

Universal Network Services of
Kentucky, Inc.



NOTE: Our Area Code changed to 949.

December 22, 1998

RECEIVED

DEC 30 1998

PUBLIC SERVICE COMMISSION

Commonwealth of Kentucky
Public Service Commission
730 Schenkel Lane
PO Box 615
Frankfort, Kentucky 40602

05107300

Gentlemen:

We ceased our operations in your state on June 1, 1997 and therefore are not required to file a Gross Operating report for 1998.

Our parent company, Universal Network Services, Inc., was converted to a Chapter 7 Bankruptcy on December 4, 1998. You may contact the trustee, Theodor Albert at:

Suite 1350
650 Town Center Dr
Costa Mesa CA 92628
Phone: (714) 445-1021
Fax: (714) 966-1002

The case number is SA-98-19264 LR.

Please feel free to contact the trustee with any further questions you may have.

Sincerely,
UNIVERSAL NETWORK SERVICES OF KENTUCKY, INC..

Dennis D. Houston
President

ads
Tax:81222-3

Corporate Office
Two Corporate Plaza Drive, Suite 200
Newport Beach, California 92660
(714) 761-9200 FAX (714) 760-9707

PUBLIC SERVICE COMMISSION
OFFICE OF
REGULATION

DEC 31 1998

PURSUANT TO C.R.K.A.R. 8011
SECTION 111
BY: [Signature]
SECRETARY OF THE COMMISSION

P. S. C. KY No. 1
Cancels P. S. C. KY No. _____

UNIVERSAL NETWORK SERVICES OF KENTUCKY, INC.
of

4299 MacArthur Blvd., Suite 105, Newport Beach, California 92660

**Rates, Rules and Regulations for Furnishing
Intrastate Interexchange Telecommunications Service**

AT

STATE OF KENTUCKY

Filed with PUBLIC SERVICE COMMISSION OF
KENTUCKY

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

AUG 11 1994

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY: *Dennis D. Houston*
FOR THE PUBLIC SERVICE COMMISSION

Issued:

Effective:

Issued BY: Universal Network Services of Kentucky, Inc.
(Name of Utility)

BY: _____
Dennis D. Houston, President

TARIFF CHECK SHEET

The Title Page and pages 1 through 18, inclusive, of this tariff are effective as of the date shown. Original and Revised Pages as shown below contain all changes for the Original Tariff that are in effect on the date indicated below.

<u>Page</u>	<u>Revision</u>
Title Page	Original
1	Original
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PUBLIC SERVICE COMMISSION
OF KENTUCKY
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Date of Issue:

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Issued By:

Dennis D. Houston

Title: President

AUG. 11 1994

PURSUANT TO 807 KAR 5011,

SECTION 9(1)

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Kentucky in Case No. 94-203, Dated 14 September 1994.

By: *[Signature]*
[Stamp]

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CONCURRING CARRIERS

None

CONNECTING CARRIERS

None

OTHER PARTICIPATING CARRIERS

None

Explanation of Symbols

- (C) to signify changed regulation.
- (D) to signify discontinued rate regulation.
- (I) to signify increase.
- (M) to signify matter relocated without change.
- (N) to signify new rate or regulation.
- (R) to signify a rate reduction.
- (S) to signify reissued matter.
- (T) to signify a change in text but no change in rate or regulation.
- (Z) to signify a correction.

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PURSUANT TO 607 KAR 5011,
SECTION 9 (1)

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Kentucky in Case No. 94-203, Dated 14 September 1994.

1. Application of Tariff

This tariff contains the regulations and rates applicable to the provision of Intrastate Message Telecommunications Service by Universal Network Services of Kentucky, Inc. (hereinafter referred to as the Company), between points throughout the United States as specified herein. Service is furnished subject to transmission, atmospheric and like conditions, by wire, radio, terrestrial or satellite facilities or any combination thereof.

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2. Regulations

2.1 Scope

The Company undertakes to provide Intrastate Message Telecommunications Service in accordance with the terms and conditions set forth in this tariff.

2.2 Shortage of Facilities

All service is subject to the availability of suitable facilities. The Company reserves the right to limit the length of communications or to discontinue furnishing services when necessary because of the lack of satellite or other transmission medium capacity or because of any causes beyond its control, or if deemed necessary by the Company, or its underlying carriers, in their reasonable judgment, to curb or limit toll fraud or abuse, or to prevent an adverse material effect on the Company's business or the economic feasibility of providing service.

2.3 Liability of the Company

(A) Except as stated in this Section 2.3, the Company shall have no liability for damages of any kind arising out of or relating to events, acts, rights, or privileges contemplated in this tariff. This tariff does not limit the liability of the Company for willful misconduct.

(B) The liability of the Company for damages resulting in whole or part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors or other defects or representations shall not exceed an amount equal to the actual charge provided for under this tariff for the interstate long distance call for the period during which the call was affected.

No
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SECTION 9 (1)
BY: *Dennis D. Houston*
FOR THE PUBLIC SERVICE COMMISSION

2. Regulations (continued)

2.3 Liability of the Company (continued)

other liability in any event shall attach to the Company.

(C) The Company shall not be liable for any failure of performance hereunder due to causes beyond its control, including but not limited to acts of God, fires, flood or other catastrophes; any law, order, regulation, directive, action or request of the United States Government, or any other government, including state and local governments having jurisdiction over the Company, or of any department, agency, commission, bureau, corporation or other instrumentality of any one or more of said governments, or of any civil or military authority; national emergencies, insurrections, riots, wars or other labor difficulties.

(D) The Company shall not be liable for any act or omission of any other entity furnishing to the Customer facilities or equipment used with Company's Intrastate Message Telecommunications Service; nor shall the Company be liable for any damages or losses due to the failure or negligence of the Customer or due to the failure of Customer-provided equipment or facilities.

2.4 Claims

The Company shall be indemnified and saved harmless by the Customer from and against all loss, liability, damage and expense, including reasonable counsel fees, due to claims for libel, slander, or infringement of copyright in connection with the material transmitted over the Company's facilities; and any other claim resulting from any act or omission of the Customer or patron(s) of the Customer relating to the use of Company's facilities.

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2. Regulations (continued)

2.5 Terminal Equipment

- (A) The Company's facilities and service may be used with or terminated in customer-provided equipment such as PBX's, key systems, voice mail systems, teleprinters, handsets or data sets. Such equipment shall be furnished and maintained at the expense of the Customer, and the Customer is responsible for all usage of services resulting from unauthorized use of such equipment. The Customer is responsible for all costs at its premises, including Customer personnel, wiring, electrical power and the like, incurred in its use of Customer's service.
- (B) Except as otherwise indicated, Customer-provided station equipment at the Customer's premises for use in connection with this service shall be so constructed, maintained and operated as to work satisfactorily with the facilities of the Company. The equipment shall comply with the minimum protective criteria prevailing in the telephone industry, and shall not interfere with service furnished to other customers. Additional protective equipment, if needed, shall be employed at the Customer's expense.
- (C) Where such equipment is connected to service furnished pursuant to this tariff, the responsibility of the Company shall be limited to the furnishing of services under this tariff and to the maintenance and operation of such services in the proper manner; subject to this responsibility, the Company shall not be responsible for:
- (i) the through transmission of signals generated by Customer-provided equipment;
or

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PURSUANT TO 807 KAR 5.011,
SECTION 9(4)

Arthur C. Neal
FOR THE PUBLIC SERVICE COMMISSION

2. Regulations (continued)

2.5 Terminal Equipment (continued)

- (ii) the reception of signals by Customer-provided equipment; or
- (iii) network control signalling where such signalling is performed by Customer-provided network control signalling equipment.

2.6 Interconnection of Facilities

- (A) Interconnection between Customer-provided and Company-provided service must be made by the Customer at the operating offices of the Company or its designated carriers. The Customer may effect such interconnection by leased channel or dial-up service.
- (B) In order to protect the facilities and personnel and the services furnished to other Customers by the Company and its underlying carriers from potentially harmful effects, the signals applied to the Company's service shall be such as not to cause damage to the facilities of the Company or its underlying carriers. Any special interface equipment necessary to achieve compatibility between facilities of the Company or its underlying carriers and the channels of facilities of others shall be provided at the Customer's expense.

2.7 Inspections

- (A) The Company may, upon suitable notification to the Customer, at a reasonable time, make such tests and inspections as may be necessary to determine that the requirements regarding equipment and interconnections are being complied with in the installation, operation and maintenance of Customer-provided equipment and in the wiring of

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2. Regulations (continued)

2.7 Inspections (continued)

the connection of Customer channels to the facilities of the Company or its underlying carriers.

- (B) If the protective requirements in connection with Customer-provided equipment are not being complied with, the Company may take such action as necessary to protect facilities and personnel and will promptly notify the Customer in writing of the need for protective action. In the event that the Customer fails to advise the Company within 10 days after such notice that corrective action has been taken, the Company may take whatever additional action is deemed necessary, including the suspension of service, to protect the facilities and personnel from harm. The Company will provide the Customer on reasonable request with a statement of technical parameters the Customer's equipment must meet.

2.8 Prohibited Uses

Intrastate Message Telecommunications Service shall not be used for any unlawful purpose.

2.9 Obligations of the Customer

2.9.1 Customer Premises Provisions

- (A) The Customer shall provide the personnel, power and space required to operate all facilities and associated equipment installed on the premises of the Customer.
- (B) The Customer shall be responsible for providing Company personnel with access to premises of the Customer at any reasonable hour for the purpose of testing the facilities or equipment of the Company.

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2. Regulations (continued)

2.9.2 Liability of the Customer

The Customer will be liable for damages to the facilities of the Company caused by negligence or willful acts of its officers, employees, agents or contractors of the Customer.

2.10 Assignment or Transfer

The Customer may not transfer or assign the use of service or facilities without the prior written permission from the Company. All regulations and conditions in the tariff shall apply to all such permitted assignees or transferees.

2.11 Use of Service

Intrastate Message Telecommunications Service may be used to transmit communications of the Customer in a manner consistent with the terms of this tariff and the policies and regulations of the Federal Communications Commission and all state and local authorities having jurisdiction over the service.

2.12 Rendering and Payment of Bills

- (A) Billing periods are monthly.
- (B) The billing date is dependent on the billing cycle assigned to the customer.
- (C) The customer is responsible for payment of all charges for facilities and service furnished by the Company. Federal, state and local taxes and special or other assessments, where applicable, shall be added to the charges contained herein. In

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2. Regulations (continued)

2.12 Rendering and Payment of Bills (continued)

- (C) the event such a tax or assessment is imposed upon the Company, and not individual messages, the Company will apply a surcharge in the amount which the Company, in its reasonable judgment, estimates necessary to pay the tax which is imposed upon it. It shall be the responsibility of the Customer to pay those unpaid taxes and surcharges that may subsequently become applicable retroactively.
- (D) Bills are due and payable upon receipt. Interest at the lesser of; (1) the rate of one and one-half percent (1½%) per month; or (2) the highest rate allowed by law per month shall accrue upon any unpaid amount commencing thirty (30) days after the date of the bill for the amount first sent. If the Company initiates legal proceedings to collect any amount due hereunder and the Company substantially prevails in such proceedings, then the defendant Customer shall pay the reasonable attorneys' fees and costs of the Company in prosecuting any such proceedings and any appeal therefrom.
- (E) All charges for service are payable only in United States currency. Payment may be made by cash, check, money order or cashier's check.

2.13 Deposits

Subject to the regulations of applicable state regulatory authorities, applicants or customers whose financial condition is not acceptable to The Company or is not a matter of general knowledge may be required at any time, at the Company's option, to make a deposit in an amount equaling up to one months' actual or estimated charges for the services to be provided. In the case of a cash deposit, interest at the rate provided pursuant to KRS 278.460 will be paid for the period during which the deposit is held by the Company. Interest will be paid to the Customer annually by credit or by refund. At the Company's option, the deposit may be refunded or credited to the Customer at any time.

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2. Regulations (continued)

2.14 Refusal or Discontinuance of Service

Company reserves the right to immediately discontinue furnishing the service to customers without incurring liability:

- (A) In the event of tampering with the utilities equipment; or
- (B) In the event of a condition determined to be hazardous to the customer, to other customers of the utility, to the utilities equipment, the public or to employees of the utility; or
- (C) By reason of any order or decision of a court or any other governmental authority which prohibits the Company from furnishing such service; or
- (D) If the Company deems such refusal necessary to protect itself or third parties against fraud or to otherwise protect its personnel, agents, facilities or services without notice.
- (E) For unlawful use of the service or use of the service for unlawful purposes.

Company may discontinue service according to the following conditions, providing five (5) days written notice:

- (A) For violation of Company's filed tariffs.
- (B) When payment of any proper charge has not been received within 45 days after the invoice is rendered (payment becomes past due 30 days after the invoice is rendered).
- (C) For Customer's breach of the contract for service between the utility and customer.
- (D) When necessary for the Company to comply with any order or request of any governmental authority having jurisdiction.

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2. Regulations (continued)

2.15 Interruption of Service

Credit allowances for interruptions of service which are not due to the Customer's testing or adjusting, to the negligence of the Customer, or to the failure of channels, equipment and/or communications systems provided by the Customer, are subject to the general liability provisions set forth in Section 2.3 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired by Customer. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission of the Customer within his control, or is not in wiring or equipment of the Customer.

2.16 Restoration of Service

The use and restoration of service shall be in accordance with the procedures of the Company's underlying carriers.

3. Services Offerings

3.1 Intrastate Message Telecommunications Service

3.1.1 Description of Service

The Company will provide switched and dedicated voice telephone communications services between points throughout the United States. The Company is a switchless reseller and will pay all access charges into the switch. The service is available twenty-four (24) hours each day, seven (7) days a week to customers subscribing to the Company's service.

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3. Services Offerings (continued)

3.1 Intrastate Message Telecommunications Service (continued)

3.1.2 Applicable Rates

Usage rates applicable to the Company's service are as listed herein. Individual calls are charged on the basis of the specified periods. Such periods may be changed at the discretion of the Company, upon reasonable notice.

Rate Schedule 1:

UNI-NET OPTIMUM AND OPTIMUM 800

0.2325

Uni-Net Optimum is a switched access outbound and/or inbound service designed for small business and residential customers. It is billed with an eighteen (18) second minimum billing period and one-tenth (1/10th) minute or six (6) second increments thereafter, at the per-minute rate specified above.

Rate Schedule 2:

UNI-NET BUSINESS AND BUSINESS 800

0.2150

Uni-Net Business is a switched outbound and/or inbound access service designed for small to medium size business applications. \$50.00 minimum monthly expected usage is required. Billing is with an eighteen (18) second minimum billing period and one-tenth (1/10th) minute or six (6) second increments thereafter, at the per-minute rate specified above.

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3. Services Offerings (continued)

3.1 Intrastate Message Telecommunications Service (continued)

3.1.2 Applicable Rates (continued)

Rate Schedule 3:

UNI-NET ADVANTAGE AND ADVANTAGE 800

0.2000

Uni-Net Advantage is a switched outbound and/or inbound access service designed for medium size business applications approximately \$500.00 or over. \$100.00 minimum monthly expected usage is required. Billing is with an eighteen (18) second minimum billing period and one-tenth (1/10th) minute or six (6) second increments thereafter, at the per-minute rate specified above.

Rate Schedule 4:

UNI-NET PREMIER AND PREMIER 800

0.1875

Uni-Net Premier is a switched outbound and/or inbound access service designed for medium to large size business applications approximately \$1,000.00 or over. \$500.00 minimum monthly expected usage is required. Billing is with an eighteen (18) second minimum billing period and one-tenth (1/10th) minute or six (6) second increments thereafter, at the per-minute rate specified above.

Rate Schedule 5:

UNI-NET MAXIMUM AND MAXIMUM 800

0.1750

Uni-Net Maximum is a switched outbound and/or inbound access service designed for business applications approximately \$3,000.00 or more a month. \$3,000.00 minimum monthly expected usage is required. Billing is with an eighteen (18) second minimum billing period and one-tenth (1/10th) minute or six (6) second increments thereafter, at the per-minute rate specified above.

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3. Services Offerings (continued)

3.1 Intrastate Message Telecommunications Service (continued)

3.1.2 Applicable Rates (continued)

Rate Schedule 6:

UNI-NET OPTIMUM DEDICATED

0.1375

Uni-Net Optimum Dedicated is a T.15 dedicated access service, outbound and/or inbound, designed for large business users, billed at the constant per-minute rate shown above for all usage exceeding a minimum requirement. The Subscriber must meet Universal Network Services of Kentucky, Inc. at its nearest point of presence ("POP"). There is a minimum requirement per T.1 of 75,000 minutes per month. Subscriber will be billed \$0.01 for each minute of shortfall.

Rate Schedule 7:

UNI-NET BUSINESS DEDICATED

0.1275

Uni-Net Business Dedicated is a T.15 dedicated access service, outbound and/or inbound, designed for large business users, billed at the constant per-minute rate shown above for all usage exceeding a minimum requirement. The Subscriber must meet Universal Network Services of Kentucky, Inc. at its nearest point of presence ("POP"). There is a minimum requirement per T.1 of 100,000 minutes per month. Subscriber will be billed \$0.01 for each minute of shortfall.

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3. Services Offerings (continued)

3.1 Intrastate Message Telecommunications Service (continued)

3.1.2 Applicable Rates (continued)

Rate Schedule 8:

UNI-NET ADVANTAGE DEDICATED

0.1200

Uni-Net Advantage Dedicated is a T.15 dedicated access service, outbound and/or inbound, designed for large business users, billed at the constant per-minute rate shown above for all usage exceeding a minimum requirement. The Subscriber must meet Universal Network Services of Kentucky, Inc. at its nearest point of presence ("POP"). There is a minimum requirement per T.1 of 150,000 minutes per month. Subscriber will be billed \$0.01 for each minute of shortfall.

Rate Schedule 9:

UNI-NET PREMIER DEDICATED

0.1100

Uni-Net Premier Dedicated is a T.15 dedicated access service, outbound and/or inbound, designed for large business users, billed at the constant per-minute rate shown above for all usage exceeding a minimum requirement. The Subscriber must meet Universal Network Services of Kentucky, Inc. at its nearest point of presence ("POP"). There is a minimum requirement per T.1 of 200,000 minutes per month. Subscriber will be billed \$0.01 for each minute of shortfall.

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FOR THE PUBLIC SERVICE COMMISSION

3. Services Offerings (continued)

3.1 Intrastate Message Telecommunications Service (continued)

3.1.2 Applicable Rates (continued)

Rate Schedule 10:

UNI-NET MAXIMUM DEDICATED

0.1050

Uni-Net Maximum Dedicated is a T.15 dedicated access service, outbound and/or inbound, designed for large business users, billed at the constant per-minute rate shown above for all usage exceeding a minimum requirement. The Subscriber must meet Universal Network Services of Kentucky, Inc. at its nearest point of presence ("POP"). There is a minimum requirement per T.1 of 250,000 minutes per month. Subscriber will be billed \$0.01 for each minute of shortfall.

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