

Adoption Notice  
(Local Exchange Telecommunications Tariff)

KMC Telecom III LLC hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed by it, all schedules, rules, notices, concurrences, schedule agreements, divisions, authorities or other instruments whatsoever filed with the Public Service Commission, State of Missouri, by KMC Telecom III, Inc., Inc., prior to March 25, 2002, the beginning of KMC Telecom III LLC's possession. By this notice, KMC Telecom III LLC, also adopts and ratifies all supplements or amendments to any of the above schedules, etc., which KMC Telecom III, Inc. has heretofore filed with the Commission.

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Issue Date: March 11, 2002

Effective: April 12, 2002

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III LLC  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

**FILED**  
**MO PSC**

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TITLE SHEET

MISSOURI BASIC LOCAL EXCHANGE TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of facilities-based and resold basic local exchange telecommunications services offered by KMC Telecom III LLC. ("KMC III") to business customers 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 KMC III's principal offices at 1545 Route 206, Bedminster, New Jersey 07921-2567.

KMC Telecom III LLC operates as a competitive telecommunications company within the State of Missouri.

COMPETITIVE TELECOMMUNICATIONS COMPANY WAIVERS

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Issued: March 11, 2002

Effective: April 12, 2002

Issued By:

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Lawrenceville, GA 30043

**FILED**  
**MO PSC**

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

**TITLE SHEET**

**MISSOURI BASIC LOCAL EXCHANGE TELECOMMUNICATIONS TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of facilities-based and resold basic local exchange telecommunications services offered by KMC Telecom III, Inc. ("KMC III") to business customers 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 KMC III's principal offices at 1545 Route 206, Bedminster, New Jersey 07921-2567.

KMC Telecom III, Inc. operates as a competitive telecommunications company within the State of Missouri.

---

Issued: October 29, 1999

Effective: December 13, 1999

Issued By: Tricia Breckenridge  
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CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
Original Page No. 1

TITLE SHEET

MISSOURI BASIC LOCAL EXCHANGE TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of facilities-based and resold basic local exchange telecommunications services offered by KMC Telecom III, Inc. ("KMC III") to business customers 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 KMC III's principal offices at 1545 Route 206, Bedminster, New Jersey 07921-2567.

KMC Telecom III, Inc. operates as a competitive telecommunications company within the State of Missouri.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By: Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 20 1999

Missouri P.S.C. Tariff No. 2  
Original Page No. 2

KMC Telecom III, Inc.

COMPETITIVE TELECOMMUNICATIONS COMPANY WAIVERS

KMC Telecom III, Inc. 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

- 392.201.2 - Uniform System of Accounts
- 392.270 - Valuation of property (ratemaking)
- 392.280 - Depreciation accounts
- 392.290.1 - Issuance of securities
- 392.300.2 - Acquisition of stock
- 392.310 - Stock and debt issuance
- 392.320 - Stock dividend payment
- 392.340 - Reorganization(s)
- 392.330, RSMo. Supp. 1998 - Issuance of securities, debts & notes

COMMISSION RULES

- 4 CSR 240-10.020 - Depreciation fund income
- 4 CSR 240-30.040 - Uniform System of Accounts
- 4 CSR 240-35 - Reporting of bypass and Customer-specific arrangements

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 13 1999

Issued: October 29, 1999

Effective: December 13, 1999

Issued By:

Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

RECD OCT 29 1999

KMC Telecom III, Inc.

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Original Page No. 3

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Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: XXXXXXXXXX

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

**KMC Telecom III, Inc.**

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00-310  
FILED DEC 25 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
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CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

DEC 16 1999

RECD OCT 29 1999

Missouri P.S.C. Tariff No. 2  
Original Page No. 5

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00-310  
FILED DEC 15 1999

Issued: October 29, 1999

Effective: Dec 16 1999

Issued By: Tricia Breckenridge  
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CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

DEC 16 1999



REC'D OCT 29 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
Original Page No. 6

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 Missouri Public Service Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14.
- (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  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By:

Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
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EXPLANATION OF SYMBOLS

The following symbols shall be used in this tariff for the purpose indicated below:

- C To Signify Changed Regulation
- 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

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

Missouri P.S.C. Tariff No. 2  
Original Page No. 8

KMC Telecom III, Inc.

APPLICATION OF TARIFF

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of intrastate facilities-based and resold end-user local exchange telecommunications services by KMC Telecom III, Inc., hereinafter referred to as the Company, to business Customers within the State of Missouri.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 15 1999

Issued: October 29, 1999

Effective: XXXXXXXXXX

Issued By:

Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 20 1999

Missouri P.S.C. Tariff No. 2

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KMC Telecom III, Inc.

1. DEFINITIONS

Certain terms used generally throughout this tariff are defined below.

Abbreviated Dialing: Permits lines within a Customer's terminal group to place calls within the group using 1 to 7 digits.

Account Codes: Permits Centrex Stations and attendants to dial an account code number of up to eight digits. For use when placing calls over facilities arranged for Automatic Message Accounting (AMA) recording. The account or project number must be input prior to dialing the called number.

Advance Payment: Part or all of a payment required before the start of service.

Automatic Callback Calling: Allows Customers to request an automatic callback upon receiving a busy signal. Caller may signal for dial tone and dial a feature code or press a feature button to request automatic callback facilities.

Automatic Number Identification (ANI): Allows the automatic transmission of a caller's billing account telephone number to a local exchange company, interexchange carrier or a third party subscriber. The primary purpose of ANI is to allow for billing of toll calls.

Bit: The smallest unit of information in the binary system of notation.

Calling Name Delivery: Allows Customers to view the name and telephone number associated with an incoming call before answering the phone.

Call Back/Camp On: Permits a station line encountering an all-trunk-busy condition the option of being notified when a trunk becomes idle.

Call Forwarding Station: Allows calls directed to a station line to be routed to a user defined line inside or outside the Customer's telephone system.

Call Forwarding System: Permits calls attempting to terminate to a busy station line to be re-directed to a predetermined line inside or outside the Customer's telephone system.

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 17, 1999

Issued By:

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CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

DEC 16 1999

REC'D OCT 29 1999

Missouri P.S.C. Tariff No. 2  
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1. DEFINITIONS (Cont'd)

Call Forwarding Remote: This optional feature allows a user to activate/deactivate the Call Forwarding - All Calls feature or change the forwarded to telephone number from a remote location.

Call Forwarding Busy: Allows incoming calls to a busy station to be routed to a preselected station line or attendant within the same system or outside the system. Intercom calls can be arranged to be forwarded to a number different from DID calls.

Call Forwarding Don't Answer: Allows incoming calls to be automatically routed to a preselected station line or attendant in the same system or outside the system, when the called station is not answered after a preset number of rings. Intercom calls can be arranged to be forwarded to a number different from DID calls.

Call Forwarding Variable Limited: When this feature is activated by a station line user or the attendant, incoming calls to the activated station line or attendant position will be automatically routed to any other selected station line, within the same Centrex system, or to the attendant position. The attendant may also activate this feature for a station line user.

Call Forwarding Variable Unlimited: The same as Call Forwarding Variable Limited except that incoming calls may be automatically routed to a telephone number outside the Centrex system or to station lines within the same Centrex system. The attendant may not activate this feature to a telephone number outside the Centrex system for a station line use. Calls forwarded outside the Centrex system are subject to the appropriate charges for local and toll messages.

Call Hold: Allows the user to hold one call for any length of time provided that neither party goes on-hook.

Call Park: Allows a station line to park a call against its own line number. The parked call can be retrieved from any station line by dialing a feature code and the line number against which the call is parked.

Call Pickup: Allows a station line to answer incoming calls to another station line within a defined call pickup group. Call pickup is provided on individual station lines within a Customer group.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D

Issued By:

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

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DEC 16 1999

REC'D OCT 29 1999

Missouri P.S.C. Tariff No. 2  
Original Page No. 11

KMC Telecom III, Inc.

1. DEFINITIONS (Cont'd)

Call Transfer: Allows a station line user to transfer any established call to another station line inside or outside the Customer group without the assistance of the attendant.

Call Waiting: Permits a line in the talking state to be alerted by a tone when another call is attempting to complete to the line. Audible ringing is returned to the originating line. The Service also provides a hold feature that is activated by a switchhook flash.

Commission: The Missouri Public Service Commission.

Communication Services: The Company's intrastate toll and local exchange switched telephone services offered for both intraLATA and interLATA use.

Company: KMC Telecom III, Inc., the issuer of this tariff.

Conference: Allows Customers to add additional parties to a call.

Customer or Subscriber: The person, firm or corporation that orders service and is responsible for the payment of charges and compliance with the Company's regulations.

Dial Pulse (or "DP"): The pulse type employed by rotary dial station sets.

Dial 9 Access: Allows Customers to place calls outside their ClearStar Advantage system by dialing an access code (usually 9).

Direct Inward Dial (or "DID"): A service attribute that routes incoming calls directly to stations, by-passing a central answering point.

DID Trunk: A form of local switched access that provides the ability for an outside party to call an internal extension directly without the intervention of the company operator.

Direct Outward Dial (or "DOD"): A service attribute that allows individual station users to access and dial outside numbers directly.

Do Not Disturb: Permits the attendant to cut off a single station line and selected groups of station lines from receiving incoming and station-to-station calls.

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

Missouri P.S.C. Tariff No. 2

Original Page No. 12

KMC Telecom III, Inc.

I. DEFINITIONS (Cont'd)

DSX-1 Panel: Distribution equipment used to terminate and administer DS1 (1.544 Mbps) circuits.

Dual Tone Multi-Frequency (or "DTMF"): The pulse type employed by tone dial station sets.

Duplex Service: Service that provides for simultaneous transmission in both directions.

Fiber Optic Cable: A thin filament of glass with a protective outer coating through which a light beam carrying communications signals may be transmitted by means of multiple internal reflections to a receiver, which translates the message.

Hunting: Routes a call to an idle station line in a prearranged group when the called station line is busy.

ICB: Individual Case Basis arrangements.

In-Only: A service attribute that restricts outward dial access and routes incoming calls to a designated answer point.

Joint User: A person, firm or corporation that is designated by the Customer as a user of services furnished to the Customer by KMC and to whom a portion of the charges for the service will be billed under a joint user arrangement as specified herein.

Kbps: Kilobits per second, denotes thousands of bits per second.

Last Number Redial: Enables a station line user to redial the last called number by use of an access code rather than dialing the entire number.

LATA: A Local Access and Transport Area established pursuant to the Modification of Final Judgment entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192; or any other geographic area designated as a LATA in the National Exchange Carrier Association, Inc. Tariff F.C.C. No. 4.

MISSOURI PUBLIC SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D

Issued By:

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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 20 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
Original Page No. 13

1. DEFINITIONS (Cont'd)

Local Exchange Carrier or ("LEC"): Denotes any individual, partnership, association, joint-stock company, trust or corporation engaged in providing switched communication within an exchange.

Manual Exclusion: Restricts others from retrieving a put on hold or from breaking into a call. Applicable to ISDN centrex type services. Ensures privacy is automatically invoked whenever a Customer picks up the phone to place or answer a call.

Mbps: Megabits, denotes millions of bits per second.

Message Waiting Indication: Provides a lighted indicator (usually on a telephone set) that informs Customer of a new message to be reviewed.

Multi-Frequency or ("MF"): An inter-machine pulse-type used for signalling between telephone switches, or between telephone switches and PBX/key systems.

Multi Site Abbreviated Dialing: Allows Customers to use abbreviated dialing capabilities among multiple locations.

On-Net Services: Services provided over Company's facilities-based network or over facilities purchased on a UNE (unbundled network element) basis from Southwestern Bell Telephone Company or another incumbent local exchange carrier (ILEC) which which Company has an approved interconnection agreement.

Recurring Charges: The monthly charges to the Customer for services, facilities and equipment, that continue for the agreed upon duration of the service.

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

Missouri Public  
Service Commission  
00-310  
REC'D DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By: Tricia Breckenridge  
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CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

DEC 16 1999



REC'D OCT 29 1999  
Missouri P.S.C. Tariff No. 2  
Original Page No. 14

**KMC Telecom III, Inc.**

1. DEFINITIONS (Cont'd)

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

Shared: A facility or equipment system or subsystem that can be used simultaneously by several Customers.

Speed Calling: Permits a station line user to dial selected numbers by using fewer digits than normally required. This is accomplished through the assignment of abbreviated codes to frequently called numbers. The speed calling list is customer-changeable.

Station: Allows a station line user to add, change or delete telephone numbers from a speed calling list. The list is dedicated to the individual station line user.

SWBT: Southwestern Bell Telephone Company, Inc.

System: Allows shared use of speed calling list. A control station will add, change or delete telephone numbers from the list for the group.

Three-Way Calling: Allows a station line user to add a third party to an existing conversation.

Two Way: A service attribute that includes outward dial capabilities for outbound calls and can also be used to carry inbound calls to a central point for further processing.

Uniform Call Distribution: Automatically distributes incoming calls, in the order of their arrival, to Customer telephone lines that have been idle the longest.

User or End User: A Customer, Joint User, or any other person or entity that obtains the Company's services regardless of whether such person is so authorized by the Customer.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: Dec 16 1999

Issued By: Tricia Breckenridge  
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CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

DEC 16 1999

RECD OCT 28 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
Original Page No. 15

2. REGULATIONS

2.1 Undertaking of the Company

2.1.1 Scope

The Company undertakes to furnish communications service pursuant to the terms of this tariff in connection with one-way and/or two-way information transmission between points within the State of Missouri.

Customers and users may use services and facilities provided under this tariff to obtain access to services offered by other service providers. The Company is responsible under this tariff only for the services and facilities provided hereunder, and it assumes no responsibility for any service provided by any other entity that purchases access to the Company network in order to originate or terminate its own services, or to communicate with its own Customers.

00-310  
FILED DEC 15 1999

Issued: October 29, 1999

Effective: D

Issued By:

Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
Original Page No. 16

2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.2 Shortage of Equipment or Facilities

- (A) The Company reserves the right to limit or to allocate the use of existing facilities, or of additional facilities offered by the Company, when necessary because of lack of facilities, or due to some other cause beyond the Company's control.
- (B) The furnishing of service under this tariff is subject to the availability on a continuing basis of all the necessary facilities and is limited to the capacity of the Company's facilities as well as facilities the Company may obtain from other carriers to furnish service from time to time as required at the sole discretion of the Company.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective XXXXXXXXXX

Issued By:

Tricia Breckenridge  
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3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
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Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.3 Terms and Conditions

- (A) Service is provided on the basis of a minimum period of at least one month, 24-hours per day. For the purpose of computing charges in this tariff, a month is considered to have 30 days.
- (B) Customers may be required to enter into written service orders which shall contain or reference a specific description of the service ordered, the rates to be charged, the duration of the services, and the terms and conditions in this tariff. Customers will also be required to execute any other documents as may be reasonably requested by the Company.
- (C) At the expiration of the initial term specified in each Service Order, or in any extension thereof, service shall continue on a month-to-month basis at the then current rates unless terminated by either party upon 30 days' notice. Any termination shall not relieve the Customer of its obligation to pay any charges incurred under the service order and this tariff prior to termination. The rights and obligations which by their nature extend beyond the termination of the term of the service order shall survive such termination.
- (D) In any action between the parties to enforce any provision of this tariff, the prevailing party shall be entitled to recover its legal fees and court costs from the non-prevailing party in addition to other relief a court may award.

00-310  
FILED DEC 15 1999

Issued: October 29, 1999

Effective: XXXXXXXXXX

Issued By:

Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999  
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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.3 Terms and Conditions (Cont'd)

- (E) Service may be terminated upon written notice to the Customer if:
  - (1) the Customer is using the service in violation of this tariff; or
  - (2) the Customer is using the service in violation of the law.
- (F) This tariff shall be interpreted and governed by the laws of the State of Missouri regardless of its choice of laws provision.
- (G) To the extent that either the Company or any other telephone company exercises control over available cable pairs, conduit, duct space, raceways, or other facilities needed by the other to reach a person or entity, the party exercising such control shall make them available to the other on terms equivalent to those under which the Company makes similar facilities under its control available to its Customers. At the reasonable request of either party, the Company and the other telephone company shall join the attempt to obtain from the owner of the property access for the other party to serve a person or entity.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 20 1999  
Missouri P.S.C. Tariff No. 2  
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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.4 Liability of the Company

- (A) The liability of the Company for damages arising out of the furnishing of its Services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other defects, representations, or use of these services or arising out of the failure to furnish the service, whether caused by acts or omission, shall be limited to the extension of allowances for interruption as set forth in 2.6. The extension of such allowances for interruption shall be the sole remedy of the Customer and the sole liability of the Company. The Company will not be liable for any direct, indirect, incidental, special, consequential, exemplary or punitive damages to Customer as a result of any Company service, equipment or facilities, or the acts or omissions or negligence of the Company's employees or agents.
- (B) The Company shall not be liable for any delay or failure of performance or equipment due to causes beyond its control, including but not limited to: acts of God, fire, flood, explosion or other catastrophes; any law, order, regulation, direction, action, or request of the United States Government, or of any other government, including state and local governments having or claiming jurisdiction over the Company, or of any department, agency, commission, bureau, corporation, or other instrumentality of any one or more of these federal, state, or local governments, or of any civil or military authority; national emergencies; insurrections; riots; wars; unavailability of rights-of-way or materials; or strikes, lock-outs, work stoppages, or other labor difficulties.
- (C) The Company shall not be liable for any act or omission of any entity furnishing to the Company or to the Company's Customers facilities or equipment used for or with the services the Company offers.
- (D) The Company shall not be liable for any damages or losses due to the fault or negligence of the Customer or due to the failure or malfunction of Customer-provided equipment or facilities.

Missouri Public Service Commission  
00-310  
FILED DEC 16 1999  
Effective: December 13, 1999

Issued: October 29, 1999

Issued By:

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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

Missouri P.S.C. Tariff No. 2  
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KMC Telecom III, Inc.

2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.4 Liability of the Company (Cont'd)

- (E) The Company does not guarantee nor make any warranty with respect to installations it provides for use in an explosive atmosphere. The Customer indemnifies and holds the Company harmless from any and all loss, claims, demands, suits, or other action, or any liability whatsoever, whether suffered, made, instituted, or asserted by any other party or person(s), 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 any installation so provided. The Company reserves the right to require each Customer to sign an agreement acknowledging acceptance of the provisions of this section 2.1.4(E) as a condition precedent to such installations.
- (F) The Company is not liable for any defacement of or damage to Customer premises resulting from the furnishing of services or equipment on such premises or the installation or removal thereof, unless such defacement or damage is caused by negligence or willful misconduct of the Company's agents or employees.
- (G) The Company shall be indemnified, defended and held harmless by the Customer against any claim, loss or damage arising from Customer's use of services, involving claims for libel, slander, invasion of privacy, or infringement of copyright arising from the Customer's own communications.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: XXXXXXXXXX

Issued By:

Tricia Breckenridge  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.4 Liability of the Company (Cont'd)

- (H) The entire liability for any claim, loss, damage or expense from any cause whatsoever shall in no event exceed sums actually paid the Company by the Customer for the specific services giving rise to the claim. No action or proceeding against the Company shall be commenced after the expiration of the applicable statute of limitations.
- (I) The Company will make reasonable efforts to cure any material failure to provide services caused solely by year 2000 defects in the Company's hardware, software, or systems. Due to the interdependence among telecommunications providers and the interrelationship with non-Company service processes, equipment, and systems, the Company is not responsible for failures caused by circumstances beyond its control including, but not limited to, failures caused by: (1) the Customer; (2) other telecommunications companies as defined by Missouri statute; or (3) Customer premises equipment. In addition, the Company does not ensure compatibility between the Company's services and any non-Company services used by the Customer or user.
- (J) **THE COMPANY MAKES NO WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED EITHER IN FACT OR BY OPERATION OF LAW, STATUTORY OR OTHERWISE, INCLUDING WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE, EXCEPT THOSE EXPRESSLY SET FORTH HEREIN.**

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078



REC'D OCT 28 1999

KMC Telecom III, Inc.

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.5 Notification of Service-Affecting Activities

The Company will provide the Customer reasonable notification of service-affecting activities that may occur in normal operation of its business. Such activities may include, but are not limited to, equipment or facilities additions, removals or rearrangements and routine preventative maintenance. Generally, such activities are not specific to an individual Customer but affect many Customers' services. No specific advance notification period is applicable to all service activities. The Company will work cooperatively with the Customer to determine the reasonable notification requirements. With some emergency or unplanned service-affecting conditions, such as an outage resulting from cable damage, notification to the Customer may not be possible.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By:

Tricia Breckenridge  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

RECD OCT 29 1999

KMC Telecom III, Inc.

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.6 Provision of Equipment and Facilities

- (A) The Company shall use reasonable efforts to make available services to a Customer on or before a particular date, subject to the provisions of and compliance by the Customer with, the regulations contained in this tariff. The Company will comply with the Commission's rules in Chapter 33, where applicable.
- (B) The Company shall use reasonable efforts to maintain only the facilities and equipment that it furnishes to the Customer. The Customer may not, nor may the Customer permit others to, rearrange, disconnect, remove, attempt to repair, or otherwise interfere with any of the facilities or equipment installed by the Company, except upon the written consent of the Company.
- (C) The Company may substitute, change or rearrange any equipment or facility at any time and from time to time, but shall not thereby alter the technical parameters of the service provided the Customer.
- (D) Equipment the Company provides or installs at the Customer Premises for use in connection with the services the Company offers shall not be used for any purpose other than that for which it was provided by the Company.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

RECD OCT 29 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
Original Page No. 24

2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.6 Provision of Equipment and Facilities (Cont'd)

- (E) The Customer shall be responsible for the payment of service charges as set forth herein for visits by the Company's agents or employees to the Premises of the Customer when the service difficulty or trouble report results from the use of equipment or facilities provided by any party other than the Company, including but not limited to the Customer.
  
- (F) The Company shall not be responsible for the installation, operation, or maintenance of any Customer-provided communications equipment. Where such equipment is connected to the facilities furnished pursuant to this tariff, the responsibility of the Company shall be limited to the furnishing of facilities offered under this tariff and to the maintenance and operation of such facilities. Subject to this responsibility, the Company shall not be responsible for:
  - (1) the transmission of signals by Customer-provided equipment or for the quality of, or defects in, such transmission; or
  - (2) the reception of signals by Customer-provided equipment.

00-310  
FILED DEC 13 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By:

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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.7 Non-Routine Installation

At the Customer's request, installation and/or maintenance may be performed outside the Company's regular business hours or in hazardous locations. In such cases, charges associated with ICB services will be based on cost of the actual labor, material, or other costs incurred by or charged to the Company will apply. If installation associated with such ICB services is started during regular business hours but, at the Customer's request, extends beyond regular business hours into time periods including, but not limited to, weekends, holidays, and/or night hours, additional charges may apply.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.8 Special Construction

Subject to the agreement of the Company and to all of the regulations contained in the tariffs of the Company, special construction and special arrangements may be undertaken on a reasonable efforts basis at the request of the Customer. Special arrangements include any service or facility relating to a regulated telecommunications not otherwise specified under tariff, or for the provision of service on an expedited basis or in some other manner different from the normal tariff conditions. Special construction is that construction undertaken:

- (A) where facilities are not presently available, and there is no other requirement for the facilities so constructed;
- (B) of a type other than that which the Company would normally utilize in the furnishing of its services;
- (C) over a route other than that which the Company would normally utilize in the furnishing of its services;
- (D) in a quantity greater than that which the Company would normally construct;
- (E) on an expedited basis;
- (F) on a temporary basis until permanent facilities are available;
- (G) involving abnormal costs; or
- (H) in advance of its normal construction.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-7310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.9 Basis for Charges

Where the Company furnishes a facility or service on a special construction basis, charges will be based on the costs incurred by the Company and may include, (1) nonrecurring type charges; (2) recurring type charges; (3) termination liabilities; or (4) combinations thereof. The agreement for special construction will ordinarily include a minimum service commitment based upon the estimated service life of the facilities provided.

2.1.10 Basis for Cost Computation

The costs referred to in Section 2.1.9 preceding may include one or more of the following items to the extent they are applicable:

(A) installed costs of the facilities to be provided including estimated costs for the rearrangements of existing facilities. Installed costs include the cost of:

- equipment and materials provided or used,
- engineering, labor and supervision,
- transportation,
- rights of way, and

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By:

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Senior Vice President of Business Development  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.10 Basis for Cost Computation (Cont'd)

(B) annual charges including the following:

- cost of maintenance;
- depreciation on the estimated installed cost of any facilities provided, based on the anticipated useful service life of the facilities with an appropriate allowance for the estimated net salvage;
- administration, taxes and uncollectible revenue on the basis of reasonable average costs for these items;
- any other identifiable costs related to the facilities provided; and
- an amount for return and contingencies.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

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2. REGULATIONS (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.11 Termination Liability

To the extent that there is no other requirement for use by the Company, the Customer may have a termination liability for facilities specially constructed at the request of the Customer, if and only if such liability is clearly stated in a written agreement between the Company and the Customer.

The maximum termination liability is equal to the total cost of the special facility as determined herein, adjusted to reflect the redetermined estimate net salvage, including any reuse of the facilities provided.

The maximum termination liability shall be divided by the original term of service contracted for by the Customer (rounded up to the next whole number of months) to determine the monthly liability. The Customer's termination liability shall be equal to this monthly amount multiplied by the remaining unexpired term of service (rounded up to the next whole number of months), discounted to present value at six percent (6%), plus applicable taxes.

2.1.12 Ownership of Facilities

Title to all facilities provided in accordance with this tariff remains in the Company, its agents or contractors.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078



REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.2 Prohibited Uses

- (A) The services the Company offers shall not be used for any unlawful purpose or for any use as to which the Customer has not obtained all required governmental approvals, authorizations, licenses, consents and permits.
- (B) The Company may require applicants for service who intend to use the Company's offerings for resale and/or for shared use to file a letter with the Company confirming that their use of the Company's offerings complies with relevant laws and Missouri Public Service Commission regulations, policies, orders, and decisions.
- (C) The Company may require a Customer to immediately shut down its transmission of signals if said transmission is causing interference to others.
- (D) A Customer, joint user, or authorized user may not assign, or transfer in any manner, the service or any rights associated with the service without the written consent of the Company. The Company will permit a Customer to transfer its existing service to another entity if the existing Customer has paid all charges owed to the Company for regulated communications services. Such a transfer will be treated as a disconnection of existing service and installation of new service, and non-recurring installation charges as stated in this tariff will apply.

MISSOURI PUBLIC  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

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2. REGULATIONS (Cont'd)

2.3 Obligations of the Customer

2.3.1 General

The Customer shall be responsible for:

- (A) the payment of all applicable charges pursuant to this tariff;
- (B) damage to or loss of the Company's facilities or equipment caused by the acts or omissions of the Customer; or the noncompliance by the Customer, with these regulations; or by fire or theft or other casualty on the Customer Premises, unless caused by the negligence or willful misconduct of the employees or agents of the Company;
- (C) providing at no charge, as specified from time to time by the Company, any needed personnel, equipment space and power to operate Company facilities and equipment installed on the premises of the Customer, and the level of heating and air conditioning necessary to maintain the proper operating environment on such premises;

MISSOURI PUBLIC  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

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2. REGULATIONS (Cont'd)

2.3 Obligations of the Customer (Cont'd)

2.3.1 General (Cont'd)

- (D) obtaining, maintaining, and otherwise having full responsibility for all rights-of-way and conduits necessary for installation of fiber optic cable and associated equipment used to provide Communication Services to the Customer from the cable building entrance or property line to the location of the equipment space described in 2.3.1(C). Any and all costs associated with obtaining and maintaining the rights-of-way described herein, including the costs of altering the structure to permit installation of the Company-provided facilities, shall be borne entirely by, or may be charged by the Company to, the Customer. The Company may require the Customer to demonstrate its compliance with this section prior to accepting an order for service;
- (E) providing a safe place to work and complying with all laws and regulations regarding the working conditions on the premises at which Company employees and agents shall be installing or maintaining the Company's facilities and equipment. The Customer may be required to install and maintain Company facilities and equipment within a hazardous area if, in the Company's opinion, injury or damage to the Company's employees or property might result from installation or maintenance by the Company. The Customer shall be responsible for identifying, monitoring, removing and disposing of any hazardous material (e.g. friable asbestos) prior to any construction or installation work;

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.3 Obligations of the Customer (Cont'd)

2.3.1 General (Cont'd)

- (F) complying with all laws and regulations applicable to, and obtaining all consents, approvals, licenses and permits as may be required with respect to, the location of Company facilities and equipment in any Customer premises or the rights-of-way for which Customer is responsible under Section 2.3.1(D); and granting or obtaining permission for Company agents or employees to enter the premises of the Customer at any time for the purpose of installing, inspecting, maintaining, repairing, or upon termination of service as stated herein, removing the facilities or equipment of the Company;
- (G) not creating, or allowing to be placed, any liens or other encumbrances on the Company's equipment or facilities; and
- (H) making Company facilities and equipment available periodically for maintenance purposes at a time agreeable to both the Company and the Customer. No allowance will be made for the period during which service is interrupted for such purposes.

00-310  
FILED DEC 10 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

2. REGULATIONS (Cont'd)

2.3 Obligations of the Customer (Cont'd)

REC'D MAY 14 2004

2.3.2 Claims

With respect to any service or facility provided by the Company, Customers shall indemnify, defend and hold harmless the Company from and against all claims, actions, damages, liabilities, costs and expenses, including reasonable attorneys' fees for:

- (A) any loss, destruction or damage to the property of the Company or any third party, or death or injury to persons, including, but not limited to, employees or invitees of either party, to the extent caused by or resulting from the negligent or intentional act or omission of the Customer, its employees, agents, representatives or invitees; or
- (B) any claim, loss, damage, expense or liability for infringement of any copyright, patent, trade secret, or any proprietary or intellectual property right of any third party, arising from any act or omission by the Customer, including, without limitation, use of the Company's services and facilities in a manner not contemplated by the agreement between the Customer and the Company.

2.3.3 Third Party Charges

- (A) For the avoidance of doubt and notwithstanding any other provision in this Tariff or other customer service agreement or arrangement, including but not limited to Meet Point Billing arrangements, in addition to service charges imposed by KMC Telecom for the Service, the Customer shall be responsible for and reimburse KMC for any and all charges, fees, assessments of any kind or nature, including but not limited to interstate and intrastate switched access charges, imposed by any third party (collectively "Third Party Charges") upon KMC Telecom relating to usage incurred by the Customer in connection with the Services. The Customer hereby indemnifies KMC Telecom for all Third Party Charges and agrees to defend and hold KMC Telecom harmless for all damages, losses, claims or judgments arising out any Third Party Charges.

(N)

(N)

Issued: May 13, 2004

Effective: June 13, 2004

Issued By: James Mertz  
Director of Government Affairs  
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Missouri Public  
Service Commission

CANCELLED  
DC01/LEVEL/219018.1  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

FILED JUN 13 2004

REC'D OCT 29 1999

KMC Telecom III, Inc.

Missouri P.S.C. Tariff No. 2  
Original Page No. 34

2. REGULATIONS (Cont'd)

2.3 Obligations of the Customer (Cont'd)

2.3.2 Claims

With respect to any service or facility provided by the Company, Customers shall indemnify, defend and hold harmless the Company from and against all claims, actions, damages, liabilities, costs and expenses, including reasonable attorneys' fees for:

- (A) any loss, destruction or damage to the property of the Company or any third party, or death or injury to persons, including, but not limited to, employees or invitees of either party, to the extent caused by or resulting from the negligent or intentional act or omission of the Customer, its employees, agents, representatives or invitees; or
- (B) any claim, loss, damage, expense or liability for infringement of any copyright, patent, trade secret, or any proprietary or intellectual property right of any third party, arising from any act or omission by the Customer, including, without limitation, use of the Company's services and facilities in a manner not contemplated by the agreement between the Customer and the Company.

**CANCELLED**

JUN 13 2004  
By *1st RS 34*  
Public Service Commission  
MISSOURI

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: XXXXXXXXXX

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.4 Customer Equipment and Channels

2.4.1 General

A User may transmit or receive information or signals via the facilities of the Company. The Company's services are designed primarily for the transmission of voice-grade telephonic signals, except as otherwise stated in this tariff. A User may transmit any form of signal that is compatible with the Company's equipment, but the Company does not guarantee that its services will be suitable for purposes other than voice-grade telephonic communication except as specifically stated in this tariff.

2.4.2 Station Equipment

(A) Terminal equipment on the User's Premises and the electric power consumed by such equipment shall be provided by and maintained at the expense of the User. The User is responsible for the provision of wiring or cable to connect its terminal equipment to the Company Point of Connection.

(B) The Customer is responsible for ensuring that Customer-provided equipment connected to Company equipment and facilities is compatible with such equipment and facilities. The magnitude and character of the voltages and currents impressed on Company-provided equipment and wiring by the connection, operation, or maintenance of such equipment and wiring shall be such as not to cause damage to the Company-provided equipment and wiring or injury to the Company's employees or to other persons. Any additional protective equipment required to prevent such damage or injury shall be provided by the Company at the Customer's expense.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999  
Missouri P.S.C. Tariff No. 2  
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2. REGULATIONS (Cont'd)

2.4 Customer Equipment and Channels (Cont'd)

2.4.3 Interconnection of Facilities

- (A) Any special interface equipment necessary to achieve compatibility between the facilities and equipment of the Company used for furnishing Communication Services and the channels, facilities, or equipment of others shall be provided at the Customer's expense.
- (B) Communication Services may be connected to the services or facilities of other communications carriers only when authorized by, and in accordance with, the terms and conditions of the tariffs of the other communications carriers that are applicable to such connections.
- (C) Facilities furnished under this tariff may be connected to Customer-provided terminal equipment in accordance with the provisions of this tariff. All such terminal equipment shall be registered by the Federal Communications Commission pursuant to Part 68 of Title 47, Code of Federal Regulations; and all User-provided wiring shall be installed and maintained in compliance with those regulations.
- (D) Users may interconnect communications facilities that are used in whole or in part for interstate communications to services provided under this tariff only to the extent that the user is an "End User" as defined in Section 69.2(m), Title 47, Code of Federal Regulations (1992 edition).

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
REC'D DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078



REC'D OCT 29 1999  
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2. REGULATIONS (Cont'd)

2.4 Customer Equipment and Channels (Cont'd)

2.4.4 Inspections

- (A) Upon suitable notification to the Customer, and at a reasonable time, the Company may make such tests and inspections as may be necessary to determine that the Customer is complying with the requirements set forth in Section 2.4.2(B) for the installation, operation, and maintenance of Customer-provided facilities, equipment, and wiring in the connection of Customer-provided facilities and equipment to Company-owned facilities and equipment.
- (B) If the protective requirements for Customer-provided equipment are not being complied with, the Company may take such action as it deems necessary to protect its facilities, equipment, and personnel. The Company will notify the Customer promptly if there is any need for further corrective action. Within ten days of receiving this notice, the Customer must take this corrective action and notify the Company of the action taken. If the Customer fails to do this, the Company may take whatever additional action is deemed necessary, including the suspension of service, to protect its facilities, equipment and personnel from harm.

Missouri Public  
Service Commission  
00-310  
REC'D DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements

2.5.1 Payment for Service

The Customer is responsible for the payment of all charges for facilities and services furnished by the Company to the Customer and to all Users authorized by the Customer, regardless of whether those services are used by the Customer itself or are resold to or shared with other persons.

(A) Taxes

The Customer is responsible for payment of any sales, use, gross receipts, excise, access or other local, state and federal taxes, charges or surcharges (however designated) (excluding taxes on Company's net income) imposed on or based upon the provision, sale or use of Network Services. All taxes are listed as separate items and are not included in the quoted rates.

All charges and fees subject to Commission jurisdiction, except taxes and franchise fees, will be submitted to the Commission for prior approval.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.2 Billing and Collection of Charges

- (A) Non-recurring charges are due and payable from the Customer within 30 days after the invoice date, unless otherwise agreed to in advance.
- (B) The Company shall present invoices for Recurring Charges monthly to the Customer, in advance of the month in which service is provided, and Recurring Charges shall be due and payable within 30 days after the invoice date. When billing is based on Customer usage, charges will be billed monthly for the preceding billing periods.
- (C) When service does not begin on the first day of the month, or end on the last day of the month, the charge for the fraction of the month in which service was furnished will be calculated on a pro rata basis. For this purpose, every month is considered to have 30 days.
- (D) Billing of the Customer by the Company will begin on the Service Commencement Date, which is the first day following the date on which the Company notifies the Customer that the service or facility is available for use, except that the Service Commencement Date may be postponed by mutual agreement of the parties, or if the service or facility does not conform to standards set forth in this tariff or the Service Order. Billing accrues through and includes the day that the service, circuit, arrangement or component is discontinued.
- (E) If any portion of the payment is received by the Company after the date due, or if any portion of the payment is received by the Company in funds that are not immediately available, then a late payment penalty shall be due to the Company. The late payment penalty shall be the portion of the payment not received by the date due, multiplied by the lesser of the highest percentage allowable by the Commission or a late factor of 1.5% per month.

Missouri Public  
Service Commission

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.2 Billing and Collection of Charges (Cont'd)

- (F) The Customer will be assessed a charge of twenty five dollars (\$25.00) for each check submitted by the Customer to the Company that a financial institution refused to honor.
- (G) Customers have up to 90 days (commencing 5 days after remittance of the bill) to initiate a dispute over charges or to receive credits. If the Customer and the Company are unable to resolve the dispute to their mutual satisfaction, the Customer may file a complaint with the Commission in accordance with the Commission's rules of procedure. The Company shall advise the Customer that the Customer may make a formal or informal complaint to the Commission. The address of the Commission is as follows:
- Missouri Public Service Commission  
301 W. High Street  
Harry S. Truman State Office Bldg.  
Floor 5AN  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-3234
- (H) If service is disconnected by the Company in accordance with section 2.5.5 following and later restored, restoration of service will be subject to all applicable installation charges

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.3 Advance Payments

To safeguard its interests, the Company may require a Customer to make an advance payment before services and facilities are furnished. The advance payment will not exceed an amount equal to the non-recurring charge(s) and one (1) month's charges for the service or facility. In addition, where special construction is involved, the advance payment may also include an amount equal to the estimated non-recurring charges for the special construction and recurring charges (if any) for a period to be set between the Company and the Customer. The advance payment will be credited to the Customer's initial bill. An advance payment may be required in addition to a deposit.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
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TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.4 Deposits

- (A) To safeguard its interests, the Company may require a Customer to make a deposit to be held as a guarantee for the payment of charges. 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:
- (1) two (2) month's charges for a service or facility that has a minimum payment period of one (1) month; or
  - (2) the charges that would apply for the minimum payment period for a service or facility that has a minimum payment period of more than one (1) month; except that the deposit may include an additional amount in the event that a termination charge is applicable.
- (B) A deposit may be required in addition to an advance payment.
- (C) 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 or credit it to the Customer's account.
- (D) Customer deposits will accrue interest at either the rate of 9% per annum.
- (E) Deposits will be handled pursuant to the Commission's rules and regulations.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
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REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.5 Discontinuance of Service

- (A) Upon nonpayment of any amounts owing to the Company, the Company may, by giving five (5) working days prior written notice to the Customer, discontinue or suspend service without incurring any liability.
- (B) Upon violation of any of the other material terms or conditions for furnishing service the Company may, by giving five (5) working days prior notice in writing to the Customer, discontinue or suspend service without incurring any liability if such violation continues during that period.
- (C) Upon condemnation of any material portion of the facilities used by the Company to provide service to a Customer or if a casualty renders all or any material portion of such facilities inoperable beyond feasible repair, the Company, by notice to the Customer, may discontinue or suspend service without incurring any liability.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.5 Discontinuance of Service (Cont'd)

- (D) Upon the Customer's insolvency, assignment for the benefit of creditors, filing for bankruptcy or reorganization, or failing to discharge an involuntary petition within the time permitted by law, the Company may immediately discontinue or suspend service for nonpayment of regulated services after five (5) days written notice without incurring any liability.
- (E) Upon any governmental prohibition or required alteration of the services to be provided or any violation of an applicable law or regulation, the Company may immediately discontinue service without incurring any liability.
- (F) In the event of fraudulent use of the Company's network, the Company will discontinue service without notice and/or seek legal recourse to recover all costs involved in enforcement of this provision.
- (G) Upon the Company's discontinuance of service to the Customer under Section 2.5.5(A) or 2.5.5(B), the Company, in addition to all other remedies that may be available to the Company at law or in equity or under any other provision of this tariff, may declare all future monthly and other charges that would have been payable by the Customer during the remainder of the term for which such services would have otherwise been provided to the Customer to be immediately due and payable (discounted to present value at six percent).
- (H) At the Customer's request the Company will, for thirty (30) days, provide the Customer with an intercept recording referring callers to another number. This service is available to Customers at no charge for the first thirty (30) days.

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
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REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.6 Cancellation of Application for Service

- (A) Applications for service cannot be canceled without the Company's agreement. Where the Company permits a Customer to cancel an application for service prior to the start of service or prior to any special construction, no charges will be imposed except for those specified below.
- (B) Where, prior to cancellation by the Customer, the Company incurs any expenses in installing the service or in preparing to install the service that it otherwise would not have incurred, a charge equal to the costs incurred by the Company, less net salvage, shall apply, but in no case shall this charge exceed the sum of the charge for the minimum period of services ordered, including installation charges, and all charges others levy against the Company that would have been chargeable to the Customer had service commenced (all discounted to present value at six percent).
- (C) Where the Company incurs any expense in connection with special construction, or where special arrangements of facilities or equipment have begun, before the Company receives a cancellation notice, a charge equal to the costs incurred by the Company, less net salvage, applies. In such cases, the charge will be based on such elements as the cost of the equipment, facilities, and material, the cost of installation, engineering, labor, and supervision, general and administrative expense, other disbursements, depreciation, maintenance, taxes, provision for return on investment, and any other costs associated with the special construction or arrangements.
- (D) The Company retains discretion whether to impose the special charges described in 2.5.6(A) through 2.5.6(C).

Missouri Public Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.5 Payment Arrangements (Cont'd)

2.5.7 Changes in Service Requested

If the Customer makes or requests material changes in circuit engineering, equipment specifications, service parameters, premises locations, or otherwise materially modifies any provision of the application for service, the Customer's installation fee shall be adjusted accordingly.

2.6 Allowances for Interruptions in Service

Interruptions in service that are not due to the negligence of, or noncompliance with the provisions of this tariff by, the Customer or the operation or malfunction of the facilities, power or equipment provided by the Customer, will be credited to the Customer as set forth in 2.6.1 for the part of the service that the interruption affects.

2.6.1 Credit for Interruptions

- (A) A credit allowance will be made when an interruption occurs because of a failure of any component furnished by the Company under this tariff. An interruption period begins when the Customer reports a service, facility or circuit to be interrupted and releases it for testing and repair. An interruption period ends when the service, facility or circuit is operative. If the Customer reports a service, facility or circuit to be inoperative but declines to release it for testing and repair, it is considered to be impaired, but not interrupted.
- (B) For calculating credit allowances, every month is considered to have 30 days. A credit allowance for fixed recurring fees only is applied on a pro rata basis against the rates specified hereunder and is dependent upon the length of the interruption. Only those facilities on the interrupted portion of the circuit will receive a credit.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

Missouri P.S.C. Tariff No. 2  
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2. REGULATIONS (Cont'd)

2.6 Allowances for Interruptions in Service (Cont'd)

2.6.1 Credit for Interruptions (Cont'd)

(C) A credit allowance will be given for interruptions of 30 minutes or more. Credit allowances shall be calculated as follows:

Interruptions of 24 Hours or Less

<u>Length of Interruption</u>	<u>Interruption Period To Be Credited</u>
Less than 30 minutes	None
30 minutes up to but not including 3 hours	1/10 Day
3 hours up to but not including 6 hours	1/5 Day
6 hours up to but not including 9 hours	2/5 Day
9 hours up to but not including 12 hours	3/5 Day
12 hours up to but not including 15 hours	4/5 Day
15 hours up to but not including 24 hours	One Day

00-310  
FILED DEC 16 1999

Two or more interruptions of 15 minutes or more during any one 24-hour period shall be considered as one interruption.

Issued: October 29, 1999

Effective: December 15, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

CANCELLED  
September 2, 2005  
Missouri Public Service Commission  
TD-2006-0078

DEC 16 1999

REC'D OCT 29 1999

Missouri P.S.C. Tariff No. 2

Original Page No. 48

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2. REGULATIONS (Cont'd)

2.6 Allowances for Interruptions in Service (Cont'd)

2.6.1 Credit for Interruptions (Cont'd)

(C) (Cont'd)

Over 24 Hours and Less Than 72 Hours. Interruptions over 24 hours and less than 72 hours will be credited 1/5 day for each 3-hour period or fraction thereof. No more than one full day's credit will be allowed for any period of 24 hours.

Interruptions Over 72 Hours. Interruptions over 72 hours will be credited 2 days for each full 24-hour period. No more than 30 days' credit will be allowed for any one month period.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.6 Allowances for Interruptions in Service (Cont'd)

2.6.2 Limitations on Allowances

No credit allowance will be made for:

- (A) interruptions due to the negligence of, or noncompliance with the provisions of this tariff by, the Customer, authorized user, joint user, or other common carrier providing service connected to the service of the Company;
- (B) interruptions due to the negligence of any person other than the Company, including but not limited to the Customer or other common carriers connected to the Company's facilities;
- (C) interruptions due to the failure or malfunction of non-Company equipment;
- (D) interruptions of service during any period in which the Company is not given full and free access to its facilities and equipment for the purpose of investigating and correcting interruptions;
- (E) interruptions of service during a period in which the Customer continues to use the service on an impaired basis;
- (F) interruptions of service during any period when the Customer has released service to the Company for maintenance purposes or for implementation of a Customer order for a change in service arrangements; and
- (G) interruption of service due to circumstances or causes beyond the control of Company.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999  
Missouri P.S.C. Tariff No. 2  
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2. REGULATIONS (Cont'd)

2.6 Allowances for Interruptions in Service (Cont'd)

2.6.3 Cancellation For Service Interruption

Cancellation or termination for service interruption is permitted only if any circuit experiences a single continuous outage of 8 hours or more or cumulative service credits equalling 16 hours in a continuous 12-month period. The right to cancel service under this provision applies only to the single circuit that has been subject to the outage or cumulative service credits.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.7 Use of Customer's Service by Others

2.7.1 Resale and Sharing

Any service provided under this tariff may be resold to or shared with other persons at the option of the Customer, subject to compliance with any applicable laws or Missouri Public Service Commission regulations governing such resale or sharing. The Customer remains solely responsible for all use of services ordered by it or billed to its telephone number(s) pursuant to this tariff, for determining who is authorized to use its services, and for notifying the Company of any unauthorized use.

2.7.2 Joint Use Arrangements

Joint use arrangements will be permitted for all services provided under this tariff. From each joint use arrangement, one member will be designated as the Customer responsible for the manner in which the joint use of the service will be allocated. The Company will accept orders to start, rearrange, relocate, or discontinue service only from the designated Customer. Without affecting the Customer's ultimate responsibility for payment of all charges for the service, each joint user shall be responsible for the payment of the charges billed to it.

Missouri Public Service Commission  
00-310  
FILED DEC 10 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

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2. REGULATIONS (Cont'd)

REC'D FEB 09 2000

2.8 Cancellation of Service

If a Customer cancels a Service Order or terminates services before the completion of the term for any reason whatsoever other than a service interruption (as defined in Section 2.6.1 above), the Customer agrees to pay to the Company termination liability charges, as defined below. These charges shall become due and owing as of the effective date of the cancellation or termination and be payable within the period, set forth in Section 2.5.2.

The Customer's termination liability for cancellation of service shall be equal to:

- (A) all unpaid Non-Recurring charges reasonably expended by the Company to establish service to the Customer; plus
- (B) any disconnection, early cancellation or termination charges reasonably incurred and paid to third parties by the Company on behalf of the Customer; plus
- (C) all Recurring Charges specified in the applicable Service Order Tariff for the balance of the then current term discounted at the prime rate announced in the Wall Street Journal on the third business day following the date of cancellation; minus
- (D) a reasonable allowance for costs avoided by the Company as a direct result of the Customer's cancellation plus.
- (E) the difference between a customers term rates and the month-to-month rates times the actual length of service, which will apply to new customers effective March 17, 2000.

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Issued: February 9, 2000

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
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MAR 17 2000

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

**Missouri Public  
Service Commission**

FILED MAR 17 2000



REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.8 Cancellation of Service

If a Customer cancels a Service Order or terminates services before the completion of the term for any reason whatsoever other than a service interruption (as defined in Section 2.6.1 above), the Customer agrees to pay to the Company termination liability charges, as defined below. These charges shall become due and owing as of the effective date of the cancellation or termination and be payable within the period, set forth in Section 2.5.2.

The Customer's termination liability for cancellation of service shall be equal to:

- (A) all unpaid Non-Recurring charges reasonably expended by the Company to establish service to the Customer; plus
- (B) any disconnection, early cancellation or termination charges reasonably incurred and paid to third parties by the Company on behalf of the Customer; plus
- (C) all Recurring Charges specified in the applicable Service Order Tariff for the balance of the then current term discounted at the prime rate announced in the Wall Street Journal on the third business day following the date of cancellation; minus
- (D) a reasonable allowance for costs avoided by the Company as a direct result of the Customer's cancellation.

**CANCELLED**

MAR 17 2000

By  
Public Service Commission  
MISSOURI

MISSOURI PUBLIC SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999  
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2. REGULATIONS (Cont'd)

2.9 Transfers and Assignments

Neither the Company nor the Customer may assign or transfer its rights or duties in connection with the services and facilities provided by the Company without the written consent of the other party, except that the Company may assign its rights and duties:

- (A) to any subsidiary, parent company or affiliate of the Company; or
- (B) pursuant to any sale or transfer of substantially all the assets of the Company; or
- (C) pursuant to any financing, merger or reorganization of the Company.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

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2. REGULATIONS (Cont'd)

2.10 Notices and Communications

- (A) The Customer shall designate on the Service Order an address to which the Company shall mail or deliver all notices and other communications, except that the Customer may also designate a separate address to which the Company's bills for service shall be mailed.
- (B) The Company shall designate on the Service Order an address to which the Customer shall mail or deliver all notices and other communications, except that Company may designate a separate address on each bill for service to which the Customer shall mail payment on that bill.
- (C) All notices or other communications required to be given pursuant to this tariff will be in writing. Notices and other communications of either party, and all bills mailed by the Company, shall be presumed to have been delivered to the other party on the third business day following placement of the notice, communication or bill with the U.S. Mail or a private delivery service, prepaid and properly addressed, or when actually received or refused by the addressee, whichever occurs first.
- (D) The Company or the Customer shall advise the other party of any changes to the addresses designated for notices, other communications or billing, by following the procedures for giving notice set forth herein.

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.11 Operator Services Rules

2.11.1 Obligations of the Company

In compliance with the Commission's rules and regulations, when providing operator services, the Company will:

- (A) Identify itself, audibly and distinctly, to the End User and the Customer, if different from the End User, as the operator service provider at the time of the initial contact before the Customer incurs any charges and also a second time prior to connecting the call before the Customer incurs any charges, otherwise referred to as double branding;
- (B) Inform the Customer, at no charge and upon request, of the rates to be charged, including all rate components and any additional charges, and explain the method of billing and collection used by the Company. In addition, explain the methods by which complaints concerning rates, charges, or collection practices will be resolved;
- (C) Permit the Customer to terminate the call at no charge before the call is connected; and not bill for incomplete calls where answer supervision is available;
- (D) Not bill for unanswered or incomplete telephone calls and remove any charges for incomplete calls upon Customer notification or Company's knowledge;

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

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Missouri P.S.C. Tariff No. 2  
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2. REGULATIONS (Cont'd)

2.11 Operator Services Rules (Cont'd)

2.11.1 Obligations of the Company (Cont'd)

- (E) Not engage in call splashing (billing rates other than from the actual call origination) unless the Customer requests to be transferred to another provider of operator services, the Customer is informed prior to incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call, and the Customer then consents to be transferred;
- (F) Only tariffed rates approved by this Commission for Company shall appear on any local exchange telephone company (LEC) billing;
- (G) Withhold payment of any compensation, and/or refuse operator services to traffic aggregators if the Company reasonably believes that the aggregator is engaging blocking 800, 950 or access to other Companies;
- (H) Upon receipt of any 0- or 00-emergency telephone calls, the Company will immediately connect the call to the appropriate local emergency service provider, at no charge; all 911 calls will be completed to the proper PSAP.
- (I) Upon request, the Company will transfer all 0- and 0+ IntraLATA calls to the LEC or authorized interexchange Company, if billing can list the Customer's actual origination point;
- (J) Company will employ reasonable calling card verification procedures, acceptable to the telephone company issuing the calling card.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

**DEC 16 1999**

CANCELLED  
September 2, 2005  
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2. REGULATIONS (Cont'd)

2.11 Operator Services Rules (Cont'd)

2.11.2 Requirements of the Aggregator

- (A) The aggregator shall display plainly on or in close proximity to all telephones printed documentation (tent cards) notifying the end user of the following:
- (1) A statement that the aggregator is an operator service provider along with the aggregator's name, address and toll-free telephone number;
  - (2) Operator service provider local exchange and intraLATA rates or how to obtain these rates (collect, credit card, person-to-person, etc.);
  - (3) A written disclosure that informs the End Users on the procedures to reach the LEC operator or other authorized interexchange companies, that they have a right to obtain access to the carrier of their choice, and that they may contact their preferred carrier for information on accessing that carrier's service using that station telephone;
  - (4) Local Exchange and IntraLATA dialing instructions;
  - (5) Hotel surcharge for local and long distance calls, if any; and
  - (6) Detailed complaint procedures.
- (B) An aggregator shall not charge higher rates for calls accessing the operator service provider via 800, 950 or 1010XXX access numbers than those rates charged for calls using the presubscribed operator services provider.

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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2. REGULATIONS (Cont'd)

2.12 Emergency Telephone Service Responsibilities

In compliance with the Commission's rules and regulations, when providing emergency services, the Company will:

- (A) Be obligated to supply the E-911 service provider in the Company's service area (the E-911 service provider) with information necessary to update the E-911 database at the time the Company submits Customer orders to the local exchange company whose service is being resold pursuant to these tariffs.
- (B) At the time the Company provides basic local service to a Customer by means of its own cable pair, or over any other exclusively owned facility, the Company will be obligated to make the necessary equipment or facility additions in the 911 service provider's equipment in order to properly update the database for 911.
- (C) The Company will be obligated to provide facilities to route calls from the end users to the proper PSAP. The Company recognizes the authority of the E-911 Customer to establish service specifications and grant final approval or denial of service configurations offered by the Company.
- (D) The Company will collect 911 surcharges and remit all surcharge revenue to the appropriate governmental entity pursuant to RSMo. 190.310.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
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TD-2006-0078

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**3. APPLICATION OF RATES**

**3.1 Introduction**

The regulations set forth in this section govern the application of rates for services contained in other sections of this tariff.

**3.2 Charges Based on Duration of Use**

Where charges for a service are specified based on the duration of use, such as the duration of a telephone call, the following rules apply:

- (A) Calls are measured in durational increments identified for each service. All calls that are fractions of a measurement increment are rounded-up to the next whole unit. Unless otherwise specified in this tariff, one (1) unit is equal to one (1) minute.
- (B) Timing on completed calls begins when the call is answered by the called party. Answering is determined by hardware answer supervision in all cases where this signaling is provided by the terminating local carrier and any intermediate carrier(s). Timing for operator service person-to-person calls start with completion of the connection to the person called or an acceptable substitute, or to the PBX station called.
- (C) Timing terminates on all calls when the calling party hangs up or the Company's network receives an off-hook signal from the terminating carrier.
- (D) Calls originating in one time period and terminating in another will be billed in proportion to the rates in effect during different segments of the call.
- (E) All times refer to local time.

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
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TD-2006-0078



REC'D OCT 29 1999

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3. APPLICATION OF RATES (Cont'd)

3.3 Rates Based Upon Distance

Where charges for a service are specified based upon distance, the following rules:

- (A) Distance between two points is measured as airline distance between the rate centers of the originating and terminating telephone lines. The rate center is a set of geographic coordinates, as referenced in the Local Exchange Routing Guide issued by Bellcore, associated with each NPA-NXX combination (where NPA is the area code and NXX is the first three digits of a seven-digit telephone number). Where there is no telephone number associated with an access line on the Company's network (such as a dedicated 800 or WATS access line), the Company will apply the rate center of the Customer's main billing telephone number.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
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REC'D OCT 29 1999

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3. APPLICATION OF RATES (Cont'd)

3.3 Rates Based Upon Distance (Cont'd)

(B) The airline distance between any two rate centers is determined as follows:

- (1) Obtain the "V" (vertical) and "H" (horizontal) coordinates for each rate center from the Bellcore Local Exchange Routing guide referenced in Section 3.3(A).
- (2) Compute the difference between the "V" coordinates of the two rate centers; and the difference between the two "H" coordinates.
- (3) Square each difference obtained in step (2) above.
- (4) Add the square of the "V" difference and the square of the "H" difference obtained in step (3) above.
- (5) Divide the sum of the squares by 10. Round to the next higher whole number if any fraction is obtained.
- (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.
- (7) FORMULA =

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

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
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**4. SERVICE AREAS**

**4.1 Local Access Service Areas**

Local Access Service Areas are provided (pursuant to Section 5.1) in limited geographic areas. This tariff applies to the Company's provision of telecommunications services within the following Southwestern Bell Telephone ("SWBT") exchanges:

**Geographic Areas In Which Service Is Available:**

Adrian	Blue Springs	Charleston	Elsberry
Advance	Bonne Terre	Chesterfield	Essex
Agency	Boonville	Chillicothe	Eureka
Altenburg-Frohna	Bowling Green	Clarksville	Excelsior Springs
Antonia	Bridgeton	Clever	Fair Grove
Archie	Brookfield	Climax Springs	Farley
Argyle	Camdenton	Creve Couer	Farmington
Armstrong	Campbell	Deering	Fayette
Ash Grove	Cape Girardeau	Dekalb	Fenton
Beaufort	Cardwell	Delta	Ferguson
Bell City	Carl Junction	DeSoto	Festus-Crystal City
Belton	Carollton	Dexter	Fisk
Benton	Carthage	Downing	Flat River
Billings	Caruthersville	East Prairie	Florissant
Bismarc	Cedar Hill	East Independence	Frankford
Bloomfield	Center	Edina	Fredericktown
Bloomsdale	Chaffee	Eldon	Freeburg

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 13, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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Duluth, GA 30096

**DEC 16 1999**

CANCELLED  
September 2, 2005  
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**4. SERVICE AREAS**

**4.1 Local Access Service Areas (Cont'd)**

Geographic Areas In Which Service Is Available (Cont'd):

Fulton	Lancaster	Oakville	San Antonio
Gideon	Leadwood	Old Appleton	Sappington
Gladstone	Lee's Summit	Oran	Scott City
Glasgow	Liberty	Overland	Sedalia
Grain Valley	Lilbourn	Pacific	Senath
Gravois Mills	Linn	Parkville	Sikeston
Gray Summit	Lockwood	Patton	Slater
Greenwood	Louisiana	Paynesville	Smithville
Hannibal	Macks Creek	Perryville	South Kansas City
Harvester	Malden	Pierce City	Spanish Lake
Hayti	Manchester	Pocohontas-New Wells	Springfield Metro.
Herculaneum-Pevely	Marble Hill	Pond	Stanberry
Higbee	Marceline	Popular Bluff	Stafford
High Ridge	Marionville	Portage Des Sioux	Tiffany Springs
Hillsboro	Marshall	Portageville	Trenton
Holcomb	Marston	Puxico	Tuscumbia
Hornersville	Maxville	Quin	Union
Imperial	Mehlville	Raytown	Valley Park
Independence	Meta	Republic	Versailles
Jackson	Mexico	Richmond	Vienna
Jasper	Moberly	Richwoods	Walnut Grove
Joplin	Monett	Risco	Wardell
Kansas City Metro.	Montgomery City	Riverview	Ware
Kennett	Morehouse	Rogersville	Washington
Kirksville	Nashua	Rushville	Webb City
Kirkwood	Neosho	St. Charles	Webster Groves
Knob Noster	Nevada	St. Clair	Wellsville
Ladue	New Franklin	St. Joseph	Westphalia
Lake Ozark-Osage Beach	New Madrid	St. Louis Metropolitan	Willard
Lamar	Nixa	St. Marys	Wyatt
LaMonte	Oak Ridge	Ste. Genevieve	

Missouri Public  
Service Commission

00 - 310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

CANCELLED  
September 2, 2005  
Missouri Public  
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REC'D OCT 29 1999

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4. SERVICE AREAS (Cont'd)

4.2 Calling Areas

Geographically-defined Local Calling Areas<sup>1</sup> are associated with each Local Access Service provided pursuant to Section 5.1. Local calling areas will be identical to the local calling areas of SWBT, as those local calling areas are defined in the tariffs of SWBT filed with the Commission.

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FILED DEC 16 1999

<sup>1</sup> Rates and rate plans for Local and IntraLATA Calling Area calls placed over Company-provided Local Access Services are set forth in Section 8.

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
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TD-2006-0078

REC'D OCT 29 1999  
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5. LOCAL ACCESS SERVICE

5.1 General

Local Access Service provides a Customer with a telephonic connection to, and a unique telephone number address on the public switched telecommunications network. Each Local Access Service enables users to:

- (A) receive calls from other stations on the public switched telecommunications network;
- (B) access other services offered by the Company as set forth in this tariff;
- (C) access certain interstate and international calling services provided by the Company;
- (D) access (at no additional charge) the Company's operators and business office for service related assistance;
- (E) access (at no additional charge) emergency services by dialing 0- or 9-1-1; and
- (F) access services provided by other common carriers that purchase the Company's Switched Access services as provided under the Company's Federal and State tariffs, or that maintain other types of traffic exchange arrangements with the Company.

Each Local Access Service is available on a "Full" service basis, whereby service is delivered to a demarcation/connection block at the Customer's premises.

The following Local Access Services are offered:

- Basic Line Service
- Key Line Service
- Basic Trunk Service
- DID Trunk Service
- Digital Trunk Service
- ClearStar™ Advantage Service
- Primary Rate Interface (PRI)

MISSOURI PUBLIC SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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5. LOCAL ACCESS SERVICE (Cont'd)

5.2 Basic Line Service

Basic Line Service provides a Customer with a single, voice-grade telephonic communications channel that can be used to place or receive one call at a time. Basic Lines are provided for connection of Customer-provided single station sets or facsimile machines to the public switched telecommunications network. Each Basic Line may be configured into a hunt group with other Company-provided Basic Lines. Each Basic Line is provided with the following standard features which are set forth in Section 10.6 and 10.9 of the tariff.

Non-recurring and monthly recurring rates per Basic Line apply as follows:

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
<u>On-Net Services</u>		
Basic Local		
Exchange Service		
<u>Flat Rate Service</u>		
-Each Line w/ Hunting	\$57.75	\$36.95
-Each Line w/o Hunting	\$52.25	\$36.95
<u>Measured Rate Service</u>		
-Each Line w/ Hunting	\$57.75	\$20.30
-Each Line w/o Hunting	\$52.25	\$20.30
Expanded Local		
Exchange Service		

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Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 13, 1999

Issued By: Tricia Breckenridge  
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KMC Telecom III, Inc.  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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5. LOCAL ACCESS SERVICE (Cont'd)

5.3 Key Line Service

Key Line Service provides a Customer with a single, voice-grade telephonic communications channel that can be used to place or receive one call at a time. Key Lines are provided for connection of Customer-provided key systems to the public switched telecommunications network. Each Key Line is provided with the following standard features which are set forth in Section 10.6 and 10.9 of the tariff.

Non-recurring and monthly recurring rates per Key Line apply as follows:

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
<u>On-Net Services</u>		
Basic Local		
Exchange Service		
<u>Flat Rate Service</u>		
-Each Line w/ Hunting	\$57.75	\$48.00
-Each Line w/o Hunting	\$52.25	\$48.00
<u>Measured Rate Service</u>		
-Each Line w/ Hunting	\$57.75	\$20.30
-Each Line w/o Hunting	\$52.25	\$20.30
Expanded Local		
Exchange Service		

**RESERVED FOR FUTURE USE**

Missouri Public  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078



REC'D OCT 29 1999

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5. LOCAL ACCESS SERVICE (Cont'd)

5.4 Basic Trunk Service

Basic Trunk Service provides a Customer with a single, voice-grade telephonic communications channel that can be used to place or receive one call at a time. Basic Trunks are provided for connection of Customer-provided private branch exchanges (PBX) to the public switched telecommunications network. Each Basic Trunk is provided with touch tone signalling and may be configured into a hunt group with other Company-provided Basic Trunks.

Basic Trunks may be equipped with Analog Direct Inward Dial (DID) capability and DID number blocks for additional charges, as set forth in Sections 5.5, 5.6 and 6.2.

Non-recurring and monthly recurring rates per Basic Trunk apply as follows:

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
<u>On-Net Services</u>		
Basic Local		
Exchange Service		
<u>Flat Rate Service</u>		
-Each Line w/ Hunting	\$57.75	\$48.00
-Each Line w/o Hunting	\$52.25	\$48.00
 <u>Measured Rate Service</u>		
-Each Line w/ Hunting	\$57.75	\$20.30
-Each Line w/o Hunting	\$52.25	\$20.30
 Expanded Local		
Exchange Service		

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Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

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KMC Telecom III, Inc.  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
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TD-2006-0078

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5. LOCAL ACCESS SERVICE (Cont'd)

5.5 DID Trunk Service

DID Trunk Service provides a Customer with a single, voice-grade telephonic communications channel that can be used to receive incoming calls one call at a time. DID Trunk Service transmits the dialed digits for all incoming calls allowing the Customer's PBX to route incoming calls directly to individual stations corresponding to each individual DID number. Charges for DID number blocks as set forth in Section 6.2 apply in addition to the DID Trunk charges listed below.

Non-recurring and monthly recurring rates per DID Trunk, apply as follows:

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
<u>On-Net Services</u>		
Basic Local		
Exchange Service		
-Each Trunk w/ block of 10#'s	\$233.00*	\$100.10
-Each Trunk w/ block of 100#'s	\$233.00*	\$118.10
Expanded Local		
Exchange Service		

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\* DTMF Signalling requires an additional charge of \$122.25.

FILED DEC 13 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

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5. LOCAL ACCESS SERVICE (Cont'd)

5.6 Digital Trunk Service

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Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
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TD-2006-0078

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5. LOCAL ACCESS SERVICE (Cont'd)

5.7 ClearStar™ Advantage Service

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00-310  
FILED DEC 16 1999

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Issued: October 29, 1999

Effective: December 13, 1999

Issued By:

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**DEC 16 1999**

CANCELLED  
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Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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5. LOCAL ACCESS SERVICE (Cont'd)

5.7 ClearStar™ Advantage Service (Cont'd)

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Missouri Public  
Service Commission  
00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

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KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
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Service Commission  
TD-2006-0078

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5. LOCAL ACCESS SERVICE (Cont'd)

5.7 ClearStar™ Advantage Service (Cont'd)

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MISSOURI PUBLIC  
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0.0-31.0  
FILED DEC 16 1999

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Issued: October 29, 1999

Effective: December 13, 1999

Issued By:

Tricia Breckenridge  
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Duluth, GA 30096

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CANCELLED  
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5. LOCAL ACCESS SERVICE (Cont'd)

5.7 ClearStar™ Advantage Service (Cont'd)

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Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

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Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

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Duluth, GA 30096

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CANCELLED  
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5. LOCAL ACCESS SERVICE (Cont'd)

5.7 ClearStar™ Advantage Service (Cont'd)

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Service Commission

00 - 310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By:

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5. LOCAL ACCESS SERVICE (Cont'd)

5.8 Primary Rate Interface (PRI)

Primary Rate Interface Service (PRI) provides an ISDN based, DS1 access to the telecommunications network and includes the flexibility of integration of multiple voice and/or data transmission channels on the same line. The service will provide connectivity between ISDN compatible CPE and a serving central office. The basic channel structure for PRI Service is twenty-three 64 Kbps B-Channels and one 64 Kbps D-Channel. The Customer has the option to activate up to 23 B-Channels on the first PRI Service arrangement and up to 24 channels on additional PRI Service arrangements. A Digital Data Only option and an Inward Data Option are also available. The 23 B-Channels can be used to connect the Customer's CPE to the Public Circuit Switched Network, e.g., outward, inward and 2-way network access. Calling Number Delivery, Called Number Delivery, and Hunting functionality are inherent to this service. Telephone numbers for use on PRI Service are available. One Primary Directory Listing will be furnished at no charge for each PRI service B-Channel. Additional listings can be obtained. PRI Service provides capability for the transmission of digital signals only. Clear Channel Capability and Extended Superframe Format are inherent to the service.

Non-recurring and monthly rates per PRI Service apply as follows:

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
<u>12 Months</u>		
Base System	\$2385.00	\$625.00
Voice/Data, per channel	N/A	\$56.05
Digital Data, per channel	N/A	\$56.05
Inward Data, per channel	N/A	\$56.05
<u>24 Months</u>		
Base System	\$1685.00	\$535.00
Voice/Data, per channel	N/A	\$56.05
Digital Data, per channel	N/A	\$56.05
Inward Data, per channel	N/A	\$56.05
<u>36 Months</u>		
Base System	\$1335.00	\$500.00
Voice/Data, per channel	N/A	\$56.05
Digital Data, per channel	N/A	\$56.05
Inward Data, per channel	N/A	\$56.05

MISSOURI PUBLIC  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
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Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
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6. LOCAL ACCESS OPTIONAL FEATURES

6.1 Directory Listings

For each Customer of Company-provided Local Access Service(s), the Company shall arrange for the listing of the Customer's main billing telephone number<sup>1</sup> in the directory(ies) published by the dominant Local Exchange Carrier in the area at no additional charge.

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FILED DEC 16 1999

<sup>1</sup> For Customers with multiple premises served by the Company, the Company will arrange for a listing of the main billing telephone number at each premise.

Issued: October 29, 1999

Effective: December 16, 1999

Issued By: Tricia Breckenridge  
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REC'D OCT 29 1999

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6. LOCAL ACCESS OPTIONAL FEATURES (Cont'd)

6.2 Direct Inward Dial (DID) Service

DID service is an optional feature which can be purchased in conjunction with Company-provided Basic Trunks or Digital Trunks. DID service transmits the dialed digits for all incoming calls allowing the Customer's PBX to route incoming calls directly to individual stations corresponding to each individual DID number. Charges for DID capability and DID number blocks apply in addition to charges specified for Basic Trunks or Digital Trunks in Sections 5.2, 5.4 and 5.6, respectively.

One DID Additive charge applies for each DID-equipped Basic Trunk or DID-equipped channel on a Digital Trunk. The Customer is required to purchase at least one DID number block for each DID-equipped trunk or trunk group, or DID-equipped channel or channel group.<sup>1</sup> The assignment of telephone numbers and the sequence of the numbers assigned to a DID service is made at the discretion of the Company.

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
DID Additive		
-Block of 10 DID Numbers	\$165.00	\$5.00
-Add'l Block of 10 DID Numbers	\$10.00	\$5.00
-Block of 100 DID Numbers	\$165.00	\$23.50
-Add'l Block of 100 DID Numbers	\$165.00	\$23.50

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Service Commission  
00-310  
FILED DEC 16 1999

<sup>1</sup> A "group" is a set of Basic Trunks or Digital Trunk channels which have been configured into a hunt group.

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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Duluth, GA 30096

DEC 16 1999

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REC'D OCT 29 1999

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6. LOCAL ACCESS OPTIONAL FEATURES (Cont'd)

6.3 Main Number Retention

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FILED DEC 16 1999

Issued: October 29, 1999

Effective: 

Issued By: Tricia Breckenridge  
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6. LOCAL ACCESS OPTIONAL FEATURES (Cont'd)

6.4 Accounting Codes

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Service Commission

00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

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6. LOCAL ACCESS OPTIONAL FEATURES (Cont'd)

6.5 Authorization Codes

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Service Commission

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

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CANCELLED  
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TD-2006-0078

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6. LOCAL ACCESS OPTIONAL FEATURES (Cont'd)

6.6 Vanity Number Service

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Service Commission

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By:

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DEC 16 1999

CANCELLED  
September 2, 2005  
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TD-2006-0078

REC'D OCT 29 1999

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**7. RESOLD LOCAL EXCHANGE SERVICE**

**7.1 Description**

Resold Local Exchange Service is composed of the resale of local access lines and local calling provided by other certificated Local Exchange Carriers, in combination with Company-provided usage services, miscellaneous services or interstate/international services.

**7.2 Rates**

The following rates apply for Resold Local Exchange Services:

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
<u>Resold Basic Lines:</u>		
(1) <u>Flat Rate Service</u>		
1st Line	\$57.75	\$36.95
Each Addtl Line	\$57.75	\$36.95
(2) <u>Measured Service</u>		
1st Line	\$57.75	\$20.30
Each Addtl Line	\$57.75	\$20.30
<u>Resold Basic Trunks<sup>1</sup></u>		
(1) <u>Flat Rate Service</u>		
1st Trunk	\$57.75	\$48.00
Each Addtl Trunk	\$57.75	\$48.00
(2) <u>Measured Service</u>		
1st Trunk	\$57.75	\$20.30
Each Addtl Trunk	\$57.75	\$20.30

<sup>1</sup> Includes Hunting

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00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 15, 1999~~

Issued By: Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
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7. RESOLD LOCAL EXCHANGE SERVICE (Cont'd)

7.2 Rates (Cont'd)

	<u>Non-Recurring</u>	<u>Monthly Recurring</u>
<u>Resold Direct Inward Dial (DID) Service</u>		
<u>DID Trunk Termination:</u>		
DID Trunk Termination, each Inward Only Trunk		
-Dial-Pulse Signaling	\$15.75	\$47.10
-MF Signaling	\$15.75	\$47.10
-DTMF Signaling		
1st Trunk	\$138.00	\$47.10
Addtl Trunk	\$138.00	\$47.10
<u>DID Station Numbers:</u>		
1st Block of 10 DID Station Numbers	\$165.00	\$5.00
Add'l Block of 10 DID Station Numbers	\$10.00	\$5.00
1st Block of 100 DID Station Numbers	\$165.00	\$23.50
Add'l Block of 100 DID Station Numbers	\$165.00	\$23.50
<u>Optional Features:</u>		
Automatic Intercept Service, per number referred	N/A	N/A

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: XXXXXXXXXX

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
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**DEC 16 1999**

CANCELLED  
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7. RESOLD LOCAL EXCHANGE SERVICE (Cont'd)

7.2 Rates (Cont'd)

Resold Local Usage

Flat Rate Calling

Unlimited

Measured Rate Calling

<u>Day</u>	<u>1st Min</u>	<u>Addtl Min</u>
Band A (0-14 miles)	\$0.0400	0.0100
Band B (15-28 miles)	\$0.0500	0.0200
Band C (29+ miles)	\$0.0600	0.0300
<u>Evening</u>	<u>1st Min</u>	<u>Addtl Min</u>
Band A (0-14 miles)	\$0.0320	0.0080
Band B (15-28 miles)	\$0.0400	0.0160
Band C (29+ miles)	\$0.0480	0.0240
<u>Night</u>	<u>1st Min</u>	<u>Addtl Min</u>
Band A (0-14 miles)	\$0.0260	0.0065
Band B (15-28 miles)	\$0.0325	0.0130
Band C (29+ miles)	\$0.0390	0.0195

Missouri Public  
Service Commission

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FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
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**8. LOCAL CALLING SERVICE**

**8.1 Description**

Local Calling Service provides a Customer with the ability to originate calls from a Company-provided access line to all other stations on the public switched telephone network<sup>1</sup> bearing the designation of any central office exchanges, areas, and zones included in the Customer's local calling area.

8.1.1 Basic Local Exchange Service - This calling service allows the Customer unlimited access to all other stations on the public switched telephone network within the Customer's Basic Local Calling Area.<sup>2</sup> All calls to destinations outside the Basic Local Calling Area but within the same state and LATA will be charged the IntraLATA rates as specified in Section 9.3 following.

8.1.2 Expanded Local Exchange Service

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<sup>1</sup> Except calls to other telephone companies' caller paid information services (e.g. NPA 900, NXX 976, etc.). Calls to those numbers and other numbers used for caller-paid information services will be blocked by the Company's centralized switching facility.

<sup>2</sup> As specified in SWBT's tariff in effect and as amended from time-to-time.

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

**DEC 16 1999**

CANCELLED  
September 2, 2005  
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REC'D OCT 29 1999

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8. LOCAL CALLING SERVICE (Cont'd)

8.1 Description (Cont'd)

8.1.2 Expanded Local Exchange Service

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MISSOURI PUBLIC  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By: Tricia Breckenridge  
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KMC Telecom III, Inc.  
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**DEC 16 1999**

CANCELLED  
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REC'D OCT 29 1999

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8. LOCAL CALLING SERVICE (Cont'd)

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Missouri Public Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 13, 1999

Issued By:

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DEC 16 1999

CANCELLED  
September 2, 2005  
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TD-2006-0078

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Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

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**DEC 16 1999**

CANCELLED  
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Missouri Public Service Commission

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By:

Tricia Breckenridge  
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KMC Telecom III, Inc.  
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**DEC 16 1999**

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REC'D OCT 29 1999

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9. **RESERVED FOR FUTURE USE**

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
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**DEC 16 1999**

CANCELLED  
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TD-2006-0078



REC'D OCT 29 1999

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10. MISCELLANEOUS SERVICES

10.1 Operator Services

10.1.1 Description

Operator Handled Calling Services are provided to Customers and Users of Company-provided Local Access Services, and to Customers and Users of local access lines.

10.1.2 Definitions

Person--Person: Calls completed with the assistance of a Company operator to a particular person, station, department, or PBX extension specified by the calling party. Charges may be billed to the Customer's commercial credit card and/or LEC calling card, calling station, called station, or a designated third-party station. Calls may be dialed with or without the assistance of a Company operator.

Station-to-Station: Refers to calls other than person-to-person calls billed to either the end user's commercial credit card and/or nonproprietary calling card. Calls may be dialed with or without the assistance of a Company operator. Collect calls to coin telephones and transfers of charges to third telephones which are coin telephones will not be accepted.

Operator Dialed Charge: The end user places the call without dialing the destination number, although the capability to do it himself exists. The end user will dial "0" for local calls and "00" for long distance calls and then request the operator to dial the called station.

Billed to Non-Proprietary Calling Card: Refers to calls that are dialed by the Customer in accordance with standard dialing instructions and billed to a non-proprietary calling card issued by another carrier.

Missouri Public  
Service Commission

00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 13, 1999

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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10. MISCELLANEOUS SERVICES (Cont'd)

10.1 Operator Services (Cont'd)

10.1.3 Rates

Local exchange and IntraLATA calls may be placed on an Operator Assisted basis. Usage charges for Operator Assisted calls are the same as those set forth in Sections 8 and 9, preceding. In no event will the maximum rate for Operator Assisted calls exceed the maximum AT&T rate on file for such services. For Operator Assisted calls to Busy Line Verification and Interrupt, or Directory Assistance, the surcharges specified in Section 10.2.3 and Section 10.1.3 will apply in addition to any applicable Operator charges.

In addition to the usage charges identified above, the following operator-assisted charges will apply:

<u>Per Call Charges</u>	<u>IntraLATA</u>	<u>InterLATA</u>
Person-to-Person (Operator Assisted)	\$2.40	\$2.40
Station-to-Station (Operator Assisted)	\$1.10	\$1.10
Operator Dialed Charge (applies in addition to other operator charges)	N/A	N/A
Billed to Non-Proprietary Calling Card (additional surcharge)	\$0.65	\$0.65
Directory Assistance	\$0.48	\$0.48
Directory Assistance Call Completion	\$0.30	\$0.30

00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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10. MISCELLANEOUS SERVICES (Cont'd)

10.2 Busy Line Verify and Line Interrupt Service

10.2.1 Description

Upon request of a calling party the Company will verify a busy condition on a called line.

- (A) The operator will determine if the line is clear or in use and report to the calling party.
- (B) The operator will interrupt the call on the called line only if the calling party indicates an emergency and requests interruption.

10.2.2 Regulations

- (A) A charge will apply when:
  - (1) The operator verifies that the line is busy with a call in progress.
  - (2) The operator verifies that the line is available for incoming calls.
  - (3) The operator verifies that the called number is busy with a call in progress and the Customer requests interruption. The operator will then interrupt the call, advising the called party the name of the calling party. One charge will apply for both verification and interruption.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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10. MISCELLANEOUS SERVICES (Cont'd)

10.2 Busy Line Verify and Line Interrupt Service (Cont'd)

10.2.2 Regulations (Cont'd)

(B) No charge will apply:

- (1) When the calling party advises that the call is to or from an official public emergency agency.
- (2) Under conditions other than those specified in 10.2.2(A) preceding.

(C) Busy Verification and Interrupt Service is furnished where and to the extent that facilities permit.

(D) The Customer shall identify and hold the Company harmless against all claims that may arise from either party to the interrupted call or any person.

10.2.3 Rates

Busy Line Verify Service (each request)	\$1.20
Busy Line Verify and Busy Line Interrupt Service (each request)	\$1.85

FILED DEC 3 10 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By: Tricia Breckenridge  
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DEC 16 1999

CANCELLED  
September 2, 2005  
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Service Commission  
TD-2006-0078

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10. MISCELLANEOUS SERVICES (Cont'd)

10.3 Service Implementation

10.3.1 Description

Absent a promotional offering, service implementation charges will apply to new service orders or to orders to change existing service.

10.3.2 Rates

	<u>Resold</u> <u>Non-Recurring</u>	<u>On-Net</u> <u>Non-Recurring</u>
per service order	\$52.25	\$52.25

10.4 Restoration of Service

10.4.1 Description

A restoration charge applies to the re-establishment of service and facilities suspended because of nonpayment of bills and is payable at the time that the re-establishment of the service and facilities suspended is arranged for. The restoration charge does not apply when, after disconnection of service, service is later re-established.

10.4.2 Rates

	<u>Resold</u> <u>Non-Recurring</u>	<u>On-Net</u> <u>Non-Recurring</u>
per occasion	\$52.25	\$52.25

00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By: Tricia Breckenridge  
 Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
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Service Commission  
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10. MISCELLANEOUS SERVICES (Cont'd)

10.5 Charges for Connecting or Changing Service

	<u>Resold</u> <u>Non-Recurring</u>	<u>On-Net</u> <u>Non-Recurring</u>
Line Connection Charge		
Applies per exchange access line or trunk.		
First Line	\$52.25	\$52.25
Additional Line (each)	\$52.25	\$52.25
 Line Change Charge		
Applies per exchange access line or trunk		
First Line	\$10.25	\$10.25
Additional Line (each)	\$10.25	\$10.25
 Secondary Service Charge		
Applies per Customer request		
Each	\$5.00	\$5.00
 Premises Work Charge		
First 15-minute increment or fraction thereof		
Per increment	\$39.50	\$39.50
 Each Additional 15-minute increment or fraction thereof		
Per increment	\$14.25	\$14.25

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: XXXXXXXXXX

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
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REC'D OCT 29 1999

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10. MISCELLANEOUS SERVICES (Cont'd)

10.6 Custom Calling Service

10.6.1 Caller ID Description

Caller ID is one of the products which the Company will offer. This feature enables the Customer to view on a display unit the Calling Party Directory Name and/or Number (CPN) on incoming telephone calls.

When Caller ID is activated on a Customer's line, the CPN of incoming calls are displayed on the called CPE during the first long silent interval of the ringing cycle.

Per line blocking for the blocking of CPN will be available upon request, at no charge, only to the following entities for lines over which the official business of the agency is conducted, including those at the residences of employees/volunteers, where an executive officer of the agency registers a need for blocking and provides the required certification to the Company: private, nonprofit, tax exempt, domestic violence intervention agencies and federal, state, and local law enforcement agencies. The CPN will not be transmitted from a line equipped with this capability. Per line blocking is operational on a continuous basis but can be deactivated by the Customer by dialing an access code immediately prior to placing a call.

Line blocking Customers can unblock their CPN information a per call basis, at no charge, by dialing an access code (#82 on their Touch Tone pad or 1182 from a rotary phone) immediately prior to placing a call.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By:

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Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

FILED OCT 29 1999

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10. MISCELLANEOUS SERVICES (Cont'd)

10.6 Custom Calling Service (Cont'd)

10.6.1 Caller ID Description (Cont'd)

A Customer may prevent the delivery of their calling name and/or number to the called party by dialing an access code (#67 on their Touch Tone pad or 1167 from a rotary phone) immediately prior to placing a call. The access code will activate per call blocking, which is available at no charge. If the calling party activates blocking, the CPN will not be transmitted across the line to the called party. Instead, Calling Line Identification Customers will receive an anonymous indicator. This anonymous indicator notifies the Caller ID Customer that the calling party has elected to block the delivery of their name and telephone number. The blocking of CPN will not be provided on calls originating from Customer-Owned Pay Telephone Service. If the Caller ID Customer also subscribes to Anonymous Call Rejection, the calling party will be routed to a telephone company recording advising the caller that the called party will not accept calls whose CPN has been blocked.

Any Customer subscribing to Caller ID will be responsible for the provision of a display device which will be located on the Customer's premises. The installation, repair, and technical capability of that equipment to function in conjunction with the feature specified herein will be the responsibility of the Customer. The Company assumes no liability and will be held harmless for any incompatibility of this equipment to perform satisfactorily with the network features described herein.

Telephone CPN information transmitted via Caller ID is intended solely for the use of the Caller ID subscriber. Resale of this information is prohibited by this Tariff. CPN will not be displayed if the called party is off-hook or if the called party answers during the first ring interval. CPN will be displayed for calls made from another central office only if it is linked by appropriate facilities. Caller ID is not available on operator handled calls.

MISSOURI PUBLIC  
SERVICE COMMISSION

00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
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KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
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10. MISCELLANEOUS SERVICES (Cont'd)

10.6 Custom Calling Service (Cont'd)

10.6.2 Call Trace/Anonymous Calls Description

Customers receiving annoying or anonymous calls may request (1) a telephone number change, which will be provided at no charge by the Company or (2) the capability to utilize Call Trace on a per activation basis, as needed. Call Trace allows the Customer to dial a code (\*57) to automatically request that the following information be recorded:

- a) the originating telephone number
- b) the date and time of the call
- c) the date and time call trace was activated

When Call Trace successfully identifies a calling number, a recording instructs the Customer to call a toll free number, which will activate a Voice Response Script and assist the Customer in establishing an open file. Should the Customer decide to prosecute the call originating party, the Customer should contact the Company for further instructions. Activation of Call Trace never authorizes the Company to provide the called party with the name or telephone number of the calling party. In the event that Call Trace is not available or is unable to resolve the case, it may be necessary to place a manual trap on the Customer's telephone line.

Rate for Call Trace: See Section 10.6.3(t)

Missouri Public  
Service Commission  
00 - 310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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10. MISCELLANEOUS SERVICES (Cont'd)

10.6 Custom Calling Service (Cont'd)

10.6.3 Resold Rates

Business/Business PBX Individual Features:	<u>Monthly</u>
(a) Call Waiting	\$8.00
(b) Call Forwarding Variable	\$6.00
(c) Three-Way Calling	\$4.00
(d) Speed Calling (8-code)	\$4.00
(e) Speed Calling (30-code)	\$4.00
(f) Call Forwarding Busy Line	\$3.00
(g) Call Forwarding Don't Answer	\$3.00
(h) Call Forwarding Busy Line/Don't Answer	\$4.00
(i) Customer Control of Call forwarding Busy Line	\$4.00
(j) Customer Control of Call Forwarding Don't Answer	\$4.00
(k) Call Forwarding Busy Line Multipath or Customer Control of Call Forwarding Busy Line Multipath	\$4.00
(l) Call Forwarding Don't Answer Multipath or Customer Control of Call Forwarding Don't Answer Multipath	\$4.00
(m) Call Forwarding Variable Multipath or Remote Access- Call Forwarding Variable Multipath	\$4.00
(n) Remote Access - Call Forwarding Variable	\$4.00

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
September 2, 2005  
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TD-2006-0078

REC'D OCT 29 1999

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10. MISCELLANEOUS SERVICES (Cont'd)

10.6 Custom Calling Service (Cont'd)

10.6.3 Resold Rates (cont'd.)

Business/Business PBX Individual Features:		<u>Non-Recurring</u>	<u>Monthly</u>
(o)	Call Return (per line)		\$4.00
	Call Return (per use)	\$0.50	
	Call Return (denial of per use)	N/A	
(p)	Repeat Dialing (per line)		\$4.00
	Repeat Dialing (per use)	\$0.50	
	Repeat Dialing (denial of per use)	N/A	
(q)	Call Selector (per line)		\$4.00
(r)	Preferred Call Forwarding (per line)		\$4.00
(s)	Call Block (per line)		\$4.00
(t)	Call Tracing (per line)		
	Per line	N/A	
	Per Successful Activation	\$6.00	
(u)	Caller ID (per line)		
	Caller ID - Calling Name Delivery		\$8.50
	Caller ID - Calling Number Delivery		\$8.50
	Caller ID - Calling Number & Name		\$8.50
(v)	Calling Number Delivery Blocking - Permanent Per line		\$4.00
(w)	Calling Number Delivery Blocking - Per Call (Per activation)		\$4.00
(x)	Enhanced Caller ID (with ACR) Per Line		\$5.00
(y)	Enhanced Caller ID (with Call Management) Per Line		\$5.00
(z)	Enhanced Caller ID (with ACR & Call Management) Per Line		\$5.00

00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: D [REDACTED]

Issued By: Tricia Breckenridge  
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3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
September 2, 2005  
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TD-2006-0078

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10. MISCELLANEOUS SERVICES (Cont'd)

10.7 Remote Call Forwarding

Rates

The following charge is for the Remote Call Forwarding feature only and are in addition to applicable charges for service and equipment.

Remote Call Forwarding is per feature arranged and one access path for either interexchange, intraexchange, or local calling area per service request.

10.8 Flexible Call Forwarding

The following charge is for the Flexible Call Forwarding feature only and are in addition to applicable charges for service and equipment.

Flexible Call Forwarding is an optional network feature that provides Customer control for call forwarding capabilities via dial-accessed voice prompt menus.

MISSOURI PUBLIC SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: Dec 16 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

**DEC 16 1999**

CANCELLED  
September 2, 2005  
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REC'D OCT 29 1999

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**10. MISCELLANEOUS SERVICES (Cont'd)**

**10.9 ClearTouch Services**

ClearTouch Servies are custom calling services provided over Company's facilities.

**10.9.1 On-Net Rates**

Business/Business PBX Individual Features:	<u>Monthly</u>
(a) Call Waiting	\$8.00
(b) Call Forwarding Variable	\$6.00
(c) Three-Way Calling	\$4.00
(d) Speed Calling (8-code)	\$4.00
(e) Speed Calling (30-code)	\$4.00
(f) Call Forwarding Busy Line	\$3.00
(g) Call Forwarding Don't Answer	\$3.00
(h) Call Forwarding Busy Line/Don't Answer	\$4.00
(i) Customer Control of Call forwarding Busy Line	\$4.00
(j) Customer Control of Call Forwarding Don't Answer	\$4.00
(k) Call Forwarding Busy Line Multipath or Customer Control of Call Forwarding Busy Line Multipath	\$4.00
(l) Call Forwarding Don't Answer Multipath or Customer Control of Call Forwarding Don't Answer Multipath	\$4.00
(m) Call Forwarding Variable Multipath or Remote Access- Call Forwarding Variable Multipath	\$4.00
(n) Remote Access - Call Forwarding Variable	\$4.00

MISSOURI PUBLIC SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: Dec 16 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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**DEC 16 1999**

CANCELLED  
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10. MISCELLANEOUS SERVICES (Cont'd)

10.9 ClearTouch Services (Cont'd.)

10.9.1 On-Net Rates (Cont'd.)

Business/Business PBX Individual Features:		<u>Non-Recurring</u>	<u>Monthly</u>
(o)	Call Return (per line)		\$4.00
(p)	Repeat Dialing (per line)		\$4.00
(q)	Call Selector (per line)		\$4.00
(r)	Preferred Call Forwarding (per line)		\$4.00
(s)	Call Block (per line)		\$4.00
(t)	Call Tracing (per line)	N/A	
	per successful activation	\$6.00	
(u)	Anonymous Call Rejection	N/A	
(v)	Caller ID (available w/ or w/o ACR)		
	Basic		\$8.50
	Deluxe		\$8.50
	Enhanced		\$8.50
(w)	Call Return		
	(per use)	\$0.50	
	(denial of per use)	N/A	
(x)	Repeat Dialing		
	(per use)	\$0.50	
	(denial of per use)	N/A	

10.9.2 ValuePlus Packages

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00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By:

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**DEC 16 1999**

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TD-2006-0078

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**11. SPECIAL SERVICES AND PROGRAMS**

**11.1 RESERVED FOR FUTURE USE**

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 14, 1999~~

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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**11. SPECIAL SERVICES AND PROGRAMS (Cont'd)**

**11.2 RESERVED FOR FUTURE USE**

Missouri Public Service Commission

00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By:

Tricia Breckenridge  
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KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
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September 2, 2005  
Missouri Public  
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TD-2006-0078



FILED OCT 29 1999

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Original Page No. 108

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**11.3 RESERVED FOR FUTURE USE**

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 15, 1999~~

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
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September 2, 2005  
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TD-2006-0078

REC'D OCT 29 1999

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11.4 **RESERVED FOR FUTURE USE**

Missouri Public  
Service Commission

00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~December 16, 1999~~

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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11. SPECIAL SERVICES AND PROGRAMS (Cont'd)

11.5 Universal Emergency Telephone Number Service

11.5.1 General

Universal Emergency Telephone Number Service (911 Service) is an arrangement of Company central office and trunking facilities whereby any telephone user who dials the number 911 will reach the emergency report center for the telephone from which the number is dialed or will be routed to an operator if all lines to an emergency report center are busy. If no emergency report center Customer exists for a central office entity, a telephone user who dials the number 911 will be routed to an operator. The telephone user who dials the 911 number will not be charged for the call.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 13, 1999

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
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Service Commission  
TD-2006-0078

REC'D OCT 29 1999  
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11. SPECIAL SERVICES AND PROGRAMS (Cont'd)

11.5 Universal Emergency Telephone Number Service (Cont'd)

11.5.2 Regulations

- a. This service is furnished to municipalities and other governmental agencies only for the purpose of voice reporting of emergencies by the public. For this service, the municipality or government agency(s) designated by the Customer as responsible for the control and staffing of the emergency report center is referred to as the "Agency".
- b. When 911 service replaces an existing emergency number, intercept service shall be the responsibility of the Agency. However, if the Agency is unable to provide this service, the operator will intercept and forward requests for emergency aid for a period of at least one year.
- c. 911 service is furnished for incoming calls only.

Missouri Public  
Service Commission  
30-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 13, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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11. SPECIAL SERVICES AND PROGRAMS (Cont'd)

11.5 Universal Emergency Telephone Number Service (Cont'd)

11.5.3 Conditions of Furnishing Service

This service is offered solely as an aid in handling assistance calls in connection with fire, police, medical, and other emergencies. The Company is not responsible, in the absence of gross negligence or willful misconduct, for any losses, claims, demands, suits, or any liability, 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, and for any loss, damage, or destruction of any property, whether owned by the Customer or others, caused or claimed to have been caused by the installation, operation, failure to operate, maintenance, removal, presence, condition, location, or use of such facilities. By dialing 911, the Customer agrees to release, indemnify, defend, and hold harmless the Company from any and all loss or claims, whatsoever, whether suffered, made, instituted, or asserted by the destruction of any property, whether owned by the Customer or others. Notwithstanding any provision to the contrary, in no event shall the Company be liable for any special, incidental, consequential, exemplary, or punitive damages of any nature whatsoever.

The Company is not responsible for any infringement or invasion of the right of privacy of any person or persons, caused, or claimed to have been caused, directly or indirectly, by the installation, operation, failure to operate, maintenance, removal, presence, condition, occasion or use of the 911 service features and the equipment associated therewith, including, but not limited to, the identification of the telephone number, address or name associated with the telephone used by the party or parties accessing the 911 service.

Missouri Public Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: ~~October 29, 1999~~

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
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REC'D OCT 29 1999

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11. SPECIAL SERVICES AND PROGRAMS (Cont'd)

11.6 Enhanced Universal Emergency Telephone Number Service

11.6.1 General

Enhanced Universal Emergency Telephone Number Service (E911 Service) is a Call Delivery Network whereby any telephone user who dials the number 911 will reach a designated Public Safety Answering Point (PSAP). E911 Service is offered in the Company's serving area subject to the availability of stored program control central office facilities, Enhanced 911 software, and ANI equipment. The telephone user who dials the 911 number will not be charged for the call.

11.6.2 Regulations

- a. In addition to the following, the regulations in 9.5.2 apply.
- b. This tariff does not provide for the inspection or constant monitoring of facilities to discover errors, defects, or malfunctions in the service, nor does the company undertake such responsibility. The Agency shall make such operational tests as in their judgment are required to determine whether the system is functioning properly for its use. The Agency shall promptly notify the Company in the event the system is not functioning properly.
- c. E911 information, consisting of the names, addresses, and telephone numbers of all telephone Customers, is confidential. The Company will release such information to the Agency periodically for the update of their systems.

Missouri Public  
Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 15, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

OCT 29 1999

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11. SPECIAL SERVICES AND PROGRAMS (Cont'd)

11.6 Enhanced Universal Emergency Telephone Number Service (Cont'd)

11.6.2 Regulations (Cont'd)

- d. The E911 calling party, by dialing 911, waives the privacy afforded by non-listed and non-published service to the extent that the telephone number ("ANI") and address ("ALI") associated with the originating station location are furnished to the PSAP, on a call by call basis, after an E911 call has been received.
- e. Service boundaries of the Company and political subdivision boundaries may not coincide. In the event that the Agency does not subscribe to Selective Routing, it must make arrangements to handle all 911 calls that originate from telephones served by Central offices in the local service areas (i.e., exchange) whether or not the calling telephone is situated on property within the geographical boundaries of the Agency's public safety jurisdiction.

Missouri Public Service Commission  
00-310

FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

KMC Telecom III, Inc.

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11. SPECIAL SERVICES AND PROGRAMS (Cont'd)

11.6 Enhanced Universal Emergency Telephone Number Service (Cont'd)

11.6.3 Conditions of Furnishing Service

This service is offered solely as an aid in handling assistance calls in connection with fire, police, medical, and other emergencies. The Company is not responsible, in the absence of gross negligence or willful misconduct, including default routing, for any losses, claims, demands, suits, or any liability, 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, and for any loss, damage, or destruction of any property, whether owned by the Customer or others, caused or claimed to have been caused by the installation, operation, failure to operate, maintenance, removal, presence, condition, location, or use of such facilities. By dialing 911, the Customer agrees to release, indemnify, defend, and hold harmless the Company from any and all loss or claims, whatsoever, whether suffered, made, instituted, or asserted by the destruction of any property, whether owned by the Customer or others. Notwithstanding any provision to the contrary, in no event shall the Company be liable for any special, incidental, consequential, exemplary, or punitive damages of any nature whatsoever, including for default routing.

The Company is not responsible for any infringement or invasion of the right of privacy of any person or persons, caused, or claimed to have been caused, directly or indirectly, by the installation, operation, failure to operate, maintenance, removal, presence, condition, occasion or use of the 911 service features and the equipment associated therewith, including, but not limited to, the identification of the telephone number, address or name associated with the telephone used by the party or parties accessing the 911 service.

Missouri Public Service Commission  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: [REDACTED]

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public Service Commission  
TD-2006-0078



REC'D OCT 29 1999

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12. SPECIAL ARRANGEMENTS

12.1 Individual Case Basis (ICB) Arrangements

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

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

Issued: October 29, 1999

Effective: December 16, 1999

Issued By: Tricia Breckenridge  
Senior Vice President of Business Development  
KMC Telecom III, Inc.  
3075 Breckinridge Blvd., Suite 415  
Duluth, GA 30096

DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

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12. SPECIAL ARRANGEMENTS (Cont'd)

12.2 Temporary Promotional Programs

The Company may, upon Commission approval, offer Customer specific rate incentives during specified promotional periods. The Company will provide written notice to the Commission at least 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.

MISSOURI PUBLIC  
SERVICE COMMISSION  
00-310  
FILED DEC 16 1999

277645.3

Issued: October 29, 1999

Effective: December 13, 1999

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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3075 Breckinridge Blvd., Suite 415  
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DEC 16 1999

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078

REC'D OCT 29 1999

**KMC Telecom III, Inc.**

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13. SWITCHED ACCESS SERVICE

The Company concurs in the description of and rates, rules and regulations for switched access services which appear in SWBT's Missouri PSC MO. Tariff No. 36, approved and on file with the Commission.

MISSOURI PUBLIC  
SERVICE COMMISSION

00-3160  
FILED DEC 16 1999

277645.3

Issued: October 29, 1999

Effective: [REDACTED]

Issued By:

Tricia Breckenridge  
Senior Vice President of Business Development  
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**DEC 16 1999**

CANCELLED  
September 2, 2005  
Missouri Public  
Service Commission  
TD-2006-0078