

Schedule of Rates, Rules and Regulation
Resale and Facilities-Based Competitive Local Exchange Telecommunications Services
Provided in the State of Missouri

OFFERED BY

TALK AMERICA INC.
6805 Route 202
New Hope, Pennsylvania 18938

Applying generally to its authorized territories within the State of Missouri. This tariff applies to the Company's resale of Southwestern Bell Telephone Company (SWBT) services, as well as services provided over the Company's own facilities, in specified exchanges within the Company's certificated area in the State of Missouri.

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LIST OF WAIVED STATUTES AND REGULATIONS

The Missouri Public Service Commission in its order in the case of In the Matter Of the Application of Talk America Inc, for a Certificate of Service Authority to Provide Basic Local Telecommunications Services in Portions of the State of Missouri, Case No. TA-97-485, waived the following statutes and regulations:

STATUTES

Section 392.210.2	-	uniform system of accounts
Section 392.270	-	valuation of property (ratemaking)
Section 392.280	-	Depreciation accounts
Section 392.290.1	-	issuance of securities
Section 392.300.2	-	acquisition of stock
Section 392.310	-	stock and debt issuance
Section 392.320	-	stock dividend payment
Section 392.330	-	issuance of securities; debts and notes
Section 392.340	-	reorganizations

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

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TARIFF FORMAT

- A. Page Numbering - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new Pages are occasionally added to the tariff. When a new Page is added between Pages already in effect, a decimal is added. For example, a new Page added between Pages 14 and 15 would be 14.1.
- B. Page Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current Page version on file with the PSCM. For example, the 4th revised Page 14 cancels the 3rd revised Page 14. Because of various suspension periods, deferrals, etc. the PSCM follows in its tariff approval process, the most current Page 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 the next higher level:
- 2.
 - 2.1
 - 2.1.1
 - 2.1.1.A.
 - 2.1.1.A.1.
 - 2.1.1.A.1.A.
 - 2.1.1.A.1.A.I.
 - 2.1.1.A.1.A.I.(i).
 - 2.1.1.A.1.A.I.(i).(1).

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EXPLANATION OF SYMBOLS

Changes to this tariff are identified on the revised page (s) the use of symbols. The following are the symbols used and the chary indicated by them:

- (C) - To signify a changed regulation.
- (D) - To signify a discontinued rate or regulation.
- (I) - To signify an increase in rate or charge.
- (M) - To signify material relocated from one page to another without change.
- (N) - To signify a new rate or regulation.
- (R) - To signify a reduced rate or charge.
- (S) - To signify a correction or reissued matter.
- (T) - To signify a change in text but no change in rate or regulation.

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INTRODUCTION

This tariff applies to the Company's resale and facilities-based offering of local exchange telecommunications services, upon receiving a customer request for service, within the following SouthwesternBell Telephone Company exchanges:

Adrian	Cedar Hill	Festus-Crystal City	Kennett
Advance	Center	Fisk	Kirkwood
Agency	Cahffee	Flat River	Kirksville
Altenburg-Frohna	Charleston	Florissant	Knob Noster
Antonia	Chesterfield	Frankford	Lake Ozark-Osage Beach
Archie	Chillicothe	Fredericktown	Ladue
Argyle	Clarksville	Freeburg	Lamarr
Armstrong	Clever	Fulton	LaMonte
Ash Grove	Climax Springs	Gideon	Lancaster
Beaufot	Creve Coeur	Gladstone	Leadwood
Bell City	Deering	Glasgow	Lee's Summit
Benton	DeKalb	Grain Valley	Lilbourn
Belton	Delta	Gravois Mills	Linn
Billings	DeSoto	Gray Summit	Lockwood
Bismarck	Dexter	Greenwood	Louisiana
Bloomfield	Downing	Hannibal	Macks Creek
Bloomsdale	East Independence	Harvester	Malden
Blue Springs	East Prairie	Hayti	Manchester
Bonne Terre	Edina	Herculaneum-Pevely	Marble Hill
Boonville	Eldon	Hibgee	Maceline
Bowling Green	Elsberry	High Ridge	Marionville
Brookfield	Essex	Hillsboro	Marshall
Camdenton	Eureka	Holcomb	Marston
Campbell	Excelsior Springs	Hornersville	Maxville
Cape Girardeau	Fairgrove	Imperial	Mahlville
Cardwell	Farley	Independence	Meta
Carl Junction	Farmington	Jackson	Mexico
Carrolton	Fayette	Jasper	Moberly
Carthage	Fenton	Joplin	Monett
Caruthersville	Ferguson	Kansas City Metro	Montgomery City

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INTRODUCTION, *continued*

Morehouse	Pocohontas-New Wells	St. Joseph	Tuscumbia
Nashua	Pond	St. Louis Metro	Union
Neosho	Poplar Bluff	St. Marys	Valley Park
Nevada	Portage Des Sioux	San Antonio	Versailles
New Franklin	Portageville	Sappington	Walnut Grove
New Madrid	Puxico	Scott City	Wardell
Nixa	Qulin	Sedalia	Ware
Oakville	Raytown	Senath	Washington
Oak Ridge	Republic	Sikeston	Webb City
Old Appleton	Richmond	Slater	Webster Groves
Oran	Richwoods	Smithville	Wellsville
Overland	Risco	South Kansas City	Westphalia
Pacific	Riverview	Spanish Lake	Willard
Parkville	Robersville	Springfield Metro	Wyatt
Patton	Rushville	Stanberry	Bridgeton
Paynesville	Ste. Genevieve	Strafford	Liberty
Perryville	St. Charles	Tiffany springs	Vienna
Pierce City	St. Clair	Trenton	

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APPLICATION OF TARIFF

This tariff contains the regulations, rates and charges applicable to the provision of facilities-based and resold local exchange telecommunications service by Talk America Inc., for use by customers in the state of Missouri. Exchanges served are listed herein.

This tariff is on file with the Commission. In addition, this tariff is available for review at the main office of Talk America Inc., at 6805 Route 202, New Hope, Pennsylvania 18938.

Applications for initial or additional services made verbally or in writing become a contract on establishment of the service or facility.

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SECTION 1.0 - DEFINITIONS

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

Account - A Company accounting category containing up to two (2) residential local exchange access lines billed to the same Customer at the same address. The second or non-primary local exchange access line will share any call allowance of the primary local exchange access line. The second or non-primary local exchange access line therefore will not be provisioned to include a separate call allowance structure. No features are provided with the second or non-primary local exchange access line.

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.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable Carrier to identify the origin of service of the Customer so it may rate and bill the call. All authorization codes shall be the sole property of Carrier and no Customer 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.

Authorized User - A person, firm or corporation authorized by the Customer to be an end-user of the service of the Customer.

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.

Commission - The Missouri Public Service Commission.

Common Carrier - An authorized company or entity providing telecommunications services to the public

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SECTION 1.0 - DEFINITIONS, *continued*

Company - Talk America Inc., the issuer of this tariff.

Customer - The person, firm or corporation that orders service and is responsible for the payment of charges and compliance with the terms and conditions of this tariff.

Customer Premises - A location designated by the Customer for the purposes of connecting to the Company's services.

Customer Terminal Equipment - Terminal equipment provided by the Customer, also known as Customer Premises Equipment (CPE).

Deposit - Refers to a cash or equivalent of cash security held as a guarantee for payment of the charges.

End Office - The LEC switching system office or serving wire center where Customer station loops are terminated for purposes of interconnection to each other and/or to trunks.

Equal Access - A form of dialed access provided by local exchange companies whereby interexchange calls dialed by the Customer are automatically routed to the Company's network. Presubscribed Customers may also route interexchange calls to the Company's network by dialing an access code supplied by the Company.

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SECTION 1.0 - DEFINITIONS, *continued*

Exchange Telephone Company or Telephone Company - Denotes any individual, partnership, association, joint-stock company, trust, or corporation authorized by the appropriate regulatory bodies to engage in providing public switched communication service throughout an exchange area, and between exchange areas within the LATA.

ICB - Individual Case Basis.

IXC or Interexchange Carrier- A long distance telecommunications services provider.

Interruption - The inability to complete calls due to equipment malfunctions or human errors. Interruption shall not include, and no allowance shall be given for service difficulties such as slow dial tone, circuits busy or other network and/or switching capability shortages. Nor shall Interruption include the failure of any service or facilities provided by a common carrier or other entity other than the Carrier. Any Interruption allowance provided within this Tariff by Carrier shall not apply where service is interrupted by the negligence or willful act of the Customer, or where the Carrier, pursuant to the terms of this Tariff, terminates service because of non-payment of bills, unlawful or improper use of the Carrier's facilities or service, or any other reason covered by this Tariff or by applicable law.

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, or its successor tariff(s).

LEC - Local Exchange Company refers to the dominant, monopoly local telephone company in the area also served by the Company.

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SECTION 1.0 – DEFINITIONS, (CONT'D.)

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

MOU - Minutes of Use.

NECA - National Exchange Carriers Association.

Non-Recurring Charge ("NRC") - The initial charge, usually assessed on a one-time basis, to initiate and establish service.

Off-Net: Customers or locations where the Company provides local service using Southwestern Bell switching facilities via UNE-P or resale. (N)
(N)

On-Net: Customers or locations within the Company's collocation footprint where the Company provides local service using its own switching facilities or switching facilities leased from a third-party other than Southwestern Bell. (N)
|
(N)

PBX - Private Branch Exchange.

PIN - Personal Identification Number. See Authorization Code.

Point of Presence ("POP") - Point of Presence.

Recurring Charges - Monthly charges to the Customer for services, and equipment, which continues for the agreed upon duration of the service.

Service - Any means of service offered herein or any combination thereof.

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SECTION 1.0 - DEFINITIONS, *continued*

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

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MOU - Minutes of Use.

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Non-Recurring Charge ("NRC") - The initial charge, usually assessed on a one-time basis, to initiate and establish service.

PBX - Private Branch Exchange

PIN - Personal Identification Number. See Authorization Code.

Point of Presence ("POP") - Point of Presence

Recurring Charges - Monthly charges to the Customer for services, and equipment, which continues for the agreed upon duration of the service.

Service - Any means of service offered herein or any combination thereof.

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SECTION 1.0 - DEFINITIONS, *continued*

Service Order - The written request for Company services executed by the Customer and the Company in the format devised by the Company. The signing of a Service Order Form by the Customer and acceptance by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff.

Serving Wire Center - A specified geographic point from which the vertical and horizontal coordinate is used in calculation of airline mileage.

Shared Inbound Calls - Refers to calls that are terminated via the Customer's Company-provided local exchange line.

Shared Outbound Calls - Refers to calls in Feature Group (FGD) exchanges whereby the Customer's local telephone lines are presubscribed by the Company to the Company's outbound service such that "1 + 10-digit number" calls are automatically routed to the Company's or an IXC's network. Calls to stations within the Customer's LATA may be placed by dialing "10XXX" or "101XXXX" with 1 + 10-digit number."

Station - The network control signaling unit and any other equipment provided at the Customer's premises which enables the Customer to establish communications connections and to effect communications through such connections.

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SECTION 1.0 - DEFINITIONS, *continued*

Subscriber - The person, firm, partnership, corporation, or other entity who orders telecommunications service from Talk America Inc. Service may be ordered by, or on behalf of, those who own, lease or otherwise manage the pay telephone, PBX, or other switch vehicle from which an End User places a call utilizing the services of the Company.

Switched Access Origination/Termination - Where access between the Customer and the interexchange carrier is provided on local exchange company Feature Group circuits and the connection to the Customer is a LED-provided business or residential access line. The cost of switched Feature Group access is billed to the interexchange carrier.

SWBT - Southwestern Bell Telephone Company.

Terminal Equipment - Any telecommunications equipment other than the transmission or receiving equipment installed at a Company location.

Usage Charges - Charges for minutes or messages traversing over local exchange facilities.

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

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SECTION 2.0 - RULES AND 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 originating from points within the State of Missouri, and terminating within a local calling area as defined herein.

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.

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.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

2.1.3 Terms and Conditions

- A. Service is provided on the basis of a minimum period of at least thirty (30) days, 24-hours per day. For the purpose of computing charges in this tariff, a month is considered to have thirty (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. Except as otherwise stated in the tariff, 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 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.
- 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 without regard for its choice of laws provision.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

2.1.3 Terms and Conditions, *continued*

- G. Any other Telephone Company may not interfere with the right of any person or entity to obtain service directly from the Company. No person or entity shall be required to make any payment, incur any penalty, monetary or otherwise, or purchase any services in order to have the right to obtain service directly from the Company.
- H. 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 jointly attempt to obtain from the owner of the property access for the other party to serve a person or entity.
- I. The Company hereby reserves its rights to establish service packages specific to a particular Customer. These contracts may or may not be associated with volume and/or term discounts. All service packages established by the Company will be approved by the Commission prior to the furnishing of service.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

2.1.4 Limitations on Liability

- A. Except as otherwise stated in this section, the liability of the Company 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 2.6.
- B. Except for the extension of allowances to the Customer for interruptions in service as set forth in Section 2.6, the Company 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 the Company 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 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

2.1.4 Limitations on Liability, *continued*

- D. The Company shall be indemnified and saved harmless by the Customer from and against all loss, liability, damage and expense, including reasonable counsel fees, due to:
- (1) Any act or omission of: (a) the Customer, (b) any other entity furnishing service, equipment or facilities for use in conjunction with services or facilities provided by the Company; or (c) common carriers or warehousemen, except as contracted by the Company;
 - (2) Any delay or failure of performance or equipment due to causes beyond the Company'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 actions taken against the Company; 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 the Company'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 material transmitted by means of Company-provided facilities or services; or by means of the combination of Company-provided facilities or services;
 - (5) Breach in the privacy or security of communications transmitted over the Company's facilities;

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

2.1.4 Limitations on Liability, *continued*

D. *continued*

- (6) Changes in any of the facilities, operations or procedures of the Company 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 the Company and is not provided to the Customer, in which event the Company's liability is limited as set forth in paragraph A. of this Subsection 2.1.4.
- (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 Workers' 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 the Company's facilities;
- (9) Any noncompletion of calls due to network busy conditions;
- (10) Any calls not actually attempted to be completed during any period that service is unavailable;
- (11) And any other claim resulting from any act or omission of the Customer or patron(s) of the Customer relating to the use of the Company's services or facilities.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

2.1.4 Limitations on Liability, *continued*

- E. The Company does not guarantee nor make any warranty with respect to installations provided by it for use in an explosive atmosphere.
- F. 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.
- G. Failure by the Company to assert its rights pursuant to one provision of this tariff does not preclude the Company from asserting its rights under other provisions.
- H. Directory Errors - In the absence of gross negligence or willful misconduct, no liability for damages arising from errors or mistakes in or omissions of directory listings, or errors or mistakes in or omissions of listing obtainable from the directory assistance operator, including errors in the reporting thereof, shall attach to the Company. An allowance for errors or mistakes in or omissions of published directory listings or for errors or mistakes in or omissions of listing obtainable from the directory assistance operator shall be at the monthly tariff rate for each listing, or in the case of a free or no-charge directory listing, credit shall equal two times the monthly tariff rate for an additional listing, for the life of the directory or the charge period during which the error, mistake or omission occurs.

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SECTION 2.0 - RULES AND REGULATIONS, continued

2.1 Undertaking of the Company, *continued*

2.1.4 Limitations on Liability, *continued*

I. With respect to Emergency Number 911 Service:

- (1) This service is offered solely as an aid in handling assistance calls in connection with fire, police and other emergencies. The company is not responsible for any losses, claims, demands, suits or any liability whatsoever, whether suffered, made instituted or asserted by the Customer or by any other party or person for any personal injury 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: (1) mistakes, omissions, interruptions, delays, errors or other defects in the provision of service, or (2) installation, operation, failure to operate, maintenance, removal, presence, condition, local or use of any equipment and facilities furnishing this service.
- (2) Neither is the Company responsible for any infringement, nor 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 emergency 911 service features and the equipment associated therewith, or by any services furnished by the Company, 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 emergency 911 service, and which arise out of the negligence or other wrongful act of the Company, the Customer, its users, agencies or municipalities, or the employees or agents of any one of them.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)**2.1 Undertaking of the Company, (Cont'd.)****2.1.4 Limitations on Liability, (Cont'd.)****I. With respect to Emergency Number 911 Service: (Cont'd.)**

- (3) When a Customer with a nonpublished telephone number, as defined herein, places a call to the emergency 911 service, the Company will release the name and address of the calling party, where such information can be determined, to the appropriate local governmental authority responsible for emergency 911 service upon request of such governmental authority. By subscribing to service under this tariff, the Customer acknowledges and agrees with the release of information as described above.

- J.** The Company's liability for gross negligence of intentional misconduct is not limited by this tariff.

- K.** No third party provider or their directors, officers or employees that are directly or indirectly associated with the Company's performance of our services shall be liable to the Customer for any special, indirect, incidental, consequential, reliance, exemplary, punitive or other damages arising out of a service failure.

(N)
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|
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(N)

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.

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2.1 Undertaking of the Company, *continued*

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2.1.4 Limitations on Liability, *continued*I. With respect to Emergency Number 911 Service, *continued*

- (3) When a Customer with a nonpublished telephone number, as defined herein, places a call to the emergency 911 service, the Company will release the name and address of the calling party, where such information can be determined, to the appropriate local governmental authority responsible for emergency 911 service upon request of such governmental authority. By subscribing to service under this tariff, the Customer acknowledges and agrees with the release of information as described above.

- J. The Company's liability for gross negligence of intentional misconduct is not limited by this tariff.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

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 does not guarantee availability by any such date and shall not be liable for any delays in commencing service to any Customer.
- 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 the equipment is provided.
- 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.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

2.1.6 Provision of Equipment and Facilities, *continued*

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; or

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.1 Undertaking of the Company, *continued*

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 based on cost of the actual labor, material, or other costs incurred by or charged to the Company will apply. If installation 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.

2.1.8 Special Construction

Subject to the agreement of the Company and to all of the regulations contained in this tariff, special construction of facilities may be undertaken on a reasonable efforts basis at the request of the Customer. Special construction is 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.

2.1.9 Ownership of Facilities

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

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SECTION 2.0 - RULES AND REGULATIONS, continued

2.2 Prohibited Uses

- 2.2.1 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.
- 2.2.2 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 the Public Service Commission of Missouri's regulations, policies, orders, and decisions.
- 2.2.3 The Company may block any signals being transmitted over its Network by Customers which cause interference to the Company or other users. Customer shall be relieved of all obligations to make payments for charges relating to any blocked Service and shall indemnify the Company for any claim, judgment or liability resulting from such blockage.
- 2.2.4 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.

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SECTION 2.0 - RULES AND REGULATIONS, continued

2.3 Obligations of the Customer

2.3.1 General

The Customer is responsible for making proper application for service; placing any necessary order, complying with tariff regulations; payment of charges for services provided. Specific Customer responsibilities include, but are not limited to the following:

- 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 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;
- D. obtaining, maintaining, and otherwise having full responsibility for all rights-of-way and conduit necessary for installation of fiber optic cable and associated equipment used to provide Communications Services to the Customer from the cable building entrance or property line to the location of the equipment space described in Section 2.3.1C.. Any and all costs associated with the 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.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.3 Obligations of the Customer, *continued*

2.3.1 General, *continued*

- 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 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;
- 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 2.3.1D.; 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.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.3 Obligations of the Customer, *continued*

2.3.2 Liability of the Customer

- A. The Customer will be liable for damages to the facilities of the Company and for all incidental and consequential damages caused by the negligent or intentional acts or omissions of the Customer, its officers, employees, agents, invites, or contractors where such acts or omissions are not the direct result of the Company's negligence or intentional misconduct.
- B. To the extent caused by any negligent or intentional act of the Customer as described in A., preceding, the Customer shall indemnify, defend and hold harmless the Company from and against all claims, actions, damages, liabilities, costs and expenses, including reasonable attorneys' fees, for (1) any loss, destruction or damage to property of any third party, and (2) any liability incurred by the Company to any third party pursuant to this or any other tariff of the Company, or otherwise, for any interruption of, interference to, or other defect in any service provided by the Company to such third party.
- C. The Customer shall not assert any claim against any other Customer or user of the Company's services for damages resulting in whole or in part from or arising in connection with the furnishing of service under this tariff including but not limited to mistakes, omissions, interruptions, delays, errors or other defects or misrepresentations, whether or not such other Customer or user contributed in any way to the occurrence of the damages, unless such damages were caused solely by the negligent or intentional act or omission of the other Customer or user and not by any act or omission of the Company. Nothing in this tariff is intended either to limit or to expand Customer's right to assert any claims against third parties for damages of any nature other than those described in the preceding sentence.

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SECTION 2.0 - RULES AND REGULATIONS, continued

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, subject to prior Customer approval of the equipment expense.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.4 Customer Equipment and Channels, *continued*

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 Communications Services and the channels, facilities, or equipment of others shall be provided at the Customer's expense.
- B. Communications 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 which 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).

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.4 Customer Equipment and Channels, *continued*

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 2.4.2B. 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.

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SECTION 2.0 - RULES AND REGULATIONS, continued

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.

The Customer is responsible for the payment of federal excise taxes, state and local sales and use taxes and similar taxes imposed by governmental jurisdictions, all of which shall be separately designated on the Company's invoices. The Company will not separately charge for the Missouri gross receipts tax on the Company's invoice for local services. Any taxes imposed by a local jurisdiction (e.g., county and municipal) will only be recovered from those Customers residing in the affected jurisdictions.

The security of the Customer's PIN is the responsibility of the Customer. All calls placed using a PIN shall be billed to and shall be the obligation of the Customer. The Customer shall not be responsible for charges in connection with the unauthorized use of PINs arising after the Customer notifies the Company of loss, theft, or other breach of security of such PINs.

Customers will only be charged once, on either an interstate or intrastate basis, for any nonrecurring charges.

2.5.2 Billing and Collection of Charges

The Customer is responsible for payment of all charges incurred by the Customer or other users for services and facilities furnished to the Customer by the Company.

- A. Non-recurring charges are due and payable within thirty (30) days after the date the invoice is mailed to the Customer by the Company.
- 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 thirty (30) days after the date the invoice is mailed to the Customer by the Company. When billing is based upon Customer usage, usage charges will be billed monthly for the preceding billing period.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.5 Payment Arrangements, *continued*

2.5.2 Billing and Collection of Charges, *continued*

- 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 thirty (30) days.
- D. Billing of the Customer by the Company will begin on the Service Commencement Date, which is the day 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. The following information will appear on Residential bills:
- the number of access lines for which charges are stated
 - the beginning or ending dates of the billing period
 - the date the bill becomes delinquent if not paid on time
 - the unpaid balance (if any)
 - the amount for basic service and an itemization of the amount due for toll service, if applicable, including the date and duration of each toll call
 - an itemization of the amount due for taxes, franchise fees, Relay Missouri surcharge, 911 surcharges (if applicable) and other surcharges as may be necessary and appropriate
 - the total amount due
 - if applicable, the amount of a deposit and interest accrued on a deposit which has been credited to the charges stated
 - a telephone number where inquiries may be made
 - if a deposit is held by the Company
- F. During the first billing period in which a residential Customer receives service, the Company provides each Customer an insert or other written notice which contains an itemized account of the charges for the equipment and service for which the customer has contracted.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)**2.5 Payment Arrangements, (Cont'd.)****2.5.3 Late Payment Fee**

If any portion of the payment is not received by the Company within 30 days of receipt of the bill, or if any portion of the payment is received by the Company in funds which are not immediately available upon presentment, then a late payment charge of \$5.00 plus 1.5% per month shall be due to the Company. A late payment charge is not applicable to subsequent rebilling of any amount to which a late payment charge has already been applied. Late payment charges are to be applied without discrimination. (I)

2.5.4 Return Check Charge

A service charge equal to \$20.00 will be assessed in accordance with Missouri law for all checks returned by a bank or other financial institution for: Insufficient or uncollected funds, closed account, apparent tampering, missing signature or endorsement, or any other insufficiency or discrepancy necessitating return of the instrument at the discretion of the drawee bank or other financial institution.

2.5.5 Disputed Bills

- A. Customers may notify the Company of billing or other disputes either orally or in writing. In the event that a billing dispute occurs concerning any charges billed to the Customer by the Company, the Company may require the Customer to pay the undisputed portion of the bill to avoid discontinuance of service for non-payment. The Customer must submit a documented claim for the disputed amount. The Customer will submit all documentation as may reasonably be required to support the claim. All claims must be submitted to the Company within 90 days of receipt of billing for those services. If the Customer does not submit a claim as stated above, the Customer waives all rights to filing a claim thereafter.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.5 Payment Arrangements, *continued*

2.5.3 Late Payment Fee

If any portion of the payment is not received by the Company within 30 days of receipt of the bill, or if any portion of the payment is received by the Company in funds which are not immediately available upon presentment, then a late payment charge of 1.5% per month shall be due to the Company. A late payment charge is not applicable to subsequent rebilling of any amount to which a late payment charge has already been applied. Late payment charges are to be applied without discrimination.

2.5.4 Return Check Charge

A service charge equal to \$20.00 will be assessed in accordance with Missouri law for all checks returned by a bank or other financial institution for: Insufficient or uncollected funds, closed account, apparent tampering, missing signature or endorsement, or any other insufficiency or discrepancy necessitating return of the instrument at the discretion of the drawee bank or other financial institution.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.5 Payment Arrangements, *continued*

2.5.5 Disputed Bills, *continued*

- B. The Customer should notify the Company of any disputed items on an invoice within thirty (30) days of receipt of the invoice. If the Customer and the Company are unable to resolve the dispute to their mutual satisfaction, the Customer may file a complaint with the Public Utilities Commission of Missouri in accordance with the Commission's rules of procedure. The address of the Commission is as follows:

Missouri Public Service Commission
Governor Office Building
200 Madison Street, Suite 100
Jefferson City, MO 65101

- C. If the dispute is resolved in favor of the Customer and the Customer has withheld the disputed amount, no interest, credits or penalties will apply.

2.5.6 Advance Payments

To safeguard its interests, the Company may require a Customer to make an advance payment before services and facilities are furnished, where special construction is involved. The advance payment will not exceed an amount equal to the nonrecurring charge(s) and one (1) month's charges for the service or facilities. In addition, 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. Advance payments do not accrue interest. An advance payment may be required in addition to a deposit.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.5 Payment Arrangements, *continued*

2.5.7 Deposits

Any applicant or Customer whose financial responsibility is not established to the satisfaction of the Company may be required to deposit a sum up to an amount equal to the total of the estimated local service and intraLATA toll charges for up to two months for the facilities and service.

The fact that a deposit has been made shall in no way relieve the applicant or Customer from complying with the Tariff regulations for the prompt payment of bills on presentation. Each applicant from whom a deposit is collected will be given a certificate of deposit and circular containing the terms and conditions applicable to deposits, in accordance with the Rules and Regulations of the Commission pertaining to Customer deposits.

A. Interest on Deposits

Interest on deposits shall be at a rate which is equal to one percent (1%) above the prime lending rate as published in the Wall Street Journal. This rate shall be adjusted annually on December 1 using the prime lending rate, as published in the Wall Street Journal on the last business day of September of each year plus one (1%). The interest shall be credited annually upon the account of the customer or paid upon the return of the deposit, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. Records shall be kept of efforts made to return a deposit.

B. Inadequate Deposit

If the amount of a deposit is proven to be less than required to meet the requirements specified above, the Customer shall be required to pay an additional deposit upon request.

C. Return of Deposit

When a deposit is to be returned, the Customer may request that the full amount of the deposit be issued by check. If the Customer requests that the full amount be credited to amounts owed the Company, the Company will process the transaction on the billing date and apply the deposit to any amount currently owed to the Company, and return any remaining amount of the deposit to the Customer by check.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.5 Payment Arrangements, *continued*

2.5.7 Deposits, *continued*

- E. The Company shall keep a record of each cash deposit until the deposit is returned. The record will show the name of each Customer making a deposit; the premises occupied by the Customer when making the deposit and each successive premises occupied while the deposit is retained by the Company; the amount and date of making the deposit; and a record of each transaction, such as the payment of interest, interest credited, etc., concerning the deposit. Concurrently with receiving a deposit, the Company will provide the Customer a receipt showing the deposit date, the name and billing address of the Customer and the deposit amount.
- F. Upon discontinuance of service, or when a Customer has established credit by other means, the Company will promptly refund any deposit, plus accrued simple interest, or the balance, if any, in excess of the unpaid bills for the services furnished by the company. A transfer of service from one location to another within the Company's serving area shall not be deemed a discontinuance with the Company if the character of the service remains unchanged.
- G. Deposits will be refunded after twelve months of timely payment, with interest as specified above.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.5 Payment Arrangements, *continued*

2.5.8 Discontinuance of Service for Cause

Service may be discontinued for any of the following reasons:

- A. nonpayment of an undisputed delinquent charge;
- B. unauthorized use of telephone utility equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment;
- C. failure to substantially comply with terms of a settlement agreement;
- D. refusal after reasonable notice to permit inspection, maintenance or replacement of telephone utility equipment;
- E. material misrepresentation of identity in obtaining telephone utility service;
- F. as approved by federal or state law.
- G. Service may not be discontinued by the Company for failure to pay charges not subject to Missouri Public Service Commission's jurisdiction unless specifically authorized in this tariff.
- H. Residential service may be discontinued during normal business hours on or after the date specified in the notice of discontinuance. Service shall not be discontinued on a day when the offices of the Company are not available to facilitate reconnection of service or on a day immediately preceding such day.
- I. Customers shall have 21 days from the rendition of a bill to pay the charges stated.
- J. Residential service shall not be discontinued unless written notice by first-class mail is sent to the customer at least ten (10) days prior to the date of the proposed discontinuance. All notices shall be sent on the 5th of the month.
- (K) At least 24 hours preceding a discontinuance the Company shall make reasonable efforts to contact the customer to advise of the proposed discontinuance and what steps must be taken to avoid it.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.5 Payment Arrangements, *continued*

2.5.9 Cancellation of Application for Service - Contract Services Only

- A. Where the Company permits the 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 the Company incurred, 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 begun.
- 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, less net salvage, may apply. 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 special charges described above will be calculated and applied on a case-by-case basis.

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SECTION 2.0 - RULES AND REGULATIONS, continued2.5 Payment Arrangements, *continued*

2.5.10 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.

2.5.11 SpeedPay

If the Customer's account is delinquent or when the Customer calls the Company's business office to make payment arrangement, the Customer will be given the option to pay via electronic payment system, SpeedPay. The Customer electing SpeedPay will be notified in advance of an additional SpeedPay processing fee of \$5.00. The Customer whose service has been disconnected may be required to reestablish service using SpeedPay and will be assessed the \$5.00 SpeedPay processing fee.

(N)

(N)

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 General

- A. A credit allowance will be given when service is interrupted, except as specified below. A service is interrupted when it becomes inoperative to the Customer, e.g., the Customer is unable to transmit or receive, because of a failure of a component furnished by the Company under this tariff.
- B. An interruption period begins when the Customer reports a service, facility or circuit to be inoperative and, if necessary, releases it for testing and repair. An interruption period ends when the service, facility or circuit is operative.

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~~Missouri Public~~**SECTION 2.0 - RULES AND REGULATIONS, continued**

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2.5 Payment Arrangements, continued**2.5.10 Changes in Service Requested**

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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 General

- A. A credit allowance will be given when service is interrupted, except as specified below. A service is interrupted when it becomes inoperative to the Customer, e.g., the Customer is unable to transmit or receive, because of a failure of a component furnished by the Company under this tariff.
- B. An interruption period begins when the Customer reports a service, facility or circuit to be inoperative and, if necessary, releases it for testing and repair. An interruption period ends when the service, facility or circuit is operative.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.6 Allowances for Interruptions in Service, *continued*

2.6.1 General, *continued*

- C. If the Customer reports a service, facility or circuit to be interrupted but declines to release it for testing and repair, or refuses access to its premises for test and repair by the Company, the service, facility or circuit is considered to be impaired but not interrupted. No credit allowances will be made for a service, facility or circuit considered by the Company to be impaired.
- D. 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.

2.6.2 Limitations of Allowances

No credit allowance will be made for any interruption in service:

- A. Due to the negligence of or noncompliance with the provisions of this tariff by any person or entity other than the Company, including but not limited to the Customer;
- B. Due to the failure of power, equipment, systems, connections or services not provided by the Company;
- C. Due to circumstances or causes beyond the reasonable control of the Company;
- D. During any period in which the Company is not given full and free access to its facilities and equipment for the purposes of investigating and correcting interruptions;

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.6 Allowances for Interruptions in Service, *continued*

2.6.2 Limitations of Allowances, *continued*

- E. A service will not be deemed to be interrupted if a Customer continues to voluntarily make use of the such service. If the service is interrupted, the Customer can get a service credit, use another means of communications provided by the Company (pursuant to Section 2.6.3), or utilize another service provider;
- F. 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;
- G. That occurs or continues due to the Customer's failure to authorize replacement of any element of special construction; and
- H. That was not reported to the Company within thirty (30) days of the date that service was affected.

2.6.3 Use of Another Means of Communications

If the Customer elects to use another means of communications during the period of interruption, the Customer must pay the charges for the alternative service used.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.6 Allowances for Interruption in Service, *continued*

2.6.4 Application of Credits for Interruptions in Service

- A. Credits for interruptions in service that is provided and billed on a flat rate basis for a minimum period of at least one month, beginning on the date that billing becomes effective, shall in no event exceed an amount equivalent to the proportionate charge to the Customer for the period of service during which the event that gave rise to the claim for a credit occurred. A credit allowance 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.
- B. For calculating credit allowances, every month is considered to have thirty (30) days.
- C. A credit allowance will be given for interruptions of thirty (30) minutes or more. Two or more interruptions of fifteen (15) minutes or more during any one 24-hour period shall be combined into one cumulative interruption.

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SECTION 2.0 - RULES AND REGULATIONS, continued2.6 Allowances for Interruption in Service, *continued*2.6.4 Application of Credits for Interruptions in Service, *continued*

D. Interruptions of 24 Hours or Less

Length of Interruption	Amount of Service To Be Credited
Less than 30 minutes	None
30 minutes up to but notincluding 3 hours	1/10 Day
3 hours up to but notincluding 6 hours	1/5 Day
6 hours up to but notincluding 9 hours	2/5 Day
9 hours up to but notincluding 12 hours	3/5 Day
12 hours up to but notincluding 15 hours	4/5 Day
15 hours up to but notincluding 24 hours	One Day

E. Interruptions 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.

F. Interruptions Over 72 Hours

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

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.6 Allowances for Interruption in Service, *continued*

2.6.5 Cancellation For Service Interruption

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

2.7 Use of Customer's Service by Others

2.7.1 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.

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SECTION 2.0 - RULES AND REGULATIONS, continued

2.8 Cancellation of Service/Termination Liability

If a Customer cancels a service order or terminates services before the completion of the term for any reason other than a service interruption (as defined in Section 2.7.1) or where the Company breaches the terms in the service contract, Customer may be requested by the Company to pay to Company termination liability charges, which are 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.

2.8.1 Termination Liability

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

- A. all unpaid non-recurring charges reasonably expended by Company to establish service to Customer, plus;
- B. any disconnection, early cancellation or termination charges reasonably incurred and paid to third parties by Company on behalf of Customer, plus;
- C. all recurring charges specified in the applicable Service Order 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;
- D. minus a reasonable allowance for costs avoided by the Company as a direct result of Customer's cancellation.

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:

- 2.9.1 to any subsidiary, parent company or affiliate of the Company; or
- 2.9.2 pursuant to any sale or transfer of substantially all the assets of the Company; or
- 2.9.3 pursuant to any financing, merger or reorganization of the Company.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.10 Customer Liability for Unauthorized Use of the Network

Unauthorized use of the network occurs when a person or entity that does not have actual, apparent, or implied authority to use the network, obtains the Company's services provided under this tariff.

2.10.1 Customer Liability for Fraud and Unauthorized Use of the Network

- A. The Customer is liable for the unauthorized use of the network obtained through the fraudulent use of a Company calling card, if such a card is offered by the Company, or an accepted credit card, provided that the unauthorized use occurs before the Company has been notified.
- B. A Company calling card is a telephone calling card issued by the Company at the Customer's request, which enables the Customer or user(s) authorized by the Customer to place calls over the Network and to have the charges for such calls billed to the Customer's account.

An accepted credit card is any credit card that a cardholder has requested or applied for and received, or has signed, used, or authorized another person to use to obtain credit. Any credit card issued as an renewal or substitute in accordance with this paragraph is an accepted credit card when received by the cardholder.

- C. The Customer must give the Company written or oral notice that an unauthorized use of a Company calling card or an accepted credit card has occurred or may occur as a result of loss, and/or theft.
- D. The Customer is responsible for payment of all charges for calling card services furnished to the Customer or to users authorized by the Customer to use service provided under this tariff, unless due to the negligence of the Company. This responsibility is not changed due to any use, misuse, or abuse of the Customer's service or Customer-provided equipment by third parties, the Customer's employees, or the public.

The liability of the Customer for unauthorized use of the Network by credit card fraud will not exceed the lesser of fifty dollars (\$50.00) or the amount of money, property, labor, or services obtained by the unauthorized user before notification to the Company.

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SECTION 2.0 - RULES AND REGULATIONS, *continued*

2.11 Notices and Communications

- 2.11.1 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 Customer may also designate a separate address to which the Company's bills for service shall be mailed.
- 2.11.2 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.
- 2.11.3 Except as otherwise stated in this tariff, 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.
- 2.11.4 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.

2.12 Taxes, Fees and Surcharges

The Company reserves the right to bill any and all applicable taxes, fees and surcharges in addition to normal rates and charges for services provided to the Customer. Taxes and fees include, but are not limited to: Federal Excise Tax, State Sales Tax, Municipal Tax, and Gross Receipts Tax. Unless otherwise specified in this tariff, such taxes, fees and surcharges are in addition to rates as quoted in this tariff and will be itemized separately on Customer invoices. All charges and fees subject to MoPSC jurisdiction, except taxes and franchise fees, will be submitted to the MoPSC for prior approval.

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SECTION 2.0 - RULES AND REGULATIONS, (CONT'D.)

2.12 Taxes, Fees and Surcharges, (Cont'd.)

2.12.1 Missouri Universal Service Fund

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

(N)

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SECTION 2.0 - RULES AND REGULATIONS, continued

2.13 Miscellaneous Provisions

2.13.1 Telephone Number Changes

Whenever any Customer's telephone number is changed after a directory is published, the Company shall intercept all calls to the former number for at least one hundred and twenty (120) days and give the calling party the new number provided existing central office equipment will permit, and the Customer so desires.

When service in an existing location is continued for a new Customer, the existing telephone number may be retained by the new Customer only if the former Customer consents in writing, and if all charges against the account are paid or assumed by the new Customer.

2.13.2 Maintenance and Operations Records

Records of various tests and inspections, to include non-routine corrective maintenance actions or monthly traffic analysis summaries for network administration, necessary for the purposes of the Company or to fulfill the requirements of Commission rules shall be kept on file in the office of the Company as required under Commission rules.

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SECTION 2.0 - RULES AND REGULATIONS, continued

2.14 Customer Referral Program

All active and local and long distance Customers in good payment standing may refer new Customers and receive a credit of \$20.00 for each new local telephone Customer who pays a minimum of 90% of their first invoice and \$10.00 for each new long distance Customer who pays a minimum of 90% of their first invoice.

The credit will be applied to the referring Customer's invoice and unused portions of the credit will be carried over to the following billing statement.

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REC'D APR 30 2002

Service CommissionSECTION 3.0 - LOCAL SERVICE AREAS

3.1 Local Service Areas

The Company will provide Services from all exchanges of its Underlying Carrier, in conformance with that Underlying Carrier's existing local exchange boundary maps as approved by the Commission.

The local calling areas will mirror the local calling areas of the Company's Underlying Carrier, exclusive of the two-way Extended Area Service exchanges offered by the Underlying Carrier.

3.2 Local Zones

Certain services provided in this tariff are rated based on the zone associated with the local line. The applicable zone is determined as follows:

Talk America Retail Zone	SWB Rate Group Equivalent
Zone 1	Rate Group D
Zone 2	Rate Group B
Zone 3	Rate Group A
Zone 4	Rate Group C

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SECTION 3.0 - LOCAL SERVICE AREAS

REC'D JUL 11 2001

3.1 Local Service Areas

Service Commission

The Company will provide Services from all exchanges of its Underlying Carrier, in conformance with that Underlying Carrier's existing local exchange boundary maps as approved by the Commission.

The local calling areas will mirror the local calling areas of the Company's Underlying Carrier, exclusive of the two-way Extended Area Service exchanges offered by the Underlying Carrier.

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SECTION 4.0 -NONRECURRING AND SERVICE CHARGES

4.1 Service Order and Change Charges

Nonrecurring charges apply to processing Service Orders for new service, for changes in service, and for changes in the Customer's primary interexchange carrier (PIC) code.

Line Installation / Move / Add Charge	<u>Business</u>	<u>Residence</u>	
First Line	\$55.00	\$55.00	(I)
Each Additional Line, Same Order	\$55.00	\$55.00	(I)
Line Change Charge			
First Line	\$25.00	\$25.00	(I)
Each Additional Line, Same Order (T)	\$25.00	\$25.00	(I)
Line Disconnect Charge	\$10.25	\$10.50	
Primary Interexchange Carrier Change Charge	\$10.00	\$10.00	(N)

4.2 Customer Premise Visit Charge

Customer Premise Visit Charge is a flat rate charge that applies when the Company dispatches personnel to a Customer's premises to perform work necessary for installing new service, effecting changes in service or resolving troubles reported by the Customer when the trouble is found to be caused by the Customer's facilities.

	<u>Business</u>	<u>Residence</u>
Initial 15 Minutes or Fraction	\$39.50	\$39.50
Each Additional 15 Minutes or Fraction	\$14.25	\$14.25

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SECTION 4.0 -NONRECURRING AND SERVICE CHARGES

REC'D JUL 11 2001

4.1 Service Order and Change Charges**Service Commission**

Nonrecurring charges apply to processing Service Orders for new service, for changes in service, and for changes in the Customer's primary interexchange carrier (PIC) code.

	<u>Business</u>	<u>Residence</u>
Line Installation / Move / Add Charge		
First Line	\$51.76	\$36.16
Each Additional Line, Same Order	\$51.76	\$36.16
Line Change Charge		
First Line	\$10.25	\$10.50
	\$10.25	\$10.50
Line Disconnect Charge	\$10.25	\$10.50

4.2 Customer Premise Visit Charge

Customer Premise Visit Charge is a flat rate charge that applies when the Company dispatches personnel to a Customer's premises to perform work necessary for installing new service, effecting changes in service or resolving troubles reported by the Customer when the trouble is found to be caused by the Customer's facilities.

	<u>Business</u>	<u>Residence</u>
Initial 15 Minutes or Fraction	\$39.50	\$39.50
Each Additional 15 Minutes or Fraction	\$14.25	\$14.25

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SECTION 4.0 -NONRECURRING AND SERVICE CHARGES, (CONT'D.)**4.3 Restoration of Service**

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

	<u>Business</u>	<u>Residence</u>
Per occasion:		
First Line	\$50.00 (I)	\$50.00 (I)
Each Additional Line	\$50.00 (I)	\$ 0.00 (R)

4.4 Voice Mail Connection Charge

When a new Customer subscribes to a Company service which includes Voice Mail, a connection charge applies to the initiation of Voice Mail Service. The Voice Mail Connection charge is waived when the new Customer disconnects Voice Mail Service from the underlying incumbent local exchange carrier to switch to the Company's service.

Voice Mail Connection	<u>Nonrecurring Charge</u>
Per Line:	\$20.00

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SECTION 4.0 -NONRECURRING AND SERVICE CHARGES

REC'D JUL 11 2001

4.3 Restoration of Service

Service Commission

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

	<u>Business</u>	<u>Residence</u>
Per occasion:		
First Line	\$15.60	\$15.11
Each Additional Line	\$15.60	\$15.11

4.4 Voice Mail Connection Charge

When a new Customer subscribes to a Company service which includes Voice Mail, a connection charge applies to the initiation of Voice Mail Service. The Voice Mail Connection charge is waived when the new Customer disconnects Voice Mail Service from the underlying incumbent local exchange carrier to switch to the Company's service.

	<u>Nonrecurring Charge</u>
Voice Mail Connection	
Per Line:	\$20.00

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS

5.1 General

5.1.1 Services Offered

The following Network Services are available to residence/business Customers:

Standard Residence Line Service

Standard Business Line Service

Optional Calling Features

Toll Services (see the Company's long distance tariff)

The following services are available to residence/business Customers.

Listing Services (including Non Published and Non-Listed Services)

Directory Assistance

Operator Services

Miscellaneous Services (including Vanity Numbers and Number Portability)

5.1.2 Application of Rates and Charges

All services offered in this tariff are subject to service order and change charges where the Customer requests new services or changes in existing services, as well as indicated Nonrecurring and Monthly Recurring Charges. Charges for local calling services may be assessed on a measured rate basis and are additional to monthly recurring charges shown for Business or Residence lines.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, *continued*

5.1 General *continued*

5.1.3 Emergency Services Calling Plan

The Company is obligated to supply the E-911 service provider in the Company service area 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 or whose lease facilities have been purchased for the provision of local service pursuant to these tariffs.

At the time the company provides basic local service to a Customer by means of the Company's 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.

The Company will be obligated to provide facilities to route calls from the end users to the proper Public Safety Answering Point (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.

The Company will collect 911 surcharges and remit all surcharge revenue to the appropriate governmental entity pursuant to RSMo 190.310.

The Company undertakes no responsibility to inspect or to monitor 911 service facilities to discover errors, defects or malfunctions in 911 service.

By dialing 911, the 911 service calling party waives all privacy rights afforded by non-listed and non-published service to the extent that the Customer's telephone number, name, address associated with the originating station location are furnished to the PSAP.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, *continued*

5.2 Call Timing for Usage Sensitive Services

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:

- 5.2.1 Calls are measured in durational increments identified for each service. All calls which are fractions of a measurement increment are rounded-up to the next whole unit.
- 5.2.2 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).
- 5.2.3 Timing terminates on all calls when the either party hangs up.
- 5.2.4 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.
- 5.2.5 All times refer to local time.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, continued

5.3 Distance Calculations

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

5.3.1 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 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.

5.3.2 The airline distance between any two rate centers is determined as follows:

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

Step 2: Compute the difference between the "V" coordinates of the two rate centers; and the difference between the two "H" coordinates.

Step 3: Square each difference obtained in step 2 above.

Step 4: Add the square of the "V" difference and the square of the "H" difference obtained in step 3 above.

Step 5: Divide the sum of the squares by 10. Round to the next higher whole number if any fraction is obtained.

Step 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.

5.3.3 The formula for distance calculations is:

Install Equation Editor and double -
click here to view equation.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, continued

5.4 Rate Periods for Time of Day Sensitive Services

- 5.4.1 For time of day, usage sensitive services, the following rate periods apply unless otherwise specified in this tariff:

	MON	TUES	WED	THUR	FRI	SAT	SUN
8:00 AM TO 5:00 PM*	DAYTIME RATE PERIOD						
5:00 PM TO 11:00 PM*	EVENING RATE PERIOD						EVE
11:00 PM TO 8:00 AM*	NIGHT/WEEKEND RATE PERIOD						

* Up to but not including.

- 5.4.2 Calls are billed based on the rate in effect for the actual time period(s) during which the call occurs. Calls that cross rate period boundaries are billed the rates in effect in that boundary for each portion of the call, based on the time of day at the Customer location.
- 5.4.3 For services subject to holiday discounts, the following are Company recognized national holidays, determined at the location of the calling station. The evening rate is used on national holidays, unless a lower rate normally would apply.

New Year's Day	January 1
Memorial Day	As Federally Observed
Independence Day	July 4
Thanksgiving Day	As Federally Observed
Christmas Day	December 25

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, (CONT'D.)**5.5 Standard Residence Line***

(T)

A Standard Residence Line provides the Customer with a single, analog, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Standard Residence Lines are provided for the connection of Customer-provided wiring and single station sets or facsimile machines. An optional per line Hunting feature is available for multi-line Customers which routes a call to an idle station line in a prearranged group when the called station line is busy.

5.6 Standard Business Line*

(T)

The Standard Business Line provides a Customer with a single, analog, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Standard Business Lines are provided for the connection of Customer-provided wiring and single station sets or facsimile machines. An optional per line Hunting feature is available for multi-line Customers which routes a call to an idle station line in a prearranged group when the called station line is busy.

*Effective April 3, 2005, this service is grandfathered and available only to existing Customers at existing locations.

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Missouri PublicSECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, continued

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5.5 Standard Residence Line

A Standard Residence Line provides the Customer with a single, analog, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Standard Residence Lines are provided for the connection of Customer-provided wiring and single station sets or facsimile machines. An optional per line Hunting feature is available for multi-line Customers which routes a call to an idle station line in a prearranged group when the called station line is busy.

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5.6 Standard Business Line

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, *continued*

5.7 Optional Calling Features

The features listed in this Section are offered by the Company to Residential and Business Customers. Service availability may vary between On-Net and Off-Net Customers. Refer to Price Lists in Sections 6 of this tariff for specific features offered with each type of local exchange service.

5.7.1 Feature Descriptions

- A. Call Forwarding Variable - Permits the end-user to automatically forward (transfer) all incoming calls to another telephone number, and to restore it to normal operation at their discretion. The end-user must dial an activation code from his/her exchange line along with the forward-to number in order to turn the feature on. A separate code is dialed by the end-user to deactivate the feature.
- B. Call Forwarding Don't Answer, Basic: Permits the forwarding of incoming calls when the end-user's line remains unanswered after a pre-designated ringing interval. The ringing interval before forwarding and the forward-to number are fixed by the service order.
- C. Call Forwarding Busy Line, Basic: Permits the forwarding of incoming calls when the end-user's line is busy. The forwarded number is fixed by the end-user service order.
- D. Call Waiting - Deluxe: Allows the end-user to control the treatment applied to incoming calls while the Customer is off-hook on an existing call. This feature includes the capabilities of Call Waiting Basic plus additional call treatment options. Treatment options offered with Call Waiting Deluxe include:

Answer the waiting call and placing the first party on hold;

Answer the waiting call and disconnecting from the first party;

Direct the waiting caller to hold via a recording

Forward the waiting caller to another location (e.g., voice mailbox or telephone answering service)

Full utilization of Call Waiting Deluxe requires specialized CPE not provided by the Company. It is the responsibility of the Customer to provide the necessary CPE. The end-user must have Caller ID Basic or Deluxe for display of calling party identification information for waiting calls. The end-user must have a Call Forwarding Don't Answer feature active in order to forward a waiting call to another location.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, *continued*

5.7 Optional Calling Features, *continued*

5.7.1 Feature Descriptions, *continued*

- E. Caller ID: 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.
- F. Per Line Blocking : 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:
1. private, nonprofit, tax exempt, domestic violence intervention agencies and
 2. 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 on 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.

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 the blocking, the CPN will not be transmitted across the line to the called party. Instead, Calling Line Identification Customer 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.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, continued5.7 Optional Calling Features, *continued*5.7.1 Feature Descriptions, *continued*F. Per Line Blocking, *continued*

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.

CPN information transmitted via Caller ID is intended solely for the use of the Caller ID subscriber. Resale of this information is prohibited by the 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 the appropriate facilities. Caller ID is not available on operator handled calls.

- G. Anonymous Call Rejection: Permits the end-user to automatically reject incoming calls when the call originates from a telephone number which has blocked delivery of its calling number (see Calling Number Delivery Blocking). When active, calls from private numbers will be routed to a special announcement then terminated. The feature may be turned on or off by the end-user by dialing the appropriate feature control code. Anonymous Call Rejection is offered as a stand alone feature or as an add-on to Caller ID Deluxe.

- H. Call Block: Allows the end-user to automatically block incoming calls from up to six end-user pre-selected telephone numbers programmed into the features screening list. Callers whose numbers have been blocked will hear a recorded message stating that their call has been blocked. The end-user controls when the feature is active, and can add or remove calling numbers from the features screening list.

- I. Call Return: allows the Customer to return a call to the last incoming call whether answered or not. Upon activation, it will re-dial the number automatically and continue to check the number every 45 seconds for up to 30 minutes if the number is busy. The Customer is alerted with a distinctive ringing pattern when the busy number is free. When the Customer answers the ring, the call is then completed. The calling party's number will not be delivered or announced to the call recipient under any circumstances.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, (CONT'D.)**5.7 Optional Calling Features, (Cont'd.)****5.7.1 Feature Descriptions, (Cont'd.)**

- J.** Call Tracing: Customers receiving annoying or anonymous calls may request: A (T)
telephone number change, which will be provided at no charge by the Company; or
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:
The originating telephone number
The date and time of the call
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
provided 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.

- K.** Multiple Directory Number Distinctive Ringing: This feature allows an end user to (T)
determine the source of an incoming call from a distinctive ring. The end user may
have up to two additional numbers assigned to a single line (i.e. Distinctive Ringing -
First Number and Distinctive Ringing - Second Number). The designated primary
number will receive a normal ringing pattern, other numbers will receive distinctive
ringing patterns. The pattern is based on the telephone number that the calling party
dials.

- L.** Repeat Dialing: Permits the end-user to have calls automatically re-dialed when the (T)
first attempt reaches a busy number. The line is checked every 45 seconds for up to
30 minutes and alerts the Customer with a distinctive ringing pattern when the busy
number and the Customer's line are free. The Customer can continue to make and
receive calls while the feature is activated. The following types of calls cannot be
reached using Repeat Dialing:
Calls to 800 Service numbers
Calls to 900 Service numbers
Calls preceded by an interexchange carrier access code
International Direct Distance Dialed calls
Calls to Directory Assistance
Calls to 911

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, *continued*

5.7 Optional Calling Features, *continued*

REC'D JUL 11 2001

5.7.1 Feature Descriptions, *continued*

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- I. Call Tracing:** Customers receiving annoying or anonymous calls may request: A telephone number change, which will be provided at no charge by the Company; or 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:

The originating telephone number
The date and time of the call
The date and time Call Trace was activated

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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 provided 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.

- J. Multiple Directory Number Distinctive Ringing:** This feature allows an end user to determine the source of an incoming call from a distinctive ring. The end user may have up to two additional numbers assigned to a single line (i.e. Distinctive Ringing - First Number and Distinctive Ringing - Second Number). The designated primary number will receive a normal ringing pattern, other numbers will receive distinctive ringing patterns. The pattern is based on the telephone number that the calling party dials.

- K. Repeat Dialing:** Permits the end-user to have calls automatically re-dialed when the first attempt reaches a busy number. The line is checked every 45 seconds for up to 30 minutes and alerts the Customer with a distinctive ringing pattern when the busy number and the Customer's line are free. The Customer can continue to make and receive calls while the feature is activated. The following types of calls cannot be reached using Repeat Dialing:

Calls to 800 Service numbers
Calls to 900 Service numbers
Calls preceded by an interexchange carrier access code
International Direct Distance Dialed calls
Calls to Directory Assistance
Calls to 911

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, (CONT'D.)**5.7 Optional Calling Features, (Cont'd.)****5.7.1 Feature Descriptions, (Cont'd.)**

- M.** Speed Calling: Permits the Customer to place calls to other telephone numbers by dialing a one or two digit code rather than the complete telephone number. The feature is available as either an eight (8) code list or a thirty (30) code list. Code lists may include local and/or toll telephone numbers. The Customer has the ability to add or remove telephone numbers and codes to/from the a speed calling list without assistance from the Company. (T)
- N.** Three Way Calling: Permits the end-user to add a third party to an established connection. When the third party answers, a two-way conversation can be held before adding the original party for a three-way conference. The end-user initiating the conference controls the call and may disconnect the third party to reestablish the original connection or establish a connection to a different third party. The feature may be used on both outgoing and incoming. (T)

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REC'D JUL 11 2001

5.7 Optional Calling Features, *continued*

Service Commission

5.7.1 Feature Descriptions, *continued*

- L. Speed Calling:** Permits the Customer to place calls to other telephone numbers by dialing a one or two digit code rather than the complete telephone number. The feature is available as either an eight (8) code list or a thirty (30) code list. Code lists may include local and/or toll telephone numbers. The Customer has the ability to add or remove telephone numbers and codes to/from the a speed calling list without assistance from the Company.
- M. Three Way Calling:** Permits the end-user to add a third party to an established connection. When the third party answers, a two-way conversation can be held before adding the original party for a three-way conference. The end-user initiating the conference controls the call and may disconnect the third party to reestablish the original connection or establish a connection to a different third party. The feature may be used on both outgoing and incoming.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, *continued***5.8 Listing Services**

For each Customer of Company-provided Exchange Service(s), the Company shall arrange for the listing of the Customer's main billing telephone number in the directory(ies) published by the dominant Local Exchange Carrier in the area at no additional charge. At a Customer's option, the Company will arrange for additional listings for an additional charge.

5.8.1 Non-Published Service

This optional service provides for suppression of printed and recorded directory listings. A Customer's name and number do not appear in printed directories or Directory Assistance Bureau records.

5.8.2 Non-Listed Service

This optional service provides for suppression of printed directory listings only. Parties may still obtain the Customer's number by calling the Directory Assistance Bureau.

5.9 Directory Assistance Services**5.9.1 Directory Assistance**

Provides for identification of telephone directory numbers, via an operator or automated platform.

The maximum listing request per call is limited to two.

5.9.2 Directory Assistance Call Completion

Directory Assistance Call Completion is a service available to customers who call the Directory Assistance Operator. After the operator provides the requested number, the operator will request whether the customer wishes the operator to complete the call to the requested number. A charge will apply if the operator completes the call for the customer.

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Missouri Public**SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, continued**

REC'D JUL 11 2001

5.8 Listing Services

For each Customer of Company-provided Exchange Service(s), the Company shall arrange for the listing of the Customer's main billing telephone number in the directory(ies) published by the dominant Local Exchange Carrier in the area at no additional charge. At a Customer's option, the Company will arrange for additional listings for an additional charge.

5.8.1 Non-Published Service

This optional service provides for suppression of printed and recorded directory listings. A Customer's name and number do not appear in printed directories or Directory Assistance Bureau records.

5.8.2 Non-Listed Service

This optional service provides for suppression of printed directory listings only. Parties may still obtain the Customer's number by calling the Directory Assistance Bureau.

5.9 Directory Assistance

Provides for identification of telephone directory numbers, via an operator or automated platform. Business Customers are provided with a maximum of 10 free calls per month to Directory Assistance and Residential Customers are provided with a maximum of 30 free calls per month to Directory Assistance. The maximum listing request per call is limited to two.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, continued

5.10 Local Operator Services

Provides for live or automated operator treatment when a Customer dials ~~10~~ Operator Services can be used to assist the Customer in routing or billing for a call. Billing options include, but are not limited to, bill to originating telephone number, calling card, collect or to a third party.

5.11 Long Distance Services

Long Distance Services are available from the Company pursuant to terms, conditions, regulations and rates as provided for in the Company's Missouri Long Distance tariff. Service is available for use by Customers twenty-four (24) hours a day. Customers must arrange for intraLATA and interLATA service from the interexchange carriers of their choice. Customers may choose the Company as their carrier for intraLATA calls and interLATA calls.

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SECTION 5.0 - NETWORK SERVICES DESCRIPTIONS, *continued*

5.12 Miscellaneous Services

5.12.2 Pay Per Call Blocking/Unblocking

This service provides the option of blocking, or subsequent unblocking, all 900 and 976 calls on a per line basis. The Company will provide for per-line blocking where the Company's switching facilities permit.

5.12.2 Presubscription Services

This service provides for the Presubscription of local exchange lines provided by the Company to the intraLATA and interLATA long distance carrier(s) selected by the Customer.

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SECTION 6.0 - LOCAL SERVICES PRICE LIST

6.1 General

Services provided in this tariff section are available on a Resale Service basis. Local Resale Services are provided through the use of resold switching and transport facilities obtained from Other Telephone Companies.

The rates, terms and conditions set forth in the section are applicable where the Company provides specified local exchange services to Customers In BellSouth local exchange service areas. The rates, terms and conditions set forth in this section are not applicable to the Company's provision of service within the service area of any other incumbent local exchange carrier. The rates, terms and conditions set forth in this section are available on a retail basis only and will not be provided for resale to any other carrier.

All rates set forth in this section are subject to change and may be changed by the Company pursuant to notice requirements established by the Missouri Public Service Commission. The rates, terms and conditions set forth in this section are applicable as of the effective date hereof.

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SECTION 6.0 - LOCAL SERVICES PRICE LIST, (CONT'D.)**6.2 Standard Business Local Exchange Service***

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Standard Business Local Exchange Service provides the Customer with a single, analog, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Standard Business Local Exchange Service lines are provided for the connection of Customer-provided wiring, telephones, facsimile machines or other station equipment. An optional per line Hunting feature is available for multi-line Customers which routes a call to the next idle line in a prearranged group when the called line is busy.

Local exchange service lines are provided on a single party (individual) basis only. No multi-party lines are provided. Service is available on a flat rate, measured rate or message rate basis depending on the service plan selected by the Customer. Not all service plans will be available in all areas.

Recurring charges for Standard Business Local Exchange Service are billed monthly in advance. Usage charges, if applicable are billed in arrears. Usage charges may apply for calls placed from the Customer's line. No usage charges will apply to calls received by the Customer. Nonrecurring charges for installation or rearrangement of service are billed on the next month's bill immediately following work performed by the Company.

*Effective April 3, 2005, this service is grandfathered and available only to existing Customers at existing locations.

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SECTION 6.0 - LOCAL SERVICES PRICE LIST, continued

REC'D JUL 11 2001

6.2 Standard Business Local Exchange Service**Service Commission**

Standard Business Local Exchange Service provides the Customer with a single, analog, voice-grade telephonic communications channel which can be used to place or receive one call at a time. Standard Business Local Exchange Service lines are provided for the connection of Customer-provided wiring, telephones, facsimile machines or other station equipment. An optional per line Hunting feature is available for multi-line Customers which routes a call to the next idle line in a prearranged group when the called line is busy.

Local exchange service lines are provided on a single party (individual) basis only. No multi-party lines are provided. Service is available on a flat rate, measured rate or message rate basis depending on the service plan selected by the Customer. Not all service plans will be available in all areas.

Recurring charges for Standard Business Local Exchange Service are billed monthly in advance. Usage charges, if applicable are billed in arrears. Usage charges may apply for calls placed from the Customer's line. No usage charges will apply to calls received by the Customer. Nonrecurring charges for installation or rearrangement of service are billed on the next month's bill immediately following work performed by the Company.

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SECTION 6.0 - LOCAL SERVICES PRICE LIST, (CONT'D.)**6.2 Standard Business Local Exchange Service, (Cont'd.)***

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6.2.1 Monthly Recurring Charges

The following charges apply to Standard Business Local Exchange Service lines per month. Rates and charges include Touchtone Service for each line. The rates and charges below apply to service provided on a month-to-month basis. Nonrecurring charges apply as listed in Section 4 of this Tariff.

A. Flat Rate Service

	<u>Per Month</u>
Rate Group A (1-4,999 Access lines)	\$16.99
Rate Group B (5,000 - 59,999 Access Lines)	\$22.89
Rate Group C (60,000 - 229,999 Access Lines)	\$25.46
Rate Group C (Metro Call Area 1)	\$27.74
Rate Group D (230,000 - Over Access Lines)	\$33.24
Rate Group D (Metro Call Area 1)	\$34.67
Rate Group D (Metro Call Area 2)	\$36.61

*Effective April 3, 2005, this service is grandfathered and available only to existing Customers at existing locations.

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SECTION 6.0 - LOCAL SERVICES PRICE LIST, continued

REC'D JUL 11 2001

6.2 Standard Business Local Exchange Service, (Cont'd)

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6.2.1 Monthly Recurring Charges

The following charges apply to Standard Business Local Exchange Service lines per month. Rates and charges include Touchtone Service for each line. The rates and charges below apply to service provided on a month-to-month basis. Nonrecurring charges apply as listed in Section 4 of this Tariff.

A. Flat Rate Service

	<u>Per Month</u>
Rate Group A (1-4,999 Access lines)	\$16.99
Rate Group B (5,000 - 59,999 Access Lines)	\$22.89
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Rate Group C (Metro Call Area 1)	\$27.74
Rate Group D (230,000 - Over Access Lines)	\$33.24
Rate Group D (Metro Call Area 1)	\$34.67
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SECTION 6.0 - LOCAL SERVICES PRICE LIST, (CONT'D.)**6.2 Standard Business Local Exchange Service, (Cont'd.)***

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6.2.1 Monthly Recurring Charges, (Cont'd.)**B. Message Rate Service**

Message Rate Service allows a Business Customer 100 per month. Calls in excess of the allowance will be charged a usage charge as specified in Section 6.2.1.C.

	<u>Per Month</u>
Rate Group A (1-4,999 Access lines)	\$14.41
Rate Group B (5,000 - 59,999 Access Lines)	\$17.78
Rate Group C (60,000 - 229,999 Access Lines)	\$19.57
Rate Group C (Metro Call Area 1)	\$23.88
Rate Group D (230,000 - Over Access Lines)	\$23.48
Rate Group D (Metro Call Area 1)	\$24.27
Rate Group D (Metro Call Area 2)	\$25.31

C. Local Message Usage, Per Call Rates

	<u>Per Month</u>
Rate Group A (1-4,999 Access lines)	\$0.06
Rate Group B (5,000 - 59,999 Access Lines)	\$0.06
Rate Group C (60,000 - 229,999 Access Lines)	\$0.06
Rate Group C (Metro Call Area 1)	\$0.06
Rate Group D (230,000 - Over Access Lines)	\$0.07
Rate Group D (Metro Call Area 1)	\$0.07
Rate Group D (Metro Call Area 2)	\$0.07

*Effective April 3, 2005, this service is grandfathered and available only to existing Customers at existing locations.

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SECTION 6.0 - LOCAL SERVICES PRICE LIST, continued

REC'D JUL 11 2001

6.2 Standard Business Local Exchange Service, (Cont'd)

Service Commission

6.2.1 Monthly Recurring Charges**B. Message Rate Service**

Message Rate Service allows a Business Customer 100 per month. Calls in excess of the allowance will be charged a usage charge as specified in Section 6.2.1.C.

	<u>Per Month</u>
Rate Group A (1-4,999 Access lines)	\$14.41
Rate Group B (5,000 - 59,999 Access Lines)	\$17.78
Rate Group C (60,000 - 229,999 Access Lines)	\$19.57
Rate Group C (Metro Call Area 1)	\$23.88
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C. Local Message Usage, Per Call Rates

	<u>Per Month</u>
Rate Group A (1-4,999 Access lines)	\$0.06
Rate Group B (5,000 - 59,999 Access Lines)	\$0.06
Rate Group C (60,000 - 229,999 Access Lines)	\$0.06
Rate Group C (Metro Call Area 1)	\$0.06
Rate Group D (230,000 - Over Access Lines)	\$0.07
Rate Group D (Metro Call Area 1)	\$0.07
Rate Group D (Metro Call Area 2)	\$0.07

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SECTION 6.0 - LOCAL SERVICES PRICE LIST, (CONT'D.)**6.2 Standard Business Local Exchange Service, (Cont'd.)***

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6.2.1 Monthly Recurring Charges, (Cont'd.)**D. Measured Rate Service**

No usage allowance applies to Measured Rate Service. Per minute usage charges do apply and are listed in 6.2.1.E.

	<u>Per Month</u>
Rate Group A (1-4,999 Access lines)	\$ 9.21
Rate Group B (5,000 - 59,999 Access Lines)	\$12.58
Rate Group C (60,000 - 229,999 Access Lines)	\$14.37
Rate Group C (Metro Call Area 1)	\$15.31
Rate Group D (230,000 - Over Access Lines)	\$18.28
Rate Group D (Metro Call Area 1)	\$19.07
Rate Group D (Metro Call Area 2)	\$20.11

E. Measured Rate Local Usage Rates

	<u>Day</u>		<u>Evening</u>		<u>Night / Weekend</u>	
Mileage	8 AM - 5 PM Mon. thru Fri.		5 PM - 11 PM Mon. thru Fri. and Sun.		11 PM - 8 AM Fri. and Sun., All Day Sat. and Sun. from 8 AM through 5 PM	
0 - 14	\$0.040	\$0.010	\$0.032	\$0.0800	\$0.0260	\$0.0065
15 - 28	\$0.050	\$0.020	\$0.040	\$0.0160	\$0.0325	\$0.0130
28 - Over	\$0.060	\$0.030	\$0.048	\$0.0240	\$0.0390	\$0.0195

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SECTION 6.0 - LOCAL SERVICES PRICE LIST, continued

REC'D JUL 11 2001

6.2 Standard Business Local Exchange Service, (Cont'd)

Service Commission

6.2.1 Monthly Recurring Charges

D. Measured Rate Service

No usage allowance applies to Measured Rate Service. Per minute usage charges do apply and are listed in 6.2.1.E.

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E. Measured Rate Local Usage Rates

	<u>Day</u>		<u>Evening</u>		<u>Night / Weekend</u>	
Mileage	8 AM - 5 PM Mon. thru Fri.		5 PM - 11 PM Mon. thru Fri. and Sun.		11PM - 8AM Fri. and Sun., All Day Sat. and Sun. from 8AM through 5PM	
0 - 14	\$0.040	\$0.010	\$0.032	\$0.0800	\$0.0260	\$0.0065
15 - 28	\$0.050	\$0.020	\$0.040	\$0.0160	\$0.0325	\$0.0130
28 - Over	\$0.060	\$0.030	\$0.048	\$0.0240	\$0.0390	\$0.0195

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