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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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*This tariff, P.S.C. MO Tariff No.3 issued by Cbeyond Communications, LLC d/b/a Birch replaces in its entirety P.S.C. MO Tariff No.1 issued by Cbeyond Communications, LLC*

**Cbeyond Communications, LLC**  
**d/b/a Birch**

2323 Grand Blvd., Suite 925  
Kansas City, MO 64108

LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

This tariff contains the description, regulations and rates for the furnishing of services and facilities for telecommunications services provided by Cbeyond Communications, LLC d/b/a Birch with principal offices at 2323 Grand Blvd., Suite 925, Kansas City, MO 64108. This tariff applies for service furnished within the State of Missouri. This tariff is on file with the Missouri Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

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Issued: October 14, 2014

Effective: November 14, 2014

By:

Christopher A. Bunce, Sr. Vice President and General Counsel  
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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 Cbeyond Communications, LLC, for a Certificate of Service Authority to Provide Basic Local Telecommunications Services in the State of Missouri and to Classify Such Services and the Company as Competitive*, Case No. TA-2001-260, waived the following statutes and regulations:

**STATUTES**

392.210.2	- uniform system of accounts
392.240(1)	- rates-rentals –service & physical connections
392.270	- valuation of property (ratemaking)
392.280	- depreciation accounts
392.290	- issuance of securities
392.300.2	- acquisition of stock
392.310	- stock and debt issuance
392.320	- stock dividend payment
392.340	- reorganization
392.330	- issuance of securities, debts and notes

**COMMISSION RULES**

4 CSR 240—10.020	- depreciation fund income
4 CSR 240—30.010(2)(C)	- posting of tariffs
4 CSR 240—30.040	- uniform system of accounts
4 CSR 240—32.030(4)(C)	- exchange boundary maps
4 CSR 240—33.030	- minimum charges
4 CSR 240—35	- reporting of bypass and Customer-specific arrangements

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---

LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

---

**TABLE OF CONTENTS**

TITLE PAGE.....	1
LIST OF WAIVED STATUTES AND REGULATIONS .....	2
TABLE OF CONTENTS.....	3
SYMBOLS.....	5
TARIFF FORMAT .....	6
APPLICATION OF TARIFF.....	7
SECTION 1 -TECHNICAL TERMS AND ABBREVIATION .....	8
1.1 Definitions .....	8
1.2 Abbreviations.....	10
SECTION 2 -RULES AND REGULATIONS .....	11
2.1 Undertaking of the Company.....	11
2.2 Limitations of Service.....	11
2.3 Limitations of Liability.....	12
2.4 Responsibilities of the Customer .....	15
2.5 Allowances for Interruptions in Service .....	17
2.6 Termination of Service .....	20
2.7 Payment of Charges .....	22
2.8 Contracts .....	22
2.9 Term Agreements .....	23
2.10 Advance payments .....	23
2.11 Deposits .....	24
2.12 Contested Charges .....	25
2.13 Taxes.....	25
2.14 Additional Obligation of the Company .....	26
2.15 Missouri Universal Service Fund .....	26

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MO11401

---

LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

---

**TABLE OF CONTENTS, (CONT'D.)**

SECTION 3 -DESCRIPTION OF SERVICE..... 27

    3.1 Timing of Calls ..... 27

    3.2 Start of Billing ..... 27

    3.3 Calculation of Distance ..... 28

    3.4 Minimum Call Completion Rate..... 28

    3.5 Local Exchange Service Offerings ..... 29

    3.6 Additional Local Exchange Service Offerings ..... 31

    3.7 Miscellaneous Service Charges ..... 40

SECTION 4 -RATES AND CHARGES ..... 42

    4.1 Local Exchange Service Offerings ..... 42

    4.2 Additional Local Exchange Service Offerings ..... 43

    4.3 Miscellaneous Charges ..... 50

---

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---

**SYMBOLS**

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

- (C) Changed Regulation
- (D) Delete or discontinue
- (I) Change Resulting in an Increase to a Customer's Bill
- (M) Moved from Another Tariff Location
- (N) New
- (R) Change Resulting in a Reduction to a Customer's Bill
- (S) Correction or reissued matter
- (T) Change in Text or Regulation but no Change in Rate or Charge

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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 existing pages with whole numbers, a decimal is added. For example, a new page added between pages 34 and 35 would be page 34.1.
- B. Page Revision Numbering** - Revision numbers also appear in the upper right corner of the page. These numbers are used to determine the most current page version on file with the Commission. For example, 4th Revised Page 34 cancels the 3rd Revised Page 34. Consult the check sheet for the page currently in effect.
- C. Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2
  - 2.1
  - 2.1.1
  - 2.1.1.A
  - 2.1.1.A.1
  - 2.1.1.A.1.(a)
  - 2.1.1.A.1.(a).I
  - 2.1.1.A.1.(a).I.(i)
  - 2.1.1.A.1.(a).I.(i).(1)

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**APPLICATION OF TARIFF**

This tariff sets forth the service offerings, rates and terms and conditions of service applicable to the furnishing of End-User local exchange telecommunications services by Cbeyond Communications, LLC d/b/a Birch ('Cbeyond' or 'Company') to business Customers in the following portions of Missouri that are currently served by Southwestern Bell Telephone Company:

Gladstone, Kansas City, Liberty, Parkville, Raytown, South Kansas City, Ferguson, Florissant, Kirkwood, Ladue, Mehlville, Overland, Sappington, St. Louis, Spanish Lake, and Webster Groves

This tariff is on file with the Commission. In addition, this tariff is available for review at the Company's main office located at 2323 Grand Blvd., Suite 925, Kansas City, MO 64108.

Application 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 -TECHNICAL TERMS AND ABBREVIATIONS**

**1.1 Definitions**

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

**Call** - A completed connection between the Calling and Called parties.

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

**Called Station** - The telephone number called.

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

**Commission** - The Missouri Public Service Commission.

**Company** - Cbeyond Communications, LLC d/b/a Birch, unless specifically stated otherwise.

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

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

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

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

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

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, (CONT'D.)**

**1.1 Definitions, (Cont'd.)**

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

**Message** - A completed telephone call by a Customer or User.

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

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

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

**State** - Missouri

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

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

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, (CONT'D.)**

**1.2 Abbreviations**

**BLV** = Busy Line Verification  
**CPE** = Customer Premises Equipment  
**DID** = Direct Inward Dialing  
**DOD** = Direct Outward Dialing  
**PBX** = Private Branch Exchange  
**PIC** = Primary or Preferred Interexchange Carrier  
**POP** = Point of Presence  
**V&H** = Vertical and Horizontal Coordinates

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**SECTION 2 - RULES AND REGULATIONS**

**2.1 Undertaking of the Company**

- 2.1.1 The Company provides facilities-based local exchange telecommunications service to business Customers for the direct transmission of voice, data and other types of telecommunications.
- 2.1.2 The Company installs, operates and maintains the communications services provided herein in accordance with the terms and conditions set forth in this tariff. When authorized by the Customer, the Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities to allow connection of a Customer's location to the Company's network. The Customer shall be responsible for all charges due for such service arrangements.
- 2.1.3 The Company's services are provided on a monthly basis, unless otherwise stated in this tariff. Services are available twenty-four (24) hours per day, seven (7) days per week.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.2 Limitations of Service**

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

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.3 Limitations of Liability**

- 2.3.1 Because the Company has no control of communications content transmitted over its system, and because of the possibility of errors incident to the provision and use of its service, service furnished by the Company is subject to the terms, conditions and limitations herein specified.
- 2.3.2 The Company is not liable to Users for interruptions in service except as set forth in Section 2.5 of this tariff.
- 2.3.3 The liability of the Company for errors in billing that result in overpayment by the Customer shall be limited, unless otherwise ordered by the Commission, to a credit equal to the dollar amount erroneously billed or, in the event that payment has been made and service has been discontinued, to a refund of the amount erroneously billed.
- 2.3.4 The Company shall not be liable for and the User shall indemnify and hold the Company harmless against any claims for loss or damages involving:
- A. Any act or omission of: (i) the User; or (ii) any other entity furnishing service, equipment or facilities for use in conjunction with services or facilities provided by the Company;
  - B. Interruptions or delays in transmission, or errors or defects in transmission, or failure to transmit when caused by or as a result of acts of God, fire, flood or other catastrophes, war, riots, national emergencies, government or military authorities, strikes, lock-outs, work stoppages or other labor difficulties, or causes beyond the Company's control;
  - C. Any unlawful or unauthorized use of the Company's facilities and services;
  - D. Libel, slander or infringement of copyright arising directly or indirectly from content transmitted over facilities provided by the Company;
  - E. Infringement of patents arising from combining apparatus and systems of the User with facilities provided by the Company;
  - F. Claims arising out of any act or omission of the User in connection with service provided by the Company;
  - G. Breach in the privacy or security of communications transmitted over the Company's facilities;

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.3 Limitations of Liability, (Cont'd.)**

2.3.4 (Cont'd.)

- H. Changes in any of the facilities, operations or procedures of the Company that: (1) render any equipment, facilities or services provided or utilized by the User obsolete; (2) require modification or alteration of such equipment, facilities or services; or (3) otherwise affect use or performance of such equipment, facilities or services except where reasonable notice is required by the Company and is not provided to the Customer;
- I. Defacement of or damage to the Customer's Premises or personal property resulting from the furnishing of services or equipment on such Premises or the installation or removal thereof, unless such defacement is caused by negligence or the willful misconduct of the Company's agents or employees;
- J. Any wrongful act of a Company employee where such act is not authorized by the Company and is not within the scope of the employee's responsibilities for the Company;
- K. Any noncompleted calls due to network busy conditions; and
- L. Any calls not actually attempted to be completed during any period that service is unavailable.

2.3.5 The User shall reimburse the Company for all costs, expenses and fees (including reasonable attorneys' fees and costs) incurred by the Company in its defense against claims set forth in Section 2.3.4.

2.3.6 The Company assumes no responsibility for the availability or performance of any facilities under the control of other entities that are used to provide service to the User, even if the Company has acted as the User's agent in arranging for such facilities or services.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.3 Limitations of Liability, (Cont'd.)**

- 2.3.7 Any claim against the Company shall be deemed waived unless presented in writing to the Company within thirty (30) days after the date of the occurrence that gave rise to the claim.
- 2.3.8 With respect to the services provided pursuant to this tariff, the Company makes no representations or warranties, express or implied, either in fact or by operation of law, statutory or otherwise, including, but not limited to, warranties of title or implied warranties of merchantability or fitness for a particular purpose, except those expressly set forth in this tariff. The Company does not authorize anyone to make a warranty or representation of any kind on its behalf and the User should not rely on any such statement.
- 2.3.9 Any liability of the Company for loss or damages arising out of mistakes, omissions, interruptions, delays, errors or defects in the service, the transmission of the service, or failures or defects in facilities furnished by the Company, occurring in the course of furnishing service shall in no event exceed an amount equivalent to the proportionate fixed monthly charge to the Customer for service, during the period of time in which such mistakes, omissions, interruptions, delays, errors or defects in the service, its transmission or failure or defect in facilities furnished by the Company occurred.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.4 Responsibilities of the Customer**

- 2.4.1 The Customer is responsible for placing any necessary orders, complying with tariff regulations and assuring that Users comply with tariff regulations. The Customer shall ensure compliance with any applicable laws, regulations, orders or other requirements of any governmental entity relating to services provided by the Company to the Customer or made available by the Customer to another User. The Customer also is responsible for the payment of charges for all Calls originated at the Customer's numbers which are not collect, third party, calling card, or credit card Calls.
- 2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities that the Customer requests and which are ordered by the Company on the Customer's behalf.
- 2.4.3 If required for the provisioning of the Company's services, the Customer must provide the Company, free of charge, with any necessary equipment space, supporting structure, conduit and electrical power.
- 2.4.4 The Customer is responsible for arranging access to its Premises at times mutually agreeable to the Company and the Customer when required for Company personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of the Company's services.
- 2.4.5 The Customer must pay the Company for replacement or repair of damage to the Company's equipment or facilities caused by negligent or improper use on the part of the Customer, Users, or others.
- 2.4.6 The Customer must indemnify the Company for the theft of any Company equipment or facilities installed at the Customer's Premises.
- 2.4.7 The Customer agrees, except where the events, incidents or eventualities set forth in this sentence are the result of the Company's gross negligence or willful misconduct, to release, indemnify and hold harmless the Company against any and all loss, claims, demands, suits or other action or any liability whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or person, for any personal injury to or death of any person or persons, or for any loss of or damage to any property, whether owned by the Customer or others. The Customer shall reimburse the Company for all costs, expenses and fees (including reasonable attorneys' fees and costs) incurred by the Company in its defense against such actions.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.5 Allowances for Interruptions in Service**

2.5.1 General

- A. A service is interrupted when it becomes unusable to the User, *e.g.*, the User is unable to transmit or receive communications due to the failure of a component furnished by the Company under this tariff.
- B. An interruption period begins when the User reports a service, facility or circuit to be inoperative and releases it for testing and repair. An interruption period ends when the service, facility or circuit is operative.
- C. If the User reports a service, facility or circuit to be inoperative but declines to release it for testing and repair, the service, facility or circuit is considered to be impaired but not interrupted. No credit allowances will be made for a service facility or circuit considered by the Company to be impaired.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.5 Allowances for Interruptions in Service, (Cont'd.)**

2.5.2 Application of Credits for Interrupted Services

- A. At the Customer's request, a credit allowance for a continuous interruption of service for more than twenty-four (24) hours will be made in an amount to be determined by the Company on a case-by-case basis.
- B. Any such interruption will be measured from the time it is reported to or detected by the Company, whichever occurs first.
- C. In the event the User is affected by such interruption for a period of less than twenty-four (24) hours, no adjustment will be made. No adjustments will be earned by accumulating non-continuous periods of interruption.
- D. When an interruption exceeds twenty-four (24) hours, the length of the interruption will be measured in twenty-four (24) hour days. A fraction of a day consisting of less than twelve (12) hours will not be credited and a period of twelve (12) hours or more will be considered an additional day.

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.5 Allowances for Interruptions in Service, (Cont'd.)**

2.5.3 Limitations on Allowances

- A. No credit allowance will be made for any interruption of service:
1. due to the negligence of, or noncompliance with the provisions of this tariff by, any person or entity other than the Company, including but not limited to the Customer or other entities or carriers connected to the service of the Company;
  2. due to the failure of power, equipment, systems or services not provided by the Company;
  3. due to circumstances or causes beyond the control of the Company;
  4. during any period in which the Company is not given full and free access to the Customer's or Company's facilities and equipment for the purpose of investigating and correcting the interruption;
  5. during any period in which the User continues to use the service on an impaired basis;
  6. during any period in which the Customer has released service to the Company for maintenance purposes or for implementation of a Customer order for a change in service arrangements;
  7. that occurs or continues due to the Customer's failure to authorize replacement of any element of special construction; and
  8. that was not reported to the Company within thirty (30) days of the date that service was affected.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.6 Termination of Service**

- 2.6.1 A Customer may terminate service, with or without cause, by giving the Company notice in writing. If the Customer has signed a Term Agreement, early termination charges may apply. See Section 2.9.1.
- 2.6.2 The Customer is responsible for all charges incurred to the Calling Station regardless of which party terminates the service. The Customer shall reimburse the Company for all costs, expenses and fees (including reasonable attorneys' fees and costs) incurred by the Company in collecting such charges.
- 2.6.3 The Company may, at its election and upon ten (10) days written notice, disconnect Service if charges are overdue. For purposes of this Section, the first day to be counted in the ten (10) day period shall be the dates of the written notice. The Company may disconnect on the day following the tenth (10<sup>th</sup>) day if any overdue charges described in the written notice remain unpaid. At least 24 hours preceding discontinuance of service, the Company will make reasonable efforts to contact the Customer to advise them of discontinuance and of the steps to take to avoid discontinuance.
- 2.6.4 The Company may discontinue service for any of the following reasons:
- A. For nonpayment of an undisputed delinquent charge;
  - B. For failure to post a required deposit or guarantee;
  - C. For unauthorized use of telecommunications company equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment;
  - D. For failure to comply with terms of a settlement agreement;
  - E. For refusal after reasonable notice to permit inspection, maintenance or replacement of telecommunications company equipment;
  - F. For material misrepresentation of identity in obtaining telecommunications company service; or
  - G. As provided by state or federal law.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.6 Termination of Service, (Cont'd.)**

2.6.5 Notices of Discontinuance shall contain the following information:

- A. The name and address and telephone number of the Customer.
- B. The statement of the reason for the proposed discontinuance and the cost (to the Customer) for reconnection.
- C. The date after which the service will be discontinued unless the appropriate action is taken.
- D. How a Customer may avoid the discontinuance.
- E. The Customer's right to enter into a settlement agreement if the claim is for a charge not in dispute and the Customer is unable to pay the charge in full.
- F. The telephone number where the Customer may make an inquiry.
- G. A statement that this notice will not be effective if the charges involved are part of an unresolved dispute.
- H. A statement of the exception for medical emergencies as follows:

The Company will postpone a discontinuance for a time not in excess of 21 days if the telephone is necessary to obtain emergency medical assistance for a person who is a member of the household where the service is provided and where such a person is under the care of a physician. Any person who alleges such an emergency shall, if requested provide the Company with reasonable evidence of such necessity.

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

- A. In the event of a condition determined to be hazardous to the Customer, to other Customers of the Company, to the Company's equipment, to the public, or to employees of the utility;
- B. In the event of the Customer's illegal use of equipment or service provided by the Company, or theft of Company equipment.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.7 Payment of Charges**

- 2.7.1 The Customer is responsible for payment of all charges for service furnished to the User.
- 2.7.2 The Company reserves the right to assess late payment charges for Customers whose account(s) carries principal owing from the prior billing period. Any charges not paid in full by the due date indicated on the billing statement may be subject to a late fee of 1.5% per month.
- 2.7.3 Recurring monthly charges may be invoiced one month in advance. Invoicing cycles are approximately 30 days in length.
- 2.7.4 Customers must notify the Company either verbally or in writing of any disputed charges within thirty (30) days of the billing date, otherwise all charges on the invoice will be deemed accepted. All charges remain due and payable at the due date, although a Customer is not required to pay disputed charges while the Company conducts its investigation into the matter.

**2.8 Contracts**

- 2.8.1 Rates for Dedicated Access and Private Line services will be determined on an Individual Case Basis (ICB). ICB rates will be structured to recover the Company's cost of providing the services and will be made available to Customers in a non-discriminatory manner. Terms of the specific ICB contracts will be made available on a proprietary basis to the Missouri Public Service Commission upon request.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.9 Term Agreements**

2.9.1 Cbeyond offers Term Agreements wherein the Customer agrees to retain Cbeyond services for a mutually agreed upon length of time. If a Customer terminates service prior to the end of the term agreement, a termination charge will apply. This termination charge is equal to the monthly recurring charges times the number of months remaining in the then current term plus all non-recurring charges for which Cbeyond has not been reimbursed.

**2.10 Advance Payments**

The Company will not require advance payments from Customers.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.11 Deposits**

The Company may require an applicant for service to post a deposit if: The applicant has an undisputed, unpaid bill with any telephone company. In addition to any necessary service connection charges and application fee, the applicant will be required to pay a deposit equal to twice the amount of the average monthly billing for business subscribers.

A deposit will not exceed the estimated charges for two (2) months' usage. The deposit will be returned or applied to the Customers account:

2.11.1 When an application of service has been cancelled prior to the establishment of service. The deposit will be applied to any charges applicable including installation charges and the excess portion of the deposit will be returned.

2.11.2 At the end of twelve (12) months of satisfactory credit history, the deposit will be applied to the Customer's account.

2.11.3 Upon cancellation of service, the Company will refund the Customer's deposit or the balance in excess of unpaid bills for service.

The fact that a deposit has been made in no way relieves the Customer from complying with the regulations with respect to the prompt payment of bills on presentation.

On deposits held thirty (30) days or more, simple interest at the rate of nine percent (9%) per annum shall be credited annually to the account of the Customer, or paid upon the return of the deposit, whichever occurs first. Interest will not accrue on any deposit after the date on which a reasonable effort has been made to return it to the Customer.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.12 Contested Charges**

All bills are presumed accurate, and shall be binding on the Customer unless the Company receives objection no more than thirty (30) days after such bills are rendered.

**2.13 Taxes**

State and local sales, use and similar taxes are billed as separate items and are not included in the quoted rates for service. All charges and fees except taxes and franchise fees will be submitted to the Missouri Public Service Commission for prior approval.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 2 - RULES AND REGULATIONS, (CONT'D.)**

**2.14 Additional Obligations of the Company**

2.14.1 E-911

- A. The Company is obligated to supply the E-911 service provider in the Company's service areas with accurate information necessary to update the E-911 database at the time the Company submits Customer orders to the local exchange telecommunications company whose service is being resold pursuant to these tariffs.
- B. At the time the Company provides basic local service to a Customer by means of 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.
- C. The Company will be obligated to provide facilities to route calls from the end users to the proper Public Service 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.
- D. The Company will collect 911 surcharges and remit all surcharge revenue to the appropriate governmental entity pursuant to RSMo. 190.310. The Company will observe and adhere to the Commission's emergency telephone service rules in 4 CS240-34.

**2.15 Missouri Universal Service Fund**

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

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE**

**3.1 Timing of Calls**

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

**3.2 Start of Billing**

Billing will begin upon the earlier of (i) connection of the facility to the Customer network and commencement of services (service activation) or (ii) within 15 days after delivery of the applicable facility to the Customer premises by the facility provider, unless the delay in connection of the facility is due to the fault of or requested by Cbeyond. The end of service date is the last day of the minimum notification of cancellation or any portion of the last day, after receipt by the Company of notification of cancellation as described in Section 2.6.1 of this tariff.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.3 Calculation of Distance**

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

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

**3.4 Minimum Call Completion Rate**

The Customer can expect a call completion rate of at least 97% per 100 Calls attempted during peak use periods for all Feature Group D (1+) services.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.5 Local Exchange Service Offerings**

Where technically and economically feasible, the Company offers local exchange telecommunications services to business Customers pursuant to contractual arrangements. The Customer's total monthly use of the Company's service is charged at the applicable rates, in addition to any monthly service charges.

**3.5.1 Business Local Exchange Service**

Business Local Exchange Service provides the Customer with basic business access lines allowing connectivity to the local service network and features.

**3.5.2 Business Trunk Line Service**

Business Trunk Line Service provides trunk-featured business local services for connection to Key and PBX systems. Service will include Direct Outward Dial ("DOD").

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.5 Local Exchange Service Offerings, (Cont'd.)**

3.5.3 Trunk Line Call Hunting Service

Trunk Line Call Hunting Service is a Local Business Line Service that may be sold with hunting features to front-end an existing Key or PBX System.

3.5.4 Direct Inward Dial (ADIDA) Service

DID enables a Caller to complete a Call to a specific extension without being transferred by an attendant. The Company offers DID service to its Customers in minimum blocks of ten (10) telephone numbers.

The Company reserves the right to review vacant DID Stations or Stations not in use to determine efficient telephone number utilization. Should the Company determine, based on its own discretion, that inefficient number utilization is occurring, the Company reserves the right to reassign the unused DID Stations.

The Customer has no property rights to the telephone number or any other call number destination associated with DID service furnished by the Company, and no right to the continuance of service through any particular end-office.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

---

**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings**

3.6.1 Directory Assistance Service

Directory Assistance Service provides the Customer with the ability to use a directory assistance operator to provide listing information. The Company will provide access to Directory Assistance Service through arrangements with other telecommunications companies. A maximum of two (2) telephone numbers per Customer may be requested per Call.

3.6.2 Directory Assistance Call Completion ('DACC') Service

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

3.6.3 Operator Services

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

3.6.4 Directory Listings

The Company shall provide for a single Directory Listing, termed the primary listing, in the telephone directory published by the dominant exchange service provider in the Customer's exchange area of the Station number that is designated as the Customer's main billing number. Additional information or additional or alternate Company Station numbers, other than the Customer's main billing number associated with a Customer's service, also will be provided to the Customer for a monthly recurring charge per listing.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

---

**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.5 Caller ID Number

Displays the telephone number of an incoming Call on a CPE device attached to the Customer's telephone line.

3.6.6 Caller ID with Name and Number

Displays the name and telephone number of an incoming Call on a CPE device attached to the Customer's telephone line.

3.6.7 Call Forwarding

A. Call Forwarding – Universal

This service allows the Customer to forward Calls to any telephone number or station in the Customer Group that their station is allowed to call, including voicemail and the attendant. Call Forwarding - Universal takes precedence over Call Forward - No Answer, and calls are forwarded immediately.

B. Call Forwarding - No Answer

Calls are automatically forwarded to a number or station in the Customer group after a specified number of rings.

C. Call Forwarding – Busy

Calls are automatically forwarded to a number or station in the Customer Group when the user's line is busy.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

---

**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.8 Call Waiting

When a line is in use, Call Waiting will generate an audible tone that will allow the user to know that another Call is coming in. The user may answer the new Call, and alternate between Calls, by pressing the hook flash switch on the telephone.

3.6.9 Cancel Call Waiting

Allows the user, on a per-Call basis, to cancel the Call Waiting function by dialing 70 before making a Call.

3.6.10 Call Transfer

Allows a user to transfer a Call to another station within the Customer Group or to an outside telephone number.

3.6.11 Three-Way Calling

Permits a user to place an existing Call on hold, dial another station in the Customer Group or outside telephone number, and bridge the new Call to the existing connection.

3.6.12 Last Number Redial

Allows a user to transfer a Call to another station within the Customer Group or to an outside telephone number.

3.6.13 Speed Calling

Enables a Customer to place calls to other telephone numbers by dialing a pre-programmed one or two-digit code rather than the complete telephone number. Speed Calling provides a 30-code capacity.

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.14 Call Park

Allows a Call to be placed on hold by one station and retrieved by another station in the Customer Group.

3.6.15 Distinctive Ring

Assigns different ring tones for Calls from within the Customer Group and for those from outside.

3.6.16 Calling ID Delivery Block

Allows a station to block the display of their number and name on outgoing Calls on a per-Call basis for a fee.

3.6.17 Anonymous Call Rejection

Allows a called party to block calls from parties that have marked their calls "private".

3.6.18 Automatic Busy Redial

Permits the Customer to redial automatically the last number dialed. If the called line is busy, a 30-minute queuing process begins. The Customer is then given an indication that the network will attempt to set up the call when the called line is idle.

3.6.19 Automatic Call Return

Enables a Customer to automatically return the last incoming Call. To return the Call, the Customer dials a feature code and the number is dialed automatically. If the called line is busy, a 30-minute queuing process begins. The Customer is then given an indication that the network will attempt to set up the Call when the called line is idle.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.20 Call Blocking/Toll Restriction

A. 900/976 Blocking

900/976 blocking permits a new or existing Customer, on a per-line basis, to block all Calls made from its Calling Station to a 900 or 976-type telephone number. This Call Blocking option prevents Calls to 900/976 information service providers by blocking the following dialing sequences: 1+900 and 1+976.

B. Long Distance Blocking

This Call Blocking option prevents 1+ long distance calls by station by blocking the following dialing sequences on a per-line basis: 1 + (NPA) + NXX + XXXX and 1 + NXX + XXXX.

C. Directory Services Blocking

This Call Blocking option prevents Calls to local Directory Services and casual dialed long distance providers by blocking the following dialing sequences on a per-line basis: 1+555-1212, 1+NPA+555-1212, and 411.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.20 Call Blocking/Toll Restriction, (Cont'd.)

D. Operator Services Blocking

This Call Blocking option prevents Calls to local Operator Services by blocking the following dialing sequences on a per-line basis: 0+ and 0-.

E. International Blocking

This Call Blocking option blocks access to international calling services on a per-line basis.

F. 3rd Party and Collect Call Blocking

This Call Blocking option blocks access to inbound 3rd Party and Collect calls on a per-line basis.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.21 Local Number Portability

Local Number Portability is a service that enables the End User to retain use of the existing local exchange carrier's number after choosing the Company as its local exchange carrier, provided that the Customer's location remains the same after the switch.

3.6.22 N11 Services

N11 Services provides Customers with the ability to receive special services through Cbeyond by dialing a three-digit number.

A. Directory Services (411)

Directory Services allows a Customer to obtain the listed telephone number for a given name and address by dialing 411. Rates for this service are specified in Section 4.2 of this tariff.

B. Repair Service (611)

Repair Services allows Customers to report troubles to Cbeyond Customer service by dialing 611. There is no charge for this service.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.22 N11 Services, (Cont'd.)

C. Telecommunications Relay Services (711)

Missouri Telecommunications Relay Service ("TRS") enables deaf, hard-of-hearing or speech-impaired persons who use a Text Telephone ("TT") or similar device to communicate freely with the hearing population not using TTs and visa versa. The Company will provide access to TRS through arrangements with other telecommunications carriers to enable Customers to access the TRS state provider to complete TRS Calls. There is no charge for placing 711 calls.

In addition, operator assisted calls to the 711 will not be completed.

The TRS entity is responsible for, and shall indemnify, protect, defend and save harmless the Company against all suits, actions, claims, demands and judgments, and of all costs, expenses and counsel fees incurred on account thereof, arising out of and resulting directly or indirectly from the service or in connection therewith, including, but not limited to, any loss, damage, expense or liability resulting from any infringement or claim of infringement, of any patent, trademark, copyright, or resulting from any claims of liable and slander.

The TRS entity shall respond promptly to any and all complaints lodged with any regulatory authority against any service provided via 711. If requested by the Company, the TRS entity shall assist the Company in responding to complaints made to the Company concerning the 711 dialing code.

In no event shall the Company be liable for any losses or damages of any kind resulting from the unavailability of its equipment or facilities or for any act, omission or failure of performance by the Company, or its employees, or agents, in connection with this Tariff. The Company shall not be responsible for calls that cannot be completed as a result of repair or maintenance difficulties on Company facilities and equipment nor on equipment owned or leased by the TRS entity.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.6 Additional Local Exchange Service Offerings, (Cont'd.)**

3.6.22 N11 Services, (Cont'd.)

D. 911 and E911 Services

Emergency Services (Enhanced 911) allow Customers to reach appropriate emergency services, including: police, fire and hospital medical services. Enhanced 911 Service has the ability to selectively route an emergency Call to the primary 911 provider so that it reaches the correct emergency service located closest to the Caller. In addition, Enhanced 911 Service enables the Customer's address and telephone information to be displayed to the person handling the 911 Call. The Company will provide access to 911 and E911 services either directly or through arrangements with other telecommunications carriers.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.7 Miscellaneous Service Charges**

3.7.1 Order Change

An Order Change is a change in the Customer's service initiated by the Customer.

3.7.2 Telephone Number Change

A Telephone Number Change is a change in the Customer's telephone number.

3.7.3 Bad Check Charge

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

3.7.4 Reconnection

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

3.7.5 Expedite Installation

Expedite Installation charges occur when Customer has requested service installation sooner than the normal schedule.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 3 - DESCRIPTION OF SERVICE, (CONT'D.)**

**3.7 Miscellaneous Service Charges, (Cont'd.)**

3.7.6 Service Premises Visit

Service Visit charges occur when Customer has requested a service visit to the Customer premises.

3.7.7 Non-routine Installation

At the Customer's request, installation and/or maintenance may be performed outside the Company's regular business hours or in unusual 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.

3.7.8 Missed Appointment Charge

When the Company and the Customer have agreed to an installation date and time, and the Customer is not available at the premises to allow for installation of service at the appointed time, a Missed Appointment Charge will apply.

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LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 4 - RATES AND CHARGES**

**4.1 Local Exchange Service Offerings**

4.1.1 Business Local Exchange Service

<i>Flat Rate Service:</i>	
Monthly recurring charge, per line:	\$ 45.00
Non-recurring charge, per line:	\$100.00

4.1.2 Business Trunk Line Service

Monthly recurring charge, per line:	\$ 60.00
Non-recurring charge, per line:	\$100.00
Hunting Service, per line:	\$ 15.00
Hunting Maintenance, per event	\$ 20.00

4.1.3 DID Installation

Per first ten (10) numbers:	\$915.00
Monthly recurring charge:	\$ 5.00
Per additional ten (10) numbers:	\$ 20.00
Monthly recurring charge:	\$ 5.00

4.1.4 DID Trunk Termination Installation

Non-recurring charge:	\$ 75.00
Monthly recurring charge:	\$ 10.00

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SECTION 4 - RATES AND CHARGES, (CONT'D.)

4.2 Additional Local Exchange Service Offerings

4.2.1 Directory and Operator Services

4.2.1.A Directory Assistance Service

First three (3) Calls:	\$ 0.00
Per each additional Call:	\$ 0.85

4.2.1.B Directory Assistance Call Completion Service

Per Call Completion:	\$ 0.85
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4.2.1.C Operator Services

Station-to-Station Collect, Per Call	\$ 0.50
Per minute:	\$ 0.25
Person-to-Person Collect, Per Call	\$ 0.50
Per minute:	\$ 0.25
Calling Card Service, Per Call	\$ 0.50
Operator-Dialed Surcharge	\$ 0.50
BLV, Per Call	\$ 2.00
Emergency Interrupt, Per Call	\$ 0.50
<i>Requires BLV</i>	

4.2.2 Directory Listings

1st Listing:	<i>no charge</i>
Per Additional Information Listing:	
Recurring monthly charge:	\$ 2.00
Non-recurring charge, per listing	\$20.00
Existing Listing Change, per listing	\$20.00

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**SECTION 4 - RATES AND CHARGES, (CONT'D.)**

**4.2 Additional Local Exchange Service Offerings, (Cont'd.)**

4.2.3 Directories

There is no charge for one (1) White Pages Directory per Customer per year.

4.2.4 Caller ID Number

Monthly recurring charge:	\$ 7.00
Non-recurring charge:	\$10.00

4.2.5 Caller ID with Name and Number

Monthly recurring charge:	\$10.00
Non-recurring charge:	\$10.00

4.2.6 Call Forwarding-No Answer

Monthly recurring charge:	\$ 3.00
Non-recurring charge:	\$10.00

4.2.7 Call Forwarding-Busy

Monthly recurring charge:	\$ 3.00
Non-recurring charge:	\$10.00

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**SECTION 4 - RATES AND CHARGES, (CONT'D.)**

**4.2 Additional Local Exchange Service Offerings, (Cont'd.)**

4.2.8 Call Forwarding-Universal

Monthly recurring charge:	\$ 3.00
Non-recurring charge:	\$10.00

4.2.9 Call Waiting/Cancel Call Waiting

Monthly recurring charge:	\$ 3.50
Non-recurring charge:	\$10.00

4.2.10 Call Transfer

Monthly recurring charge:	\$ 3.75
Non-recurring charge:	\$10.00

4.2.11 Three-Way Calling

Monthly recurring charge:	\$ 3.75
Non-recurring charge:	\$10.00

4.2.12 Last Number Redial

Monthly recurring charge:	\$ 3.00
Non-recurring charge:	\$10.00

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**SECTION 4 - RATES AND CHARGES, (CONT'D.)**

**4.2 Additional Local Exchange Service Offerings, (Cont'd.)**

4.2.13 Speed Calling

Monthly recurring charge (30 code):	\$ 4.00
Non-recurring charge:	\$10.00

4.2.14 Call Park

Monthly recurring charge:	\$ 3.00
Non-recurring charge:	\$10.00

4.2.15 Distinctive Ring

Monthly recurring charge:	\$ 3.00
Non-recurring charge:	\$10.00

4.2.16 Calling Number Delivery Block

Monthly recurring charge:	<i>no charge</i>
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**SECTION 4 - RATES AND CHARGES, (CONT'D.)**

**4.2 Additional Local Exchange Service Offerings, (Cont'd.)**

4.2.17 Anonymous Call Rejection

Monthly recurring charge:	\$ 3.00
Non-recurring charge:	\$10.00

4.2.18 Automatic Busy Redial

Monthly recurring charge:	\$ 3.00
Charge per use:	\$ 0.75
Non-recurring charge:	\$10.00

4.2.19 Automatic Call Return

Monthly recurring charge:	\$ 3.00
Charge per use:	\$ 0.75
Non-recurring charge:	\$10.00

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**SECTION 4 - RATES AND CHARGES, (CONT'D.)**

**4.2 Additional Local Exchange Service Offerings, (Cont'd.)**

4.2.20 Call Blocking/Toll Restriction

- |    |                                 |           |
|----|---------------------------------|-----------|
| A. | 900/976 Blocking                |           |
|    | Monthly recurring charge:       | No charge |
| B. | 1+ Long Distance Blocking       |           |
|    | Monthly recurring charge:       | \$1.00    |
| C. | Directory Service Blocking      |           |
|    | Monthly recurring charge:       | \$1.00    |
| D. | Operator Service Blocking       |           |
|    | Monthly recurring charge:       | \$1.00    |
| E. | International Call Blocking     |           |
|    | Monthly recurring charge:       | \$1.00    |
| F. | 3rd Party/Collect Call Blocking |           |
|    | Monthly recurring charge:       | \$1.00    |

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**SECTION 4 - RATES AND CHARGES, (CONT'D.)**

**4.2 Additional Local Exchange Service Offerings, (Cont'd.)**

4.2.21 Local Number Portability

Where applicable, the Company will assess on End User Customers a monthly Local Number Portability ('LNP') fee or fees to recover the Company's costs of porting the Customer's number/s from its existing carrier to the Company.

Per month charges:

Per line:	\$ 0.35
Per PBX trunk:	\$ 3.15

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**SECTION 4 - RATES AND CHARGES, (CONT'D.)**

**4.3 Miscellaneous Charges**

4.3.1	Order Change	
	Per change:	\$50.00
4.3.2	Telephone Number Change	
	Per change:	\$50.00
4.3.3	Bad Check Charge	
	Per returned check:	\$25.00
4.3.4	Reconnection	
	Per line:	\$100.00
4.3.5	Expedite Charge	
	Per Order:	\$100.00
4.3.6	Service Premises Visit	
	Per hour:	\$150.00
4.3.7	Missed Appointment Charge	
	Per occurrence	\$250.00

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