|--|
| Section 392.210.2  | Reports and Records.                           |
| 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 240-30.040       | Uniform System of Accounts.                             |
| 4 CSR 240-32.050(3-6)  | Telephone Directories.                                  |
| 4 CSR 240-32.070(4)    | Coin directories.                                       |
| 4 CSR 240-33.030       | Inform customers of lowest priced service.              |
| 4 CSR 240-33.040(5)    | Finance Fee.  |
| 4 CSR 240.35           | Reporting of Bypass and Customer-Specific Arrangements. |

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TD-2013-0275

TARIFF FORMAT

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1. 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 8 and 9 would be 8.1.
2. 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. For example, the 3<sup>rd</sup> revised Sheet 8 cancels the 2<sup>nd</sup> revised Sheet 8.
2. Paragraph Numbering Sequences – There are nine levels of paragraph coding. Each level of coding is subservient to the 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).1.
  - 2.1.1.A.1.(a).1.(i).
  - 2.1.1.A.1.(a).1.(i).(1).

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EXPLANATION OF SYMBOLS

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- (C) - To signify changed regulation.
- (D) - To signify discontinued rate or regulation.
- (I) - To signify increased rate.
- (M) - To signify that material has been transferred from another sheet or place in the tariff.
- (N) - To signify new rate or regulation.
- (O) - To signify no change\*.
- (R) - To signify reduced rate.
- (S) - To signify reissued matter.
- (T) - To signify a change in text but no change in rate or regulation.

\*The use of the symbol "O" shall be discretionary unless its use in the interest of clarity or is evident or specifically requested by the Commission.

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360NETWORKS (USA) INC.

MoPSC No. 1  
ORIGINAL SHEET 5

Missouri Public  
Service Commission

APPLICATION OF TARIFF

REC'D AUG 17 2000

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of interexchange services statewide.

SERVICE OFFERING

The Company will offer facilities-based long distance services.

CUSTOMER SERVICE

The toll free number for 360networks (USA) inc. Customer service is 877-735-7366.

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SECTION 1 – DEFINITIONS

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**Asynchronous Transfer Mode:** ATM is a high bandwidth, low-delay connection-oriented, packet-like switching and multiplexing technique. Usable capacity is segmented into 53-byte fixed-size cells consistent of header and information fields, allocated to services on demand. The term “asynchronous” applies, as each cell is presented to the network on a “start-stop” basis.

**Commission:** The Missouri Public Service Commission.

**Company:** 360networks (USA) inc., a Nevada Corporation, which is the issuer of this tariff.

**Customer:** The person, firm, corporation or other entity which orders or uses service and, has agreed by signature or otherwise to honor the terms of the service herein, and is responsible for the payment of rates and charges for service to call customer locations and for compliance with tariff regulations.

**Individual Case Basis (“ICB”):** A service arrangement in which the regulations, rates and charges are developed based on the specific circumstances of the Customer’s situation.

**Internet Protocol Transfer:** Transfer of information through the use of software that tracks the Internet address of nodes, routes outgoing messages, and recognizes incoming messages. Used in gateways to connect networks at OSI network Level 3 and above.

**LATA:** A local access and transport area established pursuant to the Modification of Final Judgment entered by the United States District court for the District of Columbia in Civil Action No. 8200192 for the provision and administration of communications services.

**OC-48:** Optical Carrier Speed of 2.488 Gbps

**Private Line Transmission:** A dedicated nonswitchable link from one or more customer-specified locations to one or more customer-specified locations.

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SECTION 1 – DEFINITIONS (CONT'D)

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**Packet Based Data Services:** Data services sent in packets through a network to some remote location. The data to be sent is assembled by the Packet Assembler/Disassembler in to individual packets of data, involving a process of segmentation or subdivision of larger sets of data as specified by the native protocol of the transmitting device.

**Service Commencement Date:** The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order, Service Contract or this tariff, in which case the Service Commencement Date is the date of the Customer's acceptance of service. The parties may mutually agree upon a substitute Service Commencement Date.

**Service Order:** The written request for interexchange services executed by the Customer and the company in a format specified by the Company. The signing of a Service Order by the Customer and acceptance thereof by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

**Services:** The Company's telecommunications services offered on the Company's network.

**Virtual Voice Trunking:** Virtual communications channel between two points. Large bandwidth telephone channels between switching center that handle many simultaneous voice and data services.

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SECTION 2 – RULES AND REGULATIONS

REC'D AUG 17 2000

2.1 Use of Services

- 2.1.1 360networks (USA) inc.'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, subject to any limitations set forth in this Section 2.2.
- 2.1.2 The use of 360networks (USA) inc.'s services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.1.3 360networks (USA) inc.'s services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.1.4 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.1.5 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

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SECTION 2 – RULES AND REGULATIONS (CONT'D)

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2.2 Liability of the Company

- 2.2.1 The Company shall not be liable for any claim, loss, expense or damage for interruption, delay, error, omission or defect in any service, facility, or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.2.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.
- 2.2.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.2.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff for the long distance call for the period during which the call was affected. No other liability in any event shall attach to the Company.
- 2.2.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for loss, damage, defacement or destruction of the premises of any Customer or

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

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2.2 Liability of the Company (cont'd)

2.2.5 (cont'd)

any other entity or any other property whether owned or controlled by the Customer or others.

2.2.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.

2.2.7 The remedies set forth are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

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SECTION 3 – SERVICES, LOCATION, PRICES AND CHARGES

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3.1 Description of Service

360networks (USA) inc. will provide high capacity transport on a leased long-term basis. There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis.

3.2 Location of Service

360networks (USA) inc. is completing a technologically advanced 90,300 kilometer (56,100 mile) network linking 90 major cities, including a fiber optic terrestrial network in North America and Europe, and undersea cables linking North America, South America and Europe.

3.3 Rates for Service

There will be no standard offering as all contracts for high capacity transport will be negotiated and performed on an individual case basis.

<u>Description</u>	<u>Rate</u>
High capacity transport at OC-48	ICB
Private Line Transmission	ICB
Packet-Based Data Services	ICB
Internet Protocol Transfer	ICB
Asynchronous Transfer Mode	ICB
Virtual Voice Trunking	ICB

Private line services will be made available to customers in a non-discriminatory manner. Rates for Interexchange Dedicated Access, Private Line, non-switched services will be determined on an Individual Case Basis (ICB). ICB rates will be structured to recover the Company's cost of providing the service and will be made available to the Missouri Public Service Commission Staff upon request on a proprietary basis. ICB rates will not be used for switched services.

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SECTION 3 – SERVICES, LOCATION, PRICES AND CHARGES (CONT'D)

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3.4 Application for Service

Application for service must be made in writing. The name(s) of the customer(s) desiring to use the service must be set forth in the application for service.

3.5 Deposits

Deposits and/or advanced payments are not required.

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