

**TITLE SHEET**

**COMMERCIAL RESALE TELECOMMUNICATIONS SERVICES**

This tariff applies to the Resold Commercial Telecommunications Services furnished by Comtel Telecom Assets LP d/b/a Excel Telecommunications ("Carrier") between one or more points in the State of Missouri. This tariff is on file with the Missouri Public Service Commission, and copies may be inspected, during normal business hours, at Carrier's place of business, 433 East Las Colinas (T) Boulevard, Suite 1300, Irving, Texas 75039. Comtel Telecom Assets LP d/b/a Excel (T) Telecommunications operates as a competitive telecommunications company in the State of Missouri.

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Senior Director, Regulatory Affairs  
433 East Las Colinas Boulevard, Suite 1300  
Irving, Texas 75039  
(972) 910-1900

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The Company is classified as a competitive telecommunications company in Missouri for which the following statutory and regulatory requirements are waived pursuant to Mo Rev. Stat Section 392.420:

4 CSR 240.10.020	--	Depreciation of fund income.
4 CSR 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	--	Inform Customers of the Lowest Price
4 CSR 240-35	--	Reporting By Pass

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Section 392.240 (1)	--	Rates - Reasonable average return on investment.
Section 392.270	--	Property valuation.
Section 392.280	--	Dpreciation rates.
Section 392.290	--	Issuance of stocks and bonds.
Section 392.310	--	Issuance of stocks.
Section 392.320	--	Stock dividends.
Section 392.330	--	Issuance of securities, debts and rates.
Section 392.340	--	Capitalization Reorganization.
Section 392.300.2	--	Acquisition of Stock
Section 392.320	--	Stock Dividend Payment

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SYMBOLS

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

- D - Delete or Discontinue
- I - Change Resulting In An Increase to A Customer's Bill
- M - Moved From Another Tariff Location
- N - New
- R - Change Resulting In A Reduction to A Customer's Bill
- T - Change In Text or Regulation But No Change In Rate or Charge

TARIFF FORMAT

- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect.

TARIFF FORMAT (Continued)

C. Paragraph Numbering Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

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

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SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a subscriber's location to Carrier's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a subscriber, to enable Carrier to identify the origin of service user so it may rate and bill the call. All authorization codes shall be the sole property of Carrier and no subscriber shall have any property or other right or interest in the use of any particular authorization code. Automatic numbering identification (ANI) may be used as or in connection with the authorization code.

Automatic Numbering Identification (ANI) - A type of signaling provided by a local exchange telephone company which automatically identifies the local exchange line from which a call originates.

Carrier - Refers to Comtel Telecom Assets LP d/b/a Excel Telecommunications.

Common Carrier - A company or entity providing telecommunications services to the public.

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SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS (Continued)

Customer - The party utilizing Carrier's services and responsible for payment of charges.

Commission - Refers to the Missouri Public Service Commission.

Holiday - New Year's Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

Local Access and Transport Area (LATA) - The term "Local Access Transport Area" denotes a geographical area established by the U.S. District Court for the District of Columbia in Civil Action No. 82-0192, within which a local exchange company provides communications services.

Measured Charge - A charge assessed on a per minute basis in calculating a portion of the charges due for a completed interexchange call.

Peak Period - The Peak Calling Period is 8 am- 5 pm, Monday through Friday.

Responsible Organization (Resp. Org.) - The entity that has responsibility for the management of 800 numbers in the Service Management System (SMS/800) including maintaining Customer records in the SMS/800 system. Also, the entity which accesses the SMS/800 to: (a) search for and reserve 800 numbers; (b) create and maintain 800 number Customer records, including call processing records; and (c) provide a single point of contact for trouble reporting. The SMS/800 recognizes one Resp. Org. for each 800 number.

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SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS (Continued)

Subscriber - The person or legal entity which enters into arrangements for Carrier's telecommunications services and is responsible for payment of a Carrier's services.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or other similar communications.

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SECTION 2. RULES AND REGULATIONS2.1 Application of Tariff

2.1.1 This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by Carrier for telecommunications between points within the state. Carrier's services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff.

- A. Carrier may, from time to time, offer various enhanced services and information services within the state. Such services will be provided pursuant to contract and will not be governed by this tariff.
- B. Carrier may also, from time to time, offer switching and/or transmission to other telecommunications carriers for resale to such companies' customers.

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SECTION 2. RULES AND REGULATIONS (Continued)2.1 Application of Tariff (Continued)

- 2.1.2 Carrier's services are not part of a joint undertaking with any other entity providing telecommunications channels, facilities or services, but do involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers.
- 2.1.3 The rates and regulations contained in this tariff apply only to the services furnished by Carrier and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of Carrier.
- 2.1.4 The subscriber is entitled to limit the use of Carrier's services by users at the subscriber's facilities, and may use other common carriers in addition to or in lieu of Carrier.

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SECTION 2. RULES AND REGULATIONS (Continued)2.2 Use of Services

- 2.2.1 Carrier's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.
- 2.2.2 The use of Carrier's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.
- 2.2.3 The use of Carrier's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 Carrier's services are available for use 24 hours per day, seven days per week.

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SECTION 2. RULES AND REGULATIONS (Continued)2.2 Use of Services (Continued)

2.2.5 Carrier does not transmit messages pursuant to this tariff, but its services may be used for that purpose.

2.2.6 Carrier's services may be denied for nonpayment of charges or for other violations of this tariff.

2.3 Liability of Carrier

2.3.1 Carrier shall not be liable for loss or damage sustained by reason of any failure in or breakdown of facilities associated with Carrier's services or for any interruption or delay of services, whatever shall be the cause of such failure, breakdown, or interruption and whether negligent or otherwise and however long it shall last. In no event shall Carrier's liability for any service exceed the charges applicable under this tariff to such service.

2.3.2 Carrier shall be indemnified and saved harmless by any subscriber, user or by any other entity against claims for libel, slander or the infringement of copyright arising from the material transmitted over its services; and against all other claims arising out of any act or omission of a subscriber or of any other entity in connection with the services provided by Carrier.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.3 Liability of Carrier (Continued)

2.3.3 Carrier is not liable for any act or omission of any entity furnishing facilities or services connected with or provided in conjunction with Carrier's services.

2.3.4 Carrier shall not be liable for any personal injury, or death of any person or persons, and for any loss or damage sustained by reason of acts, mistakes, omissions, errors or defects in providing its services, whatever shall be the cause and whether negligent or otherwise.

2.3.5 Carrier shall not be liable for and shall be indemnified and saved harmless by any subscriber, user or other entity from any and all loss, claims, demands, suits, or other action or any liability whatever, whether suffered, made, instituted, or asserted by any subscriber, user or any other entity for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any subscriber, user or any other entity or any other property whether owned or controlled by the subscriber, user or others, caused or claimed to have been caused, directly or indirectly, by any act or omission of the subscriber, user or others or by any installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of facilities or equipment provided by Carrier which is not the direct result of Carrier's negligence. No agents or employees of any other entity shall be deemed to be the agents or employees of Carrier.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.3 Liability of Carrier (Continued)

2.3.6 Carrier shall not be liable for any failure of performance due to causes beyond its control, including, without being limited to, acts of God, fires, floods or other catastrophes, national emergencies, insurrections, riots or wars, strikes, lockouts, work stoppage or other labor difficulties, acts or omissions of other carriers, and any law, order, regulation or other action of any governing authority or agency thereof.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.4 Responsibilities of the Subscriber

- 2.4.1 The subscriber is responsible for placing any necessary orders; for complying with tariff regulations; and for assuring that users comply with tariff regulations. The subscriber shall ensure compliance with any applicable laws, regulations, orders or other requirements (as they exist from time to time) of any governmental entity relating to services provided or made available by the subscriber to users. The subscriber is also responsible for the payment of charges for calls originated at the subscriber's numbers which are not collect, third party, calling card, or credit card calls.
- 2.4.2 The subscriber is responsible for charges incurred for special construction and/or special facilities which the subscriber requests and which are ordered by Carrier on the subscriber's behalf.
- 2.4.3 If required for the provision of Carrier's services, the subscriber must provide any equipment space, supporting structure, conduit and electrical power without charge to Carrier.
- 2.4.4 The subscriber is responsible for arranging access to its premises at times mutually agreeable to Carrier and the subscriber when required for Carrier personnel to install, repair, maintain, program, inspect or remove equipment with the provision of Carrier's services.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.4 Responsibilities of the Subscriber (Continued)

2.4.5 The subscriber shall ensure that the equipment and/or system is properly interfaced with Carrier facilities or services, that the signals emitted into Carrier's network are of the proper mode, bandwidth, power, and signal level for the intended use of the subscriber and in compliance with the criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other subscribers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, Carrier will permit such equipment to be connected with its channels without the use of protective interface devices.

If the subscriber fails to maintain the equipment and/or the system properly, with resulting imminent harm to Carrier equipment, personnel, or the quality of service to other subscribers, Carrier may, upon written notice, require the use of protective equipment at the subscriber's expense. If this fails to produce satisfactory quality and safety, Carrier may, upon written notice, terminate the subscriber's service.

2.4.6 The subscriber must pay Carrier for replacement or repair of damage to the equipment or facilities of Carrier caused by negligence or willful act the subscriber, users, or others, by improper use of the services, or by use of equipment provided by the subscriber, users, or others.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.4 Responsibilities of the Subscriber (Continued)

- 2.4.7 The subscriber must pay for the loss through theft of any Carrier equipment installed at subscriber's premises.
- 2.4.8 The subscriber is responsible for payment of the charges set forth in this tariff.
- 2.4.9 The subscriber is responsible for compliance with the applicable regulations set forth in this tariff.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.5 Cancellation or Interruption of Services

2.5.1 Without incurring liability eMeritus may disconnect services to a Customer or may withhold the provision of ordered or contracted services, subject to the procedures per Commission Rules and with written notice, under any of the following conditions:

- (A) Nonpayment of any sum due eMeritus for more than thirty days after issuance of the bill for the regulated amount due:
- (B) Failure to post the required deposit or guarantee:
- (C) Unauthorized use of telecommunications company equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment:
- (D) Failure to comply with terms of a settlement agreement:
- (E) Refusal after reasonable notice to permit inspection, maintenance or replacement of telecommunications company equipment:
- (F) Material misrepresentation of identity in obtaining telecommunications company service: or
- (G) As provided by State or Federal Law.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.5 Cancellation or Interruption of Services (Continued)

2.5.2 Procedures for discontinuance of existing service:

- A. Carrier may discontinue service without notice for any of the following reasons:
1. If a subscriber or user causes or permits any signals or voltages to be transmitted over Carrier's network in such a manner as to cause a hazard or to interfere with Carrier's service to others.
  2. If a subscriber or user uses Carrier's services in a manner to violate the law.
- B. In all other circumstances, Carrier will provide the subscriber with written notice stating the reason for discontinuance, and will allow the subscriber not less than ten (10) days to remove the cause for discontinuance. In cases of non-payment of charges due, the subscriber will be allowed at least ten (10) days, excluding Sundays and holidays, to make full payment of all undisputed charges, and in no event will service be discontinued on the day preceding any day on which Carrier is not prepared to accept payment of the amount due and to reconnect service.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.5 Cancellation or Interruption of Services (Continued)

- 2.5.3 Without incurring liability, Carrier may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of subscriber and Carrier's equipment and facilities and may continue such interruption until any items of non-compliance or improper equipment operation so identified are rectified.
- 2.5.4 Service may be discontinued by Carrier, upon written notice to the subscriber, by blocking traffic to certain countries, cities, or NXX exchanges, or by blocking calls using certain customer authorization codes, when Carrier deems it necessary to take such action to prevent unlawful use of its service. Carrier will restore service as soon as it can be provided without undue risk, and will, upon request by the customer affected, assign a new authorization code to replace the one that has been deactivated.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.6 Billing Arrangements

2.6.1 Subscribers will either be billed directly by Carrier or its intermediary, or charges will be included in the subscribers' regular telephone bill pursuant to billing and collection agreements established by Carrier or its intermediary with the applicable telephone company. A subscriber shall have at least twenty-one (21) days from the rendition of a bill to pay the charges stated. If the charges remain unpaid for twenty-one (21) days from rendition of the bill, such charges will be deemed delinquent.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.7 Validation of Credit

Carrier reserves the right to validate the credit worthiness of subscribers or users.

2.8 Contested Charges

Any objection to billed charges should be promptly reported to the Company. Adjustments to customer's bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate. Where any undercharge in billing of the subscriber is the result of a Company mistake, the Company may not back bill in excess of twelve months. Where over billing of a subscriber occurs, due either to Company or subscriber error, no liability exists which will require the Company to pay any interest, dividend, or other compensation on the amount over billed.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.8 Contested Charges (Continued)

If there is still a disagreement about the disputed amount after the investigation and review by a manager of the Carrier, the user may file an appropriate complaint with the Commission. The Commission's address is:

Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
800-392-4211

2.9 Billing Entity Conditions

When billing functions on behalf of Carrier are performed by local exchange telephone companies, or others, the payment conditions and regulations of such companies apply, including any applicable interest and/or late payment charge conditions.

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SECTION 2. RULES AND REGULATIONS (Continued)

2.10 Advance Payments and Deposits

2.10.1 Advance Payments

Carrier may require a Customer to make an advance payment before services or facilities are furnished. The advance payment will not exceed an amount equal to two-months estimated charges, as determined by Carrier. The advance payment will be credited to the Customer's bill. An advance payment may be required in addition to a deposit.

2.10.2 Deposits

Carrier shall permit a Customer to post a deposit required as a condition of continued service in two (2) equal monthly installments or as otherwise agreed upon. Carrier may bill these installments as a line-item on customer bills. A deposit does not relieve the Customer of the responsibility for the prompt payment of bills on presentation. The deposit will not exceed an amount equal to:

- (A) two month's charges for a service or facility which has a minimum payment period of one month; or

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SECTION 2. RULES AND REGULATIONS (Continued)

2.10 Advance Payments and Deposits

(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.

2.10.2.1 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, Carrier will return the deposit or credit it to the Customer's account.

2.10.2.2 Deposits held will accrue interest which is equal to a rate of one percent (1%) above the prime lending rate as published in the Wall Street Journal. This rate shall be adjusted annually on December 1 using the prime lending rate as published in the Wall Street Journal on the last business day of September of each year plus one percent (1%).

2.10.2.3 Customers whom Carrier believes present a credit risk may also be required, at any time, to provide other assurances of, or security for, the payment of the Company's charges for its Services as the Company may deem necessary, including without limitation, advance payments for Service, third party guarantees or payments pledges or other grants of security interest in the Customers' assets, and similar arrangements. The required deposits or other security may be increased or decreased by the Company as it deems appropriate in the light of changing conditions.

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**SECTION 2. RULES AND REGULATIONS (Continued)****2.11 Credit Limits**

Carrier reserves the right to impose a \$250.00 credit limit per telephone line. Carrier reserves the right to request reasonable credit assurance, in its sole discretion, to allow spending in excess of \$250.00 per billing cycle.

**2.12 Taxes**

All federal excise taxes, and state and local sales, use, and similar taxes, are billed as separate line items and are not included in the quoted rates. All charges and fees subject to Missouri Public Service Commission's jurisdiction, except taxes and franchise fees, will be submitted to the Missouri Public Service Commission for prior approval.

**2.13 Late Payment Charges**

Any charges accrued under this tariff that are not paid in full within the time provided will be subject to a late payment charge of 1.5% per month.

**2.14 Missouri Universal Service Fund**

2.14.1 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.

2.14.2 The surcharge will appear as a separate line item detailed as "Missouri Universal Service Fund."

2.14.3 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).

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SECTION 3. DESCRIPTION OF SERVICE

3.1 Timing of Calls

Billing for calls placed over the Carrier network is based in part on the duration of the call. There shall only be timing for conversation time and there shall be no charge for uncompleted calls. Conversation time is defined as the elapsed time when two-way communication between the calling and called party is possible. The call ends when either the calling or called party hangs up. Timing begins when the called station is answered, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch.

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SECTION 3. DESCRIPTION OF SERVICE (Continued)

3.2 Calculation of Distance

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. Carrier uses the rate centers, associated vertical and horizontal coordinates, and method of computing mileage set forth in AT&T Tariff F.C.C. No. 10.

FORMULA = 
$$\sqrt{\frac{(V1 - V2)^2 + (H1 - H2)^2}{10}}$$

3.3 Minimum Call  
Completion Rate

Carrier will ensure an industry standard blocking rate of P.01.

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SECTION 3. DESCRIPTION OF SERVICE (Continued)

3.4 Time Periods

Unless otherwise indicated, the following time periods apply:

Day Rate Period: Calls placed from 8:00 a.m. to 5:00 p.m. Monday - Friday.

Evening Rate Period: Calls placed from 5:00 p.m. to 11:00 p.m. Sunday - Friday and Carrier recognized holidays.

Night/Weekend Rate Period: Calls placed from 11:00 p.m. to 8:00 a.m. Sunday - Friday, all day Saturday, and from midnight to 5:00 p.m. Sunday.

3.5 Promotions

Company may upon Commission's approval, offer customers specific rate incentives during specified promotional periods. 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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SECTION 3. DESCRIPTION OF SERVICE (Continued)

3.6 LDMTS Promotion

During the period from January 25, 1996 through December 31, 1996, residential customers of Comtel Telecom Assets LP d/b/a Excel Telecommunications will automatically be subscribed to the Comtel Telecom Assets LP d/b/a Excel Telecommunications USA Savings Program as defined in Section 4.5 of this tariff. If, at the expiration of this period, the Company determines that the Customer's average Comtel Telecom Assets LP d/b/a Excel Telecommunications long distance usage does not exceed \$20 per month, then the Company reserves the right to convert the Customer to the Comtel Telecom Assets LP d/b/a Excel Telecommunications Residential Calling Program defined in Section 4.1 of this tariff.

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SECTION 3 - DESCRIPTION OF SERVICE (Continued)

3.7 Minimum Usage Requirement

(N)

The Minimum Usage Requirement will apply in each billing cycle in which a Customer's qualifying Excel charges do not meet the minimum usage amount. The amount assessed for the Minimum Usage Requirement is the difference between the minimum usage amount of \$50.00 and the Customer's qualifying charges in a billing cycle. The Minimum Usage Requirement will not apply to customer accounts with no Excel charges in a given billing cycle or to accounts with existing monthly minimums greater than \$50.00.

Qualifying charges to be applied toward calculating the monthly usage minimum will be derived only from the following Excel charges: all long distance, calling card, toll free, conference calling and directory assistance usage, Carrier Cost Recovery Fee as well as any monthly recurring or non-recurring charges associated with the Customer's Excel services.

(N)

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