

ACCESS SERVICE

TARIFF SCHEDULE
APPLICABLE TO
ACCESS SERVICE
WITHIN
THE STATE OF MISSOURI
ISSUED BY
SPRINT COMMUNICATIONS COMPANY L.P.

Missouri Public Service
Access Service Tariff No. 5

This tariff contains the regulations and rates applicable for the furnishing of Access Telecommunications Services provided by Sprint Communications Company, L.P. ("Sprint") within the State of Missouri. This tariff is on file with the Missouri Public Service Commission.

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EXPLANATION OF SYMBOLS

When changes are made on any tariff page, a revised page will be issued canceling the tariff page affected; such changes will be identified through the use of the following symbols:

- C - To signify a "Change" in existing rate and/or regulation.
- D - To signify the "Deletion/Discontinuance" of rates, regulations, and/or text.
- I - To signify a rate "Increase."
- M - To signify matter "Moved/Relocated" within the tariff with no change to the material.
- N - To signify "New" text, regulation, service, and/or rates.
- R - To signify a rate "Reduction."
- T - To signify a "Text Change" in tariff, but no change in rate or regulation.
- Z - To signify a correction.

The above symbols will apply except where additional symbols are identified at the bottom of an individual page.

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ACCESS SERVICE

1. Application of Tariff

- 1.1 This tariff contains regulations, rates and charges applicable to the provision of Intrastate Access Services and other miscellaneous services, hereinafter referred to collectively as service(s), provided by Sprint Communications Company L.P., hereinafter referred to as the Company, to Customer(s).
- 1.2 The provision of such services by the Company as set forth in this tariff does not constitute a joint undertaking with the customer for the furnishing of any service.
- 1.3 The provision of service is subject to regulations and terms and conditions specified in this tariff and may be revised, added to or supplemented by superseding issues.
- 1.4 As a Local Exchange Carrier (LEC) which provides local service through its own facilities or in combination with its own facilities, the Company has local services available on a non-discriminatory basis.

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ACCESS SERVICE

2. General Regulations

2.1 Undertaking of the Company

2.1.1 Scope

- (A) The Company will provide services under this tariff only to Customers in connection with their use and/or provision of intrastate service.
- (B) The Company does not undertake to transmit messages under this tariff, but offers the use of its service when available, and shall not be liable for errors in transmission or for failure to establish connections.
- (C) The Company shall be responsible only for the installation, operation and maintenance of the services it provides.
- (D) The Company will, for maintenance purposes, test its services only to the extent necessary to detect and/or clear troubles.
- (E) Services are provided 24 hours daily, 7 days per week, except as set forth in other applicable sections of this tariff.
- (F) The Company does not warrant that its facilities and services meet standards other than those set forth in this tariff.
- (G) Service will be provided where facilities, billing capabilities and the resale of necessary underlying network elements are technologically and economically available and feasible. The furnishing of service under this tariff is subject to the continuing availability of all necessary facilities.
- (H) The Company reserves the right to limit use of facilities when necessary due to a shortage of facilities or other cause beyond the Company's control.

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2. General Regulations (Cont'd)2.1 Undertaking of the Company (Cont'd)2.1.2 Limitations

- (A) The customer may not assign or transfer the use of services provided under this tariff; however, where there is no interruption of use or relocation of the services, such assignment or transfer may be made to:
- (1) another customer, whether an individual, partnership, association or corporation, provided the assignee or transferee assumes all outstanding indebtedness for such services, and the unexpired portion of the minimum service period and the termination liability applicable to such services, if any; or
 - (2) a court-appointed receiver, trustee or other person acting pursuant to law in bankruptcy, receivership, reorganization, insolvency, liquidation or other similar proceedings, provided the assignee or transferee assumes the unexpired portion of the minimum period and the termination liability applicable to such services, if any.

In all cases of assignment or transfer, the written acknowledgment of the Company is required prior to such assignment or transfer which acknowledgment shall be made within 15 days from the receipt of notification. All regulations and conditions contained in the tariff shall apply to such assignee or transferee.

The assignment or transfer of services does not relieve or discharge the assignor or transferor from remaining jointly or severally liable with the assignee or transferee for any obligations existing at the time of the assignment or transfer.

- (B) Service is offered subject to the availability of the necessary facilities and/or equipment and subject to the provisions of this tariff. The Company may decline applications for service to or from a location where the necessary facilities or equipment are not available. The Company may discontinue furnishing service in accordance with the terms of this tariff.
- (C) Subject to compliance with the rules mentioned in (B) preceding, the services offered herein will be provided to customers on a first-come, first-served basis.

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2. General Regulations (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.2 Limitations (Cont'd)

(D) The use of the Automatic Number Identification (ANI) and Charge Number (CN) optional features shall be subject to the following limitations in accordance with Part 64, Subpart P, of the Federal Communications Commission's Rules. Any customer that is provided ANI or Charge Number service is:

- (1) permitted to use the telephone number and billing information for billing and collection, routing, screening, and completion of the originating telephone subscriber's call or transaction, or for services directly related to the originating telephone subscriber's call or transaction;
- (2) prohibited from reusing or selling the telephone number or billing information without first notifying the originating telephone subscriber and obtaining the affirmative consent of such subscriber for such reuse or sale; and
- (3) prohibited from disclosing any information derived from the ANI or Charge Number service, except as permitted by (1) and (2) above, for any purpose other than:
 - performing the services or transactions that are the subject of the originating telephone subscriber's call;
 - ensuring network performance security, and the effectiveness of call delivery;
 - compiling, using and disclosing aggregate information; and
 - complying with applicable law or legal process.

The above restrictions shall not prevent an ANI or Charge Number customer from using the telephone number and billing information, or information derived from analysis of the characteristics of calls received that include the ANI or Charge Number information, to offer a product or service that is directly related to the products or services previously purchased by an end user of the ANI or Charge Number customer.

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2. General Regulations (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.2 Limitations (Cont'd)

- (E) The Company reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when service is used in violation of provisions of this tariff or the law.
- (F) The Company reserves the right to discontinue service, limit service, or to impose requirements necessary to meet changing regulatory or statutory rules and standards, or when such rules and standards have an adverse material effect on the business or economic feasibility of providing service, as determined by the Company in its reasonable judgement.

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2. General Regulations (Cont'd)2.1 Undertaking of the Company (Cont'd)2.1.3 Liability

- (A) The Company's liability, if any, for its willful misconduct is not limited by this tariff. With respect to any other claim or suit, by a customer or by any others, for damages associated with the installation, provision, preemption, termination, maintenance, repair or restoration of service, and subject to the provisions of (B) through (I) following, the Company's liability, if any, shall not exceed an amount equal to the proportionate charge for the service for the period during which the service was affected.
- (B) The Company shall not be liable for any act or omission of any other carrier or customer providing a portion of a service, nor shall the Company for its own act or omission hold liable any other carrier or customer providing a portion of a service.
- (C) The Company is not liable for damages to the customer premises resulting from the furnishing of a service, including the installation and removal of equipment and associated wiring, unless the damage is caused by the Company's negligence.
- (D) The Company shall be indemnified, defended and held harmless by the customer or customer's end user against any claim, loss or damage arising from the use of services offered under this tariff. This obligation to indemnify, defend and hold harmless shall attach to the customer or the End User separately, and each shall be responsible for its own acts and omissions, including:
- (1) Claims for libel, slander, invasion of privacy, or infringement of copyright arising from the customer's own communication or customer's end user's own communications;
 - (2) Claims for patent infringement arising from combining or using the service furnished by the Company in connection with facilities or equipment furnished by the customer or customer's end user or;
 - (3) All other claims arising out of any act or omission of the customer or customer's end user in the course of using services provided pursuant to this tariff.

Notwithstanding the other provisions of this Section, the Company shall be indemnified, defended and held harmless by the Customer from any and all claims by any person relating to the Customer's use of services provided under this tariff.

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2. General Regulations (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.3 Liability (Cont'd)

- (E) The Company is not liable for any special, incidental or consequential damages, or for commercial loss of any kind, whether or not it has been informed of the possibility of such damages.
- (F) No license under patents (other than the limited license to use) is granted by the Company or shall be implied or arise by estoppel, with respect to any service offered under this tariff. The Company will defend the customer against claims of patent infringement arising solely from the use by the customer of services offered under this tariff and will indemnify such customer for any damages awarded based solely on such claims.
- (G) The Company's failure to provide or maintain services under this tariff shall be excused by labor difficulties, governmental orders, civil commotions, criminal actions taken against the Company, acts of God and other circumstances beyond the Company's reasonable control.
- (H) The Company does not guarantee or make any warranty with respect to its service when used in an explosive atmosphere. The Company shall be indemnified, defended and held harmless by the customer from any and all claims by any person relating to such customer's use of service so provided.
- (I) Due to the interdependence among telecommunications providers and the interrelationship with non-Telephone Company processes, equipment and systems, the Company is not responsible for failures caused by circumstances beyond its control including, but not limited to, failures caused by: (1) the Customer; (2) other telecommunications providers; or (3) customer premises equipment. In addition, the Company does not ensure compatibility between Company and non-Telephone Company services used by the Customer.

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