

HEARTLINE
COMMUNICATIONS,
INC.

PSC MO #1

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of the Cancellation of the)
Certificate of Authority and Tariffs for) Case No. TD-99-434
Heartline Communications, Inc.)

ORDER CANCELING CERTIFICATE

On April 2, 1999, the Staff of the Missouri Public Service Commission (Staff) filed a pleading asking the Commission to cancel the certificate of authority and tariffs of Heartline Communications, Inc. (HCI). The Commission granted HCI a certificate of service authority to provide intrastate interexchange telecommunications services in case number TA-95-41.

Staff states that HCI did not file an annual report in 1997 as required by Sections 392.210 and 392.390.1, RSMo. In addition, the 1998 annual report form sent to HCI was returned by the postal service as undeliverable. Staff also states that the Missouri Secretary of State's office administratively dissolved HCI on November 12, 1997, due to HCI's failure to pay franchise taxes.

The Commission has reviewed the application and the official file and finds that the Certificate of Service Authority and Accompanying Tariff to Provide Intrastate Interexchange Telecommunications Services granted to HCI in case number TA-95-41 shall be canceled.

IT IS THEREFORE ORDERED:

1. That the certificate of authority and tariffs granted in case number TA-95-41 to Heartline Communications, Inc. shall be canceled on April 30, 1999, unless otherwise ordered by the Commission.

2. That this case may be closed on May 3, 1999.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Keith Thornburg, Regulatory Law
Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1)
(November 30, 1995) and
Section 386.240, RSMo 1994.

Dated at Jefferson City, Missouri,
on this 20th day of April, 1999.

HEARTLINE COMMUNICATIONS, INC.

Missouri P.S.C. Tariff No. 1

ORIGINAL SHEET

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INTEREXCHANGE TELECOMMUNICATIONS SERVICE

SEP 1 1994

TITLE SHEET

MISSOURI
Public Service Commission

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by HEARTLINE COMMUNICATIONS, INC., hereinafter in the text of this tariff referred to as "HEARTLINE," with principal offices at 16416 Northchase, Suite 290 Houston, TX 77060. This tariff applies for services 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.

HEARTLINE COMMUNICATIONS, INC. is operating as a competitive company providing competitive services in the State of Missouri.

CANCELLED

APR 30 1999
By TD-99-434
Public Service Commission
MISSOURI

ISSUED: September 1, 1994

EFFECTIVE: ~~October 22, 1994~~
OCT 22 1994

BY: Joseph R. Harrott, President
HEARTLINE COMMUNICATIONS, INC.
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COMPETITIVE TELECOMMUNICATIONS COMPANY WAIVERS

Heartline Communications, Inc. is classified as a competitive telecommunications company in Missouri for which the following statutory and regulatory requirements are waived pursuant to Section 392.420, RSMo (Cum. Supp. 1992):

4 CSR 240-10.020 Income on Depreciation Fund Investments.

4 CSR 240-30.010(2)(C) Posting of exchange rates at central operating offices.

4 CSR 240-32.030(1)(B), (C) Exchange area maps and record of access lines.

4 CSR 240-32.030(2) Records.

4 CSR 240-32.050(3) through (6) Information concerning local service tariffs, maps, directories, and telephone numbers.

4 CSR 240-32.070(4) Coin Telephones.

4 CSR 240-33.030 Information regarding lowest price available.

Section 392.240(1) Rates--reasonable average return on investment.

Section 392.270 Property valuation.

Section 392.280 Depreciation rates.

Section 392.290 Issuance of stocks and bonds.

Section 392.310 Issuance of stocks and bonds.

Section 392.320 Stock dividends.

Section 392.330 Issuance of stocks and bonds.

Section 392.340 Reorganization.

ISSUED: September 1, 1994

EFFECTIVE: ~~October 2, 1994~~

OCT 2 2 1994

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HEARTLINE COMMUNICATIONS, INC.

Missouri P.S.C. Tariff No. 1
ORIGINAL SHEET 3

INTEREXCHANGE TELECOMMUNICATIONS SERVICE

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TABLE OF CONTENTS

MISSOURI
Public Service Commission

Title Page.....	1
Competitive Telecommunications Company Waivers.....	2
Table of Contents.....	3
Section 1 - Technical Terms and Abbreviations.....	6
Section 2 - Rules and Regulations.....	7
Section 3 - Description of Service.....	11
Section 4 - Rates.....	14

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SYMBOLS

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

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- 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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INTEREXCHANGE TELECOMMUNICATIONS SERVICE

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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 MPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the MPSC 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 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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HEARTLINE COMMUNICATIONS, INC.

Missouri P.S.C. Tariff No. 1

ORIGINAL SHEET 6

INTEREXCHANGE TELECOMMUNICATIONS SERVICE

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

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Access Line - An arrangement which connects the customer's location to a Heartline Communications, Inc. 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 - HEARTLINE COMMUNICATIONS, INC.

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 AM up to but not including 5:00 PM local time Monday through Friday.

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

Holidays - Heartline Communications, Inc., recognized holidays are New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.

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

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SECTION 2 - RULES AND REGULATIONS

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2.1 Undertaking of Heartline.MISSOURI
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Heartline Communications, Inc., services and facilities are furnished for communications originating at specified points within the state of Missouri under terms of this Tariff.

Heartline Communications, Inc., installs, operates, and maintains the communication services provided hereinunder 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 Heartline network. The customer shall be responsible for all charges due for service arrangement.

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2.2 Limitations

APR 30 1999

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- 2.2.1 Service is offered subject to the availability of facilities and the provisions of this Tariff.
- 2.2.2 Heartline Communications, Inc., reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control; or when the customer is using service in violation of the law or the provisions of this Tariff.
- 2.2.3 All facilities provided under this Tariff are directly controlled by Heartline, and the customer may not transfer or assign the use of service or facilities, 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.

ISSUED: September 1, 1994

EFFECTIVE: ~~October 2, 1994~~
OCT 2 2 1994

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SECTION 2 - RULES AND REGULATIONS (Cont'd.)

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2.2 Limitations (Cont'd.)

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- 2.2.4 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.

2.3 Liabilities of The Company

- 2.3.1 Heartline's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmissions occurring in the course of furnishing service or facilities, and not caused 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.

- 2.3.2 Heartline 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 Heartline.

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SECTION 2 - RULES AND REGULATIONS (Cont'd.)MISSOURI
Public Service Commission2.4 Interruption of Service

- 2.4.1 Credit allowance 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 any action or omission by the customer with his control, or is not in wiring or equipment, if any, furnished by the customer and connected to The Company's facilities.
- 2.4.2 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.4.3 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.4.4 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that interruption continues.

Credit Formula:

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

"A" - outage time in hours.

"B" - total monthly charge for affected facility.

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SECTION 2 - RULES AND REGULATIONS (Cont'd.)

2.5 Restoration of Service

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The use and restoration of service shall be in accordance with the priority system specified in part 64, subpart D of the Rules and Regulations of the Federal Communications Commission.

2.6 Deposits

The Company does not require a deposit from the customer.

2.7 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

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~~RECEIVED~~SECTION 3 - DESCRIPTION OF SERVICE

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3.1 Missouri 1+ Service

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Direct dial long distance service for the commercial, hospitality and/or residential users that is accessed via Feature Group D. No monthly minimums and all calls are billed in six (6) second increments.

3.2 Missouri 800

Incoming 800 service allowing the caller to dial toll free to the customers office. This service carries no minimums and all calls are billed in one (1) minute increments.

3.3 Missouri Travel

Travel service allows customer to access long distance service from anywhere in the United States via 800 access. This service has no minimum and is billed in one (1) minute increments.

3.4 National Children's Charities

Direct dial long distance service for the commercial, hospitality and/or residential users that is accessed via Feature Group D. No monthly minimums and all calls are billed in six (6) second increments. A percentage of the user's call revenue is donated to various children's charities.

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By *FD-99-434*
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SECTION 3 - DESCRIPTION OF SERVICE (Cont'd) SEP 1 19943.5 Timing of Calls

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The customer's long distance usage charge is based on the actual usage of HEARTLINE's network. Usage begins when the called party picks up the receiver. When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Customers will not be billed for incomplete calls or for calls to called parties who do not accept the charges for the call. A call is terminated when the calling party hangs up.

3.6 Calculation of Distance

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

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

A customer can expect a call completion rate of 99% (number of calls completed/number calls attempted) of not less than 99% during peak use periods for all FGD services ("1+" dialing).

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SECTION 3 - DESCRIPTION OF SERVICE (Cont'd.)

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FORMULA:

$$\sqrt{\frac{V_1 - V_2)^2}{10} + \frac{(H_1 - H_2)^2}{10}}$$

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Public Service Commission

EXAMPLE: Distance between Miami and New York City -

	V	H
Miami	8,351	529
New York	4,997	1,406
Difference	3,354	-879

Square and add: 11,249,316 + 772,641 = 12,021,957

Divide by 10 and round: 12,021,957 / 10 = 1,202,195.70
= 1,202,196Take square root and round: 1,202,196 = 1,096.4
= 1,097 miles3.7 Minimum Call Completion Rate

A customer can expect a call completion rate of 99% (number of call completed/number of calls attempted) of not less than 99% during peak use periods for all FGD services (1+ dialing).

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By *TD 99-434*
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ISSUED: September 1, 1994

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SECTIONS 4 - RATES4.1 Missouri 1+ Service

4.1.1	<u>Day</u>	<u>Evening</u>	<u>Night/Weekend</u>
	.195	.174	.174

Installation: \$ 25.00
Monthly Service Charge: \$ 10.00

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MISSOURI
Public Service Commission4.2 Missouri 800

4.2.1	<u>Day</u>	<u>Evening</u>	<u>Night/Weekend</u>
	.190	.190	.190

Monthly Service Charge: \$ 10.00

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By *TD 99-434*
Public Service Commission
MISSOURI

ISSUED: September 1, 1994

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SECTIONS 4 - RATES (Cont'd.)

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4.3 Missouri Travel

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4.3.1	Business Day	Business Evening	Business Night/Weekend
	.29	.29	.29

4.4 Rates for National Children's Charities*

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Day	Evening/Night
.25	.20

APR 30 1999

By TD-99434

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MISSOURINo monthly minimums.
Six (6) second billing.

*A percentage of the above call revenues is donated to various children's charities.

4.5 Special Promotions and Discounts

The Company may, from time to time, offer special promotions to its customers, waiving certain charges. These promotions, will be for the purposes of bettering the overall service to the customer. These promotions require Missouri Public Service Commission approval, and will not run longer than 90 days in any twelve (12) month period.

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