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RATES, TERMS AND CONDITIONS
RELATING TO THE PROVISION OF
RESOLD BASIC LOCAL TELECOMMUNICATIONS SERVICES
IN THE STATE OF MISSOURI
BY MAXCOM, INC.

The Missouri Public Service Commission in Case No. TA-98-339 has classified MAXCOM, Inc. and its offered services as competitive and also has waived the application of the following statutes and regulations:

Statutes
392.210.2
392.270
392.280
392.290.1
392.300.2
392.310
391.320
392.330
392.340

Regulations
4 CSR 240-10.020
4 CSR 240-30.040
4 CSR 240-35

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By TC 04-423
Public Service Commission
MISSOURI

Missouri Public
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FILED NOV 13 1998

98-339

Issued: July 28, 1998

Effective: September 11, 1998

NOV 13 1998

Gregory M. Ediger, President
MAXCOM, INC.
10647 Widmer Road
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TABLE OF CONTENTS

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JUL 15 1998

Page

TITLE SHEET	1
TABLE OF CONTENTS	2
APPLICATION OF TARIFF	5
EXPLANATION OF SYMBOLS	6
EXPLANATION OF TERMS	7
1. REGULATIONS	13
1.1 Undertaking of the Company	13
1.2 Terms and Conditions	14
1.3 Notification of Service	15
1.4 Provision of Equipment and Facilities	16
1.5 Liability of the Company	18
1.5.1 With Respect to Emergency Number 911 Service	20
1.5.2 With Respect to Directory Listings	21
1.5.3 With Respect to Caller ID Blocking	22
1.6 Directory Listings	23
1.7 Interruptions in Service	24
1.7.1 Temporary Suspension for Repairs	24
1.7.2 Credit Allowance for Interruptions	24
1.7.3 Limitations on Credit Allowances	25
1.8 Obligations of the Customer	26
1.8.1 Claims	26
1.8.2 Station Equipment	27
1.8.3 Interconnection of Facilities	28
1.8.4 Inspections	29

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Public Service Commission
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98-339
FILED NOV 13 1998

Issued: July 28, 1998

Effective: [REDACTED]

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TABLE OF CONTENTS (Cont'd)

JUL 15 1998

Page

MO. PUBLIC SERVICE COMM

1.9	Payment Arrangements	30
1.9.1	Taxes	30
1.9.2	Surcharges	30
1.9.3	Bills and Collection of Charges	31
1.9.4	Disputed Bills	32
1.9.5	Advance Payments and Deposits	33
1.9.6	Refund of Deposits	33
1.9.7	Interest to be Paid on Deposits	33
1.10	Discontinuance of Service	34
1.10.1	Discontinuance of Service by the Company	34
1.10.2	Discontinuance of Service by Customer	35
1.10.3	Cancellation of Application for Service	35
1.11	Restoral of Service	36
1.12	Transfers and Assignments	36
1.13	Notices and Communications	36
1.14	Promotional Offers	37
1.15	Individual Case Basis (ICB) Arrangements	37
1.16	Customer Service	37

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FILED NOV 13 1998

98 - 339

Issued: July 28, 1998

Effective: ~~NOV 13 1998~~

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NOV 13 1998

TABLE OF CONTENTS (Cont'd)

RECEIVED

JUL 15 1998

Page

MO. PUBLIC SERVICE COMM

2.	SERVICE DESCRIPTIONS AND RATES	38
2.1	Local Service	38
2.1.1	General	38
2.1.2	Monthly Recurring Charge	39
2.1.3	Initial Service Conversion Charge	39
2.1.4	Line Installation Charge	39
2.2	Features	40
2.2.1	General	40
2.2.2	Rates	43
2.3	Directory Listings	44
2.3.1	Description	44
2.3.2	Rates	44
2.4	Directory Assistance	45
2.4.1	Description	45
2.4.2	Rates	45
2.4.3	Directory Assistance Credits	45
2.5	Operator Services	46
2.5.1	General	46
2.5.2	Rates	46
2.6	Presubscription	47
2.6.1	Description	47
2.6.2	Rates	47
2.7	Intercept Service	47
2.7.1	General	47
2.7.2	Rates	47

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By TC-04-423
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FILED NOV 13 1998

98 - 339

Issued: July 28, 1998

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APPLICATION OF TARIFF

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This Tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of resold basic local telecommunications service and local exchange service to non-residential business customers by Maxcom, Inc. ("the Company") in the calling area and exchanges specified below. The Company does not offer service to residential customers under this tariff.

With the exception of the rates to be charged for particular services offered, and unless otherwise stated herein, the Company concurs in the terms and conditions contained in the Competitive General Exchange Carrier Tariff, P.S.C. Tariff No. 2, of Brooks Fiber Communications of Missouri, Inc. approved by and on file with the Missouri Public Service Commission.

The provision of basic local telecommunications service and local exchange services is subject to existing regulations and terms and conditions specified in this tariff and may be revised, added to or supplemented by superseding tariff sheets.

The Company's local calling area shall consist of the geographic area encompassed within the following exchanges served by Southwestern Bell Telephone Company: Kansas City Metropolitan Exchange Principal Zone, Gladstone, Independence, Parkville, Raytown, South Kansas City, Belton, Blue Springs, East Independence, Lee's Summit, Liberty, Nashua, Tiffany Springs, Springfield Metropolitan Exchange Principal Zone, Fair Grove, Nixa, Republic, Rogersville, Strafford, and Willard.

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EXPLANATION OF SYMBOLS

The following symbols shall be used in this tariff for the purposes indicated below:

- C - To indicate changed regulation.
- D - To indicate discontinued rate or regulation.
- I - To indicate increased rate.
- M - To indicate a move in the location of text.
- N - To indicate new rate or regulation.
- R - To indicate reduced rate.
- T - To indicate a change in text but no change in rate or regulation.

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EXPLANATION OF TERMS

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ADVANCE PAYMENT

Part or all of a payment required before the start of service

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AGENCY

For 911 or E911 service, the government agency(s) designated as having responsibility for the control and staffing of the emergency report center.

AUTHORIZED USER

A person, corporation or other entity who is authorized by the Company's Customer to utilize service provided by the Company to the Customer. The Customer is responsible for all charges incurred by an Authorized User.

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ATTENDANT

An operator of a PBX.

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BASIC LOCAL TELECOMMUNICATION SERVICE

Two-way switched voice service within a local calling scope as determined by the Commission.

BUILDING

A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for permanent occupancy.

CALL INITIATION

The point in time when the exchange network facility is initially allocated for the establishment of a specific call.

CALL TERMINATION

The point in time when the exchange network facility allocated to a specific call is released for reuse by the network.

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FILED NOV 13 1998

Issued: July 28, 1998

Effective: 11/13/98

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EXPLANATION OF TERMS (Cont'd)

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CENTRAL OFFICE

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An operating office of the incumbent local exchange company where connections are made between telephone exchange lines.

COMPANY

Maxcom, Inc.

CUSTOMER

A person, firm, partnership, limited liability company, corporation, municipality, cooperative association or organization, governmental agency, or other entity receiving telecommunications services.

EMERGENCY

A situation that appears to present immediate danger to person or property.

EMERGENCY SERVICE (ENHANCED 911)

Allows Customers to reach appropriate emergency services, including police, fire and medical services. Enhanced 911 has the ability to selectively route an emergency call to the primary E911 provider so that it reaches the correct emergency service located closest to the caller. In addition, the Customer's address and telephone information will be provided to the primary E911 provider for display at the Public Safety Answering Point (PSAP), if E911 service is available to the Company for the Customer's location in an E911 service area.

E911 SERVICE AREA

The geographic area in which the government agency will respond to all E911 calls and dispatch appropriate emergency assistance.

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FILED NOV 13 1998

Issued: July 28, 1998

Effective: [REDACTED]

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EXPLANATION OF TERMS (Cont'd)

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E911 CUSTOMER

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A governmental agency that is the customer of record and is responsible for all negotiations, operations and payment of bills in connection with the provision of E911 service.

ERROR

A discrepancy or unintentional deviation by the Company from what is correct or true. An "error" can also be an omission in records.

EXCHANGE

An area, consisting of one or more central office districts within which a call between any two points is a local call.

EXCHANGE ACCESS LINE

A central office line furnished for direct or indirect access to the exchange system.

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FINAL ACCOUNT

A Customer's outstanding charges still owed to the Company.

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An officer of the United States, a state or a political subdivision of the United States which is empowered by law to investigate or make arrests for crimes related to communications, or an attorney authorized by law to prosecute those crimes.

LAST NUMBER REDIAL

Enable a station line user to redial the last called number by use of an access code rather than dialing the entire number.

LATA

A Local Access and Transport Area established pursuant to the Modification of Final Judgment entered by the United States District Court of the District of Columbia in Civil Action No. 82-0192, or any other geographic area designated as a LATA in the National Exchange Carrier Association, Inc. Tariff, P.C.C. No. 4.

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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LOCAL CALL

A call which is not rated as a long distance call.

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LOCAL CALLING AREA

The area, consisting of one or more central office district, within which a subscriber for exchange service may make telephone calls without a long distance charge.

LOCAL EXCHANGE CARRIER

A company that furnishes exchange telephone service.

MOVE

The disconnection of existing service at one location and reconnection of the same service at a new location in the same building or in a different building on the same premises.

PBX

A private branch exchange.

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An arrangement whereby a Customer may select and designate to the Company an Exchange Carrier it wishes to access, without an access code, for completing intraLATA and interLATA toll calls. The selected Exchange Carrier is referred to as the End User's Primary Interexchange Carrier (PIC).

PRIVATE BRANCH EXCHANGE SERVICE

Service providing facilities for connecting central office trunks and tie line to PBX stations, and for interconnecting PBX station lines by means of a switchboard or dial apparatus.

RATE CENTER

Company-designated service locations from which service is rendered or rated.

RECURRING CHARGES

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

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EXPLANATION OF TERMS (Cont'd)SERVICE COMMENCEMENT DATE

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The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order or this Tariff, in which case the Service Commencement Date is the date of the customer's acceptance. The Company and Customer may mutually agree on a substitute Service Commencement Date.

SERVICE ORDER

The written request for service executed by the Customer and the Company in the format devised by the Company. The signing of a service order by the Customer and acceptance by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this Tariff, but the duration of the service is calculated from the Service Commencement Date.

SERVING CENTRAL OFFICE

The central office from which local service is furnished.

SPEED CALLING

Permits a station line user to dial selected numbers by using fewer digits than normally required. This is accomplished through the assignment of abbreviated codes to frequently called numbers. The speed calling list is customer-changeable.

TELECOMMUNICATION RELAY SERVICE (TRS)

Enables deaf, hard-of-hearing or speech-impaired persons who use a Text Telephone (TT) or similar devices to communicate freely with the hearing population not using TT or vice versa. A Customer will be able to access the state provider to complete such calls.

TELEPHONE CALL

A voice connection between two or more telephone stations through the public switched exchange system.

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TERMINATION OF SERVICE

Discontinuance of both incoming and outgoing service.

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TOLL BLOCKING

Allows end users to block direct-dialed long distance calls from their telephones.

TOLL CALL

Any call extending beyond the local exchange of the originating caller which is rated on a toll schedule by the Company.

USER

A Customer or any other person authorized by a Customer to use service provided under this Tariff.

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1. REGULATIONS1.1 Undertaking of the Company

- A. The Company undertakes to provide the business services in this Tariff on the terms, conditions and at the rates and charges set forth herein.
- B. The Company is responsible under this Tariff only for the services and facilities provided herein, and it assumes no responsibility for any service provided by any other entity. Customers may use services and facilities provided under this Tariff to obtain access to services offered by other service providers.
- C. The Company will provide a toll-free number giving Customers access to service personnel during regular business hours.
- D. The Company will comply with any applicable quality of service requirements according to Missouri laws and rules.
- E. The Company will not sell services on a wholesale basis nor will it provide for the resale of its services through this tariff.

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1. REGULATIONS (Cont'd)1.2 Terms and Conditions

- MO. PUBLIC SERVICE COMM**
- A. Customers may be required to enter into written service orders which shall contain or reference a specific description of the service ordered, the rates to be charged, the duration of the services, and the terms and conditions in this Tariff. The Customer will be required to execute any other documents as may be reasonably requested by the Company.
- B. Service is provided for a minimum period of at least one month, 24 hours a day. A month is considered to have thirty (30) days unless otherwise specified. At the expiration of the initial terms specified in each service order, or in any extension thereof, service shall continue on a month to month basis at the then current Tariff month to month rates, unless terminated by the Customer. Any termination shall not relieve the Customer of its obligation to pay any charges incurred under the service order and this Tariff prior to termination. The rights and obligations which by their nature extend beyond the termination of the term of the service order shall survive such termination.
- C. This Tariff shall be interpreted and governed by the laws of the State of Missouri without regard for the State's choice of laws provisions.
- D. Another telephone company must not interfere with the right of any person or entity to obtain service directly from the Company.
- E. The services the Company offers shall not be used for any unlawful purpose or for any use as to which the Customer has not obtained all required governmental approvals, authorizations, licenses, consents and permits.
- F. The Customer has no property right to the telephone number or any other call number designation associated with services furnished by the Company. The Company reserves the right to change such numbers, or the central office designation associated with such numbers, or both, assigned to the Customer, whenever the Company deems it necessary to do so in the conduct of its business. Nothing in this provision shall be construed to be inconsistent with number portability requirements.

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FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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1. REGULATIONS (Cont'd)1.2 Terms and Conditions (Cont'd)

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- G. In response to a subpoena or investigation or other demand issued or authorized by a court or government agency, the Company shall provide customer records and related information without further notice.
- H. Customers shall not connect any equipment, other than Customer's premises equipment, to the Company's network, except with at least ten (10) days prior written notice to the Company.

1.3. Notification of Service Affecting Activities

The Company will provide the Customer reasonable notification of service-affecting activities that may occur in the normal operation of its business. Such activities may include, but are not limited to, equipment or facilities additions, removals or rearrangements and routine preventive maintenance. Generally, such activities are not specific to an individual Customer but affect many Customers' service. No specific advance notification period is applicable to all service-affecting activities. The Company will work cooperatively with the Customer to determine reasonable notification requirements. With some emergency or unplanned service affecting conditions, such as an outage resulting from cable damage, notification to the Customer may not be possible.

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FILED NOV 13 1998

Issued: July 28, 1998

Effective September 1, 1998

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1.4 Provision of Equipment and FacilitiesBy TC-04-423
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- A. The Company will make reasonable efforts to make services available to a Customer on or before a particular date, subject to the provisions of and compliance by the Customer with the regulations contained in this Tariff. The Company does not guarantee availability by any such date and any liability of the Company will be limited by Section 1.5 of this Tariff. Services shall be made available pursuant to 4 CSR 240-32.
- B. The Company shall use reasonable efforts to maintain the services that it furnishes to the Customer. The Customer may not rearrange, disconnect, remove, attempt to repair or otherwise interfere with any of the services provided by the Company, except upon the written consent of the Company. The Customer may not permit others to rearrange, disconnect, remove, attempt to repair or otherwise interfere with any of the services provided by the Company, except upon the written consent of the Company.
- C. The furnishing of service under this Tariff is subject to the availability on a continuing basis of all the necessary facilities and is limited to the capacity of the Company's facilities, as well as the facilities the Company may obtain from other carriers, from time to time, to furnish service as required at the sole discretion of the Company.
- D. Customer bears all responsibility in the event they utilize equipment not approved or authorized by the Company. Customer shall supply all electrical power and other utilities necessary to operate or use the service provided.
- E. The Company shall not be responsible for the installation, operation, or maintenance of any Customer provided communications equipment. Where such equipment is connected to the facilities furnished pursuant to this Tariff, the responsibility of the Company shall be limited to the furnishing of service offered under this Tariff and to the maintenance and operation of such facilities. Beyond this responsibility, the company shall not be responsible for.
- (i) the transmission of signals by Customer provided equipment or for the quality of, or defects in such transmission; or
 - (ii) the reception of signals by Customer provided equipment; or
 - (iii) network control signaling where such signaling is performed by Customer provided network control signaling equipment.

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FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 30, 1998

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1. REGULATIONS (Cont'd)1.4 Provision of Equipment and Facilities (Cont'd)

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- F. At the Customer's request, installation and/or maintenance may be performed outside the Company's regular business hours or in hazardous locations. In such cases, charges based on cost of the actual labor, material or other costs incurred by or charged to the Company will apply. If installation is started during regular business hours but at the Customer's request extends beyond regular business hours into time periods including, but not limited to, weekends, holidays, and/or night hours, additional charges may apply.

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Effective: September 1, 1998

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1. REGULATIONS (Cont'd)

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1.5 Liability of the Company

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- A. The liability of the Company for damages arising out of the furnishing of its services, including but not limited to mistakes, omissions, interruptions, delays or errors, other defeats, or representations by the Company, or use of these services or damage arising out of the failure to furnish the service whether caused by acts or omission, shall be limited to the extension of allowances for interruption as set forth below. The extension of such allowances of interruption shall be the sole remedy of the Customer and the sole liability of the Company. The Company will not be liable for any direct, indirect, incidental, special, consequential, exemplary or punitive damages or Customer as a result of any Company service, equipment or facilities, or the acts or omissions or negligence of the Company's employees or agents.
- B. The Company liability for willful misconduct, if established as a result of judicial or administrative proceedings, is not limited by this Tariff. The Company's liability, if any, with regard to delayed installation of the Company activities or commencement of service, shall not exceed \$1,000.00. With respect to any other claim or suit, by a Customer or by any others, for damages associated with the ordering (including the reservation of any specific number for use with a service), installation (including delays thereof), provision, termination, maintenance, repair, interruption or restoration of any service or facilities offered under this Tariff, and subject to the provisions of Section 1.7.2, the Company's liability, if any, shall be limited as provided herein.
- C. The Company shall be indemnified, defended and held harmless against any claim, loss or damage arising from the use of service offered under this Tariff, including:
- (i) claims for libel, slander, invasions of privacy or infringement of copyright arising from any communications;
 - (ii) claims for patent infringement arising from combining or using the service furnished by the company in connection with facilities or equipment furnished by others; or
 - (iii) claims for loss of profit; or
 - (iv) all other claims arising out of any act or omission of others in the course of using services provided pursuant to this Tariff.

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1. REGULATIONS (Cont'd)1.5 Liability of the Company (Cont'd)

- D. The Company's failure to provide or maintain services under this Tariff shall be excused by labor difficulties, governmental orders, civil commissions, preemption of existing services to restore services in compliance with Part 64, Subpart D, Appendix A, of the F.C.C.'s Rules and Regulations, acts of God and other circumstances beyond the Company's control.
- E. The Company shall not be liable for the Customer's failure to fulfill its obligations to take all necessary steps including, without limitation, obtaining, installing and maintaining all necessary equipment, materials and supplies for interconnecting the terminal equipment or communications system of the Customer, or any third party acting as its agent, to Company-provided exchange access lines. If the Customer or its agent fails to maintain and operate its equipment and/or system or that of its agent properly, with resulting imminent harm to Company personnel, or the quality of service to other Customers, the Company may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, the Company may, upon written notice, terminate the Customer's service without liability.

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By TC-64-423
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FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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NOV 13 1998
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1. REGULATIONS (Cont'd)Missouri Public
Service Commission1.5 Liability of the Company (Cont'd)

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1.5.1 With Respect to Emergency Number 911 Service

- A. The Company is obligated to supply the E-911 service provider in the Company's service area (the E-911 service provider) with information necessary to update the E-911 database at the time the Company submits customer orders to the local exchange company whose service is being resold pursuant to these tariffs.
- B. At the time the Company provides basic local service to a customer by means of its 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 user to the proper 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 Section 190.310 RSMo.

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MAY 06 2004

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FILED NOV 13 1998

Issued: July 28, 1998

Effective: [REDACTED]

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1. REGULATIONS (Cont'd)

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1.5 Liability of the Company (Cont'd)

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1.5.2 With Respect to Directory Listings

- A. In the absence of gross negligence or willful misconduct, and except for any allowances stated below, no liability for damages arising from errors or mistakes in or omissions of any directory listings, or error or mistakes in or omissions of listings obtainable from the directory assistance operator, including errors in the reporting thereof, shall attach to the Company.
- B. An allowance for errors or mistakes in or omissions of any published directory listings or for errors or mistakes in or omissions of listings obtainable from the directory assistance operator shall be given as follows:
- (i) Free Listings: For free or non-charged published directory listings credit shall be given at the rate of one times the monthly Tariff rate for an additional or charge listing affected for the life of the directory or the charge period during which the error, mistake or omission occurs.
 - (ii) Charge Listings: For each additional or charge published directory listings, credit shall be given at the monthly Tariff rate for each such listing for the life of the directory or the charge period during which the error, mistake or omission occurs.
 - (iii) Operator Records: For free or charge listings obtainable from records used by the directory assistance operator, upon notification to the Company of the error, mistake or omission in such records by the subscriber, the Company shall be allowed a period of three business days to make a correction. If the correction is not made in that time, credit shall be given at the rate of 2/20ths of the basic monthly rate for the line or lines in question for each day thereafter that the records remain uncorrected.
 - (iv) Credit Limitation: The total amount of the credit provided for the preceding paragraphs (i) and (ii) shall not exceed, on a monthly basis the total of the charges for each charge listing as specified in paragraph (ii), for the line or lines in question.

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MAY 06 2004
By TC-04-423
Public Service Commission
MISSOURI
Missouri Public
Service Commission
FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

Gregory M. Ediger, President
MAXCOM, INC.
10647 Widmer Road
Lenexa, Kansas 66215

NOV 13 1998

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1. REGULATIONS (Cont'd)1.5 Liability of the Company (Cont'd)1.5.2 With Respect to Directory Listings (Cont'd)

- (v) Definitions: As used in paragraphs (i), (ii), and (iii) above, the terms "error", "mistake", or "omission" shall refer to a discrepancy in the directory listing or directory assistance records which the Company has failed to correct and where the error affects the ability to locate a particular subscribers correct telephone number. The terms shall refer to addresses only to the extent that an error, mistake or omission of an address places the subscriber on a street or a community different from the one provided to the Company.
- (vi) Notice: Such allowances or credits as specified in paragraphs (i) and (ii) above, shall be given upon notice to the Company by the subscriber that such error, mistake or omission has occurred; provided, however, that when it is administratively feasible for the Company to have knowledge of such error, mistake or omission, the Company shall give credit without the requirement of notification by the subscribers.

1.5.3 With Respect to Caller ID Blocking

Any customer subscribing to Caller ID will be responsible for the provision of a display device which will be located on the Customer's premises. The installation, repair, and technical capability of that equipment to function in conjunction with the features specified in this tariff will be the responsibility of the Customer. The Company assumes no liability and will be held harmless for any incompatibility of this equipment to perform satisfactorily with the network features described herein. The Company shall have no liability for monetary damages arising from any failures, errors, malfunctions or omissions of Caller ID blocking.

CANCELLED

MAY 06 2004
By TC 64-423
Public Service Commission
MISSOURIMissouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

Gregory M. Ediger, President
MAXCOM, INC.
10647 Widmer Road
Lenexa, Kansas 66215

NOV 13 1998

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1. REGULATIONS (Cont'd)

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1.6. Directory Listings

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- A. The Company will, as a service to the Customer, arrange for listing of Customer's phone number in the local white pages telephone directories, such listing to consist of one line of standard type. The Company's liability with respect to directory listings is set forth in Section 1.5.2 preceding. Customer must contact its yellow pages representative concerning its advertising in yellow pages directories.
- B. When a Customer with a nonpublished telephone number, as defined herein, places a call to Emergency 911 Service, the Company will release the name and address of the calling party, where such information can be determined, to the appropriate local governmental authority responsible for the Emergency 911 Service upon request of such governmental authority. By subscribing to service under this Tariff, Customer acknowledges and agrees with the release of information as described above.
- C. In conjunction with a nonpublished telephone number, the Company will not be liable for failure or refusal to complete any call to such telephone when the call is not placed by the number. The Company will try to prevent the disclosure of such telephone number, but will not be liable should such number be divulged.
- D. The Company shall not be liable for any act or omission concerning the implementation of presubscription as defined herein.

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MAY 06 2004
By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective September 21, 1998

Gregory M. Ediger, President
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10647 Widmer Road
Lenexa, Kansas 66215

NOV 13 1998

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1. REGULATIONS (Cont'd)

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1.7 Interruptions in Service

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An interruption is deemed to have occurred when the phone lines of the underlying carrier are inoperative. If a Customer reports a facility, service or circuit to be inoperative but declines to release it for testing and repair, it is considered to be impaired, but not interrupted.

1.7.1 Temporary Suspension for Repairs

The Company's underlying provider shall have the right to make necessary repairs or changes in its facilities at any time and will have the right to suspend or interrupt service temporarily for the purpose of making the necessary repairs or changes in its system. When such suspension or interruption of service for any appreciable period is necessary, the Company will give the Customers who may be affected as reasonable notice thereof as circumstances will permit, and will perform the work with reasonable diligence, and if practicable at times that will cause the Customer the least inconvenience. When the Company's services are being repaired or changed, it shall take appropriate precautions to avoid unnecessary interruptions of Customer's service.

1.7.2 Credit Allowance for Interruptions

- A. Interruptions of more than eight (8) hours during a continuous twenty-four (24) period, which are reported to or detected by the Company, and which are not due to the negligence or willful act of the Customer are credited to the Customer at the pro rata monthly charge involved for each twenty-four hours or fraction thereof of interruption. Credit is not allowed for interruptions to service of less than eight (8) hours during a continuous twenty-four (24) hour period.
- B. For calculating credit allowances, every month is considered to have thirty (30) days. A credit allowance is applied on a pro rata basis against the monthly recurring charges specified thereunder for local line or local trunk service and is dependent upon the length of interruption. Only those facilities on the interrupted portion of the circuit will receive a credit.

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MAY 06 2004

By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 14, 1998

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MAXCOM, INC.
10647 Widmer Road
Lenexa, Kansas 66215

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1. REGULATIONS (Cont'd)

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1.7 Interruptions in Service (Cont'd)

MO. PUBLIC SERVICE COMM

1.7.3 Limitations on Credit Allowances

No credit allowances will be made for:

- (i) interruptions due to the negligence of, or non-compliance with the provisions of this Tariff, by the Customer;
- (ii) interruptions which are restored on or before the day after the interruption is reported or discovered by the Company.

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MAY 06 2004
By TC-04-423
Public Service Commission
MISSOURI

Missouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 11, 1998

Gregory M. Ediger, President
MAXCOM, INC.
10647 Widmer Road
Lenexa, Kansas 66215

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1. REGULATIONS (Cont'd)

JUL 15 1998

1.8. Obligations of the Customer

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The Customer shall be responsible for:

- (i) the payment of all applicable charges pursuant to this Tariff;
- (ii) providing a safe place to work and complying with all laws and regulations regarding the working conditions on the premises at which Company employees and agents shall be installing or maintaining the Company's services.

1.8.1 Claims

With respect to any service provided by the Company, the Customer shall indemnify, defend and hold the Company harmless from and against all claims, actions, damages, liabilities, costs and expenses, including reasonable attorney's fees for:

- (i) any loss, destruction or damage to property of the Company or any third party, or the death or injury to persons, including, but not limited to employees or invitees of either party, to the extent caused by or resulting from the negligent or intentional act or omission of the Customer, its employees, agents, representatives or invitees; or
- (ii) any claim, loss, damage, expense or liability for infringement of any copyright, patent, trade secret, or any proprietary or intellectual property right of any third party, arising from any act or omission by Customer, including, without limitation, use of the Company's services and facilities in a manner not contemplated by the agreement the Customer and the Company.

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MAY 06 2004
By TC-04-423
Public Service Commission
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FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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1. REGULATIONS (Cont'd)1.8. Obligations of the Customer (Cont'd)1.8.2 Station Equipment

The Customer is responsible for providing and maintaining any terminal equipment on the Customer premises. The electric power consumed by such equipment shall be provided by, and maintained at the expense of, the Customer. All such terminal equipment must be registered with the FCC under 47 C.F.C., Part 68 and all wiring must be installed and maintained in compliance with those regulations. The Company will, where practicable, notify the Customer that temporary discontinuance of the use of a service will be required. However, where prior notice is not practicable, the Company may temporarily discontinue service to allow for correcting the condition which gave rise to the need for discontinuance. In case of such temporary discontinuance, the Customer will be promptly notified and afforded the opportunity to correct the condition which gave rise to the discontinuance. A credit allowance for service interruptions as set forth in Section 1.7.2 is not applicable.

CANCELLED

MAY 06 2004
By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service CommissionFILED NOV 13 1998
98-3598

Issued: July 28, 1998

Effective: September 11, 1998

Gregory M. Ediger, President
MAXCOM, INC.
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Lenexa, Kansas 66215

NOV 13 1998

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1. REGULATIONS (Cont'd)

1.8. Obligations of the Customer (Cont'd)

1.8.3. Interconnection of Facilities

- A. Any special interface equipment necessary to achieve compatibility between the facilities used by the Company for furnishing local exchange service and the channels, facilities, or the equipment of others may be provided at the Customer's expense. Customer shall be liable for damages resulting from the Customer's use of non-compatible equipment.
- B. Local services may be connected to the services or facilities of other communication carriers only when authorized by, and in accordance with, the terms and conditions of the Tariff of the other communication carriers which are applicable to such connections.
- C. Services furnished under this Tariff may be connected to Customer provided terminal equipment in accordance with the provisions of this Tariff.

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MAY 06 2004

By TC-04-423
Public Service Commission
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Service Commission

FILED NOV 13 1998
98 - 339

Issued: July 28, 1998

Effective: September 11, 1998

Gregory M. Ediger, President
MAXCOM, INC.
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Lenexa, Kansas 66215

NOV 13 1998

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1. REGULATIONS (Cont'd)

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1.8. Obligations of the Customer (Cont'd)

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1.8.4. Inspections

- A. Upon reasonable notification to the Customer, and at a reasonable time, the Company may make such tests and inspections as may be necessary to determine that the Customer is complying with the requirements set forth in Section 1.10.2 for the installation, operation, and maintenance of Customer-provided facilities and equipment to Company-provided facilities. No credit will be allowed for any interruption occurring during such inspections.
- B. If the protective requirements for the Customer-provided equipment are not being complied with, the Company may take such action as it deems necessary to protect its facilities, equipment, and personnel. The Company will notify the Customer promptly if there is any need for further corrective action. Within ten (10) days of receiving this notice the Customer must take this corrective action and notify the company of the action taken. If the Customer fails to do this, the Company may take whatever additional action it deems necessary, including the suspension of service, to protect its facilities, equipment and personnel from harm. The Company will, upon request twenty-four (24) hours in advance, provide the Customer with a statement of technical parameters that the Customer's equipment must meet.

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MAY 06 2004

By TC-04-423
Public Service Commission
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Service Commission98-339
FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 15, 1998

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1. REGULATIONS (Cont'd)1.9. Payment Arrangements

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The Customer is responsible for payment of all charges for services furnished by the Company to the Customer or its Authorized Users. Objections must be received by the Company within a reasonable period of time after receipt of bill, or all the charges shall be deemed correct and binding upon the Customer. If an entity other than the Company imposes charges of the Company, in addition to its own internal costs, in connection with a service for which a Company non-recurring charge is specified, those charges may be passed on to the Customer in accordance with Commission rules. All charges other than taxes and franchise fees will be submitted to the Commission for approval.

1.9.1 Taxes

The Customer is responsible for the payment of any sales, use, excise, access or other local, state and federal taxes, charges or surcharges (however designated) excluding taxes on the Company's net income imposed on or based upon the provision of local exchange service, all of which shall be separately designated on the Company's invoices. Any taxes imposed by a local jurisdiction (e.g. county and municipal taxes) will only be recovered from those Customers located in the affected jurisdictions. All charges other than taxes and franchise fees will be submitted to the Commission for approval.

1.9.2 Surcharges

A surcharge is imposed on all charges for service originating at addresses in states which levy, or assert a claim of right to levy, a tax on interstate access charges incurred by the Company for originating access to telephone exchanges in that State. This surcharge is based on the particular state's receipts tax and other state taxes imposed directly or indirectly upon the Company by virtue of, and measured by, the revenues of the Company in that State and/or payment of interstate access charges in that state. The surcharge will be shown as a separate line item on the Customer's monthly invoice. All charges other than taxes and franchise fees will be submitted to the Commission for approval.

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MAY 06 2004

By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service Commission98-339
FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 14, 1998

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1. REGULATIONS (Cont'd)1.9. Payment Arrangements (Cont'd)

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1.9.3. Bills and Collection of Charges

- A. Bills will be rendered monthly to the Customer. Fixed monthly recurring charges are billed in advance. Usage charges and minimum charges for service are billed in arrears. The Customer shall be liable for all accrued local charges, directory charges, long distance charges and other charges arising prior to the service commencement date, as defined herein, and shall pay the Company in any manner.
- B. All service, installation, monthly recurring charges and non-recurring charges are due and payable upon receipt.
- C. For new Customers or existing Customers whose service is disconnected, the charge for the fraction of the month in which service was furnished will be calculated on a pro rata basis. For this purpose, every month is considered to have thirty (30) days.
- D. Amounts not paid within thirty (30) days after the date of the invoice are considered past due. A late payment charge of 1.8% per month shall apply to amounts shown on a monthly bill which remain after the due date, to cover the cost of handling the delinquent account. The late payment charge also applies to any taxes the Company is required by law to levy on a Customer. In the event the Company incurs fees or expenses, including attorney's fees, in collecting or attempting to collect any charges owned the Company, the Customer will be liable to the Company for payment of all such fees and expenses reasonably incurred.
- E. A \$30.00 charge will be assessed for checks with insufficient funds or non-existing accounts.

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By TC-04-423
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98 - 339

Issued: July 28, 1998

Effective: September 1, 1998

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1. REGULATIONS (Cont'd)

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1.9. Payment Arrangements (Cont'd)

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1.9.4 Disputed Bills

- A. The Customer shall notify the Company of any disputed items on a bill within a reasonable period of time after receipt of the bill. The existence of a disputed amount does not relieve the Customer of their obligation to pay the undisputed charges. If an undisputed amount becomes delinquent, the Company may discontinue service within five (5) days of such delinquency. If the Customer and the Company are unable to resolve the dispute to their mutual satisfaction, the Customer may file a complaint with the Commission in accordance with the Commission's rules of procedure.
- B. The date of the dispute shall be the date the Company receives sufficient documentation to enable it to investigate the dispute.
- C. The date of the resolution is the date the Company completes its investigation and notifies the Customer of the disposition of the dispute.

- 1.9.5 The Company will comply with all applicable Commission rules and regulations regarding payment arrangements and should a conflict occur between the payment arrangement provisions of this tariff and an applicable Commission rule or regulation, the applicable Commission rule or regulation shall prevail.

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MAY 06 2004

By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service Commission98 - 339
FILED NOV 13 1998

Issued: July 28, 1998

Effective September 1, 1998

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1. REGULATIONS (Cont'd)1.9. Payment Arrangements

MO. PUBLIC SERVICE COMM

1.9.5 Advance Payments and Deposits

- A. Applicants for service who cannot prove that they had a previous service account with a telephone utility for at least twelve (12) months for which all charges were satisfactorily paid, and who cannot establish credit under the standards in this Tariff may be required to provide the Company a security deposit. The deposit requested will be in cash or the equivalent of cash, and will be held as a guarantee for the payment of charges. A deposit may be required in addition to an advance payment. All deposits will be collected and maintained in accordance with Commission rules.
- B. The deposit will not exceed an amount equal to an estimated two months' average gross bill for a customer class or existing two (2) month's bill, based on an average of the bills for the previous twelve (12) months.
- C. The Company reserves the right to cease accepting and processing service orders after it has requested a security deposit prior to the Customer's compliance with this request.

1.9.6 Refund of Deposits

- A. A deposit, and accrued interest, will be refunded to a Customer after twelve (12) consecutive months or prompt payments of telephone service invoices. The Company may at its option either credit the amount on the Customer's bill or refund the deposit by direct payment.
- B. When a service or facility is discontinued, the amount of a deposit, if any, will be applied to the Customer's account and any credit balance remaining will be refunded within twenty-one (21) days of the rendition of the final bill. Before the service or facility is discontinued, the Company may, at its option, return the deposit or credit it to the Customer's account.

1.9.7 Interest to Be Paid on Deposits

Interest at the rate of 9% per annum shall be paid on Customer deposits.

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FILED NOV 13 1998

By TC-04-423
Public Service Commission

98-339

Issued: July 28, 1998

Effective: September 14, 1998

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1. REGULATIONS (Cont'd)1.10 Discontinuance of Service

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- A. The discontinuance of service by the Company pursuant to this section does not relieve the Customer of any obligation to pay the Company for charges due and owing for service(s) furnished during the time of or up to discontinuance of service.
- B. Upon the Company's discontinuance of service to the Customer pursuant to this section, all applicable charges, including termination charges, shall become due. This is in addition to all other remedies that may be available to the Company at law or in equity or under any other provision of this Tariff.

1.10.1 Discontinuance of Service by the Company

- A. The Company may discontinue or suspend service to Customer upon such notice as required by applicable Commission regulations without incurring any liability for the following reasons upon:
- (i) non-payment of any undisputed delinquent sum due to the Company by a Customer; or
 - (ii) a breach of any of Customer's representations, or a violation by the Customer of any covenant, term or condition governing the furnishing of service as specified in this Tariff or in the contract for service between the Customer and the Company.
- B. The Company may discontinue service to Customer immediately and without notice for any of the following reasons without incurring liability:
- (i) in the event of tampering with the Company's equipment, facilities or property in any way; or
 - (ii) in the event of a condition determined to be hazardous to the Customer, to other Customers of the Company; to the public, or to employees of the Company; or
 - (iii) in the event of Customer's use of equipment in such a manner as to adversely affect the Company's equipment or the Company's service to other.

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MAY 06 2004

By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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1. REGULATIONS (Cont'd)

JUL 15 1998

1.10 Discontinuance of Service

MO. PUBLIC SERVICE COMM

1.10.2 Discontinuance of Service by Customer

If the Customer cancels a service order or terminates service before the completion of the term for any reason whatsoever other than a service interruption (as defined in 1.7), the Customer agrees to pay to the Company the following sums which shall become due and owing as of the effective date of the cancellation or termination and be payable within the period set forth in 1.10.5, all costs, fees, and expenses incurred in connection with:

- (i) all non-recurring charges reasonably expended by the Company to establish service to the customer, plus
- (ii) any disconnection, early cancellation or termination charges reasonable incurred and paid to third parties by the Company on behalf of the Customer, plus
- (ii) all recurring charges specified in the applicable service order Tariff for the balance of the then current term.

1.10.3 Cancellation of Application for Service

- A. Where, prior to cancellation by the Customer, the Company incurs any expenses in installing the service or in preparing to install the service that it otherwise would not have incurred, a charge equal to the costs the Company incurred, less net salvage, shall apply, but in no case shall this charge exceed the sum of the charge for the minimum period of services ordered, including installation charges, and all charges others levy against the Company that would have been chargeable to the Customer had service begun.
- B. Applications for service may be cancelled prior to the start of service or prior to any special construction. No charges will be imposed except for those specified above.
- C. The special charges described above will be calculated and applied on a case-by-case basis.

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MAY 06 2004

By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 11, 1998

Gregory M. Ediger, President
MAXCOM, INC.
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Lenexa, Kansas 66215

NOV 13 1998

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1.11 Restoral of ServiceBy TC-04-423
Public Service Commission
MISSOURI

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When the Customer's service has been disconnected in accordance with this Tariff and the service has been terminated through the completion of a Company service order, service will be re-established only upon the basis of an application for new service and when the cause for disconnection has been eliminated.

1.12 Transfers and Assignments

Neither the Company nor the Customer may assign or transfer its rights or duties in connection with the services and facilities provided by the Company without the written consent of the other party, except that the Company may assign its rights and duties (i) to any subsidiary, parent Company affiliate of the Company; (ii) pursuant to any sale or transfer of substantially all the assets of the Company, or (iii) pursuant to any financing, merger or reorganization of the Company.

1.13. Notices and Communications

- A. The Customer shall designate on the Service Order an address to which the Company shall mail or deliver all notices and other communications, except that the Customer may also designate a separate address to which the Company's bills for service shall be mailed.
- B. The Company shall designate on the Service Order an address to which the Customer shall mail or delivers all notices and other communications, except that Company may designate an address on the bill for service to which the Customer shall mail payment for that bill.
- C. All notices or other communications required to given pursuant to this Tariff will be in writing. Notices and other communications of either party, and all bills mailed by the Company, shall have been presumed to have been mailed by the Company, shall have been presumed to have been delivered to the party on the third business day following the deposit of the notice, communication or bill with the U.S. Mail or a private delivery service, prepaid and properly addressed, or when actually received or refused by the addressee, whichever occurs first.
- D. The Company or the Customer shall be advise the other party of any changes to the addresses designated for notices, other communications or billing, by following the procedures for giving notice set forth herein.

Missouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

Gregory M. Ediger, President
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Lenexa, Kansas 66215

NOV 13 1998

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1. Regulations (Cont'd)

JUL 15 1998

1.14. Promotional Offers

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The Company may, from time to time, make promotional offerings of its services. The promotional offerings may be limited as to the duration, the date and times of the offering and the locations where the offerings are made. All promotions are subject to Commission review and approval.

1.15. Individual Case Basis (ICB) Arrangements

Arrangements will be developed on a case-by-case basis in response to a bona fide request or prospective Customer to develop a competitive bid for a service. ICB rates will be offered to the Customer in writing and on a non-discriminatory basis. The Company will make copies of ICB agreements available for inspection by the Commission Staff, upon reasonable notice and under condition of confidential, proprietary treatment. ICB rates will be structured to recover the Company's cost of providing the services. ICB pricing for services will be limited to dedicated access, private line arrangements, and centrex services. ICB rates are not offered for switched access service.

1.1.6 Customer Service

Customer service personnel are available twenty-four (24) hours a day, seven (7) days a week and may be reach at the Company's toll free number: 1-800-547-0090.

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MAY 06 2004

By TC-04-423
Public Service Commission
MISSOURIMissouri Public
Service Commission

FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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NOV 13 1998

98 - 339

CANCELLED**RECEIVED**2. Service Description and Rates2.1 Local Service

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2.1.1 GeneralBy TC-04-423
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- A. The Company's basic local telecommunications and local exchange service provides Customers with a connection to the Company's facilities which enable the Customer to:
- (i) receive calls from other stations on the public switched telephone network;
 - (ii) place calls to other stations on the public switched telephone network;
 - (iii) access to the Company's operators and business office for service related assistance; access directory assistance for the local calling area; access to toll free telecommunications services; access to Enhanced 911 service for emergency calling; access to Telephone Relay Service; and
 - (iv) access to the interexchange network. A Customer may presubscribe to the carrier of their choice for interLATA and intraLATA calling, or the Customer may access a provider on an *ad hoc* basis by dialing the provider's Carrier Identification Code (PIC Number).
- B. The Company offers Customers call blocking to service providers using 900/976 access. The Company will be automatically block the numbers upon the Customers request. The Company will block such numbers on a per line basis.
- C. The local calling area for the Company's Missouri Customers consists of the geographic area encompassed within the Kansas City and the Springfield Metropolitan Exchange (Principal Zone and MCA1 and MCA2 Zones) as defined in Southwestern Bell Telephone Company's Exchange tariffs and as restated on page 5 of this tariff.
- D. The Company will be providing service through Brooks Fiber's services and/or facilities. The Company concurs with Brooks Fiber's tariff for area of service and exchange boundaries. The Company's service area consists of the Principal Zone and MCA1 of the Kansas City and Springfield Metropolitan Exchanges as defined in Southwestern Bell Telephone Company's Local Exchange tariffs. The Company's provision of service within said service area is subject to the availability of appropriate facilities.

Missouri Public Service Commission
FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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2. Service Descriptions and Rates (Cont'd)2.1 Local Service (Cont'd)2.1.2 Monthly Recurring Charges

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The Company's local service, as defined in Section 2.1.1, offers the Customer a choice of billing options.

<u>Subscription Term</u>	<u>Monthly Recurring Charge</u>
Month to Month	\$43.60
12 Month	\$41.42
24 Month	\$39.24
36 Month	\$37.06

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2.1.3 Initial Service Conversion Charge **Public Service Commission
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The following charge applies when an existing local service line is converted to the Company's local service. This is a one-time service fee.

Cost for conversion	\$52.25
---------------------	---------

2.1.4. Line Installation Charge

The following charge applies when a new local service line is added to a new or existing account. This is a one-time fee.

Per Line	\$52.25
----------	---------

2.1.5 All state and local taxes (e.g. gross receipts tax, sales tax, municipal utilities tax) are not included in the rates under this tariff, but shall be listed as separate line items on the Customer's bill. The Company may adjust its rates or impose additional rates on its Customers to recover amounts it is required by governmental or quasi-governmental authorities to collect from or pay to others. The Company may also adjust its rates or impose additional rates to cover the administrative cost of collection such charges of paying compensation to other entities. Examples of such programs include, but are not limited to, the Universal Service Fund (USF), the Presubscribed Interexchange Carrier Charge (PICC), and compensation to pay telephone providers for use of their pay telephones to access the Company's services. All charges, other than taxes and franchise fees, will be submitted to the Commission for approval.

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FILED NOV 13 1998

Issued: July 28, 1998

Effective: September 1, 1998

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2. Service Descriptions and Rates (Cont'd)

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2.2. Features

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2.2.1 GeneralBy TC-04-423
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The following optional features will be available on all lines. Not all features are compatible with certain key sets and PBX systems.

Security Package: The Security Package includes Caller ID, Remote Activation of Call Forwarding, and Call Trace (\$5.00 per successful call traced).

Caller ID, Caller ID Blocking/Unblocking: This optional feature enables the Customer to view on a display unit the Calling Party Directory Name and/or Number (CPN) on incoming telephone calls.

When Caller ID is activated on a customer's line, the CPN of the incoming calls are displayed on the called CPE during the first long silent interval of the ringing cycle.

Per line blocking for the blocking of CPN will be available on request, at no charge, to the following entities for lines over which official business of the agency is conducted, including those at the residences of employees/volunteers, where an executive officer of the agency registers a need for blocking and provides the required certification to the Company: a private, non-profit, tax exempt, domestic violence intervention agencies, and federal, state, and local law enforcement agencies. The CPN will not be transmitted from a line equipped with this capability. Per line blocking is operational on a continuous basis but can be deactivated by the customer by dialing an access code immediately prior to placing a call.

Line blocking customers can unblock their CPN information on a per call basis at no charge by dialing an access code (#82 on their touch pad or 1182 from a rotary phone) immediately prior to placing a call.

A customer may prevent the delivery of their calling name and/or number to the called party by dialing an access code (#67 on their touch pad or 1167 from a rotary phone) immediately prior to placing a call. The access code will activate per call blocking, which is available at no charge. If the calling party activates blocking, the CPN will not be transmitted across the line to the called party. Instead, Calling Line Identification customers will receive an anonymous indicator. This anonymous indicator notifies the Caller ID customer that the calling party has elected to block the delivery of their name and telephone number. The blocking of CPN will not be provided on calls originating from Customer Owned Pay Telephone Service. If the

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Effective: September 15, 1998

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Caller ID customer also subscribes to Anonymous Call Rejection, the calling party will be routed to a telephone company recording advising the caller that the called party will not accept calls whose CPN has been blocked.

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Telephone CPN information transmitted via caller ID is intended solely for the use of the Caller ID subscriber. Resale of this information is prohibited by this tariff. CPN will not be displayed if the called party is off-hook or the called party answers during the first ring interval. CPN will not be displayed for calls made from another central office only if it is linked by appropriate facilities. Caller ID is not available on operator handled calls.

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2. Service Description and Rates (Cont'd)

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2.2 Features (Cont'd)

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2.2.1 General (Cont'd)

Call Forward: This optional feature allows all calls directed to a telephone number to be routed to a Customer's defined telephone number. The Customer is charged any applicable usage charges for the re-routed call. The Customer can activate/deactivate Call Forward and define a telephone number where all calls will be forwarded. Calls cannot be forwarded to an International Direct Distance Dialing (IDDD) number.

Call Forward Busy Line: This optional feature forwards calls to a busy station to a predetermined number. Calls cannot be forwarded to an International Direct Distance Dialing (IDDD) number. Customers are charged an applicable usage charge for the forwarded number.

Call Forward Don't Answer: This optional feature allows Customers to re-route a call to a predetermined station in the event that the call is not answered within a Customer specified number of rings. Customers are charged an applicable usage charge on the forwarded call.

Call Forward Remote Access: This optional feature allows the Customer to re-route calls to a predetermined station from a remote location.

Call Trace: Call Tracing allows for the identification and recording of the telephone number of some or all of the incoming calls to the telephone line of the Customer.

Consultation Hold: This temporary hold feature is inherent in Call Transfer and Three Way Calling. It is activated by depressing the switch hook.

Hunting: This optional feature routes a call to an idle line in a prearranged group when the called telephone number is busy. Typically, this feature is used with the Customer's main telephone number and several subtending lines so that the Customer can receive calls on several lines, although all calls are placed to the same number. Hunting will not work with Call Forward Busy and Don't Answer.

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2. Service Description and Rates (Cont'd)

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2.2 Features (Cont'd)

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2.2.1 General (Cont'd)

Three Way Calling: This allows a Customer to add a third party to an existing conversation without the expensive conferencing equipment. This feature also allows a Customer to place a call on hold in order to make a consultation call on the same line. When the consultation call is completed the Customer hangs-up or depresses the flash key on the telephone and is reconnected to the original conversation.

2.2.2 Rates

The following charges are in addition to the basic rate for local service specified in section 2.1.2.

<u>Service</u>	<u>Non Recurring Charge</u>	<u>Monthly Recurring Charge</u>
Security Package	\$14.50	\$18.95
Caller ID	\$14.50	\$8.50
Call Forward	\$14.50	\$6.00
Call Forward Busy Line	\$14.50	\$3.00
Call Forward Don't Answer	\$14.50	\$3.00
Hunting	\$5.50	\$1.75
Three Way Calling	\$14.50	\$4.00
Caller ID Blocking/Unblocking	n/c	n/c
Call Forward Remote Access	n/c	n/c
Consultation Hold	n/c	n/c
Call Trace	\$5.00 per successful trace	

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Issued: July 28, 1998

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2. Service Description and Rates (Cont'd)2.3 Directory Listings

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2.3.1 Description

Directory listing will be provided in accordance with Section 1.6 of this Tariff.
The following types of listing are available:

- (i) Primary Listing: A primary listing contains the name of the Customer, or the name under which business is regularly conducted, as well as the address and telephone number of the Customer. Primary listings are provided at no cost.
- (ii) Additional Listing: Additional listings are available only in the names of authorized users of the Customer's service, as defined herein;
- (iii) Non-Published Listings: Non-published listing are not printed in directories nor are they available from directory assistance. Non-published listings are subject to the provisions set forth in Sections 1.2 and 1.6;
- (iv) Non-Listed Number: Non-listed numbers are those which provide for the omission or deletion of the Customer's listing from the telephone directory. Such listings are available from directory assistance.
- (v) Foreign Listings: A foreign listing is one which is published in a directory not in the Customer's immediate calling area.

2.3.2 Rates

	<u>Non- Recurring Charge</u>	<u>Monthly Recurring Charge</u>
Primary Listing	n/c	n/c
Additional Listing	\$9.50	\$2.75
Non-Published Listing	n/c	n/c
Non-Listed Number	n/c	n/c
Foreign Listing	\$9.50	\$2.45

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2. Service Description and Rates (Cont'd)2.4. Directory Assistance2.4.1 Description

- A. The Customer may access Directory Assistance for the purpose of determining phone numbers within its local calling area by calling the Directory Assistance Operator. A maximum of two number requests per call per month at no charge will be allowed after which the Company shall charge \$0.75 per request per month.
- B. The Customer may have the option of utilizing Directory Assistance Call Completion provided by the underlying directory assistance services provider for the option of placing a call to the number requested. The Company shall charge \$1.50 per Directory Assistance Call Completion call.

2.4.2 Rates

- A. For all calls placed to long distance Directory Assistance the following charge will apply:

\$0.70 per call

2.4.3 Directory Assistance Credits

- A. Credit will be given for calls to Directory Assistance as follows:
- (i) The Customer experiences poor transmission or is cut-off during the call; or
 - (ii) The Customer is given the incorrect telephone number.
- B. To obtain credit, the Customer must contact its Customer Service representative at the Company's toll free number.

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NOV 13 1998
98 - 339

2. Service Descriptions and Rates (Cont'd)

JUL 15 1998

2.5 Operator Services

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2.5.1 General

The Company DOES NOT PROVIDE OPERATOR SERVICES but does provide access to operator services provided by the incumbent local exchange company.

The Customer has the option of contacting the incumbent local exchange company operator for general information, such as dialing instructions, country or city codes, area code information and Customer Service 800 numbers. The Customer may obtain the assistance of an incumbent local exchange operator to complete local exchange telephone calls in the following manner:

- (i) Third Party Billing: Provides the Customer with the ability to charge a local call to a third number which is different from the called or calling party. The party answering at the third number has the option to refuse acceptance of the charges in advance or when queried by the operator;
- (ii) Collect Calls: Provides the Customer with the capability to charge a call to the called party. Once the operator announces a collect call, the called party has the option to refuse acceptance of charges in advance or when queried by the operator;
- (iii) Calling Cards: Provides the Customer with the capability of placing a call using a credit card of an interexchange carrier with or without the assistance of an operator;
- (iv) Person to Person: Calls completed with the assistance of an operator to a particular Station and person specified by the caller. The call may be billed to the called party.
- (v) Station to Station: Calls completed with the assistance of an operator to a particular Station. The Call may be billed to the called party.

2.5.2 Rates

The Company shall charge a per call rate of \$0.75 for all operator-assisted calls. In addition, the Company shall charge a per call rate of \$0.05 for all calls made using a Customer's calling card, whether or not the call is made with operator assistance.

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2. Service Description and Rates (Cont'd)2.6. Presubscription2.6.1 Description

A Customer may presubscribe to the carrier(s) of their choice for interLATA and intraLATA calling.

2.6.2 Rates

IntraLATA carrier charge	\$2.50 per line per occurrence
InterLATA carrier charge	\$2.50 per line per occurrence

2.7. Intercept Service2.7.1 General

Intercept service will be placed on a line at the Customer's request redirecting calls to an alternate phone number.

2.7.2 Rates

Intercept service shall be provided, upon request, to the Customer free of charge for the first 30 days provided such service is available to the Company from its underlying carrier. After the initial 30 day period, the Company shall charge \$7.50 per each 90 day period thereafter.

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NOV 13 1998

98 - 339