

Missouri Public
REC'D MAY 17 2002
Service Commission

TELECOMMUNICATIONS TARIFF
OF
North By NortheastCom LLC

CANCELLED
MAY 14 2003
PSC #2
Public Service Commission
MISSOURI

This Tariff contains the service descriptions and rates applicable to the furnishing of resold telecommunications services offered by North By NortheastCom LLC ("NBNE") 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.

North By NortheastCom LLC operates as a competitive telecommunications company in the State of Missouri.

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EXPLANATION OF SYMBOLS

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

- (C) - To signify Changed Regulation.
- (D) - Delete or Discontinue
- (I) - Change Resulting in an Increase to a rate
- (M) - Moved from Another Tariff Location
- (N) - New
- (R) - Change Resulting in a Reduction to a rate
- (S) - Matter Appearing Elsewhere or Repeated for Clarification
- (T) - Change in Text But No Change to Rate or Charge
- (Z) - Correction

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STATEMENT OF COMPETITIVE CARRIER STATUS

North By NortheastCom LLC is classified as a competitive telecommunications company in Missouri for which the following statutory and regulatory requirements are waived.

STATUTES

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392.240(1)	- ratemaking
392.270	- valuation of property
392.280	- depreciation accounts
392.290	- issuance of securities
392.300.2	- acquisition of stock
392.310	- stock and debt issuance
392.320	- stock dividend payment
392.330	- issuance of securities, debt and notes
392.340	- reorganization(s)

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COMMISSION RULES

4 CSR 240-10.020	- depreciation
4 CSR 240-30.010(2)(C)	- rate schedules
4 CSR 240-30.040	- uniform system of accounts
4 CSR 240-33.030	- minimum charge rule
4 CSR 240-5	- bypass

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TARIFF FORMAT

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- A. **Page 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. **Page Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc., the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.
- C. **Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.
 - 2.1.
 - 2.1.1.
 - 2.1.1.A.
 - 2.1.1.A.1.
 - 2.1.1.A.1.(a).
 - 2.1.1.A.1.(a).I.
 - 2.1.1.A.1.(a).I.(i).
 - 2.1.1.A.1.(a).I.(i).(1).

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SECTION 1.0 - TECHNICAL TERMS AND ABBREVIATIONS

Authorization Code - A pre-defined series of numbers to be dialed by the Customer upon access to the Company's system to identify the caller and validate the caller's authorization to use the services provided. The Customer is responsible for charges incurred through the use of his or her assigned Authorization Code.

Authorized User - A person, firm or corporation, or any other entity authorized by the Customer or Subscriber to communicate utilizing the Company's services.

Calling Card Call - A Direct Dialed call for which charges are billed not to the originating telephone number, but to a LEC or interexchange carrier calling card.

Commission - refers to the Public Service Commission of Missouri.

Company - North By NortheastCom LLC ("NBNE"), unless otherwise indicated by the context.

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

LEC - Local Exchange Company.

NBNE - Used throughout this tariff to refer to North By NortheastCom LLC unless otherwise clearly indicated by the context.

Terminal Equipment - Devices, apparatus, and associated wiring, such as teleprinters, telephones, or data sets.

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SECTION 2.0 - RULES AND REGULATIONS

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2.1 Undertaking of the Company

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Service is offered to residential and business Customers of the Company to provide direct dialed and directory assistance calls originating and terminating within the State of Missouri, using the Company's network configuration. The Company provides switched long distance network services for voice grade and low speed dial-up data transmission services. The Company does not undertake to transmit messages but furnishes the use of its facilities to its Customers for communications. All Services are provided subject to the terms and conditions set forth in this tariff.

The Company's services are provided on a monthly basis unless otherwise provided, and are available twenty-four (24) hours per day, seven (7) days per week.

2.2 Applicability of Tariff

This Tariff is applicable to telecommunications services provided by NBNE within the State of Missouri.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)

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2.3 Payment and Credit Regulations

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2.3.1 Payment Arrangements

The Customer is responsible for payment of all charges for services and equipment furnished to the Customer for transmission of calls via the Company. The Customer agrees to pay to the Company or its authorized agent any cost(s) incurred as a result of any delegation of authority resulting in the use of his or her communications equipment and/or network services which result in the placement of calls via the Company. The Customer agrees to pay the Company or its authorized agent any and all cost(s) incurred as a result of the use of the service arrangement, including calls which the Customer did not individually authorize.

All charges due by the Customer are payable to the Company or any agency duly authorized to receive such payments. Terms of payment shall be according to the rules and regulations of the agency and subject to the rules of regulatory agencies, such as the Missouri PSC. Any objections to billed charges must be promptly reported, either orally or in writing, to the Company or its billing agent. Adjustments to Customers' bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate.

Charges for installations, service connections, moves, and rearrangements, where applicable, are payable upon demand by the Company or its authorized agent. The billing thereafter will include recurring charges and actual usage as defined in this Tariff.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)

2.3 Payment and Credit Regulations, (Cont'd.)

2.3.2 Deposits

The Company does not require deposits.

2.3.3 Advance Payments

The Company does not require advanced payments.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)

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2.3 Payment and Credit Regulations, (Cont'd.)

Service Commission

2.3.4 Commercial Credit Card Payment Option

Customers may choose to pay monthly bills via certain commercial credit cards accepted by the Company. Credit Card billed Customers will receive monthly call detail statements, which are separate from the credit card bills. If the Customer's credit card company rejects billing, the Company will make three attempts - two by telephone and one by mail - to contact the Customer for alternative payment arrangements. If alternative payment arrangements are not made in seven days, the Customer's long distance service is discontinued.

2.3.5 Payment Due Date and Late Payment Charges

All bills are due upon receipt. Any bill outstanding and unpaid more than thirty (30) days after the date the bill is postmarked, shall be considered past due. A late payment fee of 1.5% per month will be applied to any past due balance.

2.3.6 Return Check Charge

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds. Any applicable return check charges will be assessed according to the terms and conditions of the billing entity (i.e. local exchange company and/or commercial credit card company) and pursuant to Missouri law and Missouri PSC regulations.

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SECTION 2.0 - RULES AND REGULATIONS, (CONTINUED)

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2.4 Taxes and Fees

Service Commission

- 2.4.1 For Debit Card calls, if offered, state and local taxes are included in the stated rates in this tariff. For all other calls, state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items on the Customer's bill and are not included in the quoted rates and charges set forth in this tariff.
- 2.4.2 To the extent that a municipality, other political subdivision or local agency of government, or Commission 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 and allowed by law, be billed pro rata to Customers receiving service from the Company within the territorial limits of such municipality, other political subdivision or local agency of government. All charges other than taxes and franchise fees will be submitted to the Commission for approval.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)

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2.4 Taxes and Fees, (Cont'd.)

- 2.4.3** The Company may adjust its rates and charges or impose additional rates and charges on its Customers in order to recover amounts it is required by governmental or quasi-governmental authorities to collect from or pay to others in support of statutory or regulatory programs. Such adjustments shall be listed in this tariff.

Service Commission

2.5 Customer Notification of Complaint Procedure

The Company shall provide with each bill to customers a toll-free telephone number and address to which complaints may be addressed. The accompanying message shall include the following sentence: "If you remain dissatisfied with our resolution of your complaint, you may contact the Missouri Public Service Commission at P.O. Box 360, Jefferson City, Missouri 65102. The Commission may also be reached at (573) 751-3234."

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D) **REC'D MAY 17 2002**

2.6 Inspection, Testing and Adjustment

Service Commission

Upon reasonable notice, the facilities provided by the Company shall be made available to the Company for such tests and adjustments as may be deemed necessary for maintenance in a condition satisfactory to the Company. No interruption allowance will be granted for the time during which such tests and adjustments are made.

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SECTION 2.0 - RULES AND REGULATIONS, (CONTINUED)

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2.7 Liabilities of the Company

Service Commission

- 2.7.1 The liability of the Company for any claim or loss, expense or damage (including indirect, special, or consequential damage) for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this Tariff shall not exceed an amount equivalent to the proportionate charges to the Customer for the period of service or the facility provided during which such interruption, delay, error, omission, or defect occurs.
- 2.7.2 The Company shall not be liable for any claim or loss, expense, or damage (including indirect, special, or consequential damage), for any interruption, delay, error, omission, or other defect in any service facility, or transmission provided under this Tariff, if caused by any person or entity other than the Company, by any malfunction of any service or facility provided by any other carrier, by any act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond the Company's direct control.
- 2.7.3 The Company shall not be liable for, and shall be fully indemnified and held harmless by Customer or other users of its service against any claim or loss, expense, or damage, (i) for defamation, invasion of privacy, infringement of copyright or patent, unauthorized use of any trademark, trade name, or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property, or entity arising from the material data, information, or content revealed to, transmitted, processed, handled, or used by Company under this Tariff, or (ii) for connecting, combining, or adapting Company's facilities with Customer's apparatus or systems, or (iii) for any act or omission of the Customer, or (iv) for any personal injury or death of any person, or for any loss of or damage to Customer's premises or any other property, whether owned by Customer or others, caused directly or indirectly by the installation, maintenance, location, condition, operation, failure or removal of equipment or wiring provided by the Company if not directly caused by negligence of the Company.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D)
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2.7 Liabilities of the Company, (Cont'd.)

Service Commission

- 2.7.4 The Company will provide credit on charges disputed by Customer in writing that are verified as incorrect by Company. If objection in writing is not received by Company within a reasonable period of time after bill is rendered (as determined by current law and regulatory policy), the account shall be deemed correct and binding upon the Customer.
- 2.7.5 Company shall not be liable for the accuracy of any information provided to it by outside sources relating to directory assistance or other enhanced service offerings. The Company will make every effort to verify that all information that it provides on a per call basis will be true and accurate. The Company, however, has no control over the information that it receives from its various suppliers and makes no guarantee as such.
- 2.7.6 The Company's liability for gross negligence or misconduct is not limited by this tariff.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D)

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2.8 Refusal or Discontinuance by Company

Service Commission

2.8.1 Service may be suspended by the Company, without notice to the Customer, by blocking traffic to certain cities or NXX exchanges, or by blocking calls using certain Customer travel cards when the Company deems it necessary to take such action to prevent unlawful use of its service. The Company will restore services as soon as it can be provided without undue risk, and will upon request by the Customer, assign new travel card codes to replace ones that have been deactivated.

2.8.2 The Company may refuse or discontinue service under the following conditions provided that, unless otherwise stated, the Customer shall be given notice to comply with any rule or remedy any deficiency:

- A. For non-compliance with or violation of any State, municipal, or Federal law, ordinance or regulation pertaining to telephone service.
- B. For use of telephone service for any purpose other than that described in the application.
- C. For neglect or refusal to provide reasonable access to the Company or its agents for the purpose of inspection and maintenance of equipment owned by the Company or its agents.
- D. For noncompliance with or violation of Commission regulation or rules and regulations on file with the Commission.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)

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2.8 Refusal or Discontinuance by Company, (Cont'd.)

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2.8.2 (cont'd.)

- E. For nonpayment of bills, provided that suspension or termination of service shall not be made without ten (10) days written notice to the Customer, except in extreme cases. Such notice will be provided in a mailing separate from the Customer's regular monthly bill for service.
- F. Without notice in the event of Customer or Authorized User use of equipment in such a manner as to adversely affect the Company's equipment or service to others.
- G. Without notice in the event of tampering with the equipment or services owned by the Company One or its agents.
- H. Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the Company may, before restoring service, require the Customer to make, at his or her own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.
- I. Without notice by reason of any order or decision of a court or other government authority having jurisdiction which prohibits Company from furnishing such services.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.) REC'D MAY 17 2002

2.9 Limitations of Service

Service Commission

- 2.9.1 Service will be furnished subject to the continuing economic availability of the necessary facilities and/or equipment and subject to the provisions of this Tariff.
- 2.9.2 The Company reserves the right to discontinue furnishing service, upon written notice, when necessitated by conditions beyond its control, or when the Customer is using the service in violation of the provisions of this Tariff, or in violation of law.
- 2.9.3 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.
- 2.9.4 The Company reserves the right to discontinue the offering of any service with proper notice or deny an application for service if a change in regulation materially and negatively impacts the financial viability of the service in the best business judgment of the Company.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.) REC'D MAY 17 2002

2.10 Use of Service

Service Commission

Service may be used for any lawful purpose for which it is technically suited. Customers reselling or rebilling the Company's Missouri intrastate service must have authority to provide interexchange services from the Missouri Public Service Commission.

2.11 Terminal Equipment

Company's facilities and service may be used with or terminated in Customer-provided terminal equipment or systems, such as PBXs, key systems, multiplexers, repeaters, signaling sets, teleprinters, handsets, or data sets. Such terminal equipment shall be furnished and maintained at the expense of the Customer, except as otherwise provided. Customer is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of Company's service.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.) REC'D MAY 17 2002

2.12 Cost of Collection and Repair

Service Commission

Customer is responsible for any and all costs incurred in the collection of monies due the Company including legal and accounting expenses. The Customer is also responsible for recovery costs of Company-provided equipment and any expenses required for repair or replacement of damaged equipment.

2.13 Restoration of Service

Restoration of service shall be accomplished in accordance with Missouri PSC and FCC rules and regulations.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)

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2.14 Other Rules

Service Commission

The Company may temporarily suspend service without notice to the Customer, by blocking traffic to certain cities or NXX exchanges, or by blocking calls using certain Personal Account codes when the Company deems it necessary to take such action to prevent unlawful use of its service. The Company will restore service as soon as service can be provided without undue risk of fraud.

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SECTION 3.0 - DESCRIPTION OF SERVICES

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3.1 General

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The Company proposes to offer Directory Assistance with call completion, long distance transport, and enhanced directory services for communications originating and terminating within the state of Missouri under terms of this tariff. The Company will not offer Operator Services.

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SECTION 3.0 - DESCRIPTION OF SERVICE, (CONT'D.) REC'D MAY 17 2002

3.2 Timing of Calls

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- 3.2.1 Timing for all calls begins when the called party answers the call (i.e. when two way communications are established.) Answer detection is based on standard industry answer detection methods, including hardware and software answer detection.
- 3.2.2 Chargeable time for all calls ends when either one of the parties disconnects from the call.
- 3.2.3 The minimum call duration and additional billing increments are specified on a per product basis in this section of the tariff.
- 3.2.4 There is no billing applied for incomplete calls, not withstanding directory assistance calls as defined within the tariff.

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SECTION 3.0 - DESCRIPTION OF SERVICE, (CONT'D.)

3.3 Rate Periods

Rates are not time-of-day or distance sensitive.

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SECTION 3.0 - DESCRIPTION OF SERVICE, (CONT'D.)

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3.4 Reserved for Future Use

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SECTION 3.0 - DESCRIPTION OF SERVICE, (CONT'D.)

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3.5 Quality and Grade of Service Offered

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Minimum Call Completion Rate - Customers can expect a call completion rate of not less than 90% during peak use periods. The call completion rate is calculated as the number of calls completed (including calls completed to a busy line or to a line which remains unanswered by the called party) divided by the number of calls attempted.

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SECTION 3.0 - DESCRIPTION OF SERVICE, (CONT'D.)

REC'D MAY 17 2002

3.6 Directory Assistance Service

Service Commission

- 3.6.1 The Company offers Directory Assistance with call completion, long distance transport and enhanced directory services. The Directory Assistance call will be billed on a per call basis. The Directory Assistance charge applies to each call regardless of whether the Directory Assistance Bureau is able to furnish the requested telephone number.

No call completion charges apply when the Customer requests that the Company complete the call. The per minute long distance rate, listed below, will apply to the completion portion of the call, when applicable. Long distance calls are billed in one (1) minute increments after an initial billing period, for the completed call only, of one (1) minute.

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By:

Ms. Laurie Willman, Regulatory Manager
11200 Murray Scholls Place
Beaverton, OR 97007

Effective: ~~May 17, 2002~~

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SECTION 4.0 - DESCRIPTION OF RATES

4.1 Directory Assistance

4.1.1 Per Call Rates:

(A) Rate per Directory Assistance call: \$0.99

4.1.2 Per Minute Rates:

(B) Per Minute Long Distance Rate: \$0.06

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SECTION 5.0- CONTRACTS AND PROMOTIONS

REC'D MAY 17 2002

5.1 Demonstration of Service

Service Commission

From time to time the Company may demonstrate service for potential Customers by providing free use of its network on a limited basis for a period of time, not to exceed one (1) month. Demonstration of service and the type, duration or quantity of service provided will be at the Company's discretion.

5.2 Promotions - General

From time to time, the Company may provide promotional offerings to introduce a current or potential Customer to Company's service. These offerings may be limited to certain dates, times or locations and may waive or reduce recurring or non-recurring charges.

The Company will provide tariff notification to the Commission no less than seven (7) days prior to the beginning of each promotion identifying the promotion, the exchange(s) within which the promotion will be offered, and the start and end dates of the promotion. The Company will offer all promotions in a non-discriminatory manner.

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