

Orion Telecommunications Corp.

M.P.S.C. TARIFF NO. 1

TITLE SHEET

COMPETITIVE LONG DISTANCE RESALE TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of long distance telecommunications services provided by Orion Telecommunications Corp., with principal offices at 42-40 Bell Boulevard, Bayside, New York 11361. This tariff applies for services furnished within the State of Missouri. This tariff is on file with the Public Service Commission of Missouri (M.P.S.C.), and copies may be inspected, during normal business hours, at the Company's principal place of business.

Missouri Public

REC'D JUL 08 2003

Service Commission

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SEP 01 2005

XD-06-69
Public Service Commission
MISSOURI

Issued: July 10, 2003

Effective: August 25, 2003

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By: Peter P. Sicilian, Jr., President
Orion Telecommunications Corp.
42-40 Bell Boulevard
Bayside, NY 11361

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LISTING OF WAIVERS

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Orion hereby requests waiver of the following Commission rules:

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| <u>Rule/Statute</u> | <u>Description</u> | |
|-----------------------|---|--------------------|
| 392.210.2 | Uniform System of Accounts | Service Commission |
| 392.240(1) | Just & Reasonable Rates | |
| 392.270 | Ascertain Property Values | |
| 392.280 | Depreciation Accounts | |
| 392.290 | Issuance of Securities | |
| 392.300.2 | Acquisition of Stock | |
| 392.310 | Issuance of stock and debt | |
| 392.320 | Stock dividend payment | |
| 392.330 | Issuance of Securities, debts & notes | |
| 392.340 | Reorganizations | |
| 4 CSR 240-10.020 | Depreciation fund income | |
| 4 CSR 240-3.545(2)(C) | Rate schedules should be posted at central office | |
| 4 CSR 240-30.040 | Uniform system of accounts | |
| 4 CSR 240-33.030 | Inform customers of lowest price | |

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SYMBOLS

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

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

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TARIFF FORMAT
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- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the O.C.C. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc., the O.C.C. follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.
- C. Paragraph Number Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 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).1.
 - 2.1.1.A.1.(a).1.(i).
 - 2.1.1.A.1.(a).1.(i).(1).
- D. Check Sheets - When a tariff filing is made with the M.P.S.C., an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc., remains the same, just revised revisions levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the M.P.S.C.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which connects the Customer's location to an Orion Telecommunications Corp. network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - Orion Telecommunications Corp.

Customer - The person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 a.m. up to, but not including, 5:00 p.m. local time Monday through Friday.

Evening - From 5:00 p.m. up to, but not including, 11:00 p.m. local time Sunday through Friday.

Holidays - Orion Telecommunications Corp.'s recognized holidays are New Year's Day, Martin Luther King, Jr. Day, Presidents' Day, Veterans' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, and Christmas Day.

Night/Weekend - From 11:00 p.m. up to, but not including, 8:00 a.m. Sunday through Friday, and 8:00 a.m. Saturday up to, but not including 5:00 p.m. Sunday.

Prepaid Debit Card - A card issued by the Company, containing an Authorization Code which identifies a specific Prepaid Account of calling minutes, which enables calls to be processed, account activity to be logged, and balances to be maintained, on a prepayment basis.

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SECTION 2 - RULES AND REGULATIONS

Service Commission

2.1 Contact Information

2.1.1. Customer complaints, bill inquiry, new service or disconnect requests:

Avery Fischer
Orion Telecommunications Corp.
42-40 Bell Boulevard, Bayside, NY 11361
Toll Free No. 1 (800) 330-1060

2.1.2. Commission contact - tariff information:

Avery Fischer
Orion Telecommunications Corp.
42-40 Bell Boulevard, Bayside, NY 11361
Toll Free No. 1 (800) 330-1060

2.1.3. Commission Contact Complaints:

Avery Fischer
Orion Telecommunications Corp.
42-40 Bell Boulevard, Bayside, NY 11361
Toll Free No. 1 (800) 330-1060

2.1.4. Missouri Agent:

National Registered Agents, Inc.
300-B East High Street
Jefferson City, MO 65101

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SECTION 2 - RULES AND REGULATIONS (Cont'd)**Service Commission**2.2 Undertaking of Orion Telecommunications Corp.

Orion Telecommunications Corp.'s facilities are furnished for long distance communications originating at specified points within the State of Missouri under terms of this tariff.

Orion Telecommunications Corp. operates, and maintains the communication services provided hereunder in accordance with the terms and conditions set forth under this tariff. It may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to the Orion Telecommunications Corp. network. The Customer shall be responsible for all charges due for such service arrangements.

2.3 Limitations

2.3.1 Service is offered subject to the availability of facilities and the provisions of this tariff.

2.3.2 All services provided under this tariff are directly controlled by Orion Telecommunications Corp. and the Customer may not transfer or assign the use of service, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.

2.3.3 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

Service Commission

2.4 Liabilities of The Company

2.4.1 Orion Telecommunications Corp.'s liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects occurring during the course of transmission by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the aforementioned faults in transmission occur.

2.4.2 Orion Telecommunications Corp. shall be indemnified and held harmless by the Customer against:

- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
- (B) All other claims arising out of any act or omission of the Customer in connection with any service or facility provided by Orion Telecommunications Corp.

2.4.3 The included tariff language does not constitute a determination by the Commission that a limitation of liability imposed by the Company should be upheld in a court of law. Acceptance for filing by the Commission recognizes that it is a court's responsibility to adjudicate negligence and consequential damage claims. It is also the court's responsibility to determine the validity of the exculpatory clause.

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SECTION 2 - RULES AND REGULATIONS (Cont'd) **REC'D JUL 08 2003**2.5 Interruption of Service

Service Commission

- 2.5.1 Credit allowances for the interruption of service, which is not due to the Company's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer, are subject to the general liability provisions set forth in 2.3.1 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired.

Before giving such notice, the Customer shall ascertain that the trouble is not being caused by an action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer.

- 2.5.2 For the purposes of credit computation, every month shall be considered to have 720 hours.

- 2.5.3 No credit shall be allowed for an interruption of a continuous duration of less than two hours.

- 2.5.4 The Customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the fixed monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

$$\text{Credit} = A \times B / 720$$

"A" -- outage times in hours

"B" -- total fixed monthly charge for affected facility

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2.6 Credit for Incomplete Calls

When a Customer calls in and identifies that specific calls were incomplete, the Company's Customer Service department has the capability to credit the Customer's card. In the event that the call was incomplete, the Company will automatically credit the Customer's card.

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SECTION 3 - DESCRIPTION OF SERVICES

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3.1 Usage Based Services

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The Company's charges are based on the actual usage of Company's services, plus any special features and/or service options, if any. Charges begin when the designated communication termination(s) is/are accessed and enabled thereby ("connected") to receive the communication from the originating location on the network. Charges cease when the called or calling party "hangs up."

3.2 Long Distance Telecommunications Network Service

The Company's Long Distance Telecommunications Network Service provides for the non-facilities based, switchless resale of Missouri Local Exchange Carriers' (LEC) tariffed Software Defined Network (SDN) Service. This service is a custom designed private telecommunication network that combines the efficiencies and benefits of both switched and private line service to meet the specific requirements of Customers needing to communicate on an interlata basis within the State.

Each call is measured at the applicable rate for the initial sixty (60) second period or fraction thereof, and then at the applicable rate for each additional sixty (60) second period or fraction thereof. The minimum length of a call is sixty (60) seconds. See Section A, Rates and Charges, for the applicable rate schedule.

3.3 Locations of Service

The services offered by the Company are to be available statewide, where interexchange service is available. The services offered by the Company are not intended to be limited geographically.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

Service Commission

3.4 Timing of Calls

3.4.1 Usage charges are based on usage of Orion Telecommunications Corp.'s service. Chargeable time begins when a connection is established between the calling station and the called station. Chargeable time ends when either party "hangs up" thereby releasing the network connections.

3.4.2 Minimum call duration and usage measurement and rounding for billing purposes is specified on per-product basis in the rate section of this tariff.

3.4.3 There is no billing applied for incomplete calls.

3.5 Prepaid Debit Card

3.5.1 This service permits use of Orion Telecommunications Corp. Prepaid Debit Cards for placing long distance service calls. Customers may purchase Orion Telecommunications Corp. Prepaid Debit Cards at a variety of retail outlets or through other distribution channels. Orion Telecommunications Corp. Prepaid Debit Cards are available at a variety of face values in five-dollar (\$5.00), ten-dollar (\$10.00) and twenty dollar (\$20.00) increments. Orion Telecommunications Corp. Prepaid Debit Card service is accessed using the Orion Telecommunications Corp. toll-free number printed on the card. The caller is prompted by an automated voice response system to enter his/her Authorization Code, and then to enter the terminating telephone number. Orion Telecommunications Corp.'s processor tracks the call duration on a real time basis to determine the amount of calling time consumed. The total consumed calling time for each call, which includes applicable taxes, is deducted from the remaining calling minute balance on the Customer's Orion Telecommunications Corp. Prepaid Debit Card.

3.5.2 All calls must be charged against a Orion Telecommunications Corp. Prepaid Debit Card that has a sufficient calling minute balance. A Customer's call will be interrupted with an announcement when the balance is about to be depleted. Such announcement will occur when five (5) minutes and when one (1) minute remain before the balance will be depleted, based upon the terminating location of the call.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)3.5 Orion Telecommunications Corp. Prepaid Debit Card (Cont'd) **Service Commission**

3.5.3 In order to continue the call, the Customer can either call the toll-free number on the back of the Orion Telecommunications Corp. Prepaid Debit Card and "recharge" the balance on the card using a nationally recognized credit card, or the Customer can throw the card away and purchase a new one. Calls in progress will be terminated by the Company if the balance on the Orion Telecommunications Corp. Prepaid Debit Card is insufficient to continue the call and the Customer fails to enter the number of another valid Orion Telecommunications Corp. Prepaid Debit Card prior to termination.

3.5.4 A card will expire three (3) to six (6) months from the date of purchase, as printed on the card.

3.5.5 A credit allowance for Orion Telecommunications Corp. Prepaid Debit Card Service is applicable to calls that are interrupted due to poor transmission, one-way transmission, or involuntary disconnection of a call. A Customer may also be granted credit for reaching a wrong number. To receive the proper credit, the Customer must notify the Company at the designated toll-free Customer service number printed on the Orion Telecommunications Corp. Prepaid Debit Card and furnish the called number, the trouble experienced (e.g., cut-off, noisy circuit, reached wrong number, etc.), and the approximate time that the call was placed.

3.5.6 When a call charged to an Orion Telecommunications Corp. Prepaid Debit Card is interrupted due to cut-off, one-way transmission, or poor transmission conditions, the Customer will receive a credit equivalent to one calling minute.

3.5.7 Credit allowance for calls pursuant to Orion Telecommunications Corp. Prepaid Card Service do not apply for interruptions not reported promptly to the Company or interruptions that are due to the failure of power, equipment or systems not provided by the Company.

3.5.8 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company.

3.5.9 The Company will block all calls beginning with the NPA "900" and NXX "976" calls, therefore such calls cannot be completed.

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Missouri PublicSECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

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3.6 Customer Complaints and/or Disputes**Service Commission**

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

42-40 Bell Boulevard, Bayside, NY 11361

Toll-free: 1 (800) 330-1060

Any objection to charges should be reported promptly to Orion Telecommunications Corp. If Customer complaints cannot be resolved by Orion Telecommunications Corp., the Customer may contact the M.P.S.C.

3.7 Level of Service

A Customer can expect end-to-end network availability of not less than 90% at all times for all services.

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Missouri PublicSECTION 4 - RATES

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4.1 Long Distance Telecommunications Network Usage Rates **Service Commission**

4.1.1 The calls placed through the Company are rated using one of the following schedules. The charges for all calls during a billing month will be totaled. If the total charge includes a fraction of a cent, the fraction is rounded to the next whole cent (e.g., \$4,101.345 would be rounded to \$4,101.35).

4.1.2 Day, Evening and Night rate periods apply to Long Distance Telecommunications Network Usage. The rates apply for all days of the week including holidays. The Day rate period is 8:00 a.m. to, but not including, 5:00 p.m., Monday through Friday and 5:00 p.m. to, but not including 11:00 p.m. Sunday. The Night/Weekend Rate period is 11:00 p.m. to, but not including, 8:00 a.m. Monday through Sunday, all day Saturday, and from 8:00 a.m. to, but not including, 5:00 p.m. Sunday. For New Year's Day (January 1), Independence Day (July 4), Labor Day, Thanksgiving Day and Christmas Day (December 25), the Evening Rate applies.

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SECTION 4 - RATES (Cont'd)

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4.1 Long Distance Network Usage Rates (Cont'd)

Service Commission

4.1.3 Missouri Intrastate Interlata Rates

4.1.3.A **Schedule A** (Dial-up to dial-up service)

| <u>DAY</u> | | <u>EVE</u> | | <u>NIGHT</u> | |
|------------|------------|------------|------------|--------------|------------|
| First | Add'l | First | Add'l | First | Add'l |
| 0.5390/min | 0.0390/min | 0.5390/min | 0.0390/min | 0.5390/min | 0.0390/min |

4.1.3.B **Schedule B**

(Dial-up to dedicated or dedicated to dial-up service)

| <u>DAY</u> | | <u>EVE</u> | | <u>NIGHT</u> | |
|------------|------------|------------|------------|--------------|------------|
| First | Add'l | First | Add'l | First | Add'l |
| 0.5390/min | 0.0390/min | 0.5390/min | 0.0390/min | 0.5390/min | 0.0390/min |

4.1.3.C **Schedule C** (Dedicated to dedicated service)

| <u>DAY</u> | | <u>EVE</u> | | <u>NIGHT</u> | |
|------------|------------|------------|------------|--------------|------------|
| First | Add'l | First | Add'l | First | Add'l |
| 0.5390/min | 0.0390/min | 0.5390/min | 0.0390/min | 0.5390/min | 0.0390/min |

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SECTION 4 - RATES (Cont'd)

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4.2 Exemptions and Special Rates

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4.2.1 Discount for Hearing Impaired Customers:

A telephone toll message which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will receive, upon request, calls placed between TDDs. The credit to be given on a subsequent bill for such calls placed between TDDs will be equal to applying the evening rate during business day hours and the night/weekend rate during the evening rate period. Discounts do not apply to surcharges or per call add on charges for operator service when the call is placed by a method that would normally incur the surcharge.

4.2.2 Directory Assistance for Handicapped Persons:

There is no charge for Directory Assistance for calls from handicapped persons. Such persons must contact the Company for credit on their directory assistance calls.

4.3 Monthly Maintenance Charge

Orion Telecommunications Corp.'s debit card customers will be debited \$0.49 per month as a monthly card maintenance charge.

4.4 Per Call Surcharge

Orion Telecommunications Corp.'s debit card customers will be debited the following per call surcharge for each telephone call.

Per Call Surcharge \$0.50

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