

Southwestern Bell Communications Services, Inc. PSC Mo. - No. 2
d/b/a Southwestern Bell Long Distance

Missouri Public
Original Sheet 1

REC'D MAR 07 2001

Service Commission

SOUTHWESTERN BELL COMMUNICATIONS SERVICES, INC.
d/b/a SOUTHWESTERN BELL LONG DISTANCE

This Tariff contains the descriptions, regulations, and rates applicable to the furnishing of intrastate data services provided by Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance with principal offices at 5850 W. Las Positas Blvd., Pleasanton, California 94588. 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.


Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance is a competitive telecommunications company providing competitive services in the state of Missouri.

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By *XD-03-289*
Public Service Commission
MISSOURI

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Norm Descoteaux, Regulatory Manager
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Southwestern Bell Communications Services, Inc. PSC Mo. - No. 2
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Waivers of Statutory and Regulatory Requirements

Service Commission

The following statutory and regulatory requirements have been waived for the Company:

Section 392.210.2	Establishes Uniform Systems of Accounts for annual reports
Section 392.240(1)	Just & Reasonable Rates
Section 392.270	Ascertain Property Values
Section 392.280	Depreciation Accounts
Section 392.290	Issuance of Securities
Section 392.300.2	Acquisition of Stock
Section 392.310	Issuance of Stock and Debt
Section 392.320	Stock dividend payment
Section 392.330	Issuance of securities, debts, & notes
Section 392.340	Reorganizations
4 CSR 240-10.020	Depreciation fund income
4 CSR 240-30.010(2)(C)	Copies of rate schedules
4 CSR 240-30.040	Uniform system of accounts
4 CSR 240-33.030	Minimum charge rules
4 CSR 240-35	Bypass

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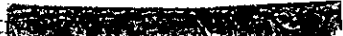
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CONCURRING, CONNECTING OR
OTHER PARTICIPATING CARRIERS

Service Commission

None

SYMBOLS

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

- C - Changed regulation
- D - Discontinued rate or regulation
- I - Increase
- M - Matter relocated without change
- N - New rate or regulation
- R - Reduction
- S - Reissued matter
- T - Change in text, but no change in rate or regulation
- Z - Correction

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TARIFF FORMAT

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- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the sheet. Sheets are numbered sequentially. However, new sheets are added to the Tariff from time to time. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised sheet 14 cancels the 3rd revised sheet 14.
- C. Paragraph Numbering Sequence - There are seven levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 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 (1)

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Southwestern Bell Communications Services, Inc. PSC Mo. - No. 2 1st Revised Sheet 15
d/b/a Southwestern Bell Long Distance Replacing Original Sheet 15

Service Commission

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Access or Access Line: A transmission line used to transmit voice and/or data calls from the Customer's Premises to a telephone company serving Wire Center or a Company-designated POP or from a telephone company serving Wire Center or a Company-designated POP to the Customer's Premises. T

Airline Mileage: The distance in mileage between two Wire Centers whose position is specified by industry standards.

Alternate Routing PVC: Provides a logical connection to an alternate host site processor/server in the event of an outage at the primary location. Alternate Routing PVCs are utilized in the event of an outage at the primary location only, not typical day-to-day use. N

Ancillary Charges: Charges for supplementary Services as set forth in this Tariff which may consist of both nonrecurring and monthly recurring charges. N

ANSI: American National Standards Institute. A standards-setting, non-government organization, which develops and publishes standards for voluntary use in the United States.

Applicant: Any entity or individual who applies for Service under this Tariff.

ASR: Access Service Request. Used to request the provision of special access or Switched Access as specified by the Local Access Provider.

ATM: Asynchronous Transfer Mode/Cell Relay Service. A high speed digital data Service utilizing cell-switching technology. Access speeds range from DS1 (1.544 Mbps) to OC12 (622 Mbps).

Authorized User: A person, firm, corporation or other entity (including Customer) that 1) is authorized by the Customer to be connected to and utilize the Company's Services under the terms and regulations of this Tariff or 2) either is authorized by the Customer to act as the Customer in matters of ordering, changing or canceling Service or is placed in a position by the Customer, either through acts or omissions, to act as Customer in such matters. Such actions by an Authorized User will be binding on Customer and will subject Customer to any associated charges.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Service Commission

Access Line: A transmission line used to transmit voice and/or data calls from the Customer's Premises to a telephone company serving Wire Center or a Company-designated POP or from a telephone company serving Wire Center or a Company-designated POP to the Customer's Premises.

Airline Mileage: The distance in mileage between two Wire Centers whose position is specified by industry standards.

ANSI: American National Standards Institute. A standards-setting, non-government organization, which develops and publishes standards for voluntary use in the United States.

Applicant: Any entity or individual who applies for Service under this Tariff.

ASR: Access Service Request. Used to request the provision of special access or Switched Access as specified by the Local Access Provider.

ATM: Asynchronous Transfer Mode/Cell Relay Service. A high speed digital data Service utilizing cell-switching technology. Access speeds range from DS1 (1.544 Mbps) to OC12 (622 Mbps).

Authorized User: A person, firm, corporation or other entity (including Customer) that 1) is authorized by the Customer to be connected to and utilize the Company's Services under the terms and regulations of this Tariff or 2) either is authorized by the Customer to act as the Customer in matters of ordering, changing or canceling Service or is placed in a position by the Customer, either through acts or omissions, to act as Customer in such matters. Such actions by an Authorized User shall be binding on Customer and shall subject Customer to any associated charges.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

REC'D AUG 28 2002

B-Channel: The Bearer, or B, Channel. A 64 Kbps Channel which is a fundamental component of ISDN.

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B8ZS (Bipolar 8 Zero Substitution): B8ZS is a DS1 line coding technique that enables digitized voice and data transmission at the rate of 1.536 Mbps independent of the number of consecutive zeros and pulse density requirements that are normally imposed on the T1 transmission line.

Bandwidth: The total frequency band, in Hertz, allocated for a Channel.

Base Rate: The nondiscounted monthly recurring charge for Data Services.

BER: Bit error ratio. The percentage of received bits in error compared to the total number of bits received, expressed as a number the power of 10.

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Bit: Binary Digit. Bit denotes the smallest unit of information in a binary system of notation and is the basic unit in data communications.

Blocking: A temporary condition that may be initiated so that the Customer cannot utilize Service.

Burst Rate: The upper Bandwidth limit the PVC is allowed to send data through the FRS network. The Burst Rate is limited by the actual physical Port access speed.

Business Customer: A Customer whose use of the Services is primarily or substantially for a business, professional, institutional, or occupational purpose.

CAP: Competitive Access Provider.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Service Commission

Carrier Common Line Charges: The charges the long distance companies pay to the local telephone companies for carrier common line access service which provides for the use of end user's telephone company provided common lines by subscribers for access to such end users to furnish interstate communications.

CCITT: Consultative Committee on International Telegraphy and Telephone (now known as the ITU). Establishes standards for telecommunications equipment, systems, networks, and services.

Cell Loss Ratio: The ratio of the number of cells lost to the total number of incoming cells.

Channel or Circuit: A communications path between two or more points having a standard Bandwidth or Transmission Speed selected by the Customer.

CIR: Committed Information Rate. Refers to the minimum data transmission rate committed for transmission over the FRS network by the Customer. The Customer may transmit or "burst" up to the port speed but any amount of data over the CIR will be marked as DE. All data marked as DE will be discarded in the event of network congestion.

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CLEC: Competitive Local Exchange Carrier. Any carrier or reseller offering local exchange telecommunications services other than the incumbent LEC.

Commission: The Missouri Public Service Commission or any succeeding agency.

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Southwestern Bell Communications Services, Inc. PSC Mo. - No. 2 1st Revised Sheet 17
d/b/a Southwestern Bell Long Distance Service Commission Replacing Original Sheet 17

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Carrier Common Line Charges: The charges the long distance companies pay to the local telephone companies for carrier common line access service which provides for the use of end user's telephone company provided common lines by subscribers for access to such end users to furnish interstate communications.

CCITT: Consultative Committee on International Telegraphy and Telephone (now known as the ITU). Establishes standards for telecommunications equipment, systems, networks, and services. T

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Channel or Circuit: A communications path between two or more points having a standard Bandwidth or Transmission Speed selected by the Customer.

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CLEC: Competitive Local Exchange Carrier. Any carrier or reseller offering local exchange telecommunications services other than the incumbent LEC.

Commission: The Missouri Public Service Commission or any succeeding agency.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Carrier Common Line Charges: The charges the long distance companies pay to the local telephone companies for carrier common line access service which provides for the use of end user's telephone company provided common lines by subscribers for access to such end users to furnish interstate communications. Service Commission

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CLEC: Competitive Local Exchange Carrier. Any carrier or reseller offering local exchange telecommunications services other than the incumbent LEC.

Commission: The Missouri Public Service Commission or any succeeding agency.

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Service Commission

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

REC'D AUG 28 2002

Company: Southwestern Bell Communications Services, Inc. ("SBCS") d/b/a Southwestern Bell Long Distance ("SWLD").
Service Commission

Company-Provided: The switching, transmission, and other related telecommunications or computer equipment/facilities provided by the Company or by any combination of the Company or other authorized Third Party Vendors contracted by the Company.

CPE: Customer-Provided Equipment. Terminal equipment connected to the telephone network which is owned by the Customer or leased by the Customer from a supplier.

CPNIP: Customer Premises Network Interface Points.

CRC: Cycle Redundancy Check. A process used to check the integrity of a block of data.

Credit Card: Visa®, MasterCard®, or other Credit Cards issued by other companies the Company may accept. N
N

CS: Controlled Slip. The occurrence at the receiving terminal of a replication or deletion of the information Bits in a frame.

CS Event: The occurrence of a Controlled Slip.

CSA: Canadian Standards Association. A non-profit, independent organization which operates a listing service for electrical and electronic materials and equipment.

CSU/DSU: Channel Service Unit/Data Service Unit.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Service Commission

Company: Southwestern Bell Communications Services, Inc. ("SBCS") d/b/a Southwestern Bell Long Distance ("SBLD").

Company-Provided: The switching, transmission, and other related telecommunications or computer equipment/facilities provided by the Company or by any combination of the Company or other authorized Third Party Vendors contracted by the Company.

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CS Event: The occurrence of a Controlled Slip.

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Southwestern Bell Communications Services, Inc. PSC Mo. No. 2 **Service Commission** 1st Revised Sheet 19
d/b/a Southwestern Bell Long Distance Replacing Original Sheet 19

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Customer: A person or legal entity which subscribes to the Company's Services and thereby assumes responsibility for the payment of charges and compliance with the Company's Tariff.

Customer Commitment Date: The date in which the Company receives a firm commitment from a Customer for the provision of one of the Company's Data Service offerings.

Customer Premises/Customer's Premises: Location(s) designated by a Customer where Service is originated/terminated.

D-Channel: The Delta, Data, or D, Channel. Used to carry signaling and control information associated with B-Channels.

Data Services: Communication Services which are designed to allow the transfer of formatted information between points. Data Services include but are not limited to Private Line Service, Frame Relay Service, ATM Service, and Primary Rate ISDN (PRI). T

DE: Discard Eligible. A Frame Relay service standard that specifies that data sent across a PVC in excess of that connections' CIR will be marked by the network as being eligible for discard by the network in the event of network congestion.

Dedicated Access: Where Customer's Premises has a non-switched connection to the POP selected by the Company for origination and or termination of calls. When Dedicated Access is used to provide Data Services, the Dedicated Access is referred to as local loop.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Service Commission

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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Defects or Defective Service: A shortcoming or an imperfection in Data Service(s) as a result of mistakes, accidents, errors, omissions, interruption or delay in Service.

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Service Commission

Disaster Recovery PVCs: PVCs that allow for the implementation of logical connections between branch locations and a secondary processor/server center (disaster recovery site) should a non-recoverable disaster occur at the primary host site.

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Diversity: Customer-designated routing which indicates a Customer-designated departure from the primary route, usually with physical separation.

DLCI: Data Link Connection Identifier. The address information assigned to Customer-designated end points used to identify PVCs and route frames of data.

DSO: Digital Signal level Zero. Composed of one 64 kiloBit Channel.

DS1: Digital Signal level One. Composed of twenty-four 64 Kbps Channels with a throughput capacity of 1.544 Mbps. Also called T-1.

DS3: Digital Signal level Three. Composed of 28 DS1 Channels and operating at 44.736 Mbps. Also called T-3.

DVA: Dedicated Voice Access.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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Service Commission

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DS3: Digital Signal level Three. Composed of 28 DS1 Channels and operating at 44.736 Mbps. Also called T-3.

DVA: Dedicated Voice Access.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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EFS: Error Free Seconds. A measure of the percentage of total seconds when measured over a consecutive thirty day period that do not contain Bit errors.

End User: The person or legal entity which uses the Service provided by the Company.

ES: Errored Second. A count of one-second intervals containing one or more CRC-6 code violations, or one or more CS events or one or more SEF events.

Exemption Certificate: A written notification provided by the Customer certifying that its dedicated facility should be exempted from the monthly Special Access Surcharge because (a) the facility terminates in a device not capable of interconnecting Service with the local exchange network or (b) the facility is associated with a Switched Access Service that is subject to Carrier Common Line Charges.

Extended Super-Frame Format: A DS1 framing standard. With this format twenty-four frames, instead of twelve, are grouped together.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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F.C.C.: Federal Communications Commission or any succeeding agency.

FE: Framing-Bit Error or Framing Error. An error occurring when a receiver improperly interprets the set of bits within a Frame. Service Commission

FE Event: The occurrence of a framing error or framing-Bit error.

FOC: Firm Order Confirmation.

N

Frame: A group of data Bits, in a specific format, with a flag at either end to indicate the beginning and end of the frame. The defined format enables network equipment to recognize the meaning and purpose of specific Bits.

Frame Relay Service Port: A communications interface through which a Customer obtains connection to the Frame Relay network.

T

FRATM: Connects two Customer sites, one having Frame Relay Port and the other an ATM Port, to provide transparent interworking between Frame Relay and ATM networks.

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FRS: Frame Relay Service. A wide area data service that provides high throughput and low delay via packet-switching technology. FRS offers Customers the capability to connect locations via PVCs for data transmission.

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FRS: Frame Relay Service. A packet data service accessible at speeds of up to 40 Mbps which provides Customers with a capability to connect locations via PVCs for data transmission.

FRTP: Frame Relay Term Plan.

FX: Foreign Exchange Service. Provides local telephone service from a central office message switch which is outside (foreign to) the subscriber's exchange area.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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Service Commission

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Missouri Public

Gbps: GigaBits per second. A billion Bits per second.

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Hertz: A unit of frequency equal to one cycle (**the cycle**) per second.

Service Commission

IA: Intergrated Access.

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ICB: Individual Case Basis. A Service provided involving a nonstandard arrangement. The nature of such Service requirements makes it difficult or impossible to establish general Tariff provisions for such circumstances.

ILEC: Incumbent Local Exchange Carrier.

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InterLATA: Any call or transmission that originates in one LATA and terminates in a different LATA.

International: Involving two or more nations or nationalities.

IntraLATA: Any call or transmission that originates in one LATA and terminates within the same LATA.

IOC: Interoffice Channel.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Service Commission

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IOC: Interoffice Channel.

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Service Commission

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

REC'D DEC 07 2001

ISDN: Integrated Services Digital Network. Integrates voice, data, and video communications services via standard interfaces. Service Commission

ITU: International Telecommunications Union (formerly known as the CCITT). An organization established by the United Nations with membership from virtually every government in the world. Its objectives are to set telecommunications standards and allocate frequencies to various uses. T

IXC: Interexchange Carrier.

Joint User: A corporation, association, partnership, or individual that is permitted to use a Customer's Service by mutual agreement between the Customer and the Joint User in accordance with the terms and conditions of this Tariff.

Kbps: Kilobits Per Second. One thousand Bits per second.

LATA: Local Access Transport Area. A geographically defined regulatory boundary established by the Modification of Final Judgement.

LEC: Local Exchange Carrier.

Local Access: The service between a subscriber's premise and a Company-designated POP.

Local Access Provider: An entity providing Local Access.

Mbps: Megabits per second. Million Bits per second.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

REC'D MAR 07 2001

Service Commission

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Southwestern Bell Communications Services, Inc. PSC Mo. ~~Service Commission~~ Revised Sheet 25
 d/b/a Southwestern Bell Long Distance Replacing Original Sheet 25

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Modification of Final Judgment: The judicial opinion United States vs. American Telephone & Telegraph Company, 552 F. Supp. 131 (D.C. 1982). See United States v. Western Electric Co., 552 F. Supp. 131 (D.D.C. 1982), affd sub nom. Maryland v. United States, 460 U.S. 1001 (1983).

MRC: Monthly Recurring Charge.

MTM: Month-to-Month.

MTTR: Mean Time To Repair. The average time required to return a failed system to Service.

NFRS or NFR: National Frame Relay Service.

NNI: Network To Network Interface. The interface defines the point of interconnection between two service providers. N

NNI – Port and Access: Connects the Customer's network to the Company FRS network, based upon the standards defined NNI signaling protocol. Each NNI Port and Access may accommodate multiple Permanent Virtual Circuits based upon the speeds selected. N

NNI – Port Only: Connects the Customer's network to the Company FRS network, based upon the standards defined NNI signaling protocol. Each NNI Port may accommodate multiple Permanent Virtual Circuits based upon the speeds selected. N

Non-Channelized: Non-Channelized is the capability to permit the unrestricted use of a digital communication channel independent of the number of consecutive zeros and pulse density requirements (ie., 64 kbps usable bandwidth for a DSO channel and 1.536 Mbps usable bandwidth for a DS1 channel). N

NRC: Non-recurring charge.

OC: Optical Carrier. Optical Carrier level-1 is the optical counterpart of STS-1 (the base rate, 51.840 Mbps, on which SONET is based). Direct electrical-to-optical mapping of the STS-1 signal with frame synchronous scrambling. All higher levels are direct multiples of OC-1 (i.e. OC-3 = 3 times OC-1, etc). N

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Service Commission

Modification of Final Judgment: The judicial opinion United States vs. American Telephone & Telegraph Company, 552 F. Supp. 131 (D.C. 1982). See United States v. Western Electric Co., 552 F. Supp. 131 (D.D.C. 1982), aff'd sub nom. Maryland v. United States, 460 U.S. 1001 (1983).

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Missouri Public

OC3: Optical Carrier Level 3.

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REC'D AUG 28 2002

ENDFIELD

OC12: Optical Carrier Level 12.

Service Commission

OTC: One Time Charge.

N

Oversubscription: Oversubscription allows the sum of the CIRs for all PVCs connected to an access port to exceed the speed of the access port. No individual PVC may be provisioned at a speed greater than either of its associated port speeds.

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N

Plexar: A central office based switching service that provides the user with the ability to intercommunicate among stations at the user's premises while also providing station access to local exchange service dial tone and long distance service and many optional features and functions associated with sophisticated Customer Premises equipment.

POP: Point-of-Presence. A physical place at which the local telephone company terminates subscriber Circuits for long distance dial-up or leased-line communications or a Company-designated location where a facility is maintained for the purpose of providing access to the Company's Service.

Port: The physical or electrical interface through which access to the communications network is obtained.

PRI: Primary Rate Interface. The ISDN equivalent of a DS1 Circuit. The Primary Rate Interface consists of twenty-four 64 Kbps Channels.

N

Priority PVCs: Priority Quality of Service offers reduced delay and packet loss between end-points when used with small, fixed-length frame traffic.

N

Private Line: Discrete communication Bandwidth dedicated for a Customer's exclusive use. A Private Line is provisioned on facilities that may be shared and accomplished through a variety of technologies and media.

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Service Commission

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

OC3: Optical Carrier Level 3. Digital transmission rate operating at 155.520 Mbps.

OC12: Optical Carrier Level 12. Digital transmission rate operating at 622.080 Mbps.

OTC: One Time Charge.

Plexar: A central office based switching service that provides the user with the ability to intercommunicate among stations at the user's premises while also providing station access to local exchange service dial tone and long distance service and many optional features and functions associated with sophisticated Customer Premises equipment.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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Service Commission

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Port: The physical or electrical interface through which access to the communications network is obtained.

PRI: Primary Rate Interface. The ISDN equivalent of a DS1 Circuit. The Primary Rate Interface consists of twenty-four 64 Kbps D-Channels.

Private Line: Discrete communication Bandwidth dedicated for a Customer's exclusive use. A Private Line is provisioned on facilities that may be shared and accomplished through a variety of technologies and media.

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Service Commission

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Missouri Public

Private Line Service: Full duplex transmission/transport service between two points. Private Line Service(s) are defined by Bandwidth, signaling, media, etc.

Service Commission

PVC: Permanent Virtual Connection provides the customer with the electronic equivalent of a private line between two points. At the time of subscription to this form of service, a virtual circuit is established between two specific customer network addresses on the FRS network. While no physical circuits are dedicated, the two network addresses are electronically connected together.

QoS: Quality of Service.

N

Reseller: A Customer that resells the Company's Service(s) with the Company's authorization.

SEF: Severely Errored Framing event. The SE (severely errored) indicator of performance report message.

SEF Event: The occurrence of a severely errored frame. A one-second interval with eight (8) or more framing errors/framing-Bit errors.

Service: Any or all services provided pursuant to this Tariff.

Service Order: The standard Company order form(s), in effect from time-to-time, or Customer's forms accepted in writing by an authorized representative of the Company for Service which shall enable the Company to provide Service.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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Service Commission

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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SES: Severely Errored Seconds. Errored seconds during which the error rate exceeded ten (10) percent.

SONET: Synchronous Optical NETwork. A family of fiber-optic transmission rates from 51.84 Mbps to 2.488 Gbps. An optical interface standard.

Special Access Surcharge: A charge imposed by the Local Exchange Companies in accordance with Section 69.115 of the FCC Rules and Regulations.

State: State of Missouri.

STS: Synchronous Transport Signal. A SONET electrical signal rate.

Switched Access: If the Customer's location has a transmission line that is switched through the LEC or CLEC to reach the long distance network, the access is switched.

Switched Services(s): Any Services that are not Data Services as defined herein which use message switches to share inter-switch transport.

T-1: Composed of twenty-four (24) 64 Kilobit Channels with a throughput capacity of 1.544 Mbps. Also called DS1.

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T1C: A digital carrier facility used to transmit a DS-1 formatted digital signal at 3.152 Mbps.

Third Party Vendor: A company, entity or individual, other than the Company, designated by the Company that provides the facilities and/or the equipment required to provide Service(s).

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

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STS: Synchronous Transport Signal. A SONET electrical signal rate.

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T1C: A digital carrier facility used to transmit a DS-1 formatted digital signal at 3.152 Mbps.

Third Party Vendor: A company, entity or individual, other than the Company, designated by the Company that provides the facilities and/or the equipment required to provide Service(s).

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Service Commission

SECTION 1 - DEFINITIONS AND ABBREVIATIONS

REC'D AUG 28 2002

TLC: Termination Liability Charge. A charge which applies when the Customer cancels Service prior to the expiration date of a term plan agreement for Data Service(s).

Transmission Speed: Denotes the line or Channel speed in Bits per second.

TTR: Time To Repair. Measured in terms of hours from the time the Service was released for test and repair to operability within accepted thresholds. The time to restore Service on an event basis.

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TTP: Time To Provision.

UNI: User-Network Interface. The physical and electrical demarcation point between the user and the service provider.

UNI - Port and Access: Connects the Customer to the Company's FRS network, based upon the standards defined UNI signaling protocol. Each UNI Port and Access may accommodate multiple Permanent Virtual Circuits based upon the speeds selected.

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UNI - Port Only: Connects the Customer to the Company's FRS network, based upon the standards defined UNI signaling protocol. Each UNI Port may accommodate multiple Permanent Virtual Circuits based upon the speeds selected.

V&H: Vertical and Horizontal geographic coordinates.

VIP: Volume Incentive Plan.

Wire Center: A specified geographical location used for determining mileage measurements.

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SECTION 1 - DEFINITIONS AND ABBREVIATIONS

Missouri Public

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TLC: Termination Liability Charge. A charge which applies when the Customer cancels Service prior to the expiration date of a term plan agreement for Data Service(s).

Service Commission

Transmission Speed: Denotes the line or Channel speed in Bits per second.

UNI: User-Network Interface. The physical and electrical demarcation point between the user and the service provider.

V&H: Vertical and Horizontal geographic coordinates.

VIP: Volume Incentive Plan.

Wire Center: A specified geographical location used for determining mileage measurements.

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Service Commission

SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.1 Application of the Tariff

Service Commission

2.1.1 This Tariff contains the descriptions, regulations, and rates applicable to intrastate telecommunications Service offered by SBCS with principal offices located at 5850 W. Las Positas Blvd., Pleasanton, California 94588. Unless otherwise indicated in this Tariff, Service is available where facilities permit throughout the geographic area served by Southwestern Bell Telephone Company. The Company operates as a competitive telecommunications company. Services in this Tariff are only available to Business Customers as specified herein.

2.1.2 The Company shall not be deemed to have waived or impaired any right, power, requirement or option reserved by this Tariff (including, without limitation, the right to demand exact compliance with every term and condition herein), by virtue of any custom or practice of the Company at variance with the terms hereof, or any failure, refusal or neglect of Company to exercise any right under this Tariff or to insist upon exact compliance with its terms, or any waiver, forbearance, delay, failure or omission by Company to exercise any right, power or option hereunder.

2.1.3 Non-switched, Private Line Services will be provided only between exchanges and will not be offered within a local exchange.

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SECTION 2 - RULES AND REGULATIONS

REC'D MAR 28 2002

2.2 Limitations On Service

- 2.2.1 Service is offered subject to the availability of facilities, equipment, or systems, the Company's ability to fulfill the request for Service and the provisions of this Tariff and the rules of the Commission applying to long distance communications as published in 4 CSR 240-33. Service is not offered where operating conditions do not permit. The Company reserves the right, without incurring liability, to refuse to provide Service, to or from any location where the necessary facilities, equipment, systems, billing agreements, and/or switch software are not available. In case a shortage of facilities exists at any time, either for temporary or protracted periods, the establishment of voice Services shall take precedence over the establishment of Data Services.
- 2.2.2 The Company reserves the right to refuse Service to any Applicant who is found to be indebted to the Company for Service previously furnished until satisfactory arrangements have been made for the payment of such indebtedness.
- 2.2.3 If Service is established and it is subsequently determined that the condition described in Section 2.2.2 of this Tariff exists, the Company may suspend or disconnect Service on five (5) days written notice until satisfactory arrangements have been made for the payment of prior indebtedness.
- 2.2.4 Without incurring liability, the Company reserves the right to discontinue Service or to limit the use of Service, when necessitated by conditions beyond the Company's control, or when the Customer or End User is using Service in violation of the law or in violation of the provisions of this Tariff. The Company may regularly review any Customer's toll usage in order to protect itself from fraudulent or excessive usage by high-risk Customers or Customers who are delinquent in their payments. When the Company determines that the usage volume increases the likelihood that a particular Customer will not pay or will be unable to pay for usage, the Company may implement its toll blocking process, including calling card cancellation. Customers will be provided notification of the limit placed upon their toll usage pursuant to the establishment of credit, indebtedness of Service, and toll restrictions provisions of this Tariff.

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Service Commission

SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.2 Limitations On Service

Service Commission

- 2.2.1 Service is offered subject to the availability of facilities, equipment, or systems, the Company's ability to fulfill the request for Service and the provisions of this Tariff and the rules of the Commission applying to long distance communications as published in 4 CSR 240-33. Service is not offered where operating conditions do not permit. The Company reserves the right, without incurring liability, to refuse to provide Service, to or from any location where the necessary facilities, equipment, systems, billing agreements, and/or switch software are not available. In case a shortage of facilities exists at any time, either for temporary or protracted periods, the establishment of voice Services shall take precedence over the establishment of Data Services.
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- 2.2.4 Without incurring liability, the Company reserves the right to discontinue Service or to limit the use of Service, when necessitated by conditions beyond the Company's control, or when the Customer or End User is using Service in violation of the law or in violation of the provisions of this Tariff.

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Service Commission

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SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.2 Limitations On Service (continued)

Service Commission

2.2.5 Conditions under which the Company may, without notice, terminate Service without liability include, but are not limited to:

- (A) Customer's or End User's use of the Service which constitutes a violation of either the provisions of this Tariff or of any laws, government rules, regulations, or policies or if such actions are reasonably appropriate to avoid violation of applicable law; or
- (B) Any order or decision of a court or other governmental authority which prohibits the Company from offering such Service; or
- (C) The Company deems termination necessary to protect the Company or third parties against unauthorized, fraudulent, or unlawful use of any Company Services, or to otherwise protect the Company's personnel, agents, or Service; or
- (D) Customer's or End User's misuse of the long distance network; or
- (E) Customer's or End User's use of the long distance network for any fraudulent or unlawful purpose; or
- (F) Emergency, threatened, or actual disruption of Service to other Customers; or

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SECTION 2 - RULES AND REGULATIONS

Missouri Public

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2.2 Limitations On Service (continued)

Service Commission

2.2.5 (continued)

- (G) Unauthorized or fraudulent procurement of Service, including a misrepresentation of fact relevant to the conditions under which the Applicant or Customer obtains or continues to receive Service; or
- (H) Abandonment of the Customer's Premises served; or
- (I) Insufficient or fraudulent billing information; or
- (J) Customer's check or draft is returned unpaid for any reason, after one attempt at collection; or
- (K) If at the time the Company issues a debit to the Customer's checking account or savings account, the debit is rejected by the bank for any reason. The Company will make at least one attempt at collection prior to termination of Service.

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SECTION 2 - RULES AND REGULATIONS

Missouri Public

2.2 Limitations On Service (continued)

REC'D MAR 07 2001

2.2.5 (continued)

Service Commission

- (G) Unauthorized or fraudulent procurement of Service, including a misrepresentation of fact relevant to the conditions under which the applicant or Customer obtains or continues to receive Service; or
- (H) Abandonment of the Customer's Premises served; or
- (I) Insufficient or fraudulent billing information; or
- (J) Customer's check or draft is returned unpaid for any reason, after one attempt at collection; or
- (K) If at the time the Company issues a debit to the Customer's checking account or savings account, the debit is rejected by the bank for any reason. The Company will make at least one attempt at collection prior to termination of Service.

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Service Commission

SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.2 Limitations On Service (continued)

Service Commission

2.2.6 Conditions under which the Company may, with notice, terminate Service without liability include, but are not limited to:

- (A) use of invalid or unauthorized telephone numbers; or,
- (B) failure to pay for or provide assurances of, or security for, the payment of the Company's charges as per Section 2.8.1 or Section 2.8.2 of this Tariff; or
- (C) non-payment of any sum owed the Company by the due date printed on the bill; or
- (D) if there is a reasonable risk that criminal, civil or administrative proceedings or investigations based upon the transmission contents shall be instituted against the Company.

2.2.7 Initial and continuing Service is offered subject to the availability of necessary facilities and/or equipment, including those to be provided by other companies furnishing a portion of the Company's Service(s).

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Service Commission

SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.2 Limitations On Service (continued)

Service Commission

2.2.8 Service is furnished subject to the condition that there will be no abuse or fraudulent use of the Service. Abuse or fraudulent use of Service includes, but is not limited to:

- (A) Service that is used by the Customer or End User to frighten, abuse, torment, or harass another; or
- (B) Service that is used by the Customer or End User in a manner which interferes with the use of Service by one or more other Customers; or
- (C) Service that is used by the Customer or End User to place calls by means of illegal equipment, service, or device; or
- (D) Service that is used by the Customer or End User to transmit a message or to locate a person or otherwise to give or obtain information, without payment of the applicable charge.

2.2.9 The Company's failure to give notice of default, to enforce or insist upon compliance with any of the terms or conditions herein, to grant a waiver of any term or conditions herein, or to grant the Customer an extension of time for performance, will not constitute the permanent waiver of any such term or condition herein. Each of the provisions of this Tariff will remain, at all times, in full force and in effect until modified in writing, signed by the Company and Customer.

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Service Commission

SECTION 2 - RULES AND REGULATIONS

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2.2 Limitations On Service (continued)

Service Commission

- 2.2.10 The Company may rely on third parties to provide a portion of the Company's Service. The selection of the Third Party Vendors is made by the Company. The Company reserves the right to change Third Party Vendors at any time.
- 2.2.11 The Company reserves the right, without incurring liability, to refuse to provide Service to or from any location where the necessary facilities and/or equipment are not available.
- 2.2.12 Recording of telephone conversations provided pursuant to the Company's Service under this Tariff is prohibited except as authorized by applicable federal, state, and local laws.
- 2.2.13 The Company reserves the right to add, change, or delete Services at any time.
- 2.2.14 The Data Services offered in this Tariff begin and end at the network interface. The Customer is responsible for the provisioning, maintenance, and repair for all services on the Customer side of the network interface.
- 2.2.15 The Company, when acting at the Customer's request and as its authorized agent for ordering Dedicated Access, will make reasonable efforts to arrange for service.

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SECTION 2 - RULES AND REGULATIONS

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2.2 Limitations On Service (continued)

Service Commission

- 2.2.10 The Company may rely on third parties to provide a portion of the Company's Service. The selection of the Third Party Vendors is made by the Company. The Company reserves the right to change Third Party Vendors at any time.
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- 2.2.13 The Company reserves the right to add, change, or delete Services at any time.
- 2.2.14 The Data Services offered in this Tariff begin and end at the network interface. The Customer is responsible for the provisioning, maintenance, and repair for all services on the Customer side of the network interface.
- 2.2.15 The Company, when acting at the Customer's request and as its authorized agent for ordering Dedicated Access, will make reasonable efforts to arrange for service requirements such as special routing, route Diversity, alternate access, or Circuit conditioning.

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Service Commission

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SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.2 Limitations On Service (continued)

Service Commission

2.2.16 The Company does not generally provide echo suppression. However, for Services that require Dedicated Access to reach the long distance network, the Company, not the Customer, will determine when echo suppression will be provided.

2.2.17 Non-switched, Private Line Service will be provided only between exchanges and will not be offered within a local exchange.

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Service Commission

SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.3 Limitation of Liability

Service Commission

The Company's liability will be limited to that expressly stated in Sections 2.3.1 through 2.3.17 of this Tariff in connection with the provision of Service to Customer.

2.3.1 The Company shall not be liable for any damages caused by the negligence, gross negligence or willful misconduct of the Customer or Customer's agents, employees, officers, directors, contractors or vendors.

2.3.2 Unless otherwise stated in this Tariff, the liability of the Company for negligence arising out of mistakes, omissions, interruptions, delays, errors, defects or other comparable actions occurring in the provision of recurring Service(s) shall be limited to a service adjustment based on the amount of time such Service is out of service times the applicable monthly recurring charge for Service.

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Service Commission

SECTION 2 - RULES AND REGULATIONS

REC'D MAR 07 2001

2.3 Limitation of Liability (continued)

Service Commission

- 2.3.3 The liability of the Company for gross negligence arising out of mistakes, omissions, interruptions, delays, errors or defects occurring in the provision of Service(s) shall not exceed the higher of the adjustments described in Section 2.3.1 or 2.3.2 of this Tariff, whichever is applicable, and the sum of \$1,000.
- 2.3.4 The liability of the Company for willful misconduct occurring in the provision of Service(s) shall not exceed the higher of the adjustments described in Sections 2.3.1, 2.3.2 or 2.3.3, which is applicable, and the sum of \$2,000.
- 2.3.5 The Company will not be liable to the Customer for damages or statutory penalties or be obligated to make any adjustment, refund or cancellation of charges unless the Customer has notified the Company in writing of any dispute concerning charges, or the basis of any claim for damages, within sixty (60) calendar days after an invoice is rendered by the Company for the Data Service giving rise to such dispute or claim. Any such notice must set forth sufficient facts to provide the Company with a reasonable basis upon which to evaluate the Customer's claim or demand.

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2.3 Limitation of Liability (continued)

Service Commission

- 2.3.6 Interruptions, delays, errors, or defects caused by or contributed to, directly or indirectly, by act or omission of the Customer or its customers, affiliates, agents, contractors, representatives, invitees, licensees, successors, or assignees or which arise from, or are caused by, the use of facilities or equipment of the Customer or related parties, will not result in the imposition of any liability whatsoever upon the Company. The Customer will pay to the Company any reasonable costs, expenses, damages, fees or penalties incurred by the Company as a result thereof. In addition, a portion or all of the Service may be provided over facilities of third parties. The Company will not be liable to the Customer or any other person, firm, or entity in any respect whatsoever arising out of defects caused by such third parties. The Company's liability, if any, with regard to the delayed installation of facilities or commencement of Service will not exceed \$1,000.
- 2.3.7 With respect to Service provided hereunder, the Company hereby expressly disclaims, without limitation, all warranties not stated in this Tariff, whether express, implied or statutory, and in particular disclaims all implied warranties of merchantability and of fitness for a particular purpose.
- 2.3.8 No contractors, agents or employees of connecting, concurring or other participating carriers or companies will be deemed to be contractors, agents or employees of the Company without the Company's written authorization.
- 2.3.9 Under no circumstances whatsoever will the Company's officers, agents, or employees be liable for any damages, including but not limited to direct, indirect, actual, consequential, special, or punitive damages, or lost profits.

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2.3 Limitation of Liability (continued)

Service Commission

2.3.10 The Company will not be liable for any failure of performance hereunder due to causes beyond its control including, but not limited to:

- (A) Unavoidable interruption in the working of transmission facilities; or
- (B) Natural disasters such as storms, fire, flood, or other catastrophes; or
- (C) Any law, order, regulation, direction, action or request of the United States Government, or any other governmental entity having jurisdiction over the Company or of any department, agency, commission, bureau, corporation or other instrumentality of any one or more of such governmental entity, or of any civil or military authority; or
- (D) National emergencies, insurrections, riots, rebellions, wars, strikes, lockouts, work stoppages, supplier failures, shortages, breaches or delays, or other labor difficulties; or
- (E) The unlawful acts of individuals, including acts of the Company's agents and employees if committed beyond the scope of their employment; or
- (F) Explosions, vandalism, cable cut or other similar occurrences; or
- (G) Preemption of existing Services to restore Service(s) in compliance with part 64, Subpart 64, Subpart D, Appendix A, of the F.C.C.'s rules and regulations; or
- (H) Any failure to provide or maintain Service under this Tariff due to circumstances beyond the Company's control.

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2.3 Limitation of Liability (continued)

Service Commission

- 2.3.11 The Company will use its best efforts to provide Services consistent with industry standards. The Company will have no liability to the Customer for any loss of revenue or any other direct, special, incidental, consequential, or other damages the Customer may sustain resulting from the failure or inability of the Company to provide Service to its Customers; negligent or defective Services to Customers; equipment, computer, network, or electrical malfunctions of any kind, breakdowns, or outages; or any other cause, whether or not within the control of the Company.
- 2.3.12 If the Company learns of actual or possible unauthorized, fraudulent, or unlawful use of any Company Services, the Company will make an effort to contact the Customer, but Service may be blocked without notice and without liability to the Company. Service may be suspended by the Company without incurring liability. Service will be restored as soon as it can be provided without undue risk and only after accounts have been brought current.
- 2.3.13 The Company does not undertake to transmit messages but furnishes the use of its Services to its Customers for telecommunications. The Company is not liable for the content of the Customer's messages.
- 2.3.14 The Company may rely on Third Party Vendors for the performance of certain services such as Dedicated Access. Upon Customer request and execution and delivery of appropriate authorizing documents, the Company will act as agent for the Customer in obtaining such other services. Customer's liability for charges hereunder will not be reduced by untimely installation or non-operation of Customer-provided facilities and equipment.

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2.3 Limitation of Liability (continued)

2.3.15 The Company will not be liable for:

- (A) Any act or omission of any other company or companies furnishing a portion of the Service or furnishing facilities or equipment associated with such Service.
- (B) Damages caused by the fault or negligence or willful misconduct of the Customer or End User.
- (C) Any failure to provide or maintain Service under this Tariff due to circumstances beyond the Company's reasonable control.
- (D) Any direct, indirect, consequential, special, actual, or punitive damages, or for any lost revenues or profits of any kind or nature whatsoever arising out of any furnishing of, or interruption in, Service provided hereunder. Under no circumstances whatsoever will the Company's officers, agents, or employees be liable for such damages or lost revenue or lost profits.
- (E) Any indirect, incidental, special or consequential damages, lost revenue or lost profits of any kind, even if Company is advised of the possibility of such consequences.

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SECTION 2 - RULES AND REGULATIONS

2.3 Limitation of Liability (continued)

Service Commission

2.3.15 (continued)

- (F) The use or abuse of any Service described herein by any party including, but not limited to, the Customer or End User. Use or abuse includes, but is not limited to, any calls placed by means of illegal equipment, service, or device. Compensation for any injury the customer may suffer to the fault of third parties must be sought from such other parties. Compensation for any injury the Customer may suffer due to the fault of third parties must be sought from such other parties.
- (G) Any action that Company deems necessary in order to prevent unauthorized, fraudulent, or unlawful use of its Service. Compensation for any injury the Customer may suffer due to the fault of parties other than the Company must be sought from such other parties.
- (H) The Company will not be liable for any claim where the Customer indemnifies the Company pursuant to Section 2.5 of this Tariff.

2.3.16 If someone other than the Customer (e.g., authorized or unauthorized) has use of the Service directly or indirectly through the Customer, then Customer agrees to forever indemnify and hold the Company and any affiliated or unaffiliated Third Party Vendor or operator of facilities employed in provision of the Service harmless from and against any and all claims, demands, suits, actions, losses, damages, assessments or payments which may be asserted by said parties.

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2.3 Limitation of Liability (continued)

2.3.17 The Company shall not be liable to the Customer or any other person, firm or entity in any respect whatsoever as a result of mistakes, accidents, errors, omissions, interruptions, delays, or Defects in Service (collectively "Defects" or "Defective Service"). Defects caused by or contributed to, directly or indirectly, by act or omission of Customer (including Authorized Users) or Customer's customers, affiliates, agents, representatives, invitees, licensees, successors or assigns or which arise from or are caused by the use of facilities or equipment of Customer or related parties shall not result in the imposition of any liability whatsoever upon the Company, and Customer shall pay to the Company any reasonable costs, expenses, damages, fees or penalties incurred by the Company as a result thereof, including costs of Local Access Providers' labor and materials.

In addition, all or a portion of the Service may be provided over facilities of third parties, and the Company shall not be liable to Customer or any other person, firm or entity in any respect whatsoever arising out of Defects caused by such third parties. Company shall not be liable for any direct, indirect, consequential, special, actual, punitive or any other damages, or business interruption, or for any lost profits or lost revenues of any kind or nature whatsoever arising out of any Defective Service or any other cause. Any warrantee and remedies explicitly set forth in this Tariff are exclusive and in lieu of all other warranties or remedies, whether expressed, implied or statutory, including without limitation implied warranties of merchantability and fitness for a particular purpose. In the event of an interruption in Service, any Defect in the Service whatsoever or a failure to perform under this Tariff, neither Company nor any Third Party Vendor or operator of facilities employed in the provision of the Service shall be liable for any direct, indirect, consequential, special, actual, punitive or any other damages, or for any lost profits or lost revenues of any kind or nature whatsoever.

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2.4 Use of Service

2.4.1 The Company's Services are available for use twenty-four hours per day, seven days per week.

2.4.2 The Service offered herein may be used for any lawful purpose, including business, governmental, or other use. The Customer is liable for all obligations under this Tariff notwithstanding any sharing or resale of Services and regardless of the Company's knowledge of same. The Company will have no liability to any person or entity other than the Customer and only as set forth herein. The Customer will not use nor permit others to use the Service in a manner that could interfere with Service provided to others or that could harm the facilities of others.

2.4.3 Service furnished by the Company may not be used to make calls which might reasonably be expected to frighten, abuse, torment, or harass another. The Service may not be used for any purpose for which any payment or other compensation is received by the Customer except when the Customer is an authorized communications common carrier, an authorized resale common carrier, or an enhanced or electronic service provider who has subscribed to the Company's Service. However, this provision does not preclude an agreement between the Customer, Authorized User, or Joint User to share the cost of the Service as long as this arrangement generates no profit for anyone participating in a joint use or authorized use arrangement.

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Service Commission

2.4 Use of Service (continued)

2.4.4 Service furnished by the Company may be arranged for joint use or authorized use. The Joint User or Authorized User will be permitted to use such Service in the same manner as the Customer, but subject to the following conditions.

- (A) The Customer must complete and provide to the Company all Service agreements and/or other documentation required by the Company to initiate Service.
- (B) One Joint User or Authorized User must be designated as the Customer. The designated Customer does not necessarily have to have communications requirements of its own. The Customer must specifically name all Joint Users or Authorized Users in the application for Service. Service Orders which involve the start, rearrangement or discontinuance of joint use or authorized use of Service will be accepted by the Company only from that Customer and will be subject to all requirements of this Tariff.

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2.4 Use of Service (continued)

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2.4.4 (continued)

Service Commission

- (C) All charges for the Service will be computed as if the Service were to be billed to one Customer. The Joint User or Authorized User which has been designated as the Customer will be billed for all components of the Service and will be responsible for all payments to the Company. If designated Customer fails to pay the Company, each Joint User or Authorized User will be liable to the Company for all charges incurred as a result of its use of the Company's Service. Each Joint User or Authorized User must submit to the designated Customer a letter guaranteeing payment for the Joint User's or Authorized User's portion of all charges billed by the Company to the designated Customer. This letter must also specify that the Joint User or Authorized User understands that the Company will receive a copy of the guaranty from the designated Customer. The designated Customer will be responsible for allocating charges to each Joint User or Authorized User.

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- (D) Joint use is a Service/billing allocation arrangement and not a resale arrangement. Neither the Customer nor any Joint User nor any third party engaged by either of them in connection with a joint use agreement or arrangement may mark up Service or otherwise profit from the joint use agreement or arrangement.

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SECTION 2 - RULES AND REGULATIONS

Service Commission

2.4 Use of Service (continued)

2.4.4 (continued)

- (C) All charges for the Service will be computed as if the Service were to be billed to one Customer. The Joint User or Authorized User which has been designated as the Customer will be billed for all components of the Service and will be responsible for all payments to the Company. If designated Customer fails to pay the Company, each Joint User or Authorized User will be liable to the Company for all charges incurred as a result of its use of the Company's Service. Each Joint User or Authorized User must submit to the designated Customer a letter guaranteeing payment for the Joint User's or Authorized User's portion of all charges billed by the Company to the designated Customer. This letter must also specify that the Joint User or Authorized User understands that the Company will receive a copy of the guaranty from the designated Customer. The designated Customer will be responsible for allocating charges to each Joint User or authorized user.
- (D) Joint use is a Service/billing allocation arrangement and not a resale arrangement. Neither the Customer nor any Joint User nor any third party engaged by either of them in connection with a joint use agreement or arrangement may mark up Service or otherwise profit from the joint use agreement or arrangement.

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SECTION 2 - RULES AND REGULATIONS

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2.5 Obligations of the Customer

2.5.1 The Customer shall indemnify and hold the Company and its affiliates harmless against and from any court, administrative or agency action, suit or similar proceeding brought against Company and/or any affiliate of the Company for:

- (A) Any claim asserted against the Company (and all attorney fees and expenses incurred by the Company with respect thereto) arising out of or relating to the failure of the Company to provide Service to the Customer.
- (B) Any and all liabilities, costs, damages, and expenses (including attorney's fees), resulting from Customer's (or its employees', agent's or independent contractor's) actions hereunder, including, but not limited to breach of any provision in this Tariff, misrepresentation of Company Services or rates, or unauthorized or illegal acts of the Customer or its End User, its employees, agents, or independent contractors.
- (C) Claims for libel, slander, infringement of patent or copyright, or unauthorized use of any trademark, trade name, or service mark arising out of Customer's or End User's material, data, information, or other content transmitted via Service and/or patent infringement claims arising from combining or connecting the Service with equipment and systems of the Customer or Authorized Users. With respect to claims of patent infringement made by third persons, the Customer shall defend, indemnify, protect and save harmless the Company from and against all claims arising out of the combining with, or use in connection with, the Service(s) provided under this Tariff, any Circuit, apparatus, system or method provided by the Customer.

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2.5 Obligations of the Customer (continued)

2.5.1 (continued)

- (D) Violation by Customer or End User of any other literary, intellectual, artistic, dramatic, or musical right.
- (E) Violations by Customer or End User of the right to privacy.
- (F) Any other claims whatsoever relating to, or arising from, message content or the transmission thereof. Claims arising out of or related to the contents transmitted via the Services (whether over the Company's or Third Party Vendor's network or over Local Access Circuits) including, but not limited to, claims, actual or alleged, relating to any violation of copyright law, export laws, failure to procure necessary authorizations, clearances or consents, failure to meet governmental or other technical broadcasts standards, or claims that such transmission contents are libelous, slanderous, an invasion of privacy, pornographic, or otherwise unauthorized or illegal.
- (G) All other claims arising out of any act or omission of the Customer or End User in connection with Service provided by the Company.

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2.5 Obligations of the Customer (continued)

2.5.1 (continued)

- (H) Any loss, claim, demand, suit, or other action, or any liability whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or persons, for any personal injury to, or death of, any person or persons, and for any loss, damage or destruction of any property, whether owned by the Customer or others, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of Service or equipment and facilities of Company associated with the Service, unless such installation, operation, failure to operate, maintenance, condition, location or use is the direct result of the Company's knowing and willful misconduct.

In the event parties other than Customer (e.g., Customer's customers or Authorized Users) shall have use of the Service directly or indirectly through Customer, Customer shall forever indemnify and hold Company and any Third Party Vendor or operator of facilities employed in provision of the Service harmless from and against any and all claims, demands, suits, actions, losses, damages, assessments or payments which may be asserted by said parties arising out of or relating to any Defects or any claims described in Section 2.5.14 of this Tariff.

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2.5 Obligations of the Customer (continued)

2.5.1 (continued)

- (I) Defacement of, or damage to, the premises of Customer and Authorized Users resulting from the installation, and/or removal of facilities or the attachment of instruments, equipment and associated wiring on or from the Customer's Premises. No agents or employees of other participating carriers shall be deemed to be agents or employees of the Company.
- (J) Claims of patent infringement arising from combining or connecting Channels with equipment and systems of the Customer.
- (K) Defacement of, or damage to, the Customer's Premises resulting from the furnishing, installation, and/or removal of Channel facilities or the attachment of instruments, equipment and associated wiring on or from the Customer's Premises.
- (L) Claims arising out of the use of Services or Company-Provided equipment in an unsafe manner (such as use in an explosive atmosphere) or the negligent or willful act of any person other than the Company.

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2.5 Obligations of the Customer (continued)

2.5.1 (continued)

(M) Any suits, claims, losses or damages, including punitive damages, attorney fees and court costs by third persons arising out of the construction, installation, operation, maintenance, or removal of the Customer's Circuits, facilities, or equipment connected to Services. This includes without limitation, Workmen's Compensation claims, actions for infringement of copyright and/or unauthorized use of program material, libel and slander actions based on the content of communications transmitted over the Customer's Circuits, facilities or equipment, and proceeding to recover taxes, fines, or penalties for failure of the Customer to obtain or maintain in effect any necessary certificates, permits, licenses, or other authority to acquire or operate Service(s).

2.5.2 If a Customer directly or indirectly authorizes third parties to use the Service, the Customer will indemnify and hold the Company harmless against any and all claims asserted by said party, demands, suits, actions, losses, damages, assessments or payments which may be asserted or demanded by said parties or by others as a result of said parties' actions or omissions.

2.5.3 The Company's failure to provide or maintain Service under this Tariff will be excused by the Customer for all circumstances beyond the Company's reasonable control.

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2.5 Obligations of the Customer (continued)

- 2.5.4 The Customer will indemnify and save the Company harmless from any and all liability not expressly assumed by the Company in Section 2.3 of this Tariff and arising in connection with the provision of Service to the Customer, and will protect and defend the Company from any suits or claims alleging such liability, and will pay all expenses (including attorneys' fees) and satisfy all judgments which may be incurred by or rendered against the Company in connection therewith.
- 2.5.5 The Customer is responsible for paying for all Services the Company provides to or from the Customer's Premises, regardless of whether the Customer's facilities were fraudulently used or used without Customer's knowledge in full or in part. These responsibilities are not changed due to any use, misuse or abuse of the Customer's Service or Customer-provided equipment by third parties, the Customer's employees or public.
- 2.5.6 The termination or disconnection of Service(s) by the Company pursuant to Sections 2.2.5, 2.2.6, and 2.20 of this Tariff or if the Customer cancels Service pursuant to Section 2.19 of this Tariff does not relieve the Customer of any obligations to pay the Company for charges due and owing for Service(s) furnished up to the time of termination or disconnection. The remedies set forth herein will not be exclusive, and the Company will at all times be entitled to all rights available to it under either law or equity.

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2.5 Obligations of the Customer (continued)

2.5.7 The Customer is responsible for taking all necessary legal steps for interconnecting Customer-provided terminal equipment with Company-designated facilities. The Customer will ensure that the signals emitted into the long distance network do not damage Company-Provided equipment, injure personnel, or degrade Service to other Customers or other users of the long distance network. The Customer is responsible for securing all licenses, permits, rights-of-way, and other arrangements necessary for such interconnection. The Customer is responsible for taking all necessary legal steps for interconnecting the Customer-provided terminal equipment with Local Access. In addition, the Customer shall comply with applicable Local Access Provider's signal power limitations and requirements.

2.5.8 The Customer will be responsible for the payment of all charges for Services provided under this Tariff and for the payment of all excise, sales, use, gross receipts or other taxes that may be levied by a federal, state, or local governing body or bodies applicable to the Service(s) furnished under this Tariff unless specified otherwise herein. Also see Section 2.17 of this Tariff for additional information regarding the Customer's obligations concerning taxes.

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2.5 Obligations of the Customer (continued)

- 2.5.9 The Customer will be liable for reimbursing the Company for damages to facilities or Company-Provided equipment caused by the negligence or willful acts of the Customer's officers, employees, agents, contractors, or authorized or unauthorized End User(s).
- 2.5.10 If Service is terminated pursuant to Section 2.2.5, Section 2.2.6 or Section 2.20 of this Tariff or if the Customer cancels Service pursuant to Section 2.19 of this Tariff, the Customer will be deemed to have cancelled Service as of the date of such termination or cancellation and will be liable for any cancellation charges set forth in this Tariff.
- 2.5.11 The Company will accept orders from an agent appointed by the Customer. An agency appointment must be sent to the Company in writing. If directed by the Customer, the bill for the Data Service will be sent to the agent and issued in the name of the Customer, in care of the agent. Regardless of the authority the Customer has given the agent to act on behalf of the Customer, the Customer retains responsibility for compliance with Tariff regulations and any act or omission of the agent.

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2.5 Obligations of the Customer (continued)

2.5.12 The Customer is responsible for the payment of all charges for Service(s) provided under this Tariff and for the payment of all assessments, duties, fees taxes, or similar liabilities whether charged to or against the Company or the Customer. This includes but is not limited to amounts the Company is required by governmental, quasi-governmental, or other entities to collect and/or to pay to designated entities. The Company may adjust its rates and charges or impose additional rates and charges on its Customer in order to recover these amounts. Unless specified otherwise herein, if an entity other than the Company (e.g., another carrier or supplier) imposes charges on the Company in connection with a Customer's Service, that entity's charges may be passed through to the Customer. The Customer is responsible for the payment of all such charges.

2.5.13 If as a result of inaccurate information provided by the Customer, Circuits need to be moved, replaced, or redesigned, the Customer is responsible for the payment of all such charges. In the event the Company incurs costs and expenses caused by the Customer or reasonably incurred by the Company for the benefit of the Customer, the Customer is responsible for the payment of all such charges.

2.5.14 If the Company is acting as an agent of the Customer for ordering Dedicated Access for the provision of Data Service(s) and if the Customer is to be exempted from the monthly special access surcharge charged by the Local Access Provider, it is the Customer's responsibility to provide the Company with an Exemption Certificate.

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2.5 Obligations of the Customer (continued)

- 2.5.15 If an entity other than the Company (e.g., another carrier or supplier) imposes charges on the Company in connection with service provided to a specific Customer and those charges are not specifically listed in this Tariff, those charges will be billed to the Customer on a pass-through basis. The Customer is responsible for payment of such charges.
- 2.5.16 A Customer shall not use any service mark or trademark of the Company or refer to the Company in connection with any product, equipment, promotion, or publication of the Customer without prior written approval of the Company.
- 2.5.17 In the event suit is brought or an attorney is retained by the Company to enforce the terms of this Tariff, the Customer shall reimburse the Company, in addition to any other remedy, for attorneys' fees, court costs, costs of investigation, and other related expenses incurred in connection therewith.
- 2.5.18 When Company or Third Party Vendor personnel must install, repair, maintain, program, inspect, remove equipment associated with the provision of the Service or implement changes the Customer has ordered, the Customer is responsible for arranging access to its premises at times mutually acceptable to the Company or the Third Party Vendor. An impairment may only be evident at certain times (e.g., a certain hour of the day). In such cases, Customer must make Service available for testing during the same time periods the trouble condition is to be corrected.

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2.5 Obligations of the Customer (continued)

2.5.19 The Customer must pay the Company for replacement or repair of damage to Company-Provided equipment or facilities if caused by:

- .1 the negligence or willful act of the Customer, End Users, or others; or
- .2 the improper use of Services; or
- .3 the use of equipment provided by Customers or End Users. After receipt of payment for the damages, the Company will cooperate with the Customer in its claim against any third party causing damage to Service.

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2.5 Obligations of the Customer (continued)

2.5.20 The Customer shall comply with the minimum protective criteria generally accepted in the telephone industry and other appropriate criteria as may be prescribed by the Company. The Customer shall ensure that:

- .1 its equipment and/or system is properly interfaced with the Company-Provided equipment and facilities; and
- .2 the signals emitted into the long distance network are the proper mode, Bandwidth, power, and signal level for the intended use of the Customer; and
- .3 the signals do not damage Company-Provided equipment and/or facilities, injure Company or Third Party Vendor personnel, or degrade Service to other Customers.

If the F.C.C. or another appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications Service, the Company will permit such equipment to be connected with the Channels without the use of protective interface devices.

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2.5 Obligations of the Customer (continued)

2.5.21 If the Customer fails to maintain its equipment and/or its system properly and this results in harm to:

- .1 Company-Provided equipment or facilities, or
- .2 Company's or Third Party Vendor's personnel, or
- .3 quality of Service to other Customers of the Company, or
- .4 quality of Service to subscribers of a Third Party Vendor providing a portion of Service,

the Company may, upon written notice, require the use of protective equipment by the Customer at the Customer's expense. If this fails to produce satisfactory quality and safety, the Company may terminate the Customer's Service without liability.

2.5.22 The Customer is responsible for reimbursing the Company for charges incurred for special construction and/or special facilities that were ordered by the Company on the Customer's behalf at the Customer's request.

2.5.23 Customer agrees to defend the Company against the claims as set forth in Section 2.5 of this Tariff and to pay all reasonable litigation costs, attorneys' fees, court costs, settlement payments, and any damages awarded or resulting from any such claims.

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2.5 Obligations of the Customer (continued)

- 2.5.24 The Customer agrees to operate any Company-Provided equipment in accordance with instructions of the Company or the Company's agent or designee. Failure to do so shall void any Company liability for interruption of Service and may make Customer responsible for damage to equipment.
- 2.5.25 Facilities utilized by the Company or a Third Party Vendor to provide Service under the provisions of this Tariff remain the property of the Company or Third Party Vendor. Customer agrees to return to the Company or authorized Third Party Vendor all Company-Provided equipment within five (5) days of termination of the Service in connection with which the equipment was used. Said equipment shall be in the same condition as when delivered to Customer, normal wear and tear excepted. Customer shall reimburse the Company, upon demand, for any costs incurred by the Company (e.g., the cost of the equipment) due to Customer's failure to comply with this provision.
- 2.5.26 The Customer shall be solely responsible, at its own expense, for the overall design of Service and for any redesigning or rearrangement of Service which may be required because of changes in facilities, operations or procedures of the Company, minimum protection criteria or operating or maintenance characteristics of the facilities.

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2.6 Obligations of a Reseller

- 2.6.1 The terms and conditions of this Tariff, including but not limited to the obligations contained in Section 2.5 and in Sections 2.6.2 through 2.6.6 hereof, apply to Customers that are Resellers. Failure to comply with any term, rule, or regulation of this Tariff may result in the Company terminating Service(s) without incurring any liability. Notification of termination of Service(s) may be in writing or in another expeditious manner selected by the Company.
- 2.6.2 In the event of non-payment by a Reseller's subscriber, the Company may be requested by the Reseller to block such subscriber's service because of non-payment of charges. Before the Company blocks Service to a Reseller's subscriber, the Reseller must certify that proper notice has been given to the subscriber. Proper notice must meet Commission rules for Blocking Service due to non-payment. The Reseller is responsible for all costs incurred to disconnect or block the location from Service(s).
- 2.6.3 Resellers will be responsible for paying all taxes and fees based upon the taxing jurisdiction's rules and regulations.
- 2.6.4 In addition to the other provisions in this Tariff, Resellers will be responsible for all interaction and interface with their own subscribers or customers. The provision of Service will not create a partnership or joint venture between the Company and the Reseller nor result in a joint offering to third parties.

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2.6 Obligations of a Reseller (continued)

2.6.5 If the Customer resells Services, the Reseller is responsible for providing all billing, collection, and customer service functions for all of its locations, including resolving any unauthorized presubscription disputes.

2.6.6 In addition to the other provisions in this Tariff, Resellers must have the appropriate authority in all areas where the Reseller provides service and provide such documentation to the Company when requested.

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2.7 Obtaining Services

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2.7.1 General

Service Commission

To obtain Service, the Company requires the Customer to provide the Company with whatever authorization the Company deems appropriate. Upon the Company's acceptance of this authorization, all applicable provisions in the Company's Tariff, as amended from time-to-time, become the agreement for Service between the Company and the Customer. The Company reserves the right, at any time, to require any Customer to present proof of identification to the Company as the Company may then deem acceptable. Acceptance or use of Service offered by the Company shall be deemed an application for such Service and an agreement by the Customer to subscribe to, use, and pay for such Service in accordance with this Tariff. The Applicant must also establish credit satisfactory to the Company as provided in Section 2.7.3 of this Tariff. N
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SECTION 2 - RULES AND REGULATIONS

Service Commission

2.7 Obtaining Services

2.7.1 General

To obtain Service, the Company requires the Customer to provide the Company with whatever authorization the Company deems appropriate. Upon the Company's acceptance of this authorization, all applicable provisions in the Company's Tariff, as amended from time-to-time, become the agreement for Service between the Company and the Customer. Acceptance or use of Service offered by the Company shall be deemed an application for such Service and an agreement by the Customer to subscribe to, use, and pay for such Service in accordance with this Tariff. The Applicant must also establish credit satisfactory to the Company as provided in Section 2.7.3 of this Tariff.

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SECTION 2 - RULES AND REGULATIONS

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2.7 Obtaining Services (continued)

2.7.2 Application for Service

- (A) Any Applicant for Service may be required to sign a subscription letter requesting the Company to furnish Service in accordance with rates, charges, and regulations as specified in this Tariff. The Customer must provide the following information when the Customer places an order for Service(s) so that the Company can design, install, maintain, and bill the Service ordered:
- .1 Customer's name and address for billing purposes;
 - .2 contact name and telephone;
 - .3 contact name, telephone number, and address at each of the premises where Service is to be installed;
 - .4 type of Service;
 - .5 requested service date;
 - .6 length of term;
 - .7 the category of and interface and signaling if required;
 - .8 other information necessary for the Company to provide the Service to the Customer; and
 - .9 a point of contact for inquiries, trouble reports, and security management involving the service configurations.

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SECTION 2 - RULES AND REGULATIONS

REC'D MAR 28 2002

2.7 Obtaining Services (continued)

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2.7.2 Application for Service (continued)

- (B) The Customer may be required to execute written Service Orders or other documents relating to the Service, but Customer shall be obligated under the terms of this Tariff even if such Service Orders or other documentation have not been executed.
- (C) In the event any provisions set forth in Service Orders conflict with the provisions set forth in this Tariff, the provisions set forth in this Tariff shall prevail.

2.7.3 Establishment of Credit; Indebtedness; Toll Restriction

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(A) Applicant

The Company reserves the right to require all Applicants to establish credit worthiness to the reasonable satisfaction of the Company. Upon receipt of the signed subscription letter or other authorization the Company deems appropriate, the Applicant will be deemed to have authorized the Company to obtain such routine credit information and verification as the Company requires.

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SECTION 2 - RULES AND REGULATIONS

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2.7 Obtaining Services (continued)

2.7.2 Application for Service (continued)

- (B) The Customer may be required to execute written Service Orders or other documents relating to the Service, but Customer shall be obligated under the terms of this Tariff even if such Service Orders or other documentation have not been executed.
- (C) In the event any provisions set forth in Service Orders conflict with the provisions set forth in this Tariff, the provisions set forth in this Tariff shall prevail.

2.7.3 Establishment of Credit

(A) Applicant

The Company reserves the right to require all Applicants to establish credit worthiness to the reasonable satisfaction of the Company. Upon receipt of the signed subscription letter or other authorization the Company deems appropriate, the Applicant will be deemed to have authorized the Company to obtain such routine credit information and verification as the Company requires.

(B) Customer

If the conditions of Service or the basis on which credit was originally established have materially changed, an existing Customer may be required to establish additional credit. The Company reserves the right to examine the credit record and check the references of any Customer at any time.

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2.7 Obtaining Services (continued)

REC'D MAR 28 2002

2.7.3 Establishment of Credit; Indebtedness; Toll Restriction (continued) M/T
Service Commission

(B) Customer M

If the conditions of Service or the basis on which credit was originally established have materially changed, an existing Customer may be required to establish additional credit. The Company reserves the right to examine the credit record and check the references of any Customer at any time. The Company may establish credit limits for new and existing Customers. Where a credit limit is established for a Customer, the Customer will be notified of the Customer's initial credit limit amount and any subsequent credit limit changes. The Company reserves the right to deny furnishing its calling cards to any Customer or Applicant the Company deems high-risk. Where a Customer becomes delinquent in payments, a new credit limit may be established that is lower than the Customer's initial credit limit. In the event a Customer's established credit limit is exceeded, or in the event a Customer becomes delinquent in the Customer's payments, the Company may implement its toll blocking process. Pursuant to that process, the Company may place a restriction on or discontinue Customer's use of intrastate long distance services, including calling card use, 1+, 0+, and all 900/976/700/500 calls until the Customer makes payment arrangements satisfactory to the Company. Access to local calling, operator assisted calls, emergency services (9-1-1), calls placed via a toll free number (800, 877, 888 or other area code assignments as appropriate) will not be affected. In the event that toll access is restricted or blocked pursuant to the foregoing, Customers attempting to access restricted services will be automatically routed to either a recorded announcement or a service representative for information regarding restoration of service. The Company reserves the right, at any time, to require any Customer to present proof of identification to the Company as the Company may then deem acceptable.

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SECTION 2 - RULES AND REGULATIONS

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2.7 Obtaining Services (continued)

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2.7.3 Establishment of Credit; Indebtedness; Toll Restriction (continued)

(C) Indebtedness; Concurrent Indebtedness; Prior Indebtedness

The Company reserves the right to refuse Service to any Applicant who is indebted to the Company for Service(s) previously furnished until satisfactory payment arrangements have been made for all such indebtedness. The Company further reserves the right to refuse Service to any Applicant who is currently indebted to the Company for Service(s) on another Company account, until satisfactory payment arrangements have been made for all such indebtedness. Where a Customer subscribes to more than one active telephone account, and the Company suspends or terminates Service to one or more of the Customer's accounts for nonpayment, the Company may, at its option, initiate action for collection, including the action to suspend or terminate some or all of the other active Customer accounts, with notice as prescribed under Section 2.20 of this Tariff. The Company may also refuse Service to any Applicant attempting to establish Service for a former Customer who is indebted for previous Service(s), regardless of whether or not the previous Customer was furnished Service at the same location, until satisfactory payment arrangements have been made for payment of all such prior indebtedness. If Service is established and it is subsequently determined that any of the foregoing conditions of indebtedness exists, the Company may suspend or terminate such Service until satisfactory arrangements have been made for the payment of the prior indebtedness.

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2.7 Obtaining Services (continued)

2.7.3 Establishment of Credit; Indebtedness; Toll Restriction (continued)

(C) Indebtedness; Concurrent Indebtedness; Prior Indebtedness

The Company reserves the right to discontinue granting any further credit to Customer in the event of Customer's repeated delinquency in payment for Services, fraudulent use, suspension or disconnection of Service, the Customer files for protection under the United States Bankruptcy Code, or any other material breach, where not prohibited by federal law, rule or regulation. In such event, the Company may, at its sole discretion, require the Customer to prepay for all future Services as thereafter directed by the Company.

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