PNG Telecommunications, Inc.

P.S.C. Ky. No. 1

Cancels P.S.C. Ky. No. _____

PNG TELECOMMUNICATIONS, INC.

of Cincinnati, Ohio

Rates, Rules and Regulations for Furnishing

Intrastate, Interexchange, Telecommunications Services

in

The Commonwealth of Kentucky

Filed with PUBLIC SERVICE COMMISSION OF KENTUCKY

Issued May 23, 19 96 **Effective** July 12, 1996

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

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PURSUANT TO 807 KAR 5:011,
SECTION 9 (1)
BY: [signature]
FOR THE PUBLIC SERVICE COMMISSION

ISSUED BY PNG TELECOMMUNICATIONS, INC.

BY [signature]
President

PNG TELECOMMUNICATIONS, INC.

CLASSIFICATION OF SERVICE

SECTION 1 - RATES

1.1 "Easy One" Dial 1+ Interexchange Service

Applicable: In all equal access areas within the Commonwealth of Kentucky.

Availability: Available to all commercial customers.

Rates: PNG "Easy One" Dial 1+ Interexchange service is offered at flat rate per minute regardless of distance or time of call. Calls are billed on six (6) second intervals. A call begins when the answering party picks up the phone. A call is ended when either party hangs up.

Special Charges: A late payment charge of 1.5% is assessed on unpaid bills. The late charge will comply with the requirements of 807 KAR 5:006, Section 8.(3)(h).

A returned check charge of $15 will be applied on any check returned by the Customer's bank.

A monthly service charge of $2.50 applies to this service.

1.2 "Easy Call" Dial 1+ Interexchange Service

Applicable: In all equal access areas within the Commonwealth of Kentucky.

Availability: Available to all residential customers.

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CLASSIFICATION OF SERVICE

SECTION 1 - RATES (cont.)

1.2 "Easy Call" Dial 1+ Interexchange Service (cont.)

Rates: PNG "Easy One" Dial 1+ Interexchange service is offered at flat rate per minute regardless of distance called. Calls are billed on six (6) second intervals. A call begins when the answering party picks up the phone. A call is ended when either party hangs up.

	Day	Non-day
Per minute rate	$.175	$.099

Special Charges A late payment charge of 1.5% is assessed on unpaid bills. The late charge will comply with the requirements of 807 KAR 5:006, Section 8.(3)(h).

A returned check charge of $15 will be applied on any check returned by the Customer's bank.

A monthly service charge of $2.50 is assessed for billing expenses in any month where customer usage is less than $10.00.

1.3 "Easy 800" Service

Applicable: In all equal access areas within the Commonwealth of Kentucky.

Availability: Available to all commercial customers.

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CLASSIFICATION OF SERVICE

SECTION 1 - RATES (cont.)

1.3 "Easy 800" Service (cont.)

Rates: PNG "Easy 800" service is offered at flat rate per minute regardless of distance or time of call. Calls are billed on six (6) second intervals. A call begins when the answering party picks up the phone. A call is ended when either party hangs up.

Per minute rate: $.139

Special Charges: A late payment charge of 1.5% is assessed on unpaid bills. The late charge will comply with the requirements of 807 KAR 5:006, Section 8.(3)(h).

A returned check charge of $15 will be applied on any check returned by the Customer's bank.

A monthly service charge of $2.50 applies to this service.

1.1 "Personal 800" Service

Applicable: In all equal access areas within the Commonwealth of Kentucky.

Availability: Available to all residential customers.

Rates: PNG "Personal 800" service is offered at flat rate per minute regardless of distance or time of call. Calls are billed on thirty (30) second intervals. A call begins when the answering party picks up the phone. A call is ended when either party hangs up.

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CLASSIFICATION OF SERVICE

SECTION 1 - RATES (cont.)

1.1 "Personal 800" Service (cont.)

Rates (cont.):

Per minute rate: $.18

Special Charges

A late payment charge of 1.5% is assessed on unpaid bills. The late charge will comply with the requirements of 807 KAR 5:006, Section 8.(3)(h).

A returned check charge of $15 will be applied on any check returned by the Customer's bank.

A minimum monthly charge of $3.00 applies to this service..

1.1 "Easy Card" Travel Card Service

Applicable: In all equal access areas within the Commonwealth of Kentucky.

Availability: Available to all commercial and residential customers.

Rates: PNG "Easy Card" travel card service is offered at flat rate per minute regardless of distance or time of call. Calls are billed on six (6) second intervals. A call begins when the answering party picks up the phone. A call is ended when either party hangs up.

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CLASSIFICATION OF SERVICE

SECTION 1 - RATES (cont.)

1.1 "Easy Card" Travel Card Service (cont.)

Rates:

Per minute rate: .175

Special Charges

A late payment charge of 1.5% is assessed on unpaid bills. The late charge will comply with the requirements of 807 KAR 5:006, Section 8.(3)(h).

A returned check charge of $15 will be applied on any check returned by the Customer's bank.

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PNG TELECOMMUNICATIONS, INC.

RULES AND REGULATIONS

SECTION 2. TECHNICAL TERMS AND ABBREVIATIONS

2.1 Authorization Code - A numerical code, one or more of which may be assigned to a Customer, which enables PNG to identify the Customer's call for the purpose of tracking and billing the call. All authorization codes shall be the sole property of PNG and no Customer shall have any property or other right or interest in the use of any particular authorization code.

2.2 Commission - Kentucky Public Service Commission.

2.3 Company or Carrier - PNG Telecommunications, Inc.

2.4 Customer - The person or legal entity which subscribes to, utilizes, or enters into arrangements for PNG's telecommunications services and is responsible for payment for PNG's services.

2.5 Day - From 8:00 AM up to but not including 5:00 PM, every day including Saturday and Sunday.

2.6 Facilities Based Carrier - A company owning equipment for the purpose of providing telecommunications services to the public.

2.7 Holidays - New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day.

2.8 Interruption - The inability to complete calls due to equipment malfunction or human errors. Interruption shall not include, and no allowance shall be given for service difficulties such as slow dial tone, circuits busy or other network and/or switching capacity shortages. Any Interruption allowance provided within this Tariff by PNG shall not apply where service is interrupted by the Customer or where PNG, pursuant to the terms of this Tariff, terminates service because of non-payment of bills, unlawful or improper use of PNG's service, or any other reason covered by this Tariff or by applicable law.

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RULES AND REGULATIONS

SECTION 2. TECHNICAL TERMS AND ABBREVIATIONS

2.9 Local Access and Transport Area (LATA) - A geographical area established by the U.S. District Court for the District of Columbia in United States v. American Telephone & Telegraph Co., et. al., 552 F.Supp.131 (1982) within which a local exchange company provides communication services.

2.10 Local Exchange Company (LEC) - Entity providing telecommunications services within a LATA.

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

2.12 Non-Day - From 5:00 PM up to but not including 8:00 AM, every day including Saturday and Sunday.

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

2.14 Travel Card - A postpaid calling card issued by PNG which allows Customers to make telephone calls and charge the calls to a credit or debit account. Calls charged to a PNG-issued credit travel card will appear on the Customer's regular monthly bill.

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SECTION 3. TERMS AND CONDITIONS

3.1 Undertaking of PNG Telecommunications, Inc.

PNG services are furnished for communications originating or terminating at specified points within the Commonwealth of Kentucky under the terms of this Tariff.

PNG provides telecommunications services in accordance with the terms and conditions set forth under this Tariff. PNG 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 PNG network. The customer shall be responsible for all charges due for such service arrangement.

The company's services are provided on a monthly basis unless ordered on a longer term basis. PNG's services are available 24 hours a day, seven days a week.

3.1.1 Application of Tariff. - This Tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by PNG. PNG's services are furnished subject to the availability of facilities and subject to the terms and conditions of this Tariff.

3.1.2 No Joint Undertaking - PNG's services are not part of a joint undertaking with an other entity providing telecommunications channels, facilities or services, but do involve the resale of the Message Toll Services (MTS) of underlying Facilities Based Carriers.

3.2. Use of Services

3.2.1 Use of Services - PNG's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.

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RULES AND REGULATIONS

SECTION 3. TERMS AND CONDITIONS (cont.)

3.2.2 Service Without Payment - The use of PNG's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.

3.2.3 Denial of Service - PNG's services may be denied for non-payment of charges or for other violations of this Tariff.

3.3 Limitation of Liability - The liability of PNG, if any, for damages arising out of mistakes, omissions, interruptions, delays, errors, or defects in transmission during the course of furnishing service shall in no event exceed an amount equivalent to the charge to the Customer for the service during which such mistakes, omissions, interruptions, delays, errors or defects in transmission occurred. However, any such mistakes, omissions, interruptions, delays, errors, or defects in transmission or service which are caused by or contributed to by the negligence or willful act of Customer, or which arise from facilities or equipment used by Customer, shall not result in the imposition of any liability whatsoever upon PNG. Under no circumstances shall PNG be liable for any consequential, special, indirect, incidental or exemplary damages. PNG shall not be liable for the quality of service provided by any local exchange carrier (LEC). PNG is not liable for any act, omission or negligence of any LEC or other provider whose facilities are used in furnishing any portion of the service received by Customer. PNG shall not be liable for any failure of performance hereunder due to causes beyond its control, including but not limited to civil disorders; labor problems; and fire, flood, atmospheric conditions or other phenomena of nature, such as radiation. In addition, PNG shall not be liable for any failure of performance hereunder due to necessary network reconfigurations; system modifications due to technical upgrades; or regulations established or actions taken by any court or government agency having jurisdiction over PNG.

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RULES AND REGULATIONS

SECTION 3. TERMS AND CONDITIONS (cont.)

3.4 Responsibilities of Customer

3.4.1 Compliance with Law - The Customer shall comply with any applicable laws, regulations, orders or other requirements (as they exist from time to time) of any governmental entity relating to services provided.

3.4.2 Payment of Charges - The Customer is responsible for payment of the charges set forth in this Tariff.

3.4.3 Compliance with Tariff - The Customer is responsible for compliance with the applicable regulations set forth in this Tariff.

3.4.4 Hold Harmless - The Customer shall indemnify and save PNG harmless from all liability disclaimed by PNG as specified in Section 3.3 above, arising in connection with the provision of service by PNG, and shall protect and defend PNG from any suits or claims against PNG in connection therewith. PNG shall notify the Customer of any suit or claim against PNG of which it is aware.

3.4.5 Security of Authorization Code. It is the Customer's responsibility to secure its Authorization Code from unauthorized use.

3.5 Cancellation or Interruption of Service

3.5.1 Service Disconnect - Without incurring liability, PNG may discontinue services to a Customer or may withhold the provision of ordered services subject to the procedures set forth in Section 3.5.2:

A. For nonpayment of any sum due PNG for more than forty-five (45) days after the bill is past due,

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SECTION 3. TERMS AND CONDITIONS (cont.)

B. For violation of any of the provisions of this Tariff,

C. For violation of any law, rule, regulation or policy of any governing authority having jurisdiction over PNG's services, or

D. By reason of any order or decision of any state or federal court, any state Public Utility Commission or federal regulatory body or other governing authority prohibiting PNG from providing services.

E. For fraudulent procurement or use of PNG services by the Customer including abnormally high usage when the Customer's bill is past due.

F. By reason of the Customer's insolvency.

3.5.2 Procedures for discontinuance of existing service.

A. PNG may discontinue service on ten (10) days written notice in the situations described in sections 3.5.2.B - 3.5.2.D hereof unless ordered to discontinue service immediately by a governing authority having jurisdiction over PNG.

B. In the situations described in sections 3.5.2.E and 3.5.2.F, service may be discontinued without prior notice. Written notice explaining the reasons for service disconnect and the Customer's rights will be sent within twenty-four (24) hours of discontinuance of service.

C. In cases of non-payment of charges, PNG will notify the Customer in writing, five(5) days before discontinuance of service of the past due amount, the date of the proposed discontinuance, the amount that the Customer must pay to prevent discontinuance and the Customer's rights to dispute the charge or complain to the

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RULES AND REGULATIONS

SECTION 3. TERMS AND CONDITIONS (cont.)

3.5.2 Procedures for discontinuance of existing service (cont.)

Commission. No customer will be disconnected before its bill is at least forty-five (45) days past due unless a large amount of charges are accumulated while the account is delinquent, indicating potential fraud. In no event will service be discontinued on the day preceding any day on which PNG is not prepared to accept payment of the amount due and to reconnect service.

3.5.3 Interruption of Service

Credit allowance for the interruption of service which is not due to testing or adjusting by Facilities Based Carriers, negligence of the customer, violation of the provisions of this Tariff or failure of equipment provided by the Customer are subject to the provisions of Paragraph 3.3 of this Tariff. It shall be the obligation of the Customer to notify PNG immediately of any interruption of service for which credit is desired. Before giving such notice, the Customer shall ascertain that the interruption is not the result of any act or omission of the Customer or the failure of any equipment provided by the Customer.

A. During any interruption of PNG service, the Customer may access any competitor's network by using any competitor's access code. The Customer will be credited the difference in the cost of using the competitor's service and the cost of using PNG's service had it not been interrupted.

B. When the Customer notifies PNG of the service interruption, the Customer will be provided with the access code of another Facilities Based Carrier and will subsequently be credited the difference between the cost of using the Facilities Based Carrier and the cost of PNG's service had it not been interrupted.

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RULES AND REGULATIONS

SECTION 3. TERMS AND CONDITIONS (cont.)

3.6 Billing Arrangements - Customers are billed directly by PNG. PNG will render bills monthly. Payment is due upon receipt. PNG may impose a late payment charge of 1.5% on any bill not paid within 20 days of receipt. Pursuant to 807 KAR 5:006, Section 8.(3)(h),

3.7 Validation of Credit - PNG reserves the right to validate the creditworthiness of Customers.

3.8 Contested Charges - All bills are presumed accurate, and will be binding on the Customer unless objection is received by PNG within twenty (20) days after the bill is received by the Customer. The Customer may notify PNG of its objection either by phone at PNG's 800 customer service number or in writing. In the case of a billing dispute between the Customer and PNG which cannot be settled with mutual satisfaction, the Customer may take the following course of action:

3.8.1 The Customer may request and PNG will provide a detailed review of the disputed amount. The undisputed portion and subsequent bills must be paid on a timely basis or the Customer's service may be discontinued. PNG shall notify the Customer of the results of PNG's review in writing by ordinary U.S. Mail. The notification shall include the following language:

> If you remain dissatisfied with our resolution of your disputed charge, you may contact the Public Service Commission of Kentucky, in writing within seven (7) days of the date postmarked on this letter. You must send a copy of your letter to the Commission to PNG and you must certify in letter to the Commission that you have done so.

3.9 Deposits - PNG does not require a deposit from the Customer.

3.10 Taxes - All federal excise taxes and state and local sales taxes are billed as separate items and are not included in the quoted rates. Gross receipts tax will not be billed as a separate line item.

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RULES AND REGULATIONS

SECTION 3. TERMS AND CONDITIONS (cont.)

3.11 Promotions - PNG may from time to time offer promotional services with the approval of the Commission.

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RULES AND REGULATIONS

SECTION 4. BILLING FORMAT

PNG's billing form is attached to this tariff at the end of this section.

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