

TITLE SHEET

Missouri Public
Service Commission

REC'D DEC 30 1999

INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS SERVICES

This tariff applies to resold intrastate interexchange telecommunications services furnished by BCGI Communications Corp. ("Carrier") between one or more points in the State of Missouri. This tariff is on file with the Missouri Public Service Commission ("Commission"), and copies may be inspected, during normal business hours, at Carrier's principal place of business, 100 Sylvan Road, Woburn, Massachusetts 01801.

BCGI Communications Corp. operates as a competitive telecommunications company in the state of Missouri.

Missouri Public
Service Commission
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By: Fritz von Mering, Treasurer
BCGI Communications Corp.
100 Sylvan Road
Woburn, Massachusetts 01801

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BCGI Communications Corp. is classified as a competitive telecommunications company in Missouri for which the following statutory and regulatory requirements are waived pursuant to Section 392.420, RSMo.:

Regulations

- | | | |
|----------------------------|---|---|
| 4 CSR 240-10.020 | - | Depreciation of fund 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 240-32.030(1)(B)&(C) | - | Exchange area maps and record of access lines. |
| 4 CSR 240-32.030(2) | - | In-state record keeping. |
| 4 CSR 240-32.050(3)-(6) | - | Information concerning local service tariffs, maps, directories, intercept and telephone numbers. |
| 4 CSR 240-32.070(4) | - | Coin telephone availability. |
| 4 CSR 240-33.030 | - | Information regarding lowest price available. |
| 4 CSR 240-33.040(5) | - | Financing fee. |

Statutes

- | | | |
|--------------------|---|--|
| Section 392.240(1) | - | Rates. Average return on investment. |
| Section 392.270 | - | Property valuation. |
| Section 392.280 | - | Depreciation accounts. |
| Section 392.290 | - | Issuance of stocks and bonds. |
| Section 392.310 | - | Issuance of stock. |
| Section 392.320 | - | Stock dividends. |
| Section 392.330 | - | Issuance of securities, debts and rates. |
| Section 392.340 | - | Capitalization reorganization. |

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SYMBOLS

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

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

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TARIFF FORMAT

- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th Revised Sheet 14 cancels the 3rd Revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect.
- C. Paragraph Numbering Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.
 - 2.1.
 - 2.1.1.
 - 2.1.1.A.
 - 2.1.1.A.1.
 - 2.1.1.A.1.(a).
 - 2.1.1.A.1.(a).I.
 - 2.1.1.A.1.(a).I.(i).
 - 2.1.1.A.1.(a).I.(i).(1).

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SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS

Authorization Code - A numerical code, one or more of which may be assigned to a Subscriber, to enable Carrier to identify the origin of service User so it may rate and bill the call. All authorization codes shall be the sole property of Carrier and no Subscriber shall have any property or other right or interest in the use of any particular authorization code. Automatic numbering identification (ANI) may be used as or in connection with the authorization code.

Automatic Numbering Identification (ANI) - A type of signaling provided by a local exchange telephone company which automatically identifies the local exchange line from which a call originates.

Calling Card - A postpaid or prepaid calling card issued by Carrier which allows Subscribers and/or Users to make telephone calls and charge the calls to a postpaid or prepaid account. Calls charged to a Carrier-issued postpaid Calling Card will appear on the Subscriber's regular monthly bill. Calls charged to a Carrier-issued prepaid calling cards will be charged against the debit account.

Carrier or Company - Refers to BCGI Communications Corp.

Common Carrier - A company or entity providing telecommunications services to the public.

Complaint - Any oral or written report from a Subscriber or user of telephone service relating to a physical defect, difficulty or dissatisfaction with the operation of telephone facilities, errors in billing or the quality of service rendered.

Commission - Refers to the Missouri Public Service Commission.

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SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

Holiday - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

Local Access and Transport Area (LATA) - The term "Local Access Transport Area" denotes a geographical area established by the U.S. District Court for the District of Columbia in Civil Action No. 82-0192, within which a local exchange company provides communications services.

Measured Charge - A charge assessed on a per minute basis in calculating a portion of the charges due for a completed interexchange call.

Subscriber/Customer - The person, firm, corporation or legal entity that enters into arrangements for Carrier's telecommunications services and is responsible for payment of Carrier's services.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or other similar communications.

User - The person(s) utilizing Carrier's services.

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SECTION 2. RULES AND REGULATIONS

Missouri Public
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2.1 Undertaking of the Carrier

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- 2.1.1 The Company's services are furnished for communications originating at specified points within the State of Missouri under terms of this tariff.
- 2.1.2 The Company provides the communications services described herein in accordance with the terms and conditions set forth under this tariff. It may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a customer's location to the Company's network. The Customer shall be responsible for all charges due for such service arrangement.
- 2.1.3 The Company's services are provided on a monthly basis unless ordered on a longer term basis, and are available twenty-four hours per day, seven days per week.
- 2.1.4 The selling of intrastate interexchange ("IXC") telecommunications service to uncertificated IXC resellers is prohibited.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

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2.2 Limitations

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- 2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.
- 2.2.2 The Company reserves the right to discontinue furnishing service or limit the use of service (1) when conditions beyond its control necessitate such discontinuance or limitation of service; or (2) when the Customer is using the Company's service in violation of the law or the provisions of this tariff.
- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the Customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

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2.3 Liability of Carrier

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- 2.3.1 Except as otherwise stated in this section, the liability of Carrier for damages arising out of either: (1) the furnishing of its services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other defects, representations, or use of these services, or (2) the failure to furnish its service, whether caused by acts or omission, shall be limited to the extension of allowances to the Customer for interruptions in service as set forth herein.
- 2.3.2 Except for the extension of allowances to the Customer for interruptions in service as set forth herein, Carrier shall not be liable to a Customer or third party for any direct, indirect, special, incidental, reliance, consequential, exemplary or punitive damages, including, but not limited to, loss of revenue or profits, for any reason whatsoever, including, but not limited to, any act or omission, failure to perform, delay, interruption, failure to provide any service or any failure in or breakdown of facilities associated with the service.
- 2.3.3 The liability of Carrier for errors in billing that result in overpayment by the Customer shall be limited to a credit equal to the dollar amount erroneously billed or, in the event that payment has been made and service has been discontinued, to a refund of the amount erroneously billed.
- 2.3.4 Carrier shall not be liable for any claims for loss or damages involving:
- A. Any act or omission of: (1) the Customer; (2) any other entity furnishing service, equipment or facilities for use in conjunction with services or facilities provided by Carrier; or (3) common carriers or warehousemen;

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SECTION 2. RULES AND REGULATIONS (Cont'd)

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2.3 Liability of Carrier (Cont'd)

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2.3.4 (Cont'd)

- B. Any delay or failure of performance or equipment due to causes beyond Carrier's control, including but not limited to, acts of God, fires, floods, earthquakes, hurricanes, or other catastrophes; national emergencies, insurrections, riots, wars or other civil commotions; strikes, lockouts, work stoppages or other labor difficulties; criminal actions taken against Carrier; unavailability, failure or malfunction of equipment or facilities provided by the Customer or third parties; and any law, order, regulation or other action of any governing authority or agency thereof;
- C. Any unlawful or unauthorized use of Carrier's facilities and services;
- D. Libel, slander, invasion of privacy or infringement of patents, trade secrets, or copyrights arising from or in connection with the transmission of communications by means of Carrier-provided facilities or services; or by means of the combination of Carrier-provided facilities or services with Customer-provided facilities or services;
- E. Breach in the privacy or security of communications transmitted over Carrier's facilities;
- F. Changes in any of the facilities, operations or procedures of Carrier that render any equipment, facilities or services provided by the Customer obsolete, or require modification or alteration of such equipment, facilities or services, or otherwise affect their use or performance, except where reasonable notice is required by Carrier and is not provided to the Customer, in which event Carrier's liability is limited as set forth in subsection 2.3.1 of this Section 2.3.

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SECTION 2. RULES AND REGULATIONS (Cont'd)

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2.3 Liability of Carrier (Cont'd)

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2.3.4 (Cont'd)

- G. Injury to property or injury or death to persons, including claims for payments made under Workers' Compensation law or under any plan for employee disability or death benefits, arising out of, or caused by, any act or omission of the Customer, or the construction, installation, maintenance, presence, use or removal of the Customer's facilities or equipment connected, or to be connected to Carrier's facilities;
- H. Any intentional, wrongful act of a Carrier employee when such act is not within the scope of the employee's responsibilities for Carrier and/or is not authorized by Carrier;
- I. Any representations made by Carrier employees that do not comport, or that are inconsistent, with the provisions of this Tariff;
- J. Any act or omission in connection with the provision of 911, E911, or similar services involving emergencies;
- K. Any noncompletion of calls due to network busy conditions;
- L. Any calls not actually attempted to be completed during any period that service is unavailable.

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SECTION 2. RULES AND REGULATIONS (Cont'd)Missouri Public
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- 2.3.5 Carrier shall be indemnified, defended and held harmless by the Customer or end user from and against any and all claims, loss, demands, suits, expense, or other action or any liability whatsoever, including attorney fees, whether suffered, made, instituted, or asserted by the Customer or by any other party, for any personal injury to or death of any person or persons, and for any loss, damage or destruction of any property, including environmental contamination, whether owned by the Customer or by any other party, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, presence, condition, location, use or removal of any Carrier or Customer equipment or facilities or service provided by Carrier.
- 2.3.6 Carrier does not guarantee nor make any warranty with respect to installations provided by it for use in an explosive atmosphere. Except as otherwise provided for by applicable law or regulations or determined by a court of competent jurisdiction and unless due to Carrier's negligence, Carrier shall be indemnified, defended and held harmless by the Customer from and against any and all claims, loss, demands, suits, or other action, or any liability whatsoever, including attorney fees, whether suffered, made, instituted or asserted by the Customer or by any other party, for any personal injury to or death of any person or persons, and for any loss, damage or destruction of any property, including environmental contamination, whether owned by the Customer or by any other party, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, presence, condition, location, use or removal of any equipment or facilities or the service.

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2.3 Liability of Carrier (Cont'd)

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2.3.7 Carrier assumes no responsibility for the availability or performance of any cable or satellite systems or related facilities under the control of other entities, or for other facilities provided by other entities used for service to the Customer, even if Carrier has acted as the Customer's agent in arranging for such facilities or services. Such facilities are provided subject to such degree of protection or nonpreemptibility as may be provided by the other entities.

2.3.8 Any claim of whatever nature against Carrier shall be deemed conclusively to have been waived unless presented either orally or in writing to Carrier within 180 days after the date of the occurrence that gave rise to the claim.

2.4 Deposits

The Company does not require a deposit from the Customer.

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2.5 Customer Complaints

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Customer complaints are handled by a full service customer service department. Carrier's toll-free number will be printed on customer bills. Customers may call Carrier during normal business hours or submit a written complaint to:

Mr. Jeffrey McLaughlin
BCGI Communications Corp.
100 Sylvan Road
Woburn, Massachusetts 01801

If the customer is not satisfied with the Company's response, the customer may contact:

The Missouri Public Service Commission
301 W. High Street
Harry Truman Office Building
Floor 5A N
P.O. Box 360
Jefferson City, MO 65102
Phone: (573) 751-3234

2.6 Credit and Refunds

If a credit is requested on a call due to trouble on the line (such as bad connection, disconnection, wrong number dialed, etc.), and the credit is requested immediately through the operator of the underlying carrier, it is issued promptly. All other credit requests are handled through the Company's business office.

2.7 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are separate items and are not included in the quoted rates, except as otherwise stated in this tariff. Any fees or surcharges other than taxes will be submitted to the Commission for approval.

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SECTION 3. DESCRIPTION OF SERVICES AND RATESMissouri Public
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The Customer's long distance usage charge is based on the actual usage of the Company's network. Usage begins when the called party picks up the receiver, (i.e., when 2-way communications, often referred to as "conversation time" is possible.). When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to sixty (60) seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

3.2 Billing Increments

Except as otherwise stated herein, the minimum call duration for billing purposes is three (3) minutes for a connected call and calls beyond three (3) minutes are billed in one (1) minute increments.

3.3 Uncompleted Calls/Minimum Call Completion Rate

The Company does not bill Customers for calls which are not completed (busy numbers, no answer, etc.).

A Customer can expect a call completion rate (number of calls completed / number of calls attempted) of not less than 98% during peak use periods.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES

3.4 Message Telecommunications Services

Reserved for future use.

3.5 800 Service

Reserved for future use.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)

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3.6 Company Prepaid Calling Card Services

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3.6.1 General Rules and Regulations

Company prepaid calling card service provides voice grade communications service for calls charged to a Company prepaid calling card.

A. Calls That May Not Be Completed

The following types of calls may not be completed with a Company prepaid calling card:

- Calls to 500 numbers
- Calls to 700 numbers
- Calls to 900 numbers
- Operator services
- Conference calls

B. Expiration

Company prepaid calling cards expire six (6) months after its initial use, or by the end of the calendar year of purchase if never used.

C. Availability

Company prepaid calling card service is available twenty-four hours a day, seven days a week from Dual Tone Multi Frequency phones. The number of available Company prepaid calling cards is subject to technical limitations. Such cards will be offered to Customers on a first come, first served basis.

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3.6 Company Prepaid Calling Card Services (Cont'd)

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3.6.1 General Rules and Regulations (Cont'd)

D. Access and Use

1. Company prepaid calling card service is accessed using the 800 number printed on the specific card.
2. All calls must be charged against a Company prepaid calling card that has a sufficient available balance.
3. A Customer's call will be interrupted with an announcement when the balance is about to be depleted. Such announcement will occur one minute before the balance will be depleted, based on the terminating location of the call.
4. Calls in progress will be terminated by the Company if the balance on the Company prepaid calling card is insufficient to continue the call.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)3.6 Company Prepaid Calling Card Services (Cont'd)**Missouri Public
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E. Rate and Charge Application

1. Company prepaid calling cards are available in various dollar denominations. These prices include taxes that are calculated based on usage. They do not include sales or excise taxes due at the point of purchase. Company prepaid calling card service rates apply twenty-four hours per day, seven days per week.
2. The various dollar denominations may range from \$5.00 to \$100.00, or as otherwise specified by the Company. Company prepaid calling cards will be decremented the appropriate Rate per Minute specified herein, that are in effect at the time the call is made. The Rates per Minute apply to each minute or fraction thereof for a call. Where the dollar value left on a Company prepaid calling card is less than the lowest Rate per Minute for the respective Company prepaid calling card service, the card will be retired and the unused balance forfeited. Company prepaid calling cards are not rechargeable.
3. A \$0.50 call charge is applicable to calls that originate from any payphone used to access Company's services. This charge is applied in addition to standard tariffed usage charges and any applicable surcharges associated with Company's services, and is not eligible to receive discounts or contribute to minimum wage requirements.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)3.6 Company Prepaid Calling Card Services (Cont'd)Missouri Public
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F. Credit Allowances for Interruptions

A credit allowance for Company prepaid calling card service is applicable to that portion of a call that is interrupted due to poor transmission, one-way transmission, or involuntary disconnection of the call. To receive the proper credit, the Customer must notify the Company at the designated Customer Service Number printed on the Company prepaid calling card and furnish the called number, the trouble experienced (e.g., cut-off, noisy circuit, etc.), the approximate time the call was placed and the number from which the call was made. A customer will not receive credit for reaching a wrong number.

1. Interruptions to Established Calls

When a call that is charged to a Company prepaid calling card is interrupted due to cut-off, one-way transmission, or poor transmission conditions, the Customer will receive credit equivalent to the Rate per Minute in effect for that call.

2. When Credit Allowances Do Not Apply

Credit allowances for calls pursuant to a Company prepaid calling card do not apply for:

- Interruptions not reported to the Company,
- Interruptions that are due to the failure of power, equipment or systems not provided by the Company,
- Interruptions caused by the failure of other services provided by this Company which are connected to the Company prepaid calling card service, or
- Error on Customer's or end user's part.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)

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3.6 Company Prepaid Calling Card Services (Cont'd)

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3.6.1 General Rules and Regulations (Cont'd)

G. Prepaid Calling Card Promotions

Company prepaid calling card service may be offered to Customers from time to time at various locations including, but not limited to, trade shows, country fairs, exhibits, meetings, seminars, and similar events and also in certain Consumer Telecommunications Service Customer complaint situations.

All promotions are subject to the Commission's review and are offered on a non-discriminatory basis. The Company will provide written notice to the Commission no less than seven (7) days prior to the beginning of each promotion period identifying the promotion, specifying the terms of the promotion, the location and dates of the promotion.

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SECTION 3. DESCRIPTION OF SERVICES AND RATES (Cont'd)

3.6 Company Prepaid Calling Card Services (Cont'd)

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3.6.2 Prepaid Calling Card

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Rates and charges that apply to calls placed using the Prepaid Calling Card are as follows:

Rate per minute: \$0.25

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