

Missouri Public

REC'D APR 04 2002

Service Commission

NATIONAL DIRECTORY ASSISTANCE, LLC

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of long distance telecommunications services provided by National Directory Assistance, LLC with principal offices at 12700 Shelbyville Road, Danville Building, Louisville, Kentucky 40243. This Tariff applies to 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.

National Directory Assistance, LLC is a competitive telecommunications company providing competitive services in the state of Missouri.

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Waivers of Statutory and Regulatory Requirements

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The following statutory and regulatory requirements have been waived for the Company:

- | | | |
|------------------------|---|---|
| 4 CSR 240-10.020 | - | Depreciation and income |
| 4 CSR 240-30.010(2)(C) | - | Posting of exchange rates at central operating offices |
| 4 CSR 240-30.040 | - | Uniform system of accounts |
| 4 CSR 240-33.030 | - | Minimum charge rules |
| 4 CSR 240-35 | - | Bypass |
| | | |
| Section 392.210.2 | - | Establish uniform system of accounts for annual reports |
| 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 securities |
| Section 392.300.2 | - | Acquisition of stock |
| Section 392.310 | - | Issuance of stocks and debt |
| Section 392.320 | - | Stock dividend payment |
| Section 392.330 | - | Issuance of securities, debt, and notes |
| Section 392.340 | - | Reorganization(s) |

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**CONCURRING, CONNECTING OR
OTHER PARTICIPATING CARRIERS** Service Commission

None.

SYMBOLS

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

- C - Changed regulation
- D - Discontinued rate or regulation
- I - Increase
- M - Matter relocated without change
- N - New rate or regulation
- R - Reduction
- S - Reissued matter
- T - Change in text, but no change in rate or regulation
- Z - Correction

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TARIFF FORMAT

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- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the sheet. 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 sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised sheet 14 cancels the 3rd revised sheet 14.
- C. Paragraph Numbering Sequence - There are six levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.1

2.1.1

2.1.1 (A)

2.1.1 (A).1

2.1.1 (A).1.a

2.1.1 (A).1.a.i

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Authorized User: A person, firm or corporation, who is authorized by the Customer/Subscriber to utilize the services of the Customer/Subscriber. **Missouri Public**

Company: Company refers to National Directory Assistance, LLC

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Commission: Commission refers to the Missouri Public Service Commission or any succeeding agency. **Service Commission**

Customer: The Customer is a person or legal entity which uses or subscribes to the Company's services and thereby assumes responsibility for the payment of charges and compliance with the Company's Tariff regulations.

DUC: DUC stands for Designated Underlying Carrier.

End User: End User is the person or legal entity which uses the service provided by the Company.

Initial and Additional Period: The Initial Period denotes the interval of time allowed at the rate specified for a connection between given service points. The Additional Period denotes the interval of time used for measuring and charging time in excess of the Initial Period.

InterLATA: Any call or transmission that originates in one LATA and terminates in a different LATA.

IntraLATA: Any call or transmission that originates in one LATA and terminates within the same LATA.

LATA: Local Access Transport Area. A geographically defined regulatory boundary established by the Modification of Final Judgement.

LEC: LEC stands for Local Exchange Carrier.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

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State: "State" refers to the State of Missouri.

Subscriber: The Subscriber is a person or legal entity which subscribes to or dials the Company's services and thereby assumes responsibility for the payment of charges and compliance with the Company's Tariff regulations.

Switched Access: A method of reaching the Company through the local switched network whereby the End User uses standard business or residential local lines.

Underlying Carrier: "Underlying Carrier" refers to any interexchange carrier that provides long distance services resold by the Company pursuant to this Tariff.

U.S.F.: U.S.F. stands for Universal Service Fund.

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SECTION 2 - RULES AND REGULATIONS

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2.1 Undertaking of the Company

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2.1.1 This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by National Directory Assistance, LLC for telecommunications between points within the State. The Company's services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff. The Company operates as a competitive telecommunications company. Services in this Tariff are available to Residential Customers and/or Business Customers as specified herein.

2.1.2 Company's services are not part of a joint undertaking with any other entity providing telecommunications channels, facilities or services, but do involve the resale of the Message Toll Services (MTS) of the underlying common carriers.

2.1.3 The rates and regulations contained in this tariff apply only to the services furnished by Company and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carrier for use in accessing the services of Company.

2.1.4 The Subscriber is entitled to limit the use of Company's services by Users at the Subscriber's facilities, and may use other common carriers in addition to or in lieu of Company.

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SECTION 2 - RULES AND REGULATIONS

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2.2 Limitations On Service

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2.2.1 Service is offered by the Company subject to the availability of necessary facilities, equipment and/or billing arrangements with the DUC and/or LEC. Necessary facilities and equipment may include but is not limited to facilities or equipment to be provided by Company, connecting carriers, underlying carriers, owners and operators of transmission capacity leased to Company or the LEC and the rules of the Commission applying to long distance communications as published in 4 CSR 240-33.

2.2.2 The Company reserves the right to discontinue service without liability, or to limit the use of service when necessitated by conditions beyond the Company's control, or when the Customer is using service in violation of the law or in violation of the provisions of this Tariff.

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SECTION 2 - RULES AND REGULATIONS **Missouri Public**

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2.2 Limitations On Service (continued)

2.2.3 The Company will block Service to Residential Customers pursuant to 4 CSR 240-33.070. Conditions under which the Company may, without notice, block service to Business Customers without liability include, but are not limited to:

- (A) Insufficient or fraudulent billing information or invalid or unauthorized telephone numbers; or,
- (B) Any order or decision of a court or other governmental authority prohibits the Company from offering such service; or,
- (C) The Company deems blocking necessary to protect the Company or third parties against fraud, or to otherwise protect the Company's personnel, agents, or service; or,
- (D) Customer's or End User's misuse of the DUC's network or the Company's switching equipment; or
- (E) Customer's or End User's use of the DUC's network or the Company's switch for any fraudulent or unlawful purpose; or,
- (F) Emergency, threatened, or actual disruption of service to other Customers; or
- (G) Unauthorized or fraudulent procurement of service, including a misrepresentation of fact relevant to the conditions under which the applicant or Customer may obtain or continue to receive service.

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2.2 Limitations On Service (continued)

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2.2.4 The Company will block Service to Residential Customers pursuant to 4 CSR 240-33.070. Conditions under which the Company may, with notice, block service to Business Customers without liability include, but are not limited to:

- Customer's use of the service constitutes a violation of either the provisions of this Tariff, or of any laws, or government rules, regulations, or policies; or,
- Non-payment of any sum owed the Company.

2.2.5 Initial and continuing service is offered subject to the availability of necessary facilities, billing services, and/or equipment, including those to be provided by the DUC(s), the Company, the CAP(s), or the LEC.

2.2.6 Service is furnished subject to the condition that there will be no abuse or fraudulent use of the service. Abuse or fraudulent use of service includes, but is not limited to:

- (A) Use of service of the Company for a message or messages, anonymous or otherwise, if in a manner reasonably to be expected to frighten, abuse, torment, or harass another; or
- (B) Use of service in such a manner as to interfere unreasonably with the use of service by one or more other Customers; or
- (C) Any calls placed by means of illegal equipment, service, or device.

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2.2 Limitations On Service (continued)

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2.2.7 The Company's failure to give notice of default, to enforce or insist upon compliance with any of the terms or conditions herein, to grant a waiver of any term or conditions herein, or to grant the Customer an extension of time for performance, will not constitute the permanent waiver of any such term or condition herein. Each of the provisions will remain, at all time, in full force and in effect until modified in writing, signed by the Company and Customer.

2.2.8 To control fraud, service may be discontinued by the Company without incurring liability by blocking all traffic or by blocking traffic to or from certain NPA-NXXs, cities, or individual telephone stations for any service offered under this Tariff. Service will be restored at Company's option as soon as it can be provided without undue risk and only after accounts have been brought current.

2.2.9 The Company reserves the right to change DUCs at any time.

2.2.10 The Company reserves the right, without incurring liability, to refuse to provide service to or from any location where the necessary facilities, billing arrangements, and/or equipment are not available.

2.2.11 The Customer obtains no property right or interest in any specific type of facility, service, connection, equipment, number process or code. All right, title and interests to such items remain, at all times, solely with the Company.

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2.3 Limitation of Liability

The Company's liability will be limited to that expressly assumed in Paragraphs 2.3.1 through 2.3.9 of this Tariff and that arises in connection with the provision of service to Customer.

2.3.1 The Company will not be liable for:

- (A) Any act or omission of any other company or companies furnishing a portion of the service or furnishing facilities or equipment associated with such service.
- (B) Damages caused by the fault or negligence or misconduct of the Customer.
- (C) Any failure to provide or maintain service under this Tariff due to circumstances beyond the Company's reasonable control.
- (D) Any direct, indirect, consequential, special, actual, or punitive damages, or for any lost profits of any kind or nature whatsoever arising out of any furnishing of, or interruption in, service provided hereunder, absent a determination of willful misconduct by the Company through judicial or administrative proceedings.

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2.3 Limitation of Liability (continued)

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2.3.1 (continued)

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- (E) Any special or consequential damages or any lost profits of any kind or nature arising out of the furnishing of or interruption in service contained in this Tariff.
- (F) The use or abuse of any service described herein by any party including, but not limited to, the Customer's employees or members of the public. "Use or abuse" includes, but is not limited to, any calls placed by means of PBX-reorigination or any other legal or illegal equipment, service, or device.
- (G) Any action, such as blocking or refusal to accept certain calls, that Company deems necessary in order to prevent fraudulent or unlawful use of its service. Compensation for any injury the Customer may suffer due to the fault of parties other than the Company must be sought from such other parties.

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2.3 Limitation of Liability (continued)

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- 2.3.2 Interruptions, delays, errors, or defects caused by or contributed to, directly or indirectly, by act or omission of Customer or its customers, affiliates, agents, contractors, representatives, invitees, licensees, successors, or assignees or which arise from or are caused by the use of facilities or equipment of Customer or related parties, will not result in the imposition of any liability whatsoever upon the Company. In addition, all of the service may be provided over facilities of third parties, and the Company will not be liable to Customer or any other person, firm, or entity in any respect whatsoever arising out of defects caused by such third parties.
- 2.3.3 With respect to service provided hereunder, the Company hereby expressly disclaims, without limitation, all warranties not stated in this Tariff, whether express, implied or statutory, and in particular disclaims all implied warranties of merchantability and of fitness for a particular purpose.
- 2.3.4 The Company may rely on CAPS, LECs, DUCs, or other third parties to provide a portion of the Company's service.
- 2.3.5 No contractors, agents or employees of connecting, concurring or other participating carriers or companies will be deemed to be contractors, agents or employees of the Company without the Company's written authorization.
- 2.3.6 Under no circumstances whatsoever will the Company or its officers, agents, or employees be liable for indirect, incidental, special or consequential damages.

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2.3 Limitation of Liability (continued)

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2.3.7 The Company will not be liable for any failure of performance hereunder due to causes beyond its control including, but not limited to:

- (A) Unavoidable interruption in the working of transmission facilities; or
- (B) Natural disasters such as storms, fire, flood, or other catastrophes; or
- (C) Any law, order, regulation, direction, action or request of the United States Government, or any other governmental entity having jurisdiction over the Company or of any department, agency, commission, bureau, corporation or other instrumentality of any one or more of such governmental entity, or of any civil or military authority; or
- (D) National emergencies, insurrections, riots, rebellions, wars, strikes, lockouts, work stoppages, or other labor difficulties; or
- (E) Notwithstanding anything in this Tariff to the contrary, the unlawful acts of individuals, including acts of the Company's agents and employees if committed beyond the scope of their employment.

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2.3 Limitation of Liability (continued)

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- 2.3.8 The Company will use its best efforts to provide competent services consistent with industry standards. The Company will have no liability to the Customer for any loss of revenue or any other direct, special, incidental, consequential, or other damages the Customer may sustain resulting from the failure or inability of the Company to provide service to its Customers or End Users; negligent or defective services to Customers or End Users; equipment, computer, network, or electrical malfunctions or any kind, breakdowns, or outages; or any other cause, whether or not within the control of the Company.
- 2.3.9 In the event the Company or the DUC learn of possible fraudulent use of any Company services, the Company will make an effort to contact the Customer, but service may be terminated or blocked without notice and without liability to the Company.
- 2.3.10 The Company's liability for gross negligence or intentional misconduct is not limited by this tariff.

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2.4 Use of Service

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2.4.1 The service offered herein may be used for any lawful purpose, including residential, business, governmental, or other use. There are no restrictions on sharing of service. However, the Customer remains liable for all obligations under this Tariff notwithstanding such sharing and regardless of the Company's knowledge of same. The Company will have no liability to any person or entity other than the Customer and only as set forth herein. The Customer will not use nor permit others to use the service in a manner that could interfere with service provided to others or that could harm the facilities of the Company or others.

2.4.3 Service furnished by the Company will not be used for any unlawful or fraudulent purposes such as use of electronic devices, invalid numbers, and false credit devices to avoid payment for service contained in this Tariff either in whole or in part. Service furnished by the Company will not be used to make calls which might reasonably be expected to frighten, abuse, torment, or harass another. Nor will service be used for any purpose for which any payment or other compensation is received by the Customer except when the Customer is a communications common carrier, a resale common carrier, or an enhanced or electronic service provider who has subscribed to the Company's service. However, this provision does not preclude an agreement between the Customer, authorized user, or joint user to share the cost of the service as long as this arrangement generates no profit for anyone participating in a joint use or authorized use arrangement.

2.4.4 The Company does not transmit messages pursuant to this tariff, but its services may be used for that purpose.

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2.5 Obligations of the Customer

Service Commission

2.5.1 The Customer will indemnify, defend, and hold the Company harmless from and against:

- (A) Any claim asserted against the Company (and all attorney fees and expenses incurred by the Company with respect thereto) arising out of or relating to the failure of the Company to provide service to Customers or End Users.
- (B) Any and all liabilities, costs, damages, and expenses (including attorney's fees), resulting (1) from Customer (or its employees's agent's or independent contractor's) actions hereunder, including, but not limited to breach of any provision in this Tariff, misrepresentation of Company services or prices, or unauthorized or illegal acts of the Customer, its employees, agents, or independent contractor.
- (C) Claims for libel, slander, infringement of patent or copyright, or unauthorized use of any trademark, trade name, or service mark arising out of Customer's material, data, information, or other content transmitted via service.
- (D) Violation by Customer of any other literary, intellectual, artistic, dramatic, or musical right.
- (E) Violations by Customer of the right to privacy.

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2.5 Obligations of the Customer (continued)

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2.5.1 (continued)

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(F) Any other claims whatsoever relating to or arising from message content or the transmission thereof.

(G) All other claims arising out of any act or omission of the Customer in connection with service provided by the Company.

(H) Any loss, claim, demand, suit, or other action, or any liability whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or persons, for any personal injury to, or death of, any person or persons, and for any loss, damage or destruction of any property, whether owned by the Customer or others, caused or claimed to have been caused directly or indirectly by the provision of service, where such loss, claim, demand, suit, action, or liability is not the direct result of the Company's negligence or willful misconduct.

2.5.2 If a Customer directly or indirectly authorizes third parties to use the service, the Customer will indemnify and hold the Company harmless against any and all claims, demands, suits, actions, losses, damages, assessments or payments which may be asserted or demanded by said parties.

2.5.3 The Customer is responsible for the payment of charges for calls originated at the Customer's telephone numbers.

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2.6 Application for Service

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An application for Service is not required. Customers are given the opportunity to use the Service after receiving a look up from Directory Assistance. Prior to the completion of the long distance call, an announcement, which includes the Company's name and the per minute charge, will be played. If the Customer hangs up prior to the call being answered, no charge will be assessed.

2.7 Establishment of Credit

The Customer is not required to establish credit.

2.8 Customer Deposits

Customer deposits are not required for services in this tariff. If, in the future, the Company does require deposits, it will comply with the requirements as set forth in 4 CSR 240-33.050, which pertains to deposits and guarantees of payment for residential customers.

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2.9 Payment For Services

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2.9.1 LEC Billing

With LEC billing, the Customer's charges for Service(s) are billed with the Customer's bill for local service. Call detail is included with the bill. The rules and regulations applying to rendering and payment of the bill and late charges are the same as covered in the applicable LEC tariff. The Company will make every effort to post any credit due to the Customer account(s) on the Customer's next LEC bill. However, based on the date of the resolution of a dispute and the date credits must be provided to the LEC, it may be two or more billing cycles before a credit will be issued.

2.9.2 Billing Disputes

Disputes with respect to charges must be received by the Company within sixty (60) days from the date shown as the bill date of the invoice or such invoice will be deemed to be correct and binding on the Customer. Responses must be sent to the Company's customer service organization as per Paragraph 2.10.

2.9.3 Collections

In the event the Company incurs fees or expenses, including attorney's fees, in collecting, or attempting to collect, any charges owed the Company, the Customer will be liable to the Company for the payment of all such fees and expenses reasonably incurred.

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2.10 Customer Service

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2.10.1 General

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Customer service may be contacted in writing at 12700 Shelbyville Road, Danville Building, Louisville, Kentucky 40243. Customers may contact customer service by dialing a toll-free number, 866 632-0411. The toll free number is listed on the bill. Customer service representatives are available 8:00 AM to 5:00 PM eastern time Monday through Friday excluding holidays. After hours and on holidays, the Customer may reach a Company representative by leaving a message.

2.10.2 Billing Inquiries

A Residential Customer may advise the Company that all or part of a charge is in dispute by written notice, in person, or by a telephone message directed to the Company during normal business hours. A Business Customer must advise the Company that all or part of a charge is in dispute by written notice. If the Company and a Customer fail to resolve a matter in dispute, the Company shall advise the Customer of its right to file an informal or formal complaint with the Commission under 4 CSR 240.070. Customers may contact the Commission in writing at the following address: Missouri Public Service Commission, 200 Madison Street, Suite 100, P. O. Box 360, Jefferson City, Missouri 65102 or via telephone at (800) 392-4211.

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SECTION 2 - RULES AND REGULATIONS

Missouri Public

2.11 Blocking of Service By Company

REC'D APR 04 2002

2.11.1 Blocking of Service to Residential Customers

Service Commission

Service to Residential Customers will be blocked pursuant to 4 CSR 240-33.070. Service shall not be blocked unless written notice by first-class mail is served on the Residential Customer at least ten (10) days prior to the date of the proposed blocking.

2.11.2 Blocking of Service to Business Customers

The Company may block Service to the Customer upon five (5) days' verbal or written notice to the Customer for any condition listed in Section 2.2.6 of this Tariff. If the Company delivers the notice to the Customer's Premises, it will be left in a conspicuous place. When notice is mailed, the notice will be addressed to the Customer's last known billing address and mailed first class or express overnight delivery. The selection of the method of delivery of the notice is made by the Company.

2.11.3 Obligations to Pay

The blocking of Service(s) by the Company pursuant to this section does not relieve the Customer of any obligations to pay the Company for charges due and owing for Service(s) furnished up to the time of blocking. The remedies set forth herein will not be exclusive and the Company will at all times be entitled to all rights available to it under either law or equity.

2.12 Timing of Calls

Timing of calls begins when the called party answers the call (i.e. when two way communications are established.) Answer detection is based on standard industry answer detection methods including hardware answer supervision provided by the DUC and software answer detection. Chargeable time ends when one of the parties disconnects from the call.

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2.13 Initial and Additional Period

Service Commission

Calls are billed in increments of six (6) seconds subject to a minimum connect time (initial period) of eighteen (18) seconds.

2.14 Rounding

2.14.1 All calls are billed in the billing increments as set forth in Section 2.13 of this tariff. Calls that terminate between increments will be rounded to the next highest increment. For example, a call lasting 35 seconds will be rounded to 36 seconds.

2.14.2 Once the call duration, in billing increments is computed, the appropriate per minute charges, as listed in the rate schedules will be applied to the call. Calls with charges that include a fraction of a cent .5 or greater will be rounded to the next highest cent. For example, a Customer making a call with a computed charge of \$1.434 will be charged \$1.43 and a Customer making a call with a computed charge of \$1.435 will be charged \$1.44.

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SECTION 2 - RULES AND REGULATIONS

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2.15 Taxes

Service Commission

In addition to the charges specifically pertaining to services, certain federal, state, and local taxes, and fees apply to services. These taxes and fees are calculated based upon the point of origination of the call, the point of termination of the call, the length of each call, and the taxing jurisdiction's rules and regulations.

All federal, state, and local taxes and fees (i.e., sales tax, gross receipts tax, municipal utilities tax, universal service fund assessments, etc.) are listed on the Customer's invoices, and unless otherwise specified herein, are not included in the rates listed in Section 4 of this Tariff.

2.16 Restoration of Services

The use and restoration of services in emergencies will be in accordance with the priority system specified in Part 64, Subpart D of the rules and regulations of the Federal Communications Commission.

2.17 Promotional Offerings

The Company may, from time-to-time, engage in special promotional service offerings designed to attract new Customers or to increase existing Customer's awareness of a particular service offering. These promotional offerings may apply only to certain service arrangements, and may be limited to certain dates, times, and/or locations. Promotions are subject to the prior approval of the Missouri PSC. The Company will provide tariff notification to the Commission no less than seven (7) days prior to the beginning of each promotion identifying the promotion, the exchange(s) within which the promotion will be offered, and the start and end dates of the promotion. The Company will offer all promotions in a non-discriminatory manner.

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SECTION 3 - DESCRIPTION OF SERVICES

Missouri Public

3.1 Outbound Services

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3.1.1 General

Service Commission

All Services are only available through participating Directory Assistance services.

3.1.2 Non-Primary Interexchange Carrier Service

Non-Primary Interexchange Carrier Service is Inter-LATA and Intra-LATA toll service available to residential Customers and businesses, except hospitals, payphones, hotels and in-mate only facilities.

1. The Company will offer Non-Primary Interexchange Carrier Service only where technical capability exists to terminate the call.
2. When two directory listings are requested, Automated DACC is available for completing the call to the second listing.
3. Once the caller is provided the desired telephone number, the caller is offered call completion.
4. Prior to the completion of the long distance call, an announcement, which includes the Company's name and the per minute charge, will be played. If the Customer hangs up prior to the call being answered, no charge will be assessed.

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SECTION 4 - RATES AND CHARGES

Missouri Public

4.1 Outbound Services - Switched Access

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4.1.1 Non-Primary Interexchange Carrier Service

Service Commission

Calls are billed in increments of six (6) seconds subject to a minimum connect time (initial period) of eighteen (18) seconds.

The rate is \$0.25 per minute.

4.2 Wholesale Directory Assistance Service

Wholesale Directory Assistance Service will be provided to ILECs at rates determined on an individual Case Basis (ICB). ICB rates will be structured to recover the Company's cost of providing the service and will be made available to customers on a non-discriminatory manner. Terms of specific ICB contracts will be made available to the Missouri Public Service Commission Staff on a proprietary basis. ICB rates will not be used for switched services.

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