

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of First Choice
Technology, Inc. and NetLojix Telecom, Inc. for
Approval of an Asset Purchase Agreement)
)
)

Case No. XM-2009-0263

ORDER CANCELING CERTIFICATE OF SERVICE AUTHORITY AND TARIFF

Issue Date: June 30, 2009

Effective Date: June 30, 2009

On February 25,¹ the Commission approved First Choice Technology's ("First Choice") and NetLojix Telecom, Inc.'s ("NetLojix") application to transfer of NetLojix's Missouri residential and business long distance customer accounts to First Choice. In that order the Commission directed that the Certificate of Service Authority granted to NetLojix and NetLojix's tariff would be canceled upon closing the approved transaction. On June 29, First Choice filed notice that the transfer of assets is now complete.

THE COMMISSION ORDERS THAT:

1. The Certificate of Service Authority granted to NetLojix Telecom, Inc. in Case No. TA-2000-340 is canceled.
2. NetLojix Telecom, Inc.'s Tariff No. JX-2003-0740, effective January 7, 2000, is canceled.
3. This order shall become effective immediately upon issuance.

4. This case shall now be closed.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 30th day of June, 2009.

¹ All dates throughout this order refer to the year 2009 unless otherwise noted.

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NEW YORK OFFICE
405 LEXINGTON AVENUE
NEW YORK, NY 10174

March 2, 2000

VIA OVERNIGHT DELIVERY

Mr. Dale Hardy Roberts
Executive Secretary-Chief regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

RECEIVED²
MAR 3 2000
Records
Public Service Commission

**Re: Notification of Change in Contact Information: NetLojix Telecom, Inc.
Case No. TA-2000-340**

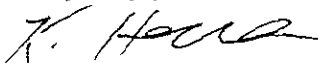
Dear Mr. Roberts:

NetLojix Telecom, Inc. ("NetLojix"), by its counsel, notifies the Missouri Public Service Commission of the change in its contact information. Effective immediately, please send all correspondence, including questions regarding customer complaints, ongoing operations of NetLojix, and regulatory and tariff matters, to:

Sharon Meinhart
Corporate Administrative Manager
NetLojix Telecom, Inc.
501 Bath Street
Santa Barbara, CA 93101
Telephone: (805) 884-6300
Facsimile: (805) 884-6311
Email: smeinhart@netlojix.com

Please date stamp the enclosed extra copy of this filing and return it in the self-addressed, postage-paid envelope provided. If you have any questions regarding this filing, please contact Megan Rha or James Ferguson at (202) 424-7500.

Very truly yours,



Kemal M. Hawa
Counsel for NetLojix Telecom, Inc.

cc: Craig Clark
Mary Ann Young

UPDATED UTILS VS
ALL TELE J 313

cc: DAWN HAKE
CANCELED
July 18, 2009
Missouri Public
Service Commission
XM-2009-0263; JX-2003-0740

TITLE SHEET

Missouri Public
Service Commission

REC'D NOV 23 1999

NETLOJIX TELECOM, INC.

RESALE TELECOMMUNICATIONS SERVICES

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of resold interexchange telecommunications services provided by NetLojix Telecom, Inc. ("Carrier") 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 the Carrier's principal place of business, 501 Bath Street, Santa Barbara, CA 93101, telephone number 1-877-NETLOJIX.

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

Missouri Public
Service Commission
00-340
FILED JAN 07 2000

Issued: November 23, 1999

Effective: January 7, 2000

Issued by:

Michael D. Ussery
NetLojix Telecom, Inc.
8721 Airport Freeway
Fort Worth, TX 76180

CANCELLED
July 13, 2009

Missouri Public
Service Commission

XM-2009-0263; JX-2003-0740

~~Missouri Public
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REC'D NOV 23 1999

NetLojix Telecom, 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

392.240(1)	--	Rate making
392.270	--	Valuation of property (rate making)
392.280	--	Depreciation accounts
392.290	--	Issuance of securities
392.310	--	Stock and debt issuance
392.320	--	Stock dividend payment
392.330, RSMo. Supp. 1997	--	Issuance of securities, debts & notes
392.340	--	Reorganization(s)

COMMISSION RULES

4 CSR 240-10.020	--	Depreciation fund income
4 CSR 240-30.010(2)(c)	--	Rate schedules
4 CSR 240-30.040	--	Uniform System of Accounts
4 CSR 240-32.030(1)(B)	--	Exchange boundary maps
4 CSR 240-32.030 (1)(C)	--	Record keeping
4 CSR 240-32.030(2)	--	In-state record keeping
4 CSR 240-32.050(3)	--	Local office record keeping
4 CSR 240-32.050(4)	--	Telephone directories
4 CSR 240-32.050(5)	--	Call intercept
4 CSR 240-32.050(6)	--	Telephone number changes
4 CSR 240-32.070(4)	--	Public coin telephone
4 CSR 240-33.030	--	Minimum charges rule
4 CSR 240-33.040(5)	--	Financing fees

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EXPLANATION OF SYMBOLS

REC'D NOV 23 1999

Any tariff modification shall be marked in the right-hand margin of the replacing tariff sheet with symbols described to indicate the place, nature, and extent of the change in text.

- 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

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REC'D NOV 23 1999

A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.

B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect.

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).

D. Check Sheets - When a tariff filing is made with the Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on the check sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the Commission.

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TECHNICAL TERMS AND ABBREVIATIONS

REC'D NOV 23 1999

Access Line - An arrangement which connects the customer's location to a NetLojix network switching center.

Account Code - A numeric code which enables a customer to identify individual users for administrative purposes.

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

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

Carrier or Company - NetLojix Telecom, Inc.

Calls - Telephone messages completed by customers or users.

Commission - Refers to the Missouri Public Service Commission.

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

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

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TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

REC'D NOV 23 1999

Feature Group D (FGD) - The method of "+1" access available through the switched network of the local exchange utility. FGD is also known as equal access.

Holidays - NetLojix Telecom, Inc.'s recognized holidays are New Year's Day, Martin Luther King, Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day.

NetLojix - NetLojix Telecom, Inc.

Tariff - The entire body of regulated rates, tolls, rentals, changes, classifications, rules, procedures, policies, etc. adopted and filed with the Commission by a telephone utility in fulfilling its role of telecommunications service. The term may also be used in reference to similar documents filed with state regulatory agencies.

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

User or End User - A Customer, Joint User, or any other person(s) authorized by a Customer to use service provided under this tariff.

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Section 1 – APPLICATION OF TARIFF

REC'D NOV 23 1999

- 1.1 This tariff contains the regulations and rates applicable to resold intrastate interexchange telecommunications services provided to business customers by Carrier between one or more points within the State of Missouri. Carrier's services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff.
- 1.2 The rates and regulations contained in this tariff apply only to the services furnished by Carrier and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of Carrier.
- 1.3 The Subscriber is entitled to limit the use of Carrier's services by Users at the Subscriber's facilities, and may use other common carriers in addition to or in lieu of Carrier.
- 1.4 NetLojix will provide resold intrastate interexchange telecommunications services on a 24 hour basis. NetLojix maintains a highly qualified customer service staff accessible via a toll-free number. When applying for service each prospective customer will be required to furnish NetLojix with the following information:
 - (a) Name of the party who will be responsible for payment for the interexchange service provided.
 - (b) Address or exact location of the premises where interexchange service is to be provided and billed.Service shall be considered initiated hereunder upon the earlier of the following:
 - (a) First use by the customer of the NetLojix service, and,
 - (b) The receipt by NetLojix of a customer's initial payment for NetLojix service.
- 1.5 Service is provided and billed on the basis of usage except as otherwise specified beginning on the date that billing becomes effective, and continues to be provided after the initial period until the customer requests cancellation or until NetLojix disconnects service pursuant to the provisions of this Tariff.

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SECTION 2 – REGULATIONS

MISSOURI PUBLIC
Service Commission

REC'D NOV 23 1999

2.1 Undertaking of the Carrier

2.1.1 Scope

Resold intrastate interexchange telecommunications service is furnished to business customers in accordance with the conditions and regulations which are set forth in the body of this Tariff.

2.1.2 Limitations

- A. Service is offered subject to the availability of facilities as provided under this Tariff.
- B. NetLojix reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond it's control; or when the customer is using service in violation of the law or the provisions of this Tariff.
- C. All facilities provided under this Tariff are controlled by NetLojix and the customer may not transfer or assign the use of service of facilities, except with the express written consent of the Carrier. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- D. Prior written permission from the Carrier is required before any assignment or transfer. All regulations and conditions contained in this Tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

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SECTION 2 - REGULATIONS (Cont'd) ~~Missouri Public Service Commission~~

2.1 Undertaking of the Carrier (Cont'd)

REC'D NOV 23 1999

2.1.3 Liability of the Carrier

- A. Except as otherwise stated in this section, the liability of Carrier for damages arising out of either: (1) 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 (2) the failure to furnish its service, whether caused by acts or omission, shall be limited to the extension of allowances to the Customer for interruptions in service as set forth in Section 2.1.5.
- B. Except for the extension of allowances to the Customer for interruptions in service as set forth in Section 2.1.5, Carrier shall not be liable to a Customer or third party for any direct, indirect, special, incidental, reliance, consequential, exemplary or punitive damages, including, but not limited to, loss of revenue or profits, for any reason whatsoever, including, but not limited to, any act or omission, failure to perform, delay, interruption, failure to provide any service or any failure in or breakdown of facilities associated with the service.
- C. The liability of Carrier for errors in billing that result in overpayment by the Customer shall be limited to a credit equal to the dollar amount erroneously billed or, in the event that payment has been made and service has been discontinued, to a refund of the amount erroneously billed.

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SECTION 2 - REGULATIONS (Cont'd)

Missouri Public
Service Commission

2.1 Undertaking of the Carrier (Cont'd)

REC'D NOV 23 1999

2.1.3 Liability of Carrier (Cont'd)

- D. Carrier shall not be liable for any claims for loss or damages involving:
1. Any act or omission of: (1) the Customer, (2) any other entity furnishing service, equipment or facilities for use in conjunction with services or facilities provided by Carrier; or (3) common carriers or warehousemen;
 2. Any delay or failure of performance or equipment due to causes beyond Carrier's control, including but not limited to, acts of God, fires, floods, earthquakes, hurricanes, or other catastrophes; national emergencies, insurrections, riots, wars or other civil commotions; strikes, lockouts, work stoppages or other labor difficulties; criminal action taken against Carrier; unavailability, failure or malfunction of equipment or facilities provided by the Customer or third parties; and any law, order, regulation or other action of any governing authority or agency thereof;
 3. Any unlawful or unauthorized use of Carrier's facilities and services;
 4. Libel, slander, invasion of privacy or infringement of patents, trade secrets, or copyrights arising from or in connection with the transmission of communications by means of Carrier-provided facilities or services; or by means of the combination of Carrier-provided facilities or services with Customer-provided facilities or services;

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SECTION 2 - REGULATIONS (Cont'd)

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2.1 Undertaking of the Carrier (Cont'd)

REC'D NOV 23 1999

2.1.3 Liability of Carrier (Cont'd)

- D. Carrier shall not be liable for any claims for loss or damages involving: (Cont'd)
5. Breach in the privacy or security of communications transmitted over Carrier's facilities;
 6. Changes in any of the facilities, operations or procedures of Carrier that render any equipment, facilities or services provided by the Customer obsolete, or require modification or alteration of such equipment, facilities or services, or otherwise affect their use or performance, except where reasonable notice is required by Carrier and is not provided to the Customer, in which event Carrier's liability is limited as set forth in section 2.1.3;
 7. Defacement of or damage to Customer premises resulting from the furnishing of services or equipment on such premises or the installation or removal thereof;
 8. Injury to property or injury or death to persons, including claims for payments made under Worker's Compensation law or under any plan for employee disability or death benefits, arising out of, or caused by, any act or omission of the Customer, or the construction, installation, maintenance, presence, use or removal of the Customer's facilities or equipment connected, or to be connected to Carrier's facilities;

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SECTION 2 - REGULATIONS (Cont'd)

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2.1 Undertaking of the Carrier (Cont'd)

REC'D NOV 23 1999

2.1.3 Liability of Carrier (Cont'd)

- D. Carrier shall not be liable for any claims for loss or damages involving: (Cont'd)
9. Any intentional, wrongful act of a Carrier employee when such act is not within the scope of the employee's responsibilities for Carrier and/or is not authorized by Carrier;
 10. Any representations made by Carrier employees that do not comport, or that are inconsistent, with the provisions of this Tariff;
 11. Any act or omission in connection with the provision of 911, E911, or similar services involving emergencies;
 12. Any noncompletion of calls due to network busy conditions;
 13. Any calls not actually attempted to be completed during any period that service is unavailable.

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SECTION 2 - REGULATIONS (Cont'd) ~~Missouri Public Service Commission~~

2.1 Undertaking of the Carrier (Cont'd)

REC'D NOV 23 1999

2.1.3 Liability of Carrier (Cont'd)

- E. Carrier shall be indemnified, defended and held harmless by the Customer or end user from and against any and all claims, loss, demands, suites, expense, or other action or any liability whatsoever, including attorney fees, whether suffered, made, instituted, or asserted by the Customer or by any other party, for any personal injury to or death or any person or persons, and for any loss, damage or destruction of any property, including environmental contamination, whether owned by the Customer or by any other party, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, presence, condition, location, use or removal of any Carrier or customer equipment or facilities or service provided by Carrier.
- F. Carrier assumes no responsibility for the availability or performance of any cable or satellite systems or related facilities under the control of other entities, or for other facilities provided by other entities used for service to the Customer, even if Carrier has acted as the Customer's agent in arranging for such facilities or services. Such facilities are provided subject such degree of protection or nonpreemptibility as may be provided by the other entities.
- G. Any claim of whatever nature against Carrier shall be deemed conclusively to have been waived unless presented in writing to Carrier within thirty (30) days after the date of the occurrence that gave rise to the claim.
- H. CARRIER 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.

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SECTION 2 - REGULATIONS (Cont'd)Missouri Public
Service Commission2.1 Undertaking of the Carrier (Cont'd)

REC'D NOV 23 1999

2.1.4 Initial Service Periods and Termination of Service

The initial service period is one (1) month except as specified in other sections of this Tariff. The initial service period of any class may be greater than that specified above, or elsewhere in this Tariff, when facilities are not available and the customer's location or the character or quantity of the service requested is such that, upon termination of the customer's use thereof, the required facilities are not likely to be useful as a part of a properly designed telephone distribution system serving telephone users in or beyond the customer's location.

2.1.5 Credit Allowances for Interruption of Service

Credit allowance for the interruption of service which is not due to the Carrier's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth. It shall be the obligation of the customer to notify the Carrier immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within his control, or is not in wiring or equipment, if any, furnished by the customer and connected to the Carrier's facilities.

The customer shall be credited for an interruption of more than twenty-four hours as follows:

Credit Formula:

Credit = A/B x C

"A" - outage time in hours

"B" - total hours in a month (month = 720)

"C" - total monthly charge for affected facility

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SECTION 2 - REGULATIONS (Cont'd)

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2.2 Responsibilities of the Subscriber

- 2.2.1 The Subscriber is responsible for placing any necessary orders; for complying with tariff regulations; for the placement of any stickers or tent cards provided by Carrier or as required by law; and for assuring that Users comply with tariff regulations. The Subscriber shall ensure compliance with any applicable laws, regulations, orders or other requirements (as they exist from time to time) of any governmental entity relating to services provided or made available by the Subscriber to Users. The Subscriber is also responsible for the payment of charges for calls originated at the Subscriber's numbers which are not collect, third party, calling card, or credit card calls.
- 2.2.2 The Subscriber must pay Carrier for replacement or repair of damage to the equipment or facilities of Carrier caused by negligence or willful act of the Subscriber, Users, or other, by improper use of the services, or by use of equipment provided by the Subscriber, Users, or others.
- 2.2.3 The Subscriber must pay for the loss through theft of any Carrier equipment installed at Subscriber's premises.
- 2.2.4 The Subscriber shall indemnify and save Carrier harmless from all liability disclaimed by Carrier in this tariff, arising in connection with the provision of service by Carrier, and shall protect and defend Carrier from any suits or claims against Carrier and shall pay all expenses and satisfy all judgments rendered against Carrier in connection herewith. Carrier shall notify the Subscriber of any suite or claim against Carrier of which it is aware.

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SECTION 2 - REGULATIONS (Cont'd)MISSOURI PUBLIC
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The services tariffed are furnished subject to the condition that they will not be used for any unlawful purpose. Services will not be furnished if any law enforcement agency, acting within its jurisdiction, advises that such services are being used or are likely to be used in violation of the law.

2.4 Customer Equipment and Channels2.4.1 Interconnection With Other Companies

Service furnished by NetLojix may be connected with services or facilities of another participating carrier or may be provided over facilities which are solely provided by local utilities and/or interexchange carriers other than NetLojix. Service furnished by NetLojix is not part of a joint undertaking with such other carriers.

2.5 Advance Payments and Deposits

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

2.5.1 Deposits

NetLojix may require a Customer to make a deposit to be held as a guarantee for payment of charges. A deposit does not relieve the Customer of the responsibility for prompt payment of bills on presentation. The deposit will not exceed an amount equal to:

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

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SECTION 2 - REGULATIONS (Cont'd)

MISSOURI PUBLIC
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2.5 Advance Payments and Deposits (Cont'd)

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2.5.1 Deposits (Cont'd)

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

A deposit may be required in addition to an advance payment.

When a service or a 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, NetLojix may, at its option, return the deposit or credit it to the Customer's account.

Deposits held will accrue interest at a rate of 1% above the prime lending rate as published in the Wall Street Journal for the last business day of September. The rate to be adjusted October 1 of each year. Customers who present a credit risk may also be required, at any time, to provide other assurances of, or security for, the payment of NetLojix's charges for its services as deemed necessary, including without limitation, advance payments for service, third party guarantees or payment, pledges or other grants of security interests in the Customers' assets, and similar arrangements. The required deposits or other security may be increased or decreased by NetLojix, as it deems appropriate in the light of changing conditions.

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SECTION 2 – REGULATIONS (Cont'd)Missouri Public
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2.6.1 Rendering of Bills

Regular customer bills are issued monthly. Each bill contains the dates included in the billing period, dates for service charges associated with work performed and the last date for timely payment. Bills include the amount the customer is charged, stated by category, sales tax and excise tax, with separate entries for total amounts current or in arrears.

Reasonable customer requested adjustments to monthly bills may be made if the Customer brings the desired adjustment to NetLojix's attention within sixty (60) days of issuance of the bill. NetLojix reserves the right to extend the period for adjustments beyond the sixty (60) day period if, in NetLojix's judgment, the situation so warrants.

2.6.2 Due Dates

Customer payments are considered prompt when received by NetLojix or its agent by the due date on the bill. The due date is twenty (20) days after the bill is rendered. Any Customer not paying within twenty (20) days is considered delinquent.

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SECTION 2 - REGULATIONS (Cont'd)Missouri Public
Service Commission2.6 Rendering and Payment of Bills (Cont'd)

REC'D NOV 23 1999

2.6.3 Payment for Service

The rates specified in this tariff are rates based on usage, billed monthly and payable in arrears. All Customers shall be permitted to have a last date for timely payment changeable for cause in writing. Such a change will become effective when acknowledged by NetLojix. Until acknowledged, no change in date of timely payment is recognized by NetLojix. The maximum payment required for restoration of service that existed prior to disconnection shall be the total past-due amount, applicable charges and Advance Payment and Deposit as specified elsewhere in this tariff. The Customer is held responsible for all charges for services furnished at the Customer's request and for all toll service furnished. It is the Customer's responsibility to contact NetLojix when no bill is received. Except as provided elsewhere in this tariff, the rate for a full billing period is specified in this tariff. If the prorating indicates a refund is due, the refund is applied as a bill credit.

The Customer is liable for any legal fees incurred by NetLojix in the process of collecting a past-due amount. The amount of these fees can be determined by officers of court if the proceedings are fully litigated. If the Customer acquiesces to NetLojix's demand for payment before a judgment is rendered, NetLojix will bill the delinquent customer for costs incurred to that point. The Customer is entitled to a statement of legal fees that are being assessed.

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In the event of a dispute concerning a bill, NetLojix may require the Customer to pay the undisputed portion of the bill. Following payment of the undisputed amount, efforts to resolve the complaint, using complaint procedures in this tariff, shall continue for no more than forty-five (45) days after the rendering of the disputed bill. During this period the service shall not be disconnected for nonpayment of the disputed amount.

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SECTION 2 - REGULATIONS (Cont'd)MISSOURI PUBLIC
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REC'D NOV 23 1999

2.6.5 Customer Complaints

Customer complaints are handled by a full service customer service department. A customer or prospective customer may initiate a complaint or billing inquiry with NetLojix by either calling 1-877-NETLOJIX during normal business hours or submitting a written complaint to:

NetLojix Telecom, Inc.
501 Bath Street
Santa Barbara, CA 93101

NetLojix's response to the customer will generally be in the same form used by the customer. However, NetLojix may respond to written complaints by telephone when it believes such communications will be more effective in resolution of the issue. When a complaint or billing inquiry is received, a NetLojix customer service representative will determine if the call was processed by NetLojix, and if so, the type of call. If it is a fraud or unanswered call for which the customer should not be held responsible, NetLojix will refund all charges for the call. If there is a rate dispute, NetLojix will adjust the charges if an error is confirmed. The customer may at any point during the resolution of the complaint or billing inquiry seek review by a NetLojix supervisor or manager. If the customer wishes further review after investigation and final resolution by NetLojix, the customer may direct all appropriate information to the Federal Communications Commission or the Missouri Public Service Commission,

The Truman State Office Building
5th Floor, 301 West High Street
(Mailing) P.O. Box 360
Jefferson City, Missouri 65102
(800) 392-4211.

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SECTION 2 – REGULATIONS (Cont'd)Missouri Public
Service Commission2.6 Rendering and Payment of Bills (Cont'd)

REC'D NOV 23 1999

2.6.6 Discontinuance of Service

Carrier may terminate Service to a Customer for nonpayment of undisputed charges or other violation of this tariff or provision of law upon written notice, as required below, to the Customer without incurring any liability for damages due to loss of telephone Service to the Customer. Termination of Service will not occur on any Friday, Saturday, Sunday or legal holidays. Charges will not be considered past due until twenty (20) days after the bill is rendered.

The Carrier may refuse or discontinue Service under the following conditions provided that the Customer shall be given five (5) days written notice, excluding Sundays and legal holidays, to comply with any rule or remedy any deficiency:

- A. For non-compliance with or violation of any State, municipal, or Federal law, ordinance or regulation pertaining to telephone Service, including, but not limited to, the placement of harassing, annoying or repeated unwanted calls of which the Carrier receives notice.
- B. For use of telephone Service for any purpose other than that described in the application.
- C. For neglect or refusal to provide reasonable access to the Carrier or its agents for the purpose of inspection and maintenance of equipment owned by the Carrier or its agents.
- D. For noncompliance with or violation of Commission regulation or the Carrier's rules and regulations on file with the Commission.

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SECTION 2 - REGULATIONS (Cont'd)

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Service Commission

2.6 Rendering and Payment of Bills (Cont'd)

REC'D NOV 23 1999

2.6.6 Discontinuance of Service (Cont'd)

- E. For failure of Customer to pay a bill for utility service when due.
- F. For failure of Customer to meet the Carrier's credit requirements.
- G. Without notice in the event of Customer use of equipment or services in such a manner as to adversely affect the Carrier's equipment or Service to others.
- H. Without notice in the event of tampering with the equipment or services owned by the Carrier, the Underlying Carrier or their agents.
- I. Without notice in the event of a condition determined to be hazardous to the Customer, to other Customers of the Carrier, to the Carrier's equipment, the public, or to employees of the Carrier.

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SECTION 2 – REGULATIONS (Cont'd) ~~Missouri Public Service Commission~~

2.7 Taxes And Fees

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Customer is responsible for the payment of all taxes and surcharges. State, federal, local taxes and surcharges (e.g., federal excise tax, gross receipts tax, sales tax, municipal utilities tax, universal service, and dial around compensation surcharges) are listed as separate line items and are not included in the quoted rates. All charges and surcharges other than taxes and franchise fees must have prior Commission approval.

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SECTION 3 - EXPLANATION OF RATES

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3.1 Timing of Calls

REC'D NOV 23 1999

The Customer's long distance usage charge is based on the actual usage of NetLojix's network. Usage begins when the called party picks up the receiver. When the called party picks up, is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. A call is terminated when either calling party hangs up.

3.2 Uncompleted Call Crediting

If A Customer receives a bill for an uncompleted call, NetLojix will reimburse the customer for the full amount.

3.3 Minimum Call Completion Rate

A Customer can expect a call completion rate (number of calls completed/number of calls attempted) of not less than 95% during peak use periods for all FGD services.

3.4 Rates Based Upon Calculation of Distance

Usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

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

FORMULA:

The square
root of:

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

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SECTION 4 - SERVICE OFFERINGS ~~Missouri Public Service Commission~~4.1 Long Distance Service

REC'D NOV 23 1999

Carrier's Long Distance Service (LDS) is a communications service which is available for use by customers twenty-four (24) hours a day. Customers may originate LDS from locations served by the Carrier, and may terminate in all locations within the State of Missouri.

The service is offered in Feature Group D (FGD) exchanges where the Customer's local telephone lines are presubscribed by the local exchange company to the Company's LDS service, such that "1+" interLATA calls are automatically routed to the Company's network.

4.2 Toll Free Service

Toll Free Service is an inbound communications service which permits calls to be completed at the Customer's location without charge to the calling party. Access to the service is gained by dialing a ten (10) digit telephone number (800+ NXX-XXXX) which will terminate at the Customer's location. Calls may originate from any location within the State of Missouri and may terminate at the Customer's location.

Toll Free Service will be billed per call based on the duration of the call. Usage discounts apply to aggregate monthly interstate and intrastate usage.

Toll Free service calls are originated via normal shared use facilities and are terminated via the Customer's local exchange service access line.

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SECTION 4 - SERVICE OFFERINGS (Cont'd) ~~Missouri Public Service Commission~~

4.3 Miscellaneous Services

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SECTION 5 - RATES

REC'D NOV 23 1999

5.1 Long Distance Service

Rate Per Minute

24 hours a day, 7 days a week,
365 days a year

\$.30

5.2 Toll Free Service

Rate Per Minute

24 hours a day, 7 days a week,
365 days a year

\$.30

5.3 Miscellaneous Services

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SECTION 5 – RATES

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5.4 Late Payment Charge

Interest charges of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

5.5 Return Check Charge

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds.

5.6 Restoration of Service

A restoration fee of \$25.00 per occurrence is charged when service is re-established for customers who had been disconnected for non-payment.

5.7 Directory Assistance Charge

Carrier will connect LDS Service Customers to Directory Assistance (DA) for a fee of \$0.75 per occurrence.

5.8 Special Promotions

The Company may, from time to time, engage in special promotional service offerings designed to attract new customers or to promote existing services. Such promotional service offerings shall be subject to specific dates, times (not to exceed one year), and/or locations, and shall be subject to prior notification to and approval by the Commission. The Company will provide written notice to the Commission no less than seven (7) days prior to the beginning of each promotion period identifying the promotion, specifying the terms of the promotion, the location and dates of the promotion.

5.9 Payphone Surcharge

A charge will apply to calls that originate from any payphone used to access Carrier's services.

Rate per Call: \$0.24

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SECTION 5 – RATES

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5.10 Special Rates For The Handicapped

REC'D NOV 23 1999

5.10.1 Directory Assistance

There shall be no charge for up to fifty (50) calls per billing cycle from lines or trunks serving individuals with disabilities. Carrier shall charge the prevailing tariff rates for every call in excess of fifty (50) calls within a billing cycle.

5.10.2 Telecommunications Relay Service

The charge for intrastate toll calls received from the relay service, will be 50% off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60% off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge.

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