

Cbeyond Communications, LLC

Missouri Public
Service Commission

REC'D OCT 19 2000

Missouri PSC Tariff No. 1
Interexchange Services
Original Title Sheet

Cbeyond Communications, LLC

**320 Interstate North Parkway
Suite 300
Atlanta, Georgia 30339**

RATES, RULES AND ADMINISTRATIVE REGULATIONS FOR FURNISHING RESOLD INTEREXCHANGE TELECOMMUNICATIONS SERVICES THROUGHOUT THE STATE OF MISSOURI

This tariff contains the description, regulations and rates for the furnishing of resold interexchange telecommunications services provided by Cbeyond Communications, LLC throughout the State of Missouri. The Company's principal offices are located at: 320 Interstate North Parkway, Suite 300, Atlanta, Georgia 30339. This tariff applies for service 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 in Atlanta, Georgia.

Missouri Public
Service Commission
FILED DEC 25 2000

Issued: October 27, 2000

Effective: December 11, 2000

**By: Julia O. Strow
Vice President – Regulatory and Industry Relations
320 Interstate North Parkway
Suite 300
Atlanta, Georgia 30339**

CANCELLED DC01/CONNT/126078.1

November 14, 2014
Missouri Public
Service Commission
CN-2015-0098; JC-2015-0152

REC'D OCT 19 2000

COMPETITIVE TELECOMMUNICATIONS COMPANY WAIVERS

Cbeyond is classified as a competitive telecommunications company in Missouri for which the following statutory and regulatory requirements are waived for purposes of offering telecommunications services as set forth herein:

Statutes:	Section 392.210.2	--	Uniform System of Accounts
	Section 392.270	--	Valuation of Property (Ratemaking)
	Section 392.280	--	Depreciation Accounts
	Section 392.290	--	Issuance of Stocks and Bonds
	Section 392.300.2	--	Acquisition of Stock
	Section 392.310	--	Stock and Debt Issuance
	Section 392.320	--	Stock Dividend Payment
	Section 392.330	--	Issuance of Securities, Debts and Notes
	Section 392.340	--	Reorganization(s)
Commission Rules:	4 CSR 240-10.020	--	Income on Depreciation Fund Investments
	4CSR 240-30.010(2)(C)	--	Posting of Exchange Rates at Central Operating Offices
	4 CSR 240-30.040	--	Uniform System of Accounts
	4 CSR 240-33.030	--	Informing Customers of Lowest Priced Services
	4 CSR 240-35	--	Bypass

Missouri Public
Service Commission
01-259
FILED DEC 11 2000

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REC'D OCT 19 2000

TABLE OF CONTENTS

	<u>PAGE</u>
TITLE SHEET	Title
COMPETITIVE TELECOMMUNICATIONS COMPANY WAIVERS	1
TABLE OF CONTENTS	2
TARIFF FORMAT	5
SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS	6
1.1. Definitions	7
1.2. Abbreviations	8
SECTION 2 - RULES AND REGULATIONS	9
2.1. Application of Tariff	9
2.2. Undertaking of the Company	10
2.3. Limitations of Service	11
2.4. Limitations of Liability	12
2.5. Responsibilities of the Customer	14
2.6. Allowances for Interruptions in Service	16
2.7. Installation of Service	18
2.8. Termination of Service	19
2.9. Payment of Charges	21
2.10. Deposits	21
2.11. Advance Payments	22
2.12. Contested Charges	22
2.13. Taxes	23

Missouri Public Service Commission
01-259
FILED DEC 11 2000

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REC'D OCT 19 2000

SECTION 3 – EXPLANATION OF RATES	24
3.1. Timing of Calls	24
3.2. Start of Billing	25
3.3. Calculation of Distance	25
3.4. Minimum Call Completion Rate	26
3.5. Service Offerings	27
3.6. Miscellaneous Services	30
3.7. Promotional Service Offering Charges	30
 SECTION 4 – RATES AND CHARGES	 31
4.1. Services	31
4.2. Miscellaneous Services	32

**Missouri Public
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Missouri Public
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Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 4

SYMBOLS

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

- (C) Changed administrative regulation
- (D) Discontinued rate, administrative regulation or test
- (I) Change Resulting in an Increase to a Customer's Bill
- (N) New rate and/or new test
- (R) Change Resulting in a Reduction to a Customer's Bill
- (T) Change in Text

Missouri Public
Service Commission
01 - 259
FILED DEC 11 2000

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Effective: December 11, 2000

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REC'D OCT 19 2000

Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 5

TARIFF FORMAT

- A. **Sheet Numbering** - Page numbers appear in the upper right corner of the sheet. Pages are numbered sequentially. However, new pages are occasionally added to the tariff. When a new page is added between existing pages with whole numbers, a decimal is added. For example, a new page added between pages 34 and 35 would be page 34.1.
- B. **Sheet Revision Numbering** - Revision numbers also appear in the upper right corner of the page. These numbers are used to determine the most current page version on file with the Commission. For example, 4th Revised Page 34 cancels the 3rd Revised Page 34. The most current sheet number, approved by the Commission, is the tariff sheet in effect.
- C. **Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

- 2.
- 2.1.
- 2.1.1.
- 2.1.1.A.
- 2.1.1.A.1.
- 2.1.1.A.1.(a).
- 2.1.1.A.1.(a).I.
- 2.1.1.A.1.(a).I.(i).
- 2.1.1.A.1.(a).I.(i).(1).

Missouri Public Service Commission
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REC'D OCT 19 2000

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

1.1. Definitions

Busy Hour - The two consecutive half hours during which the greatest volume of traffic is handled.

BLV - Busy line verification.

Call - A completed connection between the calling and called parties.

Calling Station - The telephone number from which a Call originates.

Called Station - The telephone number called.

Carrier - An entity other than the Company that provides telecommunications services.

Commission - The Missouri Public Service Commission.

Company - Cbeyond Communications, LLC, unless specifically stated otherwise.

Customer - End user. A person, firm, corporation, partnership or other entity, including affiliates or divisions of the Customer, in whose name the telephone number of the Calling Station is registered with the underlying local exchange company. The Customer is responsible for payment of charges to the Company and compliance with all terms and conditions of this tariff.

Day - The period of time from 8:00 a.m. to (but not including) 5:00 p.m., Monday through Friday, as measured by local time at the location from which the Call is originated.

Disconnect - To render inoperable or to disable circuitry thus preventing outgoing and incoming toll communications service.

Evening - The period of time from 5:00 p.m. to (but not including) 11:00 p.m., Sunday through Friday and any time during a Holiday, as measured by local time at the location from which the Call is originated.

Incomplete - Any Call where voice transmission between the Calling and Called station is not established.

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REC'D OCT 19 2000

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

1.1. Definitions (Cont'd)

Holiday - For the purposes of this tariff recognized holidays are New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Message - A completed telephone Call by a Customer or User.

Night - The hours of 11:00 p.m. to 8:00 a.m., Sunday through Saturday, as measured by local time at the location from which the Call is originated.

Normal Business Hours - The hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Premises - The space occupied by an individual Customer in a building, in adjoining buildings occupied entirely by that Customer, or on contiguous property occupied by the Customer separated only by a public thoroughfare, a railroad right of way, or a natural barrier.

Rate - Money, charge, fee or other recurring assessment billed to Customers for services or equipment.

State - Missouri.

Terminal Equipment - Telephone instruments, including pay telephone equipment, the common equipment of large and small key and PBX systems and other devices and apparatus, and associated wiring, which are intended to be connected electrically, acoustically, or inductively to the telecommunication system.

User or end User - Customer or any authorized person or entity that utilizes the Company's services.

Weekend - The hours of 8:00 a.m. to 11:00 p.m. on Saturday, and 8:00 a.m. to 5:00 p.m. on Sunday, as measured by local time at the location from which the Call is originated.

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Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 8

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

1.2. Abbreviations

PBX - Private Branch Exchange

PICC - Presubscribed Interexchange Carrier Charge

POP - Point of Presence

V&H - Vertical and Horizontal Coordinates

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01 - 259
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Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 9

SECTION 2 -RULES AND REGULATIONS

2.1. Application of Tariff

The Company provides resold interexchange telecommunications services to Customers throughout the State of Missouri for the direct transmission of voice, data and other types of telecommunications. The Company provides service to multi-line business Customers only.

Missouri Public
Service Commission
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REC'D OCT 19 2000

Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 10

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.2. Undertaking of the Company

- 2.2.1. The Company installs, operates and maintains the telecommunications services provided herein in accordance with the terms and conditions set forth in this tariff. When authorized by the Customer, the Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities to allow connection of a Customer's location to the Company's network. The Customer shall be responsible for all charges due for such service arrangements.
- 2.2.2. Applications for initial or additional service made verbally or in writing become a contract upon the establishment of the service or facility by the Company.
- 2.2.3. The Company's services are provided on a monthly basis, unless otherwise stated in this tariff. Services are available twenty-four (24) hours per day, seven (7) days per week.
- 2.2.4. The Company's customer service representatives for billing and service inquiries may be reached, toll-free, at 1-800-993-7382. Customers wishing to communicate with the Company in writing may send e-mail to client.service@cbeyond.net or correspondence to: 320 Interstate North Parkway, Suite 300, Atlanta, Georgia 30339.

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Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 11

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.3. Limitations of Service

- 2.3.1. Service is offered subject to the availability of facilities and provisions of this tariff.
- 2.3.2. Service is furnished to the User for any lawful purpose. Service shall not be used for any unlawful purpose, nor used in such a manner as to interfere unreasonably with the use of service by any other Users.
- 2.3.3. The use of the Company's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.3.4. The Company's services may be denied for nonpayment of charges or for other violations of the terms and conditions set forth in this tariff.
- 2.3.5. The use of the Company's services to make Calls which might reasonably be expected to frighten, abuse, torment, or harass another is prohibited.
- 2.3.6. Service temporarily may be refused or limited because of system capacity limitations.
- 2.3.7. Service is subject to transmission limitations caused by natural (including atmospheric, geographic or topographic) or artificial conditions adversely affecting transmission.
- 2.3.8. Service to any or all Customers may be temporarily interrupted or curtailed due to equipment modifications, upgrades, relocations, repairs and similar activities necessary for proper or improved operations.
- 2.3.9. The Company reserves the right to discontinue furnishing service where the Customer is using the service in violation of the law or the provisions of this tariff.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4. Limitations of Liability

- 2.4.1. Because the Company has no control of communications content transmitted over its system, and because of the possibility of errors incident to the provision and use of its service, service furnished by the Company is subject to the terms, conditions and limitations herein specified.
- 2.4.2. The Company is not liable to Users for interruptions in service except as set forth in Section 2.6 of this tariff.
- 2.4.3. The liability of the Company for errors in billing that result in overpayment by the Customer shall be limited, unless otherwise ordered by the Commission, to a credit equal to the dollar amount erroneously billed or, in the event that payment has been made and service has been discontinued, to a refund of the amount erroneously billed.
- 2.4.4. Except in instances of gross negligence or willful misconduct, the Company shall not be liable for and the User shall indemnify and hold the Company harmless against any claims for loss or damages involving:
 - 2.4.4.A. Any act or omission of: (i) the User; or (ii) any other entity furnishing service, equipment or facilities for use in conjunction with services or facilities provided by the Company;
 - 2.4.4.B. Interruptions or delays in transmission, or errors or defects in transmission, or failure to transmit when caused by or as a result of acts of God, fire, war, riots, government authorities or causes beyond the Company's control;
 - 2.4.4.C. Any unlawful or unauthorized use of the Company's facilities and services;
 - 2.4.4.D. Libel, slander or infringement of copyright arising directly or indirectly from content transmitted over facilities provided by the Company;
 - 2.4.4.E. Infringement of patents arising from combining apparatus and systems of the User with facilities provided by the Company;
 - 2.4.4.F. Claims arising out of any act or omission of the User in connection with service provided by the Company.

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Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 13

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4. Limitations of Liability (Cont'd)

2.4.4. (Cont'd)

- 2.4.4.G. Breach in the privacy or security of communications transmitted over the Company's facilities;
- 2.4.4.H. Changes in any of the facilities, operations or procedures of the Company that: (1) render any equipment, facilities or services provided or utilized by the User obsolete; (2) require modification or alteration of such equipment, facilities or services; or (3) otherwise affect use or performance of such equipment, facilities or services except where reasonable notice is required by the Company and is not provided to the Customer.
- 2.4.4.I. Defacement of or damage to the Customer's Premises or personal property resulting from the furnishing of services or equipment on such Premises or the installation or removal thereof.
- 2.4.4.J. Any noncompleted Calls due to network busy conditions; and
- 2.4.4.K. Any Calls not actually attempted to be completed during any period that service is unavailable.
- 2.4.5. The User shall reimburse the Company for all costs, expenses and fees (including reasonable attorneys' fees and costs) incurred by the Company in its defense against claims set forth in Section 2.4.4.
- 2.4.6. The Company assumes no responsibility for the availability or performance of any facilities under the control of other entities that are used to provide service to the User, even if the Company has acted as the User's agent in arranging for such facilities or services.
- 2.4.7. Any claim against the Company shall be deemed waived unless presented in writing to the Company within thirty (30) days after the date of the occurrence that gave rise to the claim.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4. Limitations of Liability (Cont'd)

- 2.4.8. The Company makes no express representations or warranties regarding the service and disclaims any implied warranties, including, but not limited to, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The Company does not authorize anyone to make a warranty of any kind on its behalf and the User should not rely on any such statement.
- 2.4.9. Except in instances of gross negligence or willful misconduct, any liability of the Company for loss or damages arising out of mistakes, omissions, interruptions, delays, errors or defects in the service, the transmission of the service, or failures or defects in facilities furnished by the Company, occurring in the course of furnishing service shall in no event exceed an amount equivalent to the proportionate fixed monthly charge to the Customer for service, during the period of time in which such mistakes, omissions, interruptions, delays, errors or defects in the service, its transmission or failure or defect in facilities furnished by the Company occurred, unless the Commission orders otherwise.

2.5. Responsibilities of the Customer

- 2.5.1. The Customer is responsible for placing any necessary orders, complying with tariff regulations and assuring that Users comply with tariff regulations. The Customer shall ensure compliance with any applicable laws, regulations, orders or other requirements of any governmental entity relating to services provided by the Company to the Customer or made available by the Customer to another User. The Customer also is responsible for the payment of charges for all Calls originated at the Customer's numbers which are not collect, third party, calling card, or credit card calls.
- 2.5.2. The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by the Company on the Customer's behalf.
- 2.5.3. If required for the provisioning of the Company's services, the Customer must provide the Company, free of charge, with any necessary equipment space, supporting structure, conduit and electrical power.

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REC'D OCT 19 2000

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.5. Responsibilities of the Customer (Cont'd)

- 2.5.4. The Customer is responsible for arranging access to its Premises at times mutually agreeable to the Company and the Customer when required for Company personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of the Company's services.
- 2.5.5. The Customer must pay the Company for replacement or repair of damage to the Company's equipment or facilities caused by negligent or improper use on the part of the Customer, Users, or others.
- 2.5.6. The Customer must indemnify the Company for the theft of any Company equipment or facilities installed at the Customer's Premises.
- 2.5.7. The Customer agrees, except where the events, incidents or eventualities set forth in this sentence are the result of the Company's gross negligence or willful misconduct, to release, indemnify and hold harmless the Company against any and all loss, claims, demands, suits or other action or any liability whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or person, for any personal injury to or death of any person or persons, or for any loss of or damage to any property, whether owned by the Customer or others. The Customer shall reimburse the Company for all costs, expenses and fees (including reasonable attorneys' fees and costs) incurred by the Company in its defense against such actions.

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FILED DEC 11 2000

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REC'D OCT 19 2000

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.6. Allowances for Interruptions in Service

2.6.1. General

- 2.6.1.A. A service is interrupted when it becomes unusable to the User, *e.g.*, the User is unable to transmit or receive communications due to the failure of a component furnished by the Company under this tariff.
- 2.6.1.B. An interruption period begins when the User reports a service, facility or circuit to be inoperative and releases it for testing and repair. An interruption period ends when the service, facility or circuit is operative.
- 2.6.1.C. If the User reports a service, facility or circuit to be inoperative but declines to release it for testing and repair, the service, facility or circuit is considered to be impaired but not interrupted. No credit allowances will be made for a service facility or circuit considered by the Company to be impaired.
- 2.6.1.D. The Company will make every reasonable effort to prevent interruptions of service and shall work to clear 90% of all out-of-service troubles not requiring unusual repair within twenty-four (24) hours of the time the report is received by the Company, unless the Customer specifically requests a later date.

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0 1 - 2 5 9
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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.6. Allowances for Interruptions in Service (Cont'd)

2.6.2. Application of Credits for Interrupted Services

- 2.6.2.A. At the Customer's request, when a Customer's access line is reported to be out of order and remains out of order for more than twenty-four (24) hours, the Company shall refund to the Customer the pro-rata portion of the month's charge for the period of days during which service to the Customer was out of order.
- 2.6.2.B. Any such interruption will be measured from the time it is reported to or detected by the Company, whichever occurs first.
- 2.6.2.C. In the event the User is affected by such interruption for a period of less than twenty-four (24) hours, no adjustment will be made. No adjustments will be earned by accumulating non-continuous periods of interruption.
- 2.6.2.D. When an interruption exceeds twenty-four (24) hours, the length of the interruption will be measured in twenty-four (24) hour days. A fraction of a day consisting of less than twelve (12) hours will not be credited and a period of twelve (12) hours or more will be considered an additional day.

2.6.3. Limitations on Allowances

- 2.6.3.A. No credit allowance will be made for any interruption of service:
 - 2.6.3.A.1. due to the negligence of, or noncompliance with the provisions of this tariff by, any person or entity other than the Company, including but not limited to the Customer or other entities or carriers connected to the service of the Company;
 - 2.6.3.A.2. due to the failure of power, equipment, systems or services not provided by the Company;
 - 2.6.3.A.3. due to circumstances or causes beyond the control of the Company;

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Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 18

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.6. Allowances for Interruptions in Service (Cont'd)

2.6.3. Limitations on Allowances (Cont'd)

- 2.6.3.A.4. during any period in which the Company is not given full and free access to the Customer's or Company's facilities and equipment for the purpose of investigating and correcting the interruption;
- 2.6.3.A.5. during any period in which the User continues to use the service on an impaired basis;
- 2.6.3.A.6. during any period in which the Customer has released service to the Company for maintenance purposes or for implementation of a Customer order for a change in service arrangements;
- 2.6.3.A.7. that occurs or continues due to the Customer's failure to authorize replacement of any element of special construction; and
- 2.6.3.A.8. that was not reported to the Company within thirty (30) days of the date that service was affected.

2.7. Installation of Service

The Company will make every effort to fill ninety percent (90%) of all applications for standard business service within five (5) business days of receipt, unless the Customer applicant specifically requests a later date. The Company will make every effort to fill ninety-five percent (95%) of all applications for standard regrade service within thirty (30) business days of receipt, unless the Customer applicant specifically requests a later date.

All installation is subject to the availability of services and facilities purchased from other Carriers for the provision of service to a Customer, as well as to the full compliance by the Customer with all pertinent tariff requirements.

Applications for special service will be filled as expeditiously as equipment and facilities permit.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.8. Termination of Service

- 2.8.1. A Customer may terminate service, with or without cause, by giving the Company notice.
- 2.8.2. The Company may terminate service, during normal business hours, for any of the following reasons, by giving the Customer at least five (5) days' written notice of discontinuance via first class mail:
 - 2.8.2.A. For nonpayment of an undisputed delinquent charge;
 - 2.8.2.B. For unauthorized use of Company equipment in a manner that creates an unsafe condition or creates the possibility of damage or destruction to such equipment;
 - 2.8.2.C. For the Customer's failure to comply with the terms of a settlement agreement;
 - 2.8.2.D. For the Customer's refusal, after reasonable notice, to permit inspection, maintenance, or replacement of Company equipment;
 - 2.8.2.E. For the Customer's material misrepresentation of identity in obtaining the Company's service;
 - 2.8.2.F. As provided by state or federal law.
- 2.8.3. At least twenty-four (24) hours before the proposed discontinuance, the Company will make reasonable efforts to contact the Customer to advise them of the proposed discontinuance and the steps that must be take to avoid it.
- 2.8.4. The Company may terminate service at any time, for any of the following reasons, after written notice has been sent to the Customer at their last known address, via certified mail:
 - 2.8.4.A. In the event that the Customer incurs charges not covered by a deposit or guarantee and evidences an intent not to pay such charges when due; or
 - 2.8.4.B. In the event that the Customer damages or evidences an intent not to pay such charges when due.

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Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 20

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.8. Termination of Service (Cont'd)

2.8.5. The Company may terminate service *without notice* for any of the following reasons:

2.8.5.A. In the event of a condition determined to be hazardous to the Customer, to other Customers of the Company, to the Company's equipment, to the public, or to employees of the utility;

2.8.5.B. In the event of the Customer's illegal use of equipment or service provided by the Company, or theft of Company equipment.

2.8.6. The Customer is responsible for all charges incurred to the Access Number regardless of which party terminates the service. The Customer shall reimburse the Company for all costs, expenses and fees (including reasonable attorneys' fees and costs) incurred by the Company in collecting such charges.

Missouri Public
Service Commission
01 - 259
FILED DEC 11 2000

Issued: October 27, 2000

Effective: December 11, 2000

By: **Julia O. Strow**
Vice President - Regulatory and Industry Relations
320 Interstate North Parkway
Suite 300
Atlanta, Georgia 30339

REC'D OCT 19 2000

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.9. Payment of Charges

- 2.9.1. The Customer is responsible for payment of all charges for service furnished to the User.
- 2.9.2. The Company reserves the right to assess late payment charges for Customers whose account(s) carries principal owing from the prior billing period. Any charges not paid in full by the due date indicated on the billing statement may be subject to a late fee of 1.5% per month. This fee will cover no more than the Company's costs of handling the delinquent account.
- 2.9.3. Recurring monthly charges may be invoiced one month in advance. Invoicing cycles are approximately 30 days in length.
- 2.9.4. Customers must notify the Company in writing of any disputed charges within thirty (30) days of the billing date, otherwise all charges on the invoice will be deemed accepted. All charges remain due and payable at the due date, although a Customer is not required to pay disputed charges while the Company conducts its investigation into the matter.
- 2.9.5. Customers will have at least twenty-one (21) days from the rendition of a bill to pay the charges stated therein. Under no circumstances will a Customer's service be terminated before twenty-one (21) days after the mailing date of the original unpaid bill.

2.10. Deposits

To safeguard its interests, the Company may require a customer, whose financial responsibility is not established to the satisfaction of the Company, or who is a bad credit risk or non credit rated, to make a deposit to be held as a guarantee for payment of charges. A deposit does not relieve the Customer of the responsibility for prompt payment of bills on presentation. The deposit will not exceed an amount equal to:

- A. two month's charges for service or facility which has a minimum payment period of one month; or
- B. the charges that would apply for the minimum payment period for a service or facility which has a minimum payment period of more than one month; except that the deposit may include an additional amount in the event that a termination charge is applicable.

Missouri Public
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01-259
FILED DEC 11 2000

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REC'D OCT 19 2000

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.10. Deposits (Cont'd)

When a service or facility is discontinued, the amount of a deposit, if any, will be applied to the Customer's account and any credit balance remaining will be refunded. Before the service or facility is discontinued, the Company may, at its option, return the deposit and credit it to the Customer's account.

Deposits will accrue an interest at the rate of nine percent (9 %) annually. The Company is not required to pay interest on a deposit held less than 180 days and shall not be required to pay interest on a deposit after termination or discontinuance of service, if the Company has made reasonable effort to refund the deposit.

2.11. Advance Payments

The Company will not require advance payments from Customers.

2.12. Contested Charges

All bills are presumed accurate, and shall be binding on the Customer unless objection is received by the Company no more than thirty (30) days after such bills are rendered. In the event that a billing dispute between the Customer and the Company for service furnished to the Customer cannot be settled with mutual satisfaction, the Customer may contact the Company in writing, and take the following course of action:

- 2.12.1. First, the Customer may request, and the Company will provide, an in-depth review of the disputed amount. (The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnection.)
- 2.12.2. Second, if there is still a disagreement about the disputed amount after investigation and review by the Company, the Customer may file an appropriate complaint with the Missouri Public Service Commission. The address and telephone number of the Commission is:

Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
Telephone: (800) 392-4211

Missouri Public
Service Commission
01 - 259
FILED DEC 11 2000

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Vice President - Regulatory and Industry Relations
320 Interstate North Parkway
Suite 300
Atlanta, Georgia 30339

SECTION 2. RULES AND REGULATIONS (Cont'd)

2.12. Contested Charges (Cont'd)

- 2.12.1. First, the Customer may request, and the Company will provide, an in-depth review of the disputed amount. (The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnection.)
- 2.12.2. Second, if there is still a disagreement about the disputed amount after investigation and review by the Company, the Customer may file an appropriate complaint with the Missouri Public Service Commission. The address of the Commission is:

Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102
Telephone: (800) 392-4211

2.13. Taxes

The Customer is responsible for the payment of any sales, use, gross receipts, excise or other local, state and federal taxes, charges or surcharges, including 911 surcharges and federal end user and Missouri Relay charges, and excluding taxes on the Company's net income imposed on or based on the provision, sale or use of network services. The Company will itemize taxes and surcharges as separate line items on the Customer's bill, and will not include such items in the quoted rates for service.

2.14 Missouri Universal Service Fund

- A. The Company will place, on each retail end-user customer's bill, a surcharge equal to the Missouri Universal Service Fund percentage assessment ordered by the Missouri Public Service Commission.
- B. The surcharge will appear as a separate line item detailed as "Missouri Universal Service Fund."
- C. The surcharge percentage will be applied to the total of each customer's charges for intrastate regulated telecommunications services that meet the definition of net jurisdictional revenues at 4 CSR 240-31.010(12).

(N)

(N)

Issued: April 1, 2005

Effective: May 1, 2005

By: **Julia O. Strow**
Vice President – Regulatory and Industry Relations
320 Interstate North Parkway
Atlanta, Georgia 30339

FILED
MO PSC

REC'D OCT 19 2000

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.13. Taxes

The Customer is responsible for the payment of any sales, use, gross receipts, excise or other local, state and federal taxes, charges or surcharges, including 911 surcharges and federal end user and Missouri Relay charges, and excluding taxes on the Company's net income imposed on or based on the provision, sale or use of network services. The Company will itemize taxes and surcharges as separate line items on the Customer's bill, and will not include such items in the quoted rates for service. All charges and fees subject to Commission jurisdiction, except taxes and franchise fees, will be submitted to the Commission for prior approval.

CANCELLED

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Missouri Public
Service Commission
01-259
FILED DEC 11 2000

Issued: October 27, 2000

Effective: December 11, 2000

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Vice President - Regulatory and Industry Relations
320 Interstate North Parkway
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REC'D OCT 19 2000

SECTION 3 - DESCRIPTION OF SERVICE

3.1. Timing of Calls

- 3.1.1. The Customer's monthly usage charges for the Company service are based upon the total number of minutes the Customer uses and the service options to which the Customer subscribes. Chargeable time begins at the time the called party answers (*i.e.* when two-way communications is possible), and ends when either party hangs up.
- 3.1.2. No charges apply if a Call is not completed.
- 3.1.3. For billing purposes, all Calls are rounded up to the nearest minute and billed in increments of one minute. The minimum call duration is one (1) minute for a connected Call.
- 3.1.4. Where applicable, charges will be rounded up to the nearest penny.
- 3.1.5. Usage begins when the called party picks up the receiver (*i.e.* when two-way communication is possible). A Call is terminated when the calling or called party hangs up. The Company utilizes software answer supervision, which permits up to 60 seconds of ringing before the Call becomes billed usage. Where answer supervision is not available, any Call for which the duration exceeds 60 seconds shall be presumed to have been answered and becomes billed usage.
- 3.1.6. The Company will not knowingly charge for Incomplete Calls. Upon the Customer's request and proper verification, the Company shall promptly adjust or credit the Customer's account for charges or payments for any unanswered Call inadvertently billed due to the unavailability of Feature Group D or due to another carrier's failure to provide answer supervision. Upon the Customer's request and proper verification, the Company also shall promptly adjust or credit the Customer's account for charges or payments for Calls placed to a wrong number.

**Missouri Public
Service Commission**
01-259
FILED DEC 11 2000

Issued: October 27, 2000

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Suite 300
Atlanta, Georgia 30339**

SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

3.2. Start of Billing

For billing purposes, the start of service is the day following acceptance by the Customer of the Company's service or equipment, or another date mutually agreed-upon by the Customer and the Company. The end of service date is the last day of the minimum notification of cancellation or any portion of the last day after receipt by the Company of notification of cancellation, or another date mutually agreed-upon by the Customer and the Company.

3.3. Calculation of Distance

3.3.1. Where applicable, usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the Call.

3.3.2. Where applicable, the airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers that are produced by Bell Communications Research in their NPA-NXX V&H Coordinates Tape and Bell's NECA Tariff No. 4.

3.3.2.A. The airline distance between any two (2) rate centers is determined as follows:

3.3.2.A.1. Obtain the "V" (vertical) and "H" (horizontal) coordinates for each Rate Center from the above-referenced document.

3.3.2.A.2. Compute the difference between the "V" coordinates of the two (2) rate centers; and the difference between the two (2) "H" coordinates ($X1 - X2 = V$; $Y1 - Y2 = H$).

3.3.2.A.3. Square each difference obtained in step (b) above (V^2 ; H^2).

3.3.2.A.4. Add the square of the "V" difference and the square of the "H" difference obtained in step C above ($V^2 + Y^2 = S$).

3.3.2.A.5. Divide the sum of the squares by 10 ($S/10 = m$).

3.3.2.A.6. Obtain the square root of the whole number result obtained above. Round to the next higher whole number if any fraction is obtained. This is the airline mileage.

By: **Julia O. Strow**
Vice President - Regulatory and Industry Relations
320 Interstate North Parkway
Suite 300
Atlanta, Georgia 30339

Cbeyond Communications, LLC RECD OCT 19 2000

Missouri PSC Tariff No. 1
Interexchange Services
Original Sheet No. 26

SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

3.3. Calculation of Distance (Cont'd)

3.3.2. (Cont'd)

3.3.2.A. (Cont'd)

3.3.2.A.7 FORMULA =

$$\sqrt{\frac{(V_1 - V_2)^2 + (H_1 - H_2)^2}{10}}$$

3.4. Minimum Call Completion Rate

The Customer can expect a Call completion rate of at least ninety-eight percent (98%) of dialed, Calls attempted during peak use periods or the Busy Hour.

Missouri Public
Service Commission
01-259
FILED DEC 11 2000

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Atlanta, Georgia 30339

REC'D OCT 19 2000

SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

3.5. Service Offerings

In addition to its local exchange service offerings, the Company offers intrastate long distance telecommunications services. The Customer's total monthly use of the Company's service is charged at the applicable rates, in addition to any monthly service charges. None of the service offerings are time-of-day sensitive.

3.5.1. Direct Dial 1+ Long Distance Service

Direct Dial 1+ Long Distance Service offers outbound calling to the United States and around the world.

3.5.2. Toll Free Service

Toll Free 800/888/877 service provides inbound calling from the continental United States, Alaska, Hawaii, Puerto Rico and the U.S. Virgin Islands. This service includes basic and enhanced routing features designed to handle business requirements.

3.5.3. Calling Cards

Calling Card Services can be used to make local and long distance telephone calls from any location toll-free numbers can be originated. The service is established via a toll-free access number to place calls anywhere, domestic or international.

Missouri Public
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01-259
FILED DEC 11 2000

Issued: October 27, 2000

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REC'D OCT 19 2000

SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

3.5 Service Offerings (Cont'd)

3.5.4. Directory Assistance

Directory Assistance provides Customers with the ability to use a directory assistance operator to provide listing information. The Company will provide access to Directory Assistance Service through arrangements with the Company's underlying carrier.

3.5.5. Directory Assistance Call Completion ("DACC") Service

DACC service provides the Customer with the ability to use the directory assistance operator to connect the Customer with the party whose listing information the directory assistance operator has provided to the Customer. The DACC charge is in addition to the per Call charges for Directory Assistance set forth above.

3.5.6. Operator Services

Operator Services involve live or automated operator assistance with the placement of Customers' telephone calls and related information. The Company will provide access to Operator Services through arrangements with other telecommunications companies. The Company agrees to comply with the following:

- 3.5.6.A. Company will not bill for incomplete calls where answer supervision is available. Company will not bill for incomplete calls and will remove any charges for incomplete calls upon (i) subscriber notification or (ii) Company's knowledge.
- 3.5.6.B. The caller and billed party, if different from the caller, will be advised that the Company is the operator service provider at the initial contact.
- 3.5.6.C. Rate quotes will be given upon request, at no charge, including all rate components and any additional charges.
- 3.5.6.D. Only tariffed rates approved by this Commission for Company shall appear on any local exchange telephone Company (LEC) billings.
- 3.5.6.E. Company shall be listed on the LEC billing if the LEC has multi-Company billing ability.

Missouri Public
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REC'D OCT 19 2000

SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

3.5 Service Offerings (Cont'd)

3.5.6. Operator Services (Cont'd)

- 3.5.6.F. Company will employ reasonable calling card verification procedures, acceptable to the telephone company issuing the calling card.
- 3.5.6.G. Company will route all 0 – or 00 – emergency calls in the quickest possible manner to the appropriate local emergency service provider, at no charge.
- 3.5.6.H. Upon request, Company will transfer calls to another authorized interexchange Company or to the LEC, if billing can list the caller's actual origination point.
- 3.5.6.I. Company will refuse operator services to traffic aggregators that block access to other Companies.
- 3.5.6.J. Company will assure that traffic aggregators will post and display information including: (1) that Company is the operator service provider; (2) detailed complaint procedures; and (3) instructions informing the caller on procedures to reach the LEC operator and other authorized interexchange Companies.

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Service Commission**

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Vice President – Regulatory and Industry Relations
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Suite 300
Atlanta, Georgia 30339**

REC'D OCT 19 2000

SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

3.6. Miscellaneous Services

3.6.1. Order Change

An Order Change is a change in the Customer's service requested subsequent to installation.

3.6.2. Bad Check Charge

If payment for Service is made by a check, draft, or similar instrument (collectively "Check") that is returned to the Company unpaid by a bank or another financial institution for any reason, the Company may bill the Customer a returned check charge. In addition, the Customer may be required to replace the returned Check with a payment in cash or equivalent to cash, such as cashier's check, certified check or money order.

3.6.3. Reconnect Charge

Reconnection charges occur where service to an existing Customer has been discontinued for proper cause, and the Customer desires to resume service with the Company. If service has been discontinued for proper cause and where a Customer desires reconnection, the Customer will be charged a fee to defray the cost of restoring service to the Customer.

3.6.4. Late Payment Fee

A late payment fee of 1.5% will be applied to service charges not paid by the due date of the bill. The late payment fee will not be applied to previous late payment charges that have been assessed but remain unpaid, but will apply to the accumulated amount for which the Customer is in arrears. This fee will cover no more than the Company's costs of handling the delinquent account.

3.7. Promotional Service Offering Charges

From time to time, the Company may engage in special promotional service offerings, designed to attract new Customers or to promote existing services. Company will provide written notice to the Commission at least seven (7) days prior to the commencement of a promotional program specifying the terms of the promotion, the specific service offered, the location, and the beginning and ending dates of the promotional period.

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REC'D OCT 19 2000

SECTION 4 - RATES AND CHARGES

4.1. Services

4.1.1. 1+ IntraLATA Long Distance Service

Per minute rate: \$0.10

4.1.2. 1+ InterLATA Long Distance Service

Per minute rate: \$0.10

4.1.3. IntraLATA 800/877/888 Toll Free Service

Per minute rate: \$0.10

Payphone surcharge: \$0.50

4.1.4. InterLATA 800/877/888 Toll Free Service

Per minute rate: \$0.10

Payphone surcharge: \$0.50

4.1.5. IntraLATA Calling Card Service

Per minute rate: \$0.10

Card surcharge: \$0.90

Payphone surcharge: \$0.50

4.1.6. InterLATA Calling Card Service

Per minute rate: \$0.10

Card surcharge: \$0.90

Payphone surcharge: \$0.50

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REC'D OCT 19 2000

SECTION 4 – RATES AND CHARGES (Cont'd)

4.1 Services (Cont'd)

4.1.7. Directory Assistance Service

Per Call: \$0.85

4.1.8. Directory Assistance Call Completion Service

Per Call Completion: \$0.85

4.1.9 Operator Services

Station-to-Station Collect, Per Call	\$2.20
Station-to-Station Collect, Per Minute	\$0.25
Person-to-Person Collect, Per Call	\$4.85
Person-to-Person Collect, Per Minute	\$0.25
Calling Card Service, Per Call	\$0.90
Operator-Dialed Surcharge	\$1.00
BLV, Per Call	\$6.45
Emergency Interrupt, Per Call	\$6.45*

*Requires BLV

4.2. Miscellaneous Services

4.2.1. Order Change

Per change: \$50.00

4.2.2. Reconnect Charge

Per reconnection: \$50.00

4.2.3. Bad Check Charge

Per check: \$20.00

Missouri Public Service Commission
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