

July 21, 2005

VIA OVERNIGHT DELIVERY

Elizabeth O'Donnell, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

RECEIVED

JUL 22 2005

PUBLIC SERVICE
COMMISSION

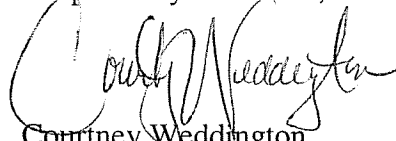
Re: Case No. 2005-00186 -- An inquiry into limitations of use for tariffed services designated or otherwise referred to as unlimited

Dear Ms. O'Donnell:

Transmitted herewith on behalf of Excel Telecommunications, Inc., please find an original and five (5) copies of the Company's response to the above-referenced data request. This transmittal also includes a response to those questions asked by the Kentucky Attorney General's Office.

Thank you for your time and consideration regarding this matter. If you have any questions regarding this filing, please contact the undersigned at (972) 478-3376 or at the Company's principal address.

Respectfully submitted,



Courtney Weddington
Sr. Regulatory Analyst

Enclosures

cc: Becky Gipson
Director, Regulatory Affairs

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN ADMINISTRATIVE CASE NO. 2005-00186 DATED June 22, 2005

1. Does the utility offer a plan that is described, named, or marketed as “unlimited”? If yes, identify and describe the plan and provide copies of the tariff sheets on which the plans can be found.

Due to the Company’s bankruptcy status and changes in the Federal Communications Commission’s rules, Excel Telecommunications, Inc. (“Excel”) is not actively marketing any of its local bundled products including those that offer an unlimited package. As such, our product availability is generally limited to existing subscribers, and the Company is not able to accept or process any new orders for service through the incumbent local exchange carrier.

Currently, unlimited long distance calling is an automatic feature of the Company’s MyLineSM Complete Classic and MyLineSM Complete Package. Subscribers of the other MyLineSM local bundled packages are also eligible to receive the Friends-R-Free discount. Please see Exhibit A for a service description of each of these plans.

2. If the utility has an “unlimited” plan, are there use restrictions or other limitations on the plan? If yes, describe these restrictions and reference the utility’s tariff.

All of the aforementioned packages are intended for residential use. As indicated in Section 6.1.9 of the Company’s P.S.C. Tariff No. 2 for interexchange services and Section 3.2.7 of the Company’s local exchange services tariff, which is attached hereto as a portion of Exhibit A, the MyLineSM Complete and MyLineSM, Friends-R-Free discount have an Acceptable Use Policy (AUP). The AUP for these services is also included as a part of the Welcome Packet subscribers receive following their enrollment in any of these plans. Please see Exhibit B for a copy of the AUP as found in Excel’s local Welcome Packet.

3. How and when are customers or potential customers notified of the limitations on the unlimited plan? Describe the notification.

Subscribers of this plan are given verbal advisement of these limitations at the point of sale. In addition, customers receive a welcome packet within 30 days of their enrollment in the plan, which includes the Acceptable Use Policy associated with the MyLineSM Complete Package and Friends-R-FreeSM component. This information is also included on the Company’s website.

4. If third parties (agents, telemarketers, consignees, etc.) market, advertise, or otherwise offer end-users the utility's unlimited plan, explain how those "marketers" are required to verify compliance with the notice requirements.

For the reasons noted in question 1 above, the Company is not currently using third parties to market or advertise its unlimited calling plans. Historically, however, the Company's independent sales agents utilized Company-approved materials for marketing purposes and were trained through authorized training agents.

5. Assuming a customer has subscribed to an "unlimited" plan that has use limitations, is the customer notified when the limitations are exceeded? If yes, how is the customer notified?

Written notices are issued to Customers whose long distance calling patterns and usage considerably exceeds those associated with normal residential voice application. These notices remind subscribers of the intended use of the MyLineSM Complete Package and the Friends-R-Free discount and offer recommendations for other available Excel plans, which may be more suitable for the Customer's calling needs. The notices also advise customers to take action within fifteen (15) days to remedy the matter and that failure to do so may result in additional treatment which may include the blocking of the subscriber's access to long distance calling service.

6. How and when are customers notified that changes have been made to the plan?

Customers receive written notification of any general changes (e.g., rates) to the plan through either a letter or bill message insert. Such notifications are issued at least thirty (30) days prior to the noted change's effective date. Notification of changes resulting from a violation of the Company's acceptable use policy is issued on fifteen (15) days notice.

7. Are customers able to check the number of minutes they have used in order to determine if they will exceed the plan's limitations?

No. Because such information is not readily accessible, the Company has not employed procedures whereby customers can make requests of this nature; however, if extenuating circumstances exist, call data records can be made available on an as needed basis.

8. Explain why the utility markets, names, or describes a plan as "unlimited" when limits on the plan exist.

This marketing technique is not unique to Excel or to the Company's Kentucky service offerings. In fact, unlimited product branding is commonplace within the telecommunications industry, and it is currently being utilized by a number of interexchange, wireless, internet and local service providers.

In trying to create a compelling, competitive product and deliver choice for consumers, the unlimited plans were designed for actual residential consumer usage. Restrictions are required to protect companies, including Excel, from misuse by parties (e.g., businesses, telemarketers or “call-sell operations”) who might attempt to use these services for non-residential, non-voice purposes such as for commercial business. If Excel and other companies allowed this misuse, the product would be priced at a rate outside of the typical residential user’s price range, and even then, restrictions would need to exist for fraud protection purposes.

9. Explain how the utility ensures that the unlimited plan is offered and the rates, terms, and conditions of service are applied without discrimination as required by KRS 278.170(1).

In the past, any interested Kentucky resident can apply for subscription to these products. The eligibility requirements for our unlimited plans or Friends-R-Free are the same as those outlined for any of the other products listed in the Company’s tariff. The rates, terms and conditions for all of Excel’s local service offerings are configured in a manner which facilitates competition, averts discrimination and demonstrates equity and non-bias among all locations and classes of service within the Commonwealth of Kentucky.

10. Provide summary records of all complaints received by the utility regarding any unlimited plans offered in Kentucky since January 1, 2001. Include the date that the complaint was opened, customer class, description of complaint, description of complaint resolution, and date that the complaint was closed.

Please note that Excel’s internal records are not maintained in a manner that would allow the Company to provide a conclusive response to this question. However, a review of the Regulatory Department’s files does not indicate the receipt of any complaints initiated by Kentucky subscribers related to the Company’s MyLineSM Complete or the MyLineSM Friends-R-Free discount for the requested period.

EXHIBIT A

Excel Telecommunications, Inc.

**Tariff pages for MyLineSM Complete Packages and MyLineSM Friends-R-Free
Discount**

SECTION VI - SPECIAL SERVICES

This Section of EXCEL Telecommunications, Inc.'s (EXCEL's) Kentucky P.S.C. Tariff No. 2 applies only to those Customers who select EXCEL as their long distance telecommunications service provider, and who also select certain companion local service offerings provided by EXCEL.

6.1 EXCEL MyLine Service

This service is for use by residential customers. The following service rates and charges are available to Customers who select and designate EXCEL Telecommunications, Inc. as their Local Exchange Carrier (LEC) in the State of Kentucky. These rates and charges are applicable only to intrastate, non-operator-assisted, 1+, direct-dialed, long distance calls which originate and terminate in Kentucky by Customers who have selected EXCEL as their Local Exchange Carrier (LEC). Rates and charges for this service offering are determined by the EXCEL MyLine Local Service Package selected by the Customer.

6.1.1 EXCEL Classic MyLine Per Minute Rates: (T)

The EXCEL Classic MyLine Local Service Rates described below in sections a., b. and c. are only available to existing customers of the Excel Classic MyLine Local Service Packages (formerly known as Excel MyLine Local Service Packages) as of February 27, 2004. Following are the per minute rates applicable to intrastate long distance calls placed on a 1+, direct-dialed and 10-1X-XXX casual calling basis, and are determined by the EXCEL Classic MyLine Local Service Package selected by the Customer; these rates apply to both interLATA and intraLATA toll calls only: (T)

a. **EXCEL Classic MyLine Basic Local Service Package:** \$0.0690 per minute (T)

b. **EXCEL Classic MyLine Value Local Service Package:** \$0.0490 per minute (T)

c. **EXCEL Classic MyLine Complete Local Service Package:** \$0.0000 per minute (T)

If EXCEL Classic MyLine Basic, EXCEL Classic MyLine Value or EXCEL Classic MyLine Complete Local Service Package Customers originate calls by dialing 1+ (Area Code) on a direct-dialed basis and terminate calls to other EXCEL Classic MyLine Basic, EXCEL Classic MyLine Value or EXCEL Classic MyLine Complete Local Service Package Customer's telephone number(s), they will be eligible to receive a discount, as described in Section 6.1.9, following. (T)

Issued: January 28, 2004

Issued By: Melissa A. Drennan, Esq.
Vice President - External Legal Affairs
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(214) 424-1000

Effective: February 27, 2004
PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

FEB 27 2004

PURSUANT TO 807 KAR 5.011
SECTION 9 (1)

BY Charles L. Eason
EXECUTIVE DIRECTOR

SECTION VI - SPECIAL SERVICES, (Continued)

6.1 EXCEL MyLine Service - (Continued)

6.1.9 EXCEL MyLine Friends-R-Free Discount Program:

EXCEL MyLine Basic, EXCEL MyLine Value and EXCEL MyLine Complete Local Service Package Customers may place 1+, direct-dialed calls or they can use a Company-designated casual calling (dial-around) code when dialing long distance calls to other Customers subscribing to EXCEL MyLine Basic, EXCEL MyLine Value or EXCEL MyLine Complete Local Service Package(s), at no additional charge. In the event a Customer's applicable combined intrastate and interstate usage exceeds 3000 minutes in a given Customer's monthly billing invoice period, the per minute rates set forth herein will apply. (T)

Customer telephone numbers which are not capable of being subscribed to an interexchange carrier, and telephone numbers which are associated with Company 800/8XX service(s) or access codes associated with Company services other than switched services (e.g., wireless service telephone numbers, paging service numbers and calling card service numbers) are not eligible for inclusion in the EXCEL MyLine Friends-R-Free Discount Program.

If a Customer discontinues his or her EXCEL MyLine Service, only those eligible calls which were made while he or she was a Customer subscribing to Excel's long distance service and EXCEL MyLine Basic, EXCEL MyLine Value or EXCEL MyLine Complete Local Service Packages will receive the EXCEL MyLine Friends-R-Free Discount.

The EXCEL MyLine Friends-R-Free Discount does not apply to service which is provided on any special access line or Local Exchange Company service line for which the Customer pays a rate described as a business or commercial special access line in an applicable Local Exchange Company access service tariff. In addition, EXCEL's MyLine Friends-R-Free Discount is not available for Customers who subscribe to the EXCEL MyLine - Stand Alone Local Service offering.

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REGULATORY DIVISION
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PURSUANT TO 807 KAR 5:011
SECTION 9(1)

BY *Charles L. Drennan*
EXECUTIVE DIRECTOR

SECTION VI - SPECIAL SERVICES, (Continued)

6.1 EXCEL MyLine Service - (Continued)

6.1.9 EXCEL MyLine Friends-R-Free Discount Program: (Continued)

Existing Excel Customers who enroll in the EXCEL MyLine Service offering during their monthly billing period will begin to receive benefits of the EXCEL MyLine Friends-R-Free Discount Program effective with their service initiation date. Customers who convert to an eligible MyLine calling plan described herein, are eligible to receive the benefits of the EXCEL MyLine Friends-R-Free Discount Program beginning on their new service plan effective date. Customers enrolled in the EXCEL MyLine Friends-R-Free Discount Program as of effective date of this tariff will remain enrolled in the program until and only if they otherwise notify the Company. (T)

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PURSUANT TO 807 KAR 5:011
SECTION 9 (1)

BY Charles L. Drennan
EXECUTIVE DIRECTOR

SECTION VI - SPECIAL SERVICES, (Continued)

6.1 EXCEL MyLine Service - (Continued)

6.1.10 Other EXCEL MyLine Service Terms and Conditions:

The Company reserves the right to adjust a Customer's service upon appropriate notification. The Company reserves the right to disconnect Customer's residential service or to convert any plan associated with such service to a business plan upon appropriate notification if it is determined that usage is not consistent with normal residential applications. If it is determined that usage is not consistent with residential voice applications, Customer will be assessed a \$50.00 monthly recurring data usage charge or will be disconnected.

Charges applicable to the following call usage and/or service features are not included in EXCEL's MyLine Local Service Package Monthly Recurring Charge(s):

- Calls requiring operator assistance;
- Data transmission-type calls;
- Interstate or international service and/or line charge(s);
- Call blocking charges;
- Directory listing charges;
- Directory Assistance calls (including directory assistance with call completion);
- Per use charges not included in an EXCEL MyLine companion local service offering;
- Custom features not included in an EXCEL MyLine companion local service offering; and
- Taxes and other quasi-governmental surcharges.

**PUBLIC SERVICE COMMISSION
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EFFECTIVE**

JUL 26 2002

**PURSUANT TO 807 KAR 5:011.
SECTION 9 (1)**

**BY *Stephen Bell*
SECRETARY OF THE COMMISSION
Effective: July 26, 2002**

Issued: June 26, 2002

**ISSUED BY: Jerry G. Kirby, Sr. Tariff Manager
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8750 North Central Expressway, Suite 2000
Dallas, Texas 75231
(214) 863-8000**

SECTION VI - SPECIAL SERVICES (Continued)

6.1 EXCEL MyLine Service - (Continued)

6.1.10 Other EXCEL MyLine Service Terms and Conditions: (Continued)

All terms and conditions of any service selected by the Customer, including applicable monthly recurring charges, will apply and will be in addition to the EXCEL MyLine Local Service Package charges as described above. When the billing date does not coincide with the date that the EXCEL MyLine Service plan is started, changed, or discontinued, the monthly recurring charge will be adjusted to reflect the fractional part of the month service is provided. For billing purposes, each month is considered to have 30 days.

The Company reserves the right to discontinue offering this service and grandfather existing customers, in the event that (1) facilities are not available to the Company to adequately provide the service, and (2) such lack of facilities is the result of the failure of any carrier (from whom the Company is securing facilities to provide the service) to provide adequate service to the Company. If the Company discontinues offering this service and grandfathers existing customers, notice to the Commission will be provided in accordance with applicable Commission rules and regulations.

The Customer upon written or verbal notice to Excel may discontinue enrollment in the EXCEL MyLine Service plan. Usage from 800/8XX service plans, calls to Directory Assistance, Calling Card Calls, and Operator Assisted calls are excluded from the EXCEL MyLine Friends-R-Free Discount Program.

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JUL 26 2002

PURSUANT TO 807 KAR 5:011.
SECTION 9 (1)

BY Stephen Bell
SECRETARY OF THE COMMISSION

Issued: June 26, 2002

Effective: July 26, 2002

ISSUED BY: Jerry G. Kirby, Sr. Tariff Manager
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EXCEL TELECOMMUNICATIONS, INC.
LOCAL EXCHANGE SERVICES TARIFF

Issued: January 28, 2004
Effective: February 27, 2004

Kentucky Tariff No. 3
Original Sheet 60.5

SECTION 3 - CONSUMER LOCAL SERVICE DESCRIPTIONS - (Continued)

3.2 LOCAL EXCHANGE SERVICES - (Continued)

3.2.7 EXCEL MyLineSM Complete Package

EXCEL MyLineSM Complete Package provides residential Customers in Kentucky with local and long distance calling for a flat rate. In order to subscribe to EXCEL MyLineSM Complete Package, the Customer must select EXCEL as the primary service provider for local exchange, intraLATA interexchange and interLATA interexchange telecommunications services. Furthermore, the Customer must select the EXCEL MyLineSM \$.05 Plan as described in Section 6.3 of EXCEL's Kentucky P.S.C. Tariff No. 2 "Telecommunications Services Tariff." The availability of EXCEL MyLineSM Complete Package to the Customer may be restricted based upon both EXCEL's access to services through the incumbent local exchange carrier and the Customer's creditworthiness as determined by information contained in a credit bureau report received from a credit reporting agency.

EXCEL MyLineSM Complete Package is a bundled service package which includes single line service and the following eight Call Management Features: Caller ID as described in Section 3.3.q, Call Waiting as described in Section 3.3.l, Three-Way Calling as described in Section 3.3.o, Call Waiting ID as described in Section 3.3.m, Call Return as described in Section 3.3.j, Speed Dialing 8 as described in Section 3.3.n, Call Forwarding as described in Section 3.3.d, and Auto Redial as described in Section 3.3.b. The Customer will also receive unlimited domestic long distance usage. The unlimited domestic long distance usage is for residential voice use only and applies to non-operator assisted, direct-dialed domestic calls. Use for home office, small business, large commercial business, or other commercial use is prohibited and may result in termination of the service.

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(N)

(N)

EXCEL TELECOMMUNICATIONS, INC.
LOCAL EXCHANGE SERVICES TARIFF

Issued: May 26, 2004
Effective: June 27, 2004

Kentucky Tariff No. 3
First Revised Sheet 60.6
Replaces Original Sheet 60.6

SECTION 3 - CONSUMER LOCAL SERVICE DESCRIPTIONS - (Continued)

3.2 LOCAL EXCHANGE SERVICES - (Continued)

3.2.7 EXCEL MyLineSM Complete Package - (Continued)

In addition to the features described herein, EXCEL MyLineSM Complete Package includes subscription to an unregulated service, EXCEL's Voice Mail. However, (N) EXCEL MyLineSM Complete Package may be provisioned without the Voice Mail (N) feature upon request of the Customer. EXCEL MyLineSM Complete Package does (N) not include equipment associated with the Caller ID feature. EXCEL does not prorate the monthly charges for the MyLineSM Value Package. If the Customer's service is discontinued prior to the conclusion of a billing period, the Customer will remain responsible for the monthly charges for the entire billing period. Rates and charges associated with EXCEL MyLineSM Complete Package are set forth in Sections 4.2.5 and 4.2.6 following

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SECTION 9 (1)

BY  EXECUTIVE DIRECTOR

EXCEL TELECOMMUNICATIONS, INC.
LOCAL EXCHANGE SERVICES TARIFF

Issued: February 25, 2005
Effective: March 30, 2005

Kentucky Tariff No. 3
Sixth Revised Sheet 67
Replaces Fifth Revised Sheet 67

SECTION 4 - CONSUMER LOCAL RATES AND CHARGES (Continued)

4.2 LOCAL EXCHANGE SERVICES

The following charges are applicable to customers located in BellSouth Service Area Zones 1 and 2 as set forth in Section 2.2.2 A. and B. of this tariff.

4.2.1 Local Service Offerings:	<u>Price Range, Each, Per Month</u>
a. <u>EXCEL MyLine StandAlone Local Service:</u>	\$30.00/month
b. <u>EXCEL Classic MyLine Basic Local Service Package:</u>	\$29.95/month
--Additional Line(s)	\$29.95 each/month (I)
c. <u>EXCEL Classic MyLine Value Local Service Package:</u>	\$39.95/month
--Additional Line(s)	\$39.95 each/month (I)
d. <u>EXCEL Classic MyLine Complete Local Service Package:</u>	\$49.95/month
--Additional Line(s) ¹	\$39.95 each/month

¹The additional line option for the EXCEL Classic MyLine Complete Local Service Package will not be available to new Customers after January 12, 2003.

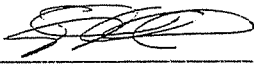
4.2.2 Touch Tone Calling Service

Prices for Touch Tone Calling Service, as defined in this tariff, are reflected in the Local Services Offers prices in 4.2.1, preceding. Customers subscribing to Touch Tone Calling Service will be billed at the following rate in addition to all charges associated with the Customer's basic local service plan:

Monthly Rate \$0.18

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SECTION 9 (1)

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EXCEL TELECOMMUNICATIONS, INC.
LOCAL EXCHANGE SERVICES TARIFF

Issued: February 25, 2005
Effective: March 30, 2005

Kentucky Tariff No. 3
Second Revised Sheet 67.1
Replaces First Revised Sheet 67.1

SECTION 4 - CONSUMER LOCAL RATES AND CHARGES (Continued)

4.2 LOCAL EXCHANGE SERVICES (Continued)

The following charges are applicable to customers located in BellSouth Service Area Zone 3 as set forth in Section 2.2.2 C. of this tariff.

4.2.3 Local Service Offerings:	<u>Price Range, Each, Per Month:</u>
a. <u>EXCEL MyLine StandAlone Local Service:</u>	\$47.00/month
b. <u>EXCEL Classic MyLine Basic Local Service Package:</u>	\$46.95/month
--Additional Line(s)	\$46.95 each/month (I)
c. <u>EXCEL Classic MyLine Value Local Service Package:</u>	\$56.95/month
--Additional Line(s)	\$56.95 each/month (I)
d. <u>EXCEL Classic MyLine Complete Local Service Package:</u>	\$69.95/month

4.2.4 Touch Tone Calling Service

Prices for Touch Tone Calling Service, as defined in this tariff, are reflected in the Local Services Offers prices in 4.2.3, preceding. Customers subscribing to Touch Tone Calling Service will be billed at the following rate in addition to all charges associated with the Customer's basic local service plan:

Monthly Rate - \$0.18

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EXCEL TELECOMMUNICATIONS, INC.
LOCAL EXCHANGE SERVICES TARIFF

Issued: February 25, 2005
Effective: March 30, 2005

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First Revised Sheet 67.2
Replaces Original Sheet 67.2

SECTION 4 - CONSUMER LOCAL RATES AND CHARGES (Continued)

4.2 LOCAL EXCHANGE SERVICES (Continued)

4.2.5 EXCEL MyLineSM Bundled Service Packages – Rates and Charges

The following charges are applicable to customers located in BellSouth Service Area Zones 1 and 2 as set forth in Sections 2.2.2 A. and B. of this tariff. The EXCEL MyLineSM bundled service packages will be billed at the following rates in addition to all charges associated with the Customer's optional services and/or additional long distance usage, if any:

<u>EXCEL MyLineSM Basic Package</u>	<u>Monthly Rate</u>
-With MyLine SM \$.05 Plan	
Primary Line	\$29.95
Additional Line	\$29.95 (I)
-With MyLine SM \$.03 Plan	
Primary Line	\$32.90
Additional Line	\$32.90 (I)
<u>EXCEL MyLineSM Value Package</u>	<u>Monthly Rate</u>
-With MyLine SM \$.05 Plan	
Primary Line	\$39.95
Additional Line	\$39.95 (I)
-With MyLine SM \$.03 Plan	
Primary Line	\$42.90
Additional Line	\$42.90 (I)
<u>EXCEL MyLineSM Complete Package</u>	<u>Monthly Rate</u>
-With MyLine SM \$.05 Plan	
Primary Line	\$49.95
Additional Line	\$49.95

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EXCEL TELECOMMUNICATIONS, INC.
LOCAL EXCHANGE SERVICES TARIFF

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Kentucky Tariff No. 3
First Revised Sheet 67.3
Replaces Original Sheet 67.3

SECTION 4 - CONSUMER LOCAL RATES AND CHARGES (Continued)

4.2 LOCAL EXCHANGE SERVICES (Continued)

4.2.6 EXCEL MyLineSM Bundled Service Packages – Rates and Charges

The following charges are applicable to customers located in BellSouth Service Area Zone 3 as set forth in Section 2.2.2 C. of this tariff. The EXCEL MyLineSM bundled service packages will be billed at the following rates in addition to all charges associated with the Customer's optional services and/or additional long distance usage, if any:

<u>EXCEL MyLineSM Basic Package</u>	<u>Monthly Rate</u>
-With MyLine SM \$.05 Plan	
Primary Line	\$46.95
Additional Line	\$46.95 (I)
-With MyLine SM \$.03 Plan	
Primary Line	\$49.90
Additional Line	\$49.90 (I)
<u>EXCEL MyLineSM Value Package</u>	<u>Monthly Rate</u>
-With MyLine SM \$.05 Plan	
Primary Line	\$56.95
Additional Line	\$56.95 (I)
-With MyLine SM \$.03 Plan	
Primary Line	\$59.90
Additional Line	\$59.90 (I)
<u>EXCEL MyLineSM Complete Package</u>	<u>Monthly Rate</u>
-With MyLine SM \$.05 Plan	
Primary Line	\$69.95
Additional Line	\$69.95

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By 
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EXHIBIT B

Excel Telecommunications, Inc.

Acceptable Use Policy as Stated in Subscriber's Welcome Packet

Acceptable Use Policy

Standard Acceptable Use Policy

The MyLine service plans are for residential voice use only. Certain excessive uses or calling patterns may be considered evidence of abuse or disallowed commercial or data usage and may result in termination of the service and/or assessment of an additional fee. Calling patterns other than those which are considered usual and normal, based on customer calling history or industry standards, may cause termination of service. The MyLine service plans are intended only for residential voice usage. Use for home office, small business, large commercial business, or other commercial use is prohibited and may result in termination of the service. Customer account usage and calling patterns may be reviewed periodically at the discretion of Excel Telecommunications. Customer use of the MyLine Service plans that reflect calling patterns other than those which are considered usual and normal for residential customers, based on industry standards or personal past calling history, may be considered abuse and result in termination of service without refund or the possibility of renewal. Excel Telecommunications reserves the right in its sole discretion to cancel service for violation of this policy or other terms and conditions of service at any time. By selecting Excel Telecommunication MyLine service plans, the customer agrees to use the service in accordance with this Acceptable Use Policy and other terms and conditions of service and to indemnify and hold Excel Telecommunications harmless from any claims resulting from use or misuse of its products and services. This Acceptable Use Policy may be revised periodically without notice. Customers agree that revisions are applicable to their then current service and usage.

Prohibited Use/Abuse

The following are prohibited uses of the MyLine service plan that may result in termination of service:

- Calling patterns and usage which considerably exceed what is considered usual and normal for residential customers by industry standard
- Calling usage which considerably exceeds your established history of usage
- Use for any type of commercial business
- Commercial faxing, fax broadcasting, or fax blasting
- Use of auto-dialers or predictive dialer
- Use of phone chat rooms
- Calls to 900 or 976 numbers
- Modem data transfer or data transmission
- Use for medical transcription
- Use for call back, call sell, or debit card services
- Use for call centers or telemarketing
- Any use not consistent with residential voice usage, or for which the service is not otherwise intended

Customers with excessive use in one month may have their service plan evaluated for compliance with this Acceptable Use Policy. Depending on the evaluation results, customers whose use constitutes, in Excel's sole discretion, violation of this policy will be notified in writing that their MyLine service plans may be terminated and an alternative service plan offered, and/or additional data/commercial usage fees will be assessed for any subsequent violations. Excel Telecommunications reserves the right in the event of fraud or urgent circumstances, to terminate service immediately without notice.

ATTORNEY GENERAL'S DATA REQUESTS

CASE NO. 2005-00186

1. Please provide copies of all advertisements, regardless of medium, solicitation, and explanations provided to the public to introduce, explain and/or market any plan labeled or otherwise described as "unlimited." In the event that the medium used is audio or video in nature, a transcript of same is deemed sufficient.

Since Excel is not actively marketing its unlimited plans, the Company has no current marketing information to provide.

2. Please provide a copy of all contracts signed by the customers who have participated or are participating in a plan labeled or otherwise described as "unlimited." This request seeks only a paper copy of the blank contract(s). not the executed contract for every customer.

The Company does enter into such contracts with customers due to the presence of the tariffs, although appropriate customer authorization (e.g., through third party verification) was certainly obtained at the point of sale.