

Pantel Communications, Inc.

P.S.C. Ky. No. 2

Cancels P.S.C. Ky. No. 1

Pantel Communications, Inc.

of

801 North State Street  
Elgin, IL 60123

Rates, Rules and Regulations for Furnishing  
INTRASTATE TELECOMMUNICATION SERVICES

AT

STATE OF KENTUCKY

Filed with PUBLIC SERVICE COMMISSION OF  
KENTUCKY

ISSUED March 12, 1998 EFFECTIVE March 20, 1998

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
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ISSUED BY Pantel Communications, Inc.  
(Name of Utility)

MAR 20 1998

PURSUANT TO 807 KAR 5.011,  
SECTION 9 (1)

BY Eugene M. Chase, Jr.

BY: Stephan Bue  
SECRETARY OF THE COMMISSION

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All the pages of this Tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original Tariff.

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**CONCURRING, CONNECTING OR  
OTHER PARTICIPATING CARRIERS**

None

**SYMBOLS**

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

- 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. Page Numbering - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the Tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.
- B. Page Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file. For example, the 4th revised page 14 cancels the 3rd revised page 14.
- C. Section Numbering Sequence - There are five levels of Section 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
- D. Check Page - When a Tariff filing is made with the Commission, an updated check page accompanies the Tariff filing. The check page lists the pages contained in the Tariff, with a cross reference to the current revision number. When new pages are added, the check page is changed to reflect the revision. The Tariff user should refer to the latest check page to find out if a particular page is the most current on file with the Commission.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**800 Service:** 800 Service is a toll-free Service to the calling party and includes all toll free NPA's.

**Access Line:** An Access Line is a transmission line from either the LEC's, CLEC's, or the Underlying Carrier's Point-of-Presence (POP) to the Customer's premises.

**Account Code:** An Account Code (also called Accounting Code) is a code consisting of two or more digits which is available to Customers to identify individual users and thereby allocate the cost of long distance Service.

**ANI:** ANI stands for Automatic Number Identification.

**Applicant:** Applicant is any entity or individual who applies for Service under this Tariff.

**ATU:** ATU stands for Average Total Usage.

**Average Total Usage:** Average Total Usage is calculated by (1) averaging the most recent three months' interstate, intrastate, and international minutes of use excluding directory assistance, calling card, and debit card usage for all ANIs or trunk groups to be provisioned via a Service offered by the Company, and (2) applying the Company's usage rate for each Service to the average monthly minutes of use. The Company reserves the right to obtain a copy of the long distance telephone bills used in calculating Adjusted Average Total Usage. For Customers with multiple locations, the minutes of use for all locations will be included in the calculation. If the Customer's traffic volume varies significantly from month-to-month, the Customer may determine Average Total Usage by averaging more than three month's bills.

**Authorized User:** An Authorized User is a person, firm, corporation or other entity that either is authorized by the Customer to receive or send communications or is placed in a position by the Customer, either through acts or omissions, to send or receive communications.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

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**Blocking:** Blocking is a temporary condition that may be initiated by the Company or the DUC so that the Customer cannot complete a telephone call.

**Business Customer:** A Business Customer is a Customer who subscribes to the Company's Service(s) and whose primary use of the Service is of a business nature.

**Cardholder:** Cardholder is the associate, member, Customer or other individual that uses the Company's Debit Card Service.

**CAP:** CAP refers to a Competitive Access Provider.

**Channel or Circuit:** A Channel or Circuit is a dedicated communications path between two or more points having a bandwidth or Transmission Speed specified in this Tariff and selected by a Customer.

**CLEC:** CLEC stands for Competitive Local Exchange Carrier and is any carrier or reseller offering local exchange telecommunications services other than the LEC.

**Commercial Affinity Group:** Commercial Affinity Group is a trade association representing business entities or individuals within an industry, professional or business classification, or a commercial organization with affiliated franchisees, independent agents, independent distributors, businesses in common or other multiple commercial representatives, or a buying group not organized for the purpose of qualifying for a Commercial Affinity Group. Each member location is solely responsible for its bill and the member location is a Customer of the Company not the group organizer. Each member will be billed separately for its Services.

**Commission:** Commission refers to the Public Service Commission of Kentucky.

**Company:** Company refers to Pantel Communications, Inc.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**Customer:** A Customer is the person, firm, corporation, governmental unit or other entity which orders Service -- either for its own use, as a resale carrier, or as a non-profit manager of a sharing group --and which is responsible for the payment of charges and for compliance with this Tariff. If an entity orders Service in more than one city or requests the assignment of multiple account numbers, each such account is a separate Customer for billing purposes. The term Customer also includes an entity that (1) remains presubscribed to Service after its account(s) are removed from Company's billing system, and subsequently continues to use Service, or (2) otherwise uses Service for which no other Customer is obligated to compensate the Company.

**Debit Card:** Debit Card Service allows a Customer to purchase a predetermined amount of access to the Company's long distance Services prior to the use of Service.

**Dedicated Access:** If a Customer's location has a direct path to the network of the Underlying Carrier, it is considered dedicated access. In telecommunications terminology, this is also referred to as special access.

**Direct Dialed:** A Direct Dialed call is a call placed by the caller without operator assistance.

**DUC:** DUC stands for Designated Underlying Carrier.

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

**Exemption Certificate:** An Exemption Certification is a written notification wherein the Customer certifies that its dedicated facility should be exempted from the monthly special access surcharge because, for example, the facility is associated with a Switched Access Service that is subject to carrier common line charges.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**F.C.C.:** F.C.C. stands for Federal Communications Commission.

**ICB:** ICB stands for Individual Case Basis.

**Inbound Service:** Inbound Service permits calls to be completed to the Customer's location without charge to the calling party. Access to the Service is gained by dialing a ten digit telephone number, (800/888) NXX-XXXX, which terminates at the Customer's location.

**Industry Affinity Group:** An Industry Affinity Group is a trade association representing business entities or individual within an industry, having a membership of which 90% falls into a single business classification, as defined by the U.S. Department of Commerce Standard Industry Classification (SIC) Code, and for which each member of the qualifying 90% must derive at least 50 % of its revenue from the direct provisioning of products or Services from a single business classification, and contract with the Company to provide Service to its members. Each member location is solely responsible for its bill and the member location is a Customer of the Company not the group organizer. Each member will be billed separately for its Services.

**LATA:** LATA stands for Local Access Transport Area which is a geographic boundary established by the Modification of Final Judgement.

**Installation:** Installation means the connection of a Circuit, Dedicated Access line, or port, for new, changed or additional Service.

**IXC:** IXC stands for Interexchange Carrier.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

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**Joint User:** A Joint User is a corporation, association, partnership, or individual that is permitted to use a Customer's Service by mutual agreement between the Customer and the Joint User in accordance with the terms and conditions of this Tariff.

**LEC:** LEC is an acronym for Local Exchange Carrier which is the serving telephone company providing local services to subscribers.

**Local Access:** Local Access is the service between a Customer's Premises and the designated POP selected by the Company.

**Local Access Provider:** Local Access Provider is the entity providing Local Access.

**MRC:** MRC stands for Monthly Recurring Charge.

**NPA:** NPA literally stands for Numbering Plan Area but is more commonly referred to as an area code.

**NXX:** NXX is the first three digits of the Customer's telephone number. N is a number between 2 and 9. X is a number between 0 and 9.

**PABX:** PABX stands for Private Automatic Branch Exchange which is a switch inside a private business as against one serving the public. A PABX does not require the assistance of an operator to complete an outgoing call.

**PBX:** PBX stands for Private Branch Exchange.

**PIC:** PIC stands for Primary Interexchange Carrier.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**PICC:** PICC stands for Preferred Interexchange Carrier Charge which is a monthly per line charge assessed by the LEC or CLEC for each Customer line presubscribed to the Company for the provision of interstate Service.

**PIN:** PIN stands for Personal Identification Number which is a unique number assigned for the purpose of accessing calling card, Debit Card, or 800 Service(s).

**Platform:** The Platform is the proprietary technology and associated computer equipment that is used in conjunction with Debit Card Service(s).

**Point-of-Sale:** Point-of-Sale is the location at which the Cardholder purchases the Debit Calling Card.

**POP:** POP is an acronym for Point-of-Presence and is the central office of the Underlying Carrier where the LEC or CLEC hands off the traffic of the Company's Customers or where the T-1.5 digital facility interconnects with the Underlying Carrier.

**Primary Interexchange Carrier:** Primary Interexchange Carrier is the long distance company to which traffic from a given location is automatically routed when dialing 1+ in equal access areas. The Primary Interexchange Carrier is identified by a code number which is assigned by the local telephone company to the telephone numbers of all the subscribers to that carrier to ensure the calls are routed to the correct company.

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**PSC:** PSC stands for Public Service Commission.

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**RBOC:** RBOC stands for Regional Bell Operating Company.

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**Residential Affinity Group:** A Residential Affinity Group is a group of individuals who are members of a professional association, alumni association, or buying club who agree to enter into an agreement with the Company for marketing of the Company's Services to its members. Each member location is solely responsible for its bill and the member location is a Customer of the Company not the group organizer. Each member will be billed separately for its Services.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**Residential Customer:** A Residential Customer is a Customer who subscribes to the Company's Service(s) in a non-business, trade, or professional name.

**Service:** Service consists of any telecommunications Service provided by the Company pursuant to this Tariff.

**State:** State refers to the Commonwealth of Kentucky.

**Switched Access:** If the Customer's location has a transmission line that is switched through the LEC or CLEC to reach the network of the Underlying Carrier, the access is Switched Access.

**T-1 Digital Service:** T-1 Digital Service is a digital link between two points. This link typically transmits at speeds of 1.544 megabits per second. In most cases, this Service allows twenty-four dedicated access lines between any two points.

**Underlying Carrier:** Underlying Carrier refers to the facilities based carrier that provides the long distance services the Company resells.

**Unified Commercial Affinity Group:** Unified Commercial Affinity Group is a trade association representing business entities or individuals within an industry, professional or business classification, or a commercial organization with affiliated franchisees, independent agents, independent distributors, businesses in common or other multiple commercial representatives, or a buying group not organized for the purpose of qualifying for a Commercial Affinity Group that contracts with the Company to provide Service to its members. The group organizer is responsible for designating the locations that will be included on the network and for placing all service orders to add, delete or change such locations and/or to add, delete, or make changes to Service at such locations. The group organizer will receive the bill for all locations and is solely responsible for payment of the bill.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**Unified Industry Affinity Group:** An Unified Industry Affinity Group is a trade association representing business entities or individual within an industry, having a membership of which 90% falls into a single business classification, as defined by the U.S. Department of Commerce Standard Industry Classification (SIC) Code, and for which each member of the qualifying 90% must derive at least 50 % of its revenue from the direct provisioning of products or Services from a single business classification that contracts with the Company to provide Service to its members. The group organizer is responsible for designating the locations that will be included on the network and for placing all service orders to add, delete or change such locations and/or to add, delete, or make changes to Service at such locations. The group organizer will receive the bill for all locations and is solely responsible for payment of the bill.

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

**UPS:** UPS stands for United Parcel Service.

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**SECTION 2 - RULES AND REGULATIONS**

2.1 Undertakings of the Company

This Tariff contains the description, regulations, and rates applicable to intrastate intraLATA and intrastate interLATA telecommunications service offered by Pantel Communications, Inc. with principal offices located at 801 North State Avenue, Elgin, Illinois 60123. Service is furnished for communications originating and terminating at points within the State under terms of this Tariff in compliance with and pursuant to Commission rules and regulations applicable thereto.

The Company's services are provisioned via the DUC. The Company, when acting at the Customer's request and as the Customer's authorized agent, will make reasonable efforts to arrange for services and/or equipment not offered by the Company. These include, but are not limited to terminal equipment, circuit conditioning, and access facilities.

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations On Service

- 2.2.1 Initial and continuing Services are offered subject to the availability of facilities and/or equipment from the Company, the DUC, the LEC, or the CLEC, the Company's ability to provision the order at the time the Applicant or Customer orders Service, and the provisions of this Tariff. Without incurring liability, the Company may refuse to provide Service, to or from any location where the necessary facilities, equipment, systems, and/or switch software are not available.
- 2.2.2 The Company reserves the right to discontinue Service without liability, or to limit the use of Service when necessitated by conditions beyond the Company's control, or when the Customer or End User is using Service in violation of the law or of the provisions of this Tariff.
- 2.2.3 Service may not be transferred or assigned without Company's written consent. See Section 2.7. All regulations and conditions contained in this Tariff and all other applicable Service conditions will apply to all such permitted assignees or transferees.

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations on Service (continued)

2.2.4 Conditions under which the Company may, without notice, refuse or terminate Service without liability include, but are not limited to:

- (A) Applicant or Customer provides the Company insufficient or fraudulent billing information, invalid or unauthorized telephone numbers, or pre-arranged Account Code numbers; or,
- (B) Customer's use of the Service constitutes a violation of either the provisions of this Tariff, or of any laws, or government rules, regulations, or policies; or,
- (C) Any order or decision of a court or other governmental authority prohibits the Company from offering such Service; or,
- (D) The Company deems such refusal or termination necessary to protect the Company or third parties against fraud, or to otherwise protect the Company's personnel, agents, or Service; or,
- (E) Customer's misuse of the DUC's network; or
- (F) Customer's use of the DUC's network for any fraudulent or unlawful purpose; or,

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations on Service (continued)

2.2.4 (continued)

- (G) Customer or Applicant present an undue risk of nonpayment and refuse to comply with the deposit requirements set forth herein; or
- (H) Emergency, threatened, or actual disruption of Service to other Customers; or
- (I) Applicant or Customer provides false information or refuses to provide information to the Company regarding their identity, address, or credit-worthiness,

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations on Service (continued)

2.2.5 Conditions under which the Company may, with notice, refuse or terminate Service without liability include, but are not limited to:

- (A) Nonpayment of any sum due for telephone Service provided hereunder, where Customer's charges remain unpaid more than five (5) days following notice of nonpayment from the Company. Notice will be deemed to be effective upon mailing of written notice, postage prepaid, to Customer's last known address; or
- (B) Where Customer has failed or neglected to tender any additional or required security deposit within five (5) days of demand by the Company.

2.2.6 If Service is discontinued for the reasons covered in Sections 2.2.4 or 2.2.5, the Customer will be deemed to have canceled Service as of the date of such disconnection and will be liable for any cancellation charges set forth in this Tariff. If the Customer uses a 10XXX or other carrier access codes of the DUC after the Customer's account has been canceled, the Customer is not a Customer of the Company.

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations On Service (continued)

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

- (A) Service that is used by the Customer or End User to frighten, abuse, torment, or harass another; or
- (B) Service that is used by the Customer or End User in a manner which interferes with the use of Service by one or more other Customers; or
- (C) Service that is used by the Customer or End User to place calls by means of illegal equipment, service, or device; or
- (D) Service that is used by the Customer or End User to transmit a message or to locate a person or otherwise to give or obtain information, without payment of the applicable charge.

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations On Service (continued)

- 2.2.8 If the Company learns of possible fraudulent use of any of the Company's calling card Services, the Company will make an effort to contact the Customer, but Service may be terminated or blocked without notice and without liability to the Company. Service may be suspended by the Company without incurring liability by Blocking all calls or by Blocking calls to or from certain NPA-NXXs, certain countries, cities, or individual telephone stations for any Service offered under this Tariff. Service will be restored as soon as it can be provided without undue risk.
- 2.2.9 To control fraud, Service may be discontinued by the Company without notice and without incurring liability by Blocking all traffic or by Blocking traffic to or from certain NPA-NXXs, cities, or individual telephone stations for any Service offered under this Tariff. Service will be restored as soon as it can be provided without undue risk, and only after accounts have been brought current.
- 2.2.10 The Company's failure to give notice of default, to enforce or insist upon compliance with any of the terms or conditions herein, to grant a waiver of any term or conditions herein, or to grant the Customer an extension of time for performance, will not constitute the permanent waiver of any such term or condition herein. Each of the provisions will remain at all time in full force and effect until modified in writing, signed by the Company and Customer.

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations On Service (continued)

2.2.11 If the Company's Services are to be resold, the Customer must meet the following conditions

- (A) secure and maintain all necessary state certifications and tariffs and F.C.C. tariffs for operating as a reseller; and
- (B) comply with the rules and regulations as set forth by the various state regulatory agencies and the Commission; and
- (C) provide all billing and collection services and customer service under their own name; and
- (D) secure and maintain a signed copy of the letter of agency from the end user which defines the relationship between the user and the distributor; and
- (E) assume all responsibility for PIC disputes and complaints with the LEC or CLEC; and
- (F) operate under their own service names; and
- (G) assume all risk for bad debt; and

2.2.12 The Customer may not use Services provided under this Tariff for any unlawful purpose.

2.2.13 Any Applicant or Customer is entitled to obtain Service under this Tariff, provided that the Company reserves the right to deny Service to any Customer that, in the Company's reasonable opinion, presents an undue risk of nonpayment and refuses to comply with the deposit requirements set forth herein.

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**SECTION 2 - RULES AND REGULATIONS**

2.2 Limitations On Service (continued)

2.2.14 The Company, when acting at the Customer's request and, as its authorized agent, will make reasonable efforts to arrange for service requirements such as special routing, route diversity, Alternate Access, or Circuit conditioning.

2.2.15 The availability of 800/888 numbers from the Company is limited by the Company's ability to obtain 800/888 numbers from the DUC. If an 800 number is not available, the Company will obtain an 888 number.

2.2.16 The Company will accept a Customer's or Applicant's request for a particular 800/888 telephone number. The Company will accommodate such requests to the extent possible. No guarantee of the assignment of the 800/888 number will be made prior to the initiation of Service to the Customer. Assignment of the 800/888 telephone number to the Customer does not provide the Customer with any ownership interest or proprietary right in that number. However, the Customer does have a controlling interest in its active 800/888 number. If the Company learns that an Applicant is attempting to sell, barter, trade, or otherwise transfer an 800/888 number to another person, the Company may refuse to establish Service. If the Company learns that a Customer is attempting to sell, barter, trade, or otherwise transfer an 800/888 number to another person, the Company may, upon written notice, discontinue Service.

2.2.17 The Company reserves the right to add, change, or delete Services and/or DUCs at any time.

2.2.18 Recording of telephone conversations provided pursuant to the Company's Service under this Tariff is prohibited except as authorized by applicable federal, state, and local laws.

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**SECTION 2 - RULES AND REGULATIONS**

**2.2 Limitations On Service (continued)**

- 2.2.19 Unless the availability of a specific Service or promotional offering limits the availability to a specific state, group of states, area code, LATA, NPA-NXX, or routing configuration, the availability is all states within the United States where the Company has obtained the appropriate regulatory approvals to operate and has entered the market in that state.
- 2.2.20 The Company may rely on CLECs, LECs, DUCs, or other third parties to provide a portion of the Company's Service.
- 2.2.21 No contractors, agents or employees of connecting, concurring or other participating carriers or companies will be deemed to be contractors, agents or employees of the Company without the Company's written authorization.
- 2.2.22 Calls that may not be completed using the Company's Debit Card Service include directory assistance Service, operator services, busy line verification service, interruption service, calls requiring time and charges, air-to-ground calls, marine/satellite calls, and calls placed via dialing a 700, 800/888, or 900 number.
- 2.2.23 Debit Card calls may originate in the United States.
- 2.2.24 For inbound Services, the Customer may restrict the receipt of inbound calls from within the State by area code, LATA, or NPA-NXX.
- 2.2.25 All Services are interstate Service with the Customer having the option to use the Service to place intrastate calls.

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**SECTION 2 - RULES AND REGULATIONS**

**2.3 Limitation of Liability**

- 2.3.1 The liabilities of the Company are limited by this tariff. The liabilities of the Company shall in no event exceed an amount equivalent to the initial period charge provided for under this tariff for the period during which the call was effected.
- 2.3.2 No agents or employees of connecting, concurring or other participating carriers or companies shall be deemed to be agents or employees of the Company without written authorization. The Subscriber will indemnify and hold harmless the Company from any claims of the owner of the Subscriber's premises or other third party claims for such damages.
- 2.3.3 This service is furnished subject to the conditions that there will be no abuse or fraudulent use of the service.
- 2.3.4 The Company's liability shall be limited to that expressly assumed in Paragraph 2.3 hereof. The Company shall not be liable for any other direct, indirect, consequential, special, actual, or punitive damages, or for any lost profits of any kind or nature whatsoever arising out of any furnishing of, or interruption in, service provided hereunder, absent a determination of willful misconduct by judicial or administrative proceedings. With respect to any services provided hereunder, the Company hereby expressly disclaims, without limitation, all warranties not stated in this tariff, whether express, implied or statutory, and in particular disclaims all implied warranties of merchantability and fitness for a particular purpose.
- 2.3.5 Acceptance by the Commission of the liability provisions contained in this Tariff does not constitute its determination that the limitation of liability imposed by the Company should be upheld in a court of law, but the recognition that, as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of this Tariff.

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**SECTION 2 - RULES AND REGULATIONS**

2.4 Use of Service

- 2.4.1 The Services offered herein may be used for any lawful purpose, including business, governmental, or other use. There are no restrictions on sharing or resale of Services. However, the Customer remains liable for all obligations under this Tariff notwithstanding such sharing or resale and regardless of the Company's knowledge of same. The Company will have no liability to any person or entity other than the Customer and only as set forth herein. The Customer will not use nor permit others to use the Service in a manner that could interfere with Services provided to others or that could harm the switching and transmission facilities of the Company, DUC, LEC, CLEC, or the CAP.
- 2.4.2 In addition to the other provisions in this Tariff, Customers reselling Company Services will be responsible for all interaction and interface with their own subscribers or customers. The provision of the Service will not create a partnership or joint venture between the Company and the Customer nor result in a joint communications Service offering to the Customer's customer.

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**SECTION 2 - RULES AND REGULATIONS**

2.4 Use of Service (continued)

2.4.3 Service furnished by the Company may be arranged for joint use or authorized use. The Joint User or Authorized User will be permitted to use such Service in the same manner as the Customer, but subject to the following:

(A) One Joint User or Authorized User must be designated as the Customer. The designated Customer does not necessarily have to have communications requirements of its own. The Customer must specifically name all Joint Users or Authorized Users in the application for service. Service orders which involve the start, rearrangement, or discontinuance of joint use or authorized use Service will be accepted by the Company only from that Customer and will be subject to all regulations of this Tariff.

(B) All charges for the Service will be computed as if the Service were to be billed to one Customer. The Joint User or Authorized User which has been designated as the Customer will be billed for all components of the Service and will be responsible for all payments to the Company. In the event that the designated Customer fails to pay the Company, each Joint User or Authorized User will be liable to the Company for all charges incurred as a result of its use of the Company's Service. Each Joint or Authorized User must submit to the designated Customer a letter accepting contingent liability for its portion of all charges billed by the Company to the designated Customer. This letter must also specify that the Joint or Authorized User understands that the Company will receive a copy of the guaranty from the designated Customer. The Customer will be responsible for allocating charges to each Joint User or Authorized User.

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**SECTION 2 - RULES AND REGULATIONS**

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2.4 Use of Service (Con't)

2.4.4 Service furnished by the Company will not be used for:

- (A) Any unlawful or fraudulent purposes such as: (1) use of electronic devices, invalid numbers, and false credit devices to avoid payment for Services contained in this Tariff either in whole or in part; or (2) to make calls which might reasonably be expected to frighten, abuse, torment, or harass another.
  
- (B) Service will not be used for any purpose for which any payment or other compensation is received by the Customer except when the Customer is a communications common carrier, a resale common carrier, an enhanced or electronic service provider who has subscribed to the Company's Services. However, this provision does not preclude an agreement between the Customer, Authorized User, or Joint User to share the cost of the Service as long as this arrangement generates no profit for anyone participating in a joint use or authorized use arrangement.

2.4.5 A Customer of the Company's 800 Services will provide not less than ten (10) business days notice prior to implementation of special advertising or other new promotions likely to stimulate usage.

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**SECTION 2 - RULES AND REGULATIONS**

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2.4 Use of Service (Con't)

2.4.6 If the Company is notified by the DUC or otherwise reasonably concludes that Customer-provided equipment does not pass back appropriate answer supervision to the DUC's network or the Company's switch, the Company will notify the Customer. If the Customer does not correct the problem and if Customer-provided equipment continues to provide inappropriate answer supervision to the DUC's network or the Company's switch, the Company reserves the right to suspend or terminate the Customer's Service. For inbound Service, the Company will give the Customer ten (10) days' written notice via certified U.S. Mail of intent to suspend or deny Service due to such non-compliance. For all other Services, the Company will give the Customer five (5) days' written notice of its intent to suspend or terminate Service.

2.4.7 The Company reserves the right to require a Customer requesting 800 Service to supply the following information: a traffic forecast, identification of anticipated busy hour, identification of its geographical marketing target areas, and a schedule of marketing and promotional activities. It is the Customer's responsibility to provide an initial traffic forecast and quarterly updates if required by the Company. It is the Company's responsibility to notify the Customer if this information is required.

2.4.8 The Customer will be billed directly by the LEC, CLEC, DUC, or CAP or any other authorized access provider for the Dedicated Access arrangements selected by the Customer for the provisioning of certain Services. At the Customer's request, the Company may act as agent in the ordering of such arrangements. If charges are billed by the Company, the Company will pass-through to the Customer the LEC's, CLEC's, DUC's, or CAP's Local Access charges.

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**SECTION 2 - RULES AND REGULATIONS**

**2.5 Obligations of the Customer**

**2.5.1 The Customer will indemnify and hold harmless the Company against::**

- (A) Claims for libel, slander, infringement of patent or copyright, or unauthorized use of any trademark, trade name, or service mark arising out of Customer's material, data, information, or other content transmitted via Service; and
- (B) Violation by Customer or End User of any other literary, intellectual, artistic, dramatic, or musical right; and
- (C) Violations by Customer of the right to privacy; and
- (D) Claims of patent infringement arising from combining or connecting channels with equipment and systems of the Customer; and
- (E) Claims related to lost or stolen calling cards or Debit Cards; and
- (F) Any other claims whatsoever relating to or arising from message content or the transmission thereof; and
- (G) All other claims arising out of any act or omission of the Customer in connection with Service provided by the Company; and

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**SECTION 2 - RULES AND REGULATIONS**

2.5 Obligations of the Customer (continued)

2.5.1 (continued)

- (H) Any loss, claim, demand, suit, or other action, or any liability whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or persons, for any personal injury to, or death of, any person or persons, and for any loss, damage or destruction of any property, whether owned by the Customer or others, caused or claimed to have been caused directly or indirectly by the installation or the provision of Service, where such loss, claim, demand, suit, action, or liability is not the direct result of the Company's negligence or willful misconduct; and
- (I) Claims arising out of the use of Service or associated equipment in an unsafe manner (such as use in an explosive atmosphere), or the negligent or willful act of any person other than the Company; and
- (J) Defacement of, or damage to, the premises of a Customer resulting from the furnishing, Installation, and/or removal of Channel facilities or the attachment of instruments, equipment, and associated wiring on or from the Customer's Premises; and
- (K) Any claim asserted against the Company (and all attorney fees and expenses incurred by the Company with respect thereto as awarded by the court) arising out of or relating to the failure of the Company to provide Service to Customers, Cardholders, or End Users.

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**SECTION 2 - RULES AND REGULATIONS**

2.5 Obligations of the Customer (continued)

2.5.1 (continued)

- (L) Any and all liabilities, costs, damages, and expenses (including attorney's fees as awarded by the court), resulting (1) from Customer (or its employees's agent's or independent contractor's) actions hereunder, including, but not limited to breach of any provision in this Tariff, misrepresentation of Company Services or prices, or unauthorized or illegal acts of the Customer, its employees, agents, or independent contractor or (2) from claims by third parties that any calling cards, Debit Cards, Authorization Numbers or PINs have been lost, stolen, or fraudulently issued or used; provided, however, that the Company will have no liability hereunder for special or consequential damages incurred by the Company; (3) or in the event that the Company chooses to have another company print their Debit Cards, Company cannot be held liable for delays of delivery or any other problem that are directly to the third party.

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**SECTION 2 - RULES AND REGULATIONS**

**2.5 Obligations of the Customer (continued)**

2.5.2 Customer will protect and defend the Company from any suits or claims alleging such liability, and will pay all expenses (including attorneys' fees as awarded by the court), and satisfy all judgments which may be incurred by or rendered against the Company in connection therewith.

2.5.3 The Customer is responsible for the payment of all charges for Service provided to Customer under this Tariff and for the payment of all excise, sales, use, gross receipts or other taxes that may be levied by a federal, state, or local governing body or bodies applicable to the Service(s) furnished under this Tariff unless specified otherwise herein. A Customer claiming tax exempt status must provide the Company with copies of all tax exemption certificates and documents required by the Company at the time Service is ordered in order to be granted tax exempt status. Failure to provide the required documentation at the time Service is ordered will result in all taxes as noted herein being levied by the Company on the Customer's Service and the Customer will be responsible for the payment of all such charges. At the Company's option, the Company may accord the Customer tax exempt status upon receipt of the required documentation after Service is ordered. However, the Customer will be billed for all applicable taxes and responsible for the payment of same until such time as the Company has ceased billing the applicable taxes. In the event taxes are erroneously, paid the Company is not liable for refunding any such payments to the Customer. The Customer is responsible for seeking refunds for such taxes from the appropriate taxing authority. Failure to pay the appropriate taxes prior to tax exempt status being accorded by the Company will result in termination of Service.

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**SECTION 2 - RULES AND REGULATIONS**

**2.5 Obligations of the Customer (continued)**

2.5.4 The Customer is responsible for payment for all long distance calls originated at the Customer's number(s), terminated on the Customer's 800/888 number, billed to the Customer's travel card, calling card, or authorization code, accepted at the Customer's number, or incurred at the specific request of the Customer. The Customer is responsible for paying all Services the Company provides to or from the Customer's number(s), regardless of whether the Customer's facilities were used fraudulently or used without Customer's knowledge in full or in part.

2.5.5 The Customer is responsible for notifying the Company of any dispute concerning charges, or the basis of any claim for damages, within sixty (60) calendar days after an invoice is rendered or a debit is effected by the Company for the call giving rise to such dispute or claim. Any such notice must set forth sufficient facts to provide the Company with a reasonable basis upon which to evaluate the Customer's claim or demand. If the Customer is not satisfied with the Company's resolution of a billing inquiry or a billing dispute, the Customer may make application to the Commission for review and disposition of the matter. See Section 2.11 of this Tariff regarding rules and regulations regarding contested charges.

2.5.6 The Company is not required to consider any Customer claim for damages, adjustments, refunds, credits or cancellation of charges, unless the Customer meets the condition described in Section 2.5.5 above.

2.5.7 The Customer is responsible for taking all necessary steps for interconnecting the Customer's provided terminal equipment with the long distance network. The Customer will ensure that the signals emitted into the long distance network do not damage Company, DUC, LEC, or CAP equipment, injure personnel, or degrade Service to other Customers. The Customer is responsible for securing all licenses, permits, rights-of-way, and other arrangements necessary for such interconnection. In addition, the Customer will comply with applicable LEC or CLEC signal power limitations.

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**SECTION 2 - RULES AND REGULATIONS**

**2.5 Obligations of the Customer (continued)**

- 2.5.8 If as a result of inaccurate information provided by the Customer, Circuits need to be moved, replaced, or redesigned, the Customer is responsible for the payment of all such charges. If the Company incurs costs and expenses caused by the Customer or reasonably incurred by the Company for the benefit of the Customer, the Customer is responsible for the payment of all such charges.
- 2.5.9 Upon the Customer's receipt of Company Debit Calling Cards, the Customer will assume all risk of loss or misuse of such Debit Calling Cards.
- 2.5.10 If a Customer directly or indirectly authorizes third parties to use the Service, the Customer will indemnify and hold the Company harmless against any and all claims, demands, suits, actions, losses, damages, assessments or payments which may be asserted or demanded by said parties.
- 2.5.11 Customer will not use the Company name or any service mark or trademark of the Company or refer to the Company in connection with any product, equipment, promotion or promotional material, or publication, contracts, or bills, etc. of the Customer without the express prior written approval of the Company.
- 2.5.12 The Customer will be responsible for the payment of all charges for Services billed by the Company including those charges that the LEC bills as a billing agent for other companies.

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**SECTION 2 - RULES AND REGULATIONS**

**2.5 Obligations of the Customer (continued)**

2.5.13 For a Customer subscribing to the Company's Service(s) utilizing Dedicated Access to be exempted from the monthly special access surcharge, the Customer must provide the Company an executed Exemption Certificate. The Customer may only be exempted from the monthly special access surcharge if the Customer's facility:

- terminates on a device incapable of connecting the network of the DUC selected by the Company with the local exchange network; or
- is associated with a Switched Access Service that is subject to carrier common line charges; or
- constitutes a private line facility used for telex service or radio or television transmissions.

2.5.14 The Customer will be liable for:

- (A) Reimbursing the Company for all loss as a result of theft, fire, flood or other catastrophes of Company or DUC provided equipment or facilities on the Customer's Premises.
- (B) Reimbursing the Company for damages to facilities or equipment caused by the negligence or wilful acts of the Customer's officers, employees, agents, contractors, or End User(s).

2.5.15 In the case of nonworking Accounting Codes, the Customer is responsible for payment of usage charges for long distance calls originated or terminated at Customer's number(s).

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**SECTION 2 - RULES AND REGULATIONS**

2.5 Obligations of the Customer (continued)

2.5.16 Service(s) may be used with or terminated in Customer-provide terminal equipment or Customer-provided communications systems such as a telephone set, PBX or key system. Such terminal equipment shall be furnished and maintained at the expense of the Customer. The Customer is responsible for all costs at the Customer's premises, including personnel, wiring, electrical power, and the like, incurred in the use of the Service. When such terminal equipment is used, the equipment shall comply with applicable rules and regulations of the Commission, including but not limited to, Part 68. In addition, equipment must comply with generally accepted minimum protective criteria standards and engineering requirements of the telecommunications industry which are not barred by the Commission.

2.5.17 The Customer will indemnify and save the Company harmless from any and all liability not expressly assumed by the Company in Section 2.3 and arising in connection with the provision of Service to the Customer, and will protect and defend the Company from any suits or claims alleging such liability, and will pay all expenses (including attorneys' fees as awarded by the court) and satisfy all judgements which may be incurred by or rendered against the Company in connection therewith.

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**SECTION 2 - RULES AND REGULATIONS**

2.5 Obligations of the Customer (continued)

2.5.18 If a Debit Calling Card has a customized design, the design will be subject to the Company's review and approval, in the Company's sole discretion. The Company will deliver to the Customer a prototype of a customized Debit Calling Card. The Customer will advise the Company, in writing, of its approval of, or request for revisions of, such prototype prior to the Company's fulfillment of the Customer's order. Any such requested revisions to the customized design will be subject to the Company's approval. The Customer is responsible for all costs incurred by the Company in manufacturing a customized Debit Calling Card.

2.5.19 If Dedicated Access is a required condition for subscribing to one of the Company's Services, the Customer is responsible for obtaining the Dedicated Access.

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**SECTION 2 - RULES AND REGULATIONS**

**2.6 Obligations of a Reseller**

2.6.1 The terms and conditions of this Tariff, including but not limited to the obligations contained in Section 2.5 of this Tariff and in Sections 2.6.2 through 2.6.7 of this Tariff, apply to Customers that are Resellers. Failure to comply with any term, rule, or regulation of this Tariff may result in the Company terminating Service(s) without incurring any liability. Notification of termination of Service(s) may be in writing or in another expeditious manner selected by the Company.

2.6.2 In the event of non-payment by a Reseller's subscriber, the Company may be requested by the Reseller to block such subscribers's calling card number and PIN because of non-payment of charges. Before the Company blocks Service to a Reseller's subscriber, the Reseller must certify that proper notice has been given to the subscriber. Proper notice must meet state and federal rules for Blocking Service due to non-payment. The Reseller is responsible for all costs incurred to disconnect or block the location from Service(s).

2.6.3 Resellers will be responsible for paying all taxes, surcharges, and fees based upon the taxing jurisdiction's rules and regulations.

2.6.4 Resellers will be responsible for all interaction and interface with their own subscribers. The provision of Company Service will not create a partnership or joint venture between the Company and the Reseller nor result in a joint offering to third parties.

2.6.5 Resellers will be responsible for providing all billing, collection, and customer service functions for all of its locations, including resolving any unauthorized presubscription disputes.

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**2.6 Obligations of a Reseller (continued)**

2.6.6 Resellers must have the appropriate certification in all areas where Service is provided. Resellers are responsible for maintaining all necessary state and F.C.C. tariffs for operating as a Reseller and for complying with the rules and regulations as set forth by the various state regulatory agencies. Further, Resellers must assume full responsibility for complying with the Communications Act of 1934, as amended; the Telecommunications Act of 1996; and the rules, regulations, and decisions of the F.C.C. Failure to comply with any term, rule, or regulation of this Tariff may result in the Company immediately and irrevocably terminating Service(s) without incurring any liability. Notification of termination of Service(s) may be done in person or in writing.

2.6.7 If the presubscription of any line of a Reseller is unauthorized, the Company may charge the Reseller for the unauthorized presubscription change charges plus all additional charges imposed and costs incurred. The Reseller is financially liable for all lines at all locations until such time as the lines and/or locations are presubscribed to a different interexchange carrier. In instances where the Reseller has presubscribed lines and/or locations to its Service without proper authorization, the Reseller must:

- (A) Inform the premises owner/occupant at each location of the unauthorized change in IXCs; and
- (B) Insure that each such location is returned to the IXC of choice; and
- (C) Pay all applicable conversion charges.

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**2.7 Interruption of Service**

**2.7.1 General**

It will be the obligation of the Customer to notify the Company of any interruption in Service for which a credit allowance is desired. Before giving such notice, the Customer will ascertain that the interruption is not being caused by any action or omission by the Customer, and is not caused by any wiring or equipment furnished by the Customer.

**2.7.2 Debit Card Service**

Credits for cut-off, poor transmission, or wrong number will not be issued for Debit Card Service.

**2.7.3 All Other Usage-Sensitive Services**

Credit allowances for the interruption of usage-sensitive Services will be limited to the applicable initial period charge for the call interrupted, subject to the limitation of liability provision set forth in Sections 2.3.2 and 2.3.9 preceding.

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**2.8 Assignment**

2.8.1 Customer will not assign or transfer the use of the Company's Services except that, where there is no interruption or relocation of use, such assignment or transfer may be made to an assignee Customer, whether an individual, partnership, association or corporation, if the Company consents in writing to such assignment and provided that:

- (A) customer of record (assignor Customer) requests such assignment or transfer in writing in accordance with Section 2.7.3 below; and
- (B) the new Customer (assignee Customer) notifies the Company in writing that it agrees to assume all outstanding obligations of the former Customer for use of the Company's Services. These obligations include all outstanding indebtedness for the use of the Company's Service. Consent to such assignment or transfer will not be unreasonably withheld.

2.8.2 Any permitted assignment or transfer of Company' Service will not relieve or discharge any Customer from remaining jointly and severally liable with the new Customer for any obligations existing at the time of transfer or assignment.

2.8.3 Customer will provide written notice to the Company at least forty-five (45) days prior to the effective date of any requested assignment or transfer. The Company agrees to respond to a request to assign or transfer to another Customer within thirty (30) days of receipt of notification. All terms and provisions contained in this Tariff will apply to any assignee or transferee.

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2.9 Obtaining Service

2.9.1 Application for Service

To obtain Service, the Company requires the Customer to complete a service agreement and a credit application.

2.9.2 Establishment of Credit

(A) Applicant

For all Services except for the Company's Debit Card Service, the Company reserves the right to require all Applicants to establish credit worthiness to the reasonable satisfaction of the Company. Upon receipt of the signed application, the Applicant will be deemed to have authorized the Company to obtain such routine credit information and verification as the Company requires.

(B) Customer

If the conditions of Services or the basis on which credit was originally established have materially changed, an existing Customer may be required to establish additional credit. The Company reserves the right to examine the credit record and check the references of any Customer at any time.

2.9.3 Deposits

The Company does not collect deposits for services in this <sup>Tariff</sup> PUBLIC SERVICE COMMISSION  
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2.10 Payment For Services

2.10.1 Billing Period

The Company utilizes cycle billing.

2.10.2 Rendering Bill

The Company utilizes two billing options. They include direct billing and LEC billing.

(A) Direct Billing By Company Or Authorized Billing Agent

.1 Bills are sent to the current billing address no later than thirty (30) days following the close of billing. Call detail is included with the bill. The due date is disclosed on the bill. Payment in full is due within twenty two (22) days of the invoice date on the bill. Charges are payable only in United States currency. Payment may be made by cash, check, money order, or cashier's check. Checks should be made payable as named on the bill and should be sent to the address as listed on the bill.

.2 If a Customer's bill is not paid within thirty (30) days from the invoice date, the Company imposes a late payment penalty of 1.5% per month on the delinquent amount. The penalty will be assessed only once on any bill for service rendered in accordance with 807 KAR 5:006, Section 8 (3) (h). The late payment penalty charge will be assessed on unpaid penalty charges. Any payment received will first be applied to the bill for services rendered.

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2.10 Payment For Services (continued)

2.10.2 Rendering Bill (continued)

(B) LEC Billing

With LEC billing, the Customer's charges for the Company's Services are billed with the Customer's bill for local service. Call detail is included with the bill. If LEC billing is utilized, the rules and regulations applying to rendering and payment of bill and late charges are the same as covered in the applicable LEC tariff.

2.10.3 Payment

Payments by checks are made payable as indicated on the bill and are mailed to the address indicated on the bill. Payment is due within twenty-two (22) days of the invoice date on the bill.

2.10.4 Billing Disputes

Billing disputes are handled by the Company's Customer Service group located at Company headquarters. See Section 2.11. The complainant will be notified of his right to file a complaint with the Kentucky Public Service Commission.

2.10.5 Payment for Debit Card Usage

All charges for Debit Card Services must be paid in advance. No Debit Card PIN will be activated until payment, in U. S. Dollars and in full, has been received by the Company. If the Customer pays via check, the PIN is activated after the check clears the bank.

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2.10 Payment For Services (continued)

2.10.6 Billing Format

Bills rendered to Customers by the Company contain the following information:

Date of Bill Rendering	Company Name
Service Dates	Due Date
Past Due Date	Current Amount Due
Call duration	Call Type
Total Charges per Call	Taxes
Total Charges for Company Services	Toll Free Number
Date and Time of Each Call	
Past Due Amount (if applicable)	
Past Due Penalties (if applicable)	
Usage and Taxes By Accounting Code	
Originating Location Telephone Number and Terminating Number	

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2.11 Customer Service

Customer Service may be contacted in writing at Pantel Communications, Inc. or via a toll-free number. Customer Service representatives are available to assist with Customer inquiries from 8:00 AM to 4:30 PM central time. For Customer subscribing to a Debit Card Service, the toll-free Customer Service number is provided on the back of the Debit Card. For Customers billed by the Company, the toll-free number, (800) 936-9000, is provided with the bill. If the Customer is not satisfied with the Company's resolution of a billing inquiry or a billing dispute, the Customer may make application to the Commission for review and disposition of the matter.

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**2.12 Cancellation of Service By Customer**

**2.12.1 General**

Any Customer desiring service terminated shall give the Company three (3) days notice in accordance with KAR 5:0006, Section 12 (1). The notice may be written notice or a telephone notice. If the Customer notifies the Company of his request for termination by telephone, the burden of proof is on the Customer to prove that service termination was requested if a dispute arises.

**2.12.2 Customers With Switched Access**

The Customer's service is canceled when the LEC changes the Primary Interexchange Carrier (PIC) code or when the Underlying Carrier cancels the service offered by the Company.

**2.12.3 Customers With Dedicated Access**

The Customer's service is canceled when the Underlying Carrier cancels the service offered by the Company or when the Dedicated Access is moved to another Underlying Carrier.

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**SECTION 2 - RULES AND REGULATIONS**

2.13 Refusal or Termination of Service

2.13.1 Conditions Under Which the Company May Refuse or Terminate Service

- (A) For noncompliance with the Company's tariffed rules or commission regulations. However, the Company will not terminate service without having made a reasonable effort to obtain customer compliance. Service will be refused or terminated after the company has given the Customer or potential Customer at least ten (10) days written notice.
- (B) For dangerous conditions. The Company will notify the Customer immediately in writing and, if possible, orally of the reasons for the termination or refusal. The notice shall include the corrective action to be taken by the Customer before service can be restored or provided.
- (C) For outstanding indebtedness.
- (D) For noncompliance with state, local or other codes. The Company will terminate service only after ten (10) days written notice in accordance with 807 KAR 5:006, Section 14 (1) (e) unless ordered to terminate immediately by a governmental official.
- (E) For nonpayment of bills. The Company will terminate service only after five (5) days written notice unless ordered to terminate immediately by a governmental official. Under no circumstance will service be terminated before twenty (20) days after the mailing of the original unpaid bill.

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2.13 Refusal or Termination of Service (continued)

2.13.1 Conditions Under Which the Company May Refuse or Terminate Service (continued)

(F) For illegal use or theft of service. The Company may terminate service to a Customer without advance notice if it has evidence that a Customer has obtained unauthorized service by illegal use or theft. Within twenty-four (24) hours after such termination, the Company will send written notification to the Customer of the reasons for termination or refusal of service upon which the utility relies, and of the Customers' right to challenge the termination by filing a formal complaint with the commission.

2.13.3 Conditions Under Which the Company Will Not Terminate Service

(A) If payment for services is made. If, following receipt of a termination notice for nonpayment but prior to actual termination of service, there is delivered to the Company payment of the amount in arrears, service will not be terminated.

(B) If a payment agreement is in effect. Service will not be terminated for nonpayment if the Customer and the Company have entered into a partial payment plan and the Customer is in compliance with that agreement.

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**SECTION 2 - RULES AND REGULATIONS**

2.14 Taxes

2.14.1 Debit Card Calls

For the Company's Debit Calling Card the usage rates in Section 4 of this Tariff are inclusive of all assessments, duties, fees, surcharges, taxes, or similar liabilities except for point-of-sales ("sales and excise") taxes. For all Services other than the Debit Calling Card, the usage rates in Section 4 of this Tariff are exclusive of all applicable assessments, duties, fees, surcharges, taxes, or similar liabilities.

2.14.2 All Other Services

Unless otherwise specified herein, all stated charges in this Tariff are computed by the Company exclusive of any assessments, duties, fees, surcharges, taxes, or similar liabilities levied against the Company by governmental, quasi-governmental, or other entities such as federal, state, or local government. Such assessments, duties, fees, surcharges, taxes, or similar liabilities shall be paid by the Customer in addition to the charges stated in this Tariff. All such charges shall be shown as a separate line item on the Customer's bill.

2.14.3 Pending the conclusion of any litigation challenging a jurisdiction's or body's right to impose any assessments, duties, fees, surcharges, taxes, or similar liabilities, the Company may elect to waive or impose and collect a charge covering such assessments, duties, fees, surcharges, taxes, or similar liabilities, unless otherwise constrained by court order or direction. All such charges will be shown as a separate line item on the Customer's bill. If the Company has collected any assessments, duties, fees, surcharges, taxes, or similar liabilities and any of the challenged assessments, duties, fees, surcharges, taxes, or similar liabilities are found to have been invalid and not enforceable, the Company will credit or refund such sums to each affected Customer if (1) the Company has retained such funds or (2) the Company has remitted such funds to the collecting jurisdiction or body and the funds have been returned to the Company.

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**SECTION 2 - RULES AND REGULATIONS**

2.14 Taxes and Assessments (continued)

2.14.4 In order to be granted exemption status, a Customer claiming exempt status must provide the Company with copies of all relevant exemption certificates and documents required by the Company. New Customers are required to provide the requested documentation at the time Service is ordered for new Customers. Failure to provide the required documentation at the time Service is ordered will result in all assessments, duties, fees, surcharges, taxes, or similar liabilities (as described in Section 2.14.2 of this Tariff) being levied by the Company on the Customer's Service. The Customer will be responsible for the payment of all such charges.

2.14.5 At the Company's option, the Company may accord the Customer exempt status upon receipt of the required documentation after Service is ordered. However, the Customer will be billed for all applicable assessments, duties, fees, surcharges, taxes, or similar liabilities as described in Section 2.14.2 of this Tariff. The Customer is responsible for the payment of same until such time as the Company has ceased billing the applicable assessments, duties, fees, surcharges, taxes, or similar liabilities. Failure to pay the appropriate assessments, duties, fees, surcharges, taxes, or similar liabilities prior to exempt status being accorded by the Company will result in termination of Service.

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**2.15 Timing of Calls**

Conversation time is defined as when two way communications between the calling and called number is possible. Usage begins when the called party picks up the receiver and the local telephone company sends a signal to the switch which utilizes hardware answer supervision or software tone detection. Chargeable times ends when the calling station hangs up thereby releasing the network connection. If the called station hangs up but the calling station does not, chargeable time ends when the network connection is released either by the automatic timing equipment in the telecommunications network. If the End User of a Debit Card uses the conference calling feature, the third leg of the call is timed separately. Timing of the third leg of the call begins when the called station answer and terminates when the called station hangs up.

**2.16 Changes to Service Offerings**

The Company reserves the right to add, change, or delete Services and/or DUCs at any time.

**2.17 Restoration of Services**

The use and restoration of Service in emergencies shall be in accordance with the priority system specified in Part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission.

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**SECTION 2 - RULES AND REGULATIONS**

2.18 Rate Periods

Different rates may be applicable to a call at a different time of the day and on certain days of the week as specified in the appropriate rate schedule for that call. The rate periods shown below apply. All times shown are local time at the calling station for outbound calls and at the called station for inbound calls.

Rate Period	Times Applicable		Days Applicable
	From	To But Not Including	
Day	8:00 AM	5:00 PM	Mon - Fri
Evening	5:00 PM	11:00 PM	Sun - Fri
Night	11:00 PM	8:00 AM	All days
	8:00 AM	11:00 PM	Saturday
	8:00 AM	5:00 PM	Sunday

Rate Period	Times Applicable		Days Applicable
	From	To But Not Including	
Peak	8:00 AM	5:00 PM	Mon - Fri
Off-Peak	5:00 PM	12:00 PM	Mon - Fri
	12:00 PM	8:00 AM	Mon - Fri
	All	ALL	Sat - Sun

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**SECTION 2 - RULES AND REGULATIONS**

2.20 Application of Charges

2.20.1 Directory Assistance Service

The directory assistance charge applies whether or not the directory assistance bureau furnished the requested telephone number(s) (e.g., where the requested telephone number is unlisted, non-published or no record can be found).

2.20.2 All Usage-Sensitive Long Distance Services

Calls are billed in various timing increments depending on the Service subscribed to by the Customer. Each Service has its own specific initial period and additional period. The length of the initial period and the additional period is shown in Section 3 of this Tariff. For all Services, fractions of a timing increment are rounded up to the next highest increment.

Usage charges apply to all completed calls. The usage charges for each completed call during a billing month will be computed. If the charge includes a fraction of a cent, the fraction is rounded up to the next higher whole cent. If the rate for the payphone surcharge pursuant to Section 4.11.3 of this Tariff includes a fraction of a cent, the amount of the surcharge is rounded up to the next whole cent.

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**SECTION 2 - RULES AND REGULATIONS**

2.21 Determining Rate In Effect

2.21.1 General

For outbound Services that are time-of-day sensitive, the time-of-day at the central office or POP associated with the calling station determines the rate in effect. For inbound Services that are time-of-day sensitive, the time-of-day at the central office or POP associated with the called station determines the rate in effect.

2.21.2 Switched Access

When a unit of time is split between two rate periods, each rate period applies to the portion of the call that occurred during that rate period.

2.21.3 Dedicated Access

When a unit of time is split between two rate periods, the rate is based on the rate period in which it began.

2.22 Expiration Of Debit Card

Rules regarding the expiration date of a Debit Card are printed on the back of the card. A Debit Card expires six months from the date of first use by the Cardholder or on the expiration date printed on the card whichever occurs first. If unused usage remains on the card on the expiration date of the card, a monthly account maintenance fee applies until the unused usage is exhausted. The Cardholder may use an expired Debit Card until the usage has been exhausted by the Cardholder or by the application of the monthly account maintenance fee.

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2.23 Fraud Control

Only one call per Debit Card account will be processed at any given time.

2.24 Lost Or Stolen Calling Cards Or PIN

Upon knowledge of facts which would alert a reasonable person to the possibility of unauthorized use of the Customer's calling card or PIN, the Customer will alert and give notice to the Company of such facts. Upon receipt of notice, the Company will deactivate the PIN associated with the card. If requested by the Customer, a new calling card and PIN will be issued to the Customer. The Customer will be excused from liability only with respect to unauthorized calls placed after receipt of such notice by the Company.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.1 Outbound Services

3.1.1 General

All services are interstate offerings. Intrastate service is an add-on service available only if the Customer subscribes to the Company's interstate offering.

3.1.2 Switched Access Services

(A) Pantel Dial 1

Pantel Dial 1 is an outbound only, long distance pricing plan for Customers using Switched Access to reach the long distance network of the Underlying Carrier. Pantel Dial 1 is available to Business Customers and Residential Customers. The initial period is 18 seconds or fraction thereof and the additional periods are each 6 seconds or fraction thereof.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.1 Outbound Services (continued)

3.1.3 Dedicated Access Services

(A) Pantel Direct

Pantel Direct is an outbound only, long distance pricing plan for Business Customers that utilize Dedicated Access to reach the POP of the Underlying Carrier. The initial period is 18 seconds or fraction thereof and the additional periods are each 6 seconds or fraction thereof.

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**SECTION 3 - DESCRIPTION OF SERVICES**

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3.2 Inbound 800 Services

3.2.1 General

All services are interstate offerings. Intrastate service is an add-on service available only if the Customer subscribes to the Company's interstate offering. Inbound service permits calls to be completed to the Customer's location without charge to the calling party. Access to the service is gained by dialing a ten digit telephone number, (800) NXX-XXXX, which terminates at the Customer's location.

3.2.2 Services Terminating Via Switched Access

(A) Pantel 800

Pantel 800 is an inbound only, long distance pricing plan. Calls are originated from any point in the state on any type of access but are terminated via Switched Access lines in the terminating city. Pantel 800 is available to Business Customers and Residential Customers. The initial period is 18 seconds or fraction thereof and the additional periods are each 6 seconds or fraction thereof.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.2 Inbound 800 Services (continued)

3.2.3 Services Terminating Via Dedicated Access

(A) Pantel Direct 800

Pantel Direct 800 is an inbound only, long distance pricing plan. Calls are originated from any point in the state on any type of access but are terminated via Dedicated Access lines between the Customer's premises and the Underlying Carrier's POP. Pantel Direct 800 is available to Business Customers. The initial period is 18 seconds or fraction thereof and the additional periods are each 6 seconds or fraction thereof.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.3 Directory Assistance

3.3.1 Description of Service

Intrastate Directory Assistance involves the supplying of assistance in determining or attempting to determine the telephone number of a party.

3.3.2 Availability of Service

Directory Assistance is available to any Customer that has access to the directory assistance bureau of the Underlying Carrier. If a Customer with Switched Access calls directory assistance for a call within their area code, the call is handled by the LEC. If a Customer with Switched Access calls directory assistance for a call within the state but outside of their area code, the call is routed to the Underlying Carrier for handling. Customers with Dedicated Access must program their PBX to route directory assistance calls over their Switched Access lines.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.4 Calling Card Services

3.4.1 General

Calling Card Service enables the caller to bill a call to the primary service location when the caller is away from their established primary service location. Customers access the long distance network by dialing an "800" number plus the called telephone number and the calling card code. Intrastate calling card service is only available if the Customer subscribes to the Company's corresponding interstate calling card service.

3.4.2 Pantel Calling Card Select

The Pantel Calling Card Select is available to Business Customers and Residential Customers.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.4 Calling Card Services (continued)

3.4.3 Pantel Dial 1 Calling Card

The Pantel Dial 1 Calling Card is available to Business Customers and Residential Customers. The Customer may select from various rate plans depending on ATU at the time the order is provisioned. The initial period is one minute or fraction thereof and the additional periods are each minute or fraction thereof.

Plan	ATU	
	From	To
A	\$25.00	\$49.99
B	\$50.00	\$74.99
C	\$75.00	\$99.99
D	\$100.00	\$124.99
E	\$125.00	\$149.99
F	\$150.00	\$199.99
G	\$200 & Over	

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3.4.4 Pantel Phone Home / Family 800

Pantel Phone Home Service enables the Customer to call preselected locations by dialing an 800/888 number and a PIN. With Pantel Phone Home, the Customer's charges for the Company's Services are billed with the Customer's bill for local service. The initial period is one minute or fraction thereof and each additional period is one minute or fraction thereof.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.5 Debit Card Services

3.5.1 Description of Service

- (A) Debit Card Service is a prepaid long distance Service that allows Customers to obtain a predetermined amount of access to the Company's long distance Services. The Company offers dollar based cards, meaning there is a fixed amount of dollars (i.e. 10, 20, 50, 100 or some other denomination) available to Customers who purchase a card. The Company also offers unit based cards meaning there is a fixed amount of units to Customers who purchase a card. The card is valid for six (6) months from the date of first use or until the expiration date printed on the card whichever comes first. After expiration, the card is debited an account maintenance fee.
  
- (B) Debit Card Service is offered via "800/888" access numbers and is available to a Cardholder from a touchtone phone. The Cardholder may access the Platform from anywhere in the United States by dialing a universal "800/888" number plus a PIN and the called telephone number. In some locations, the Customer may place a Debit Card call by dialing a local access number. Where available, the Company will provide the Customer the local access number. The Cardholder hears recorded messages that guide the Cardholder through the Platform. The Platform validates the Cardholder's PIN and determines whether time remains on the card. If time is available on the Cardholder's account, the call is completed to the called telephone number dialed by the Cardholder. The Cardholder is verbally informed of the available balance in the Cardholder's Debit Card account. Calls may terminate in the United States, Puerto Rico, and the United States Virgin Islands.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.5 Debit Card Service (continued)

3.5.1 Description of Service (continued)

- (C) Calls are real-time rated during call progression. The total price of each call, including applicable taxes, is calculated on the basis of dollars and is deducted from the available account balance associated with each card. The Platform debits the Cardholder's account balance as the Cardholders places a call. The Cardholder receives a warning tone at one minute before the Cardholder's account balance reaches zero. Calls in progress will be terminated when the balance reaches zero.
  
- (D) The features available with Debit Card Services include sequential calling capability, automatic misdial correction, single user access, as well as limited conference calling capability. The calling party may add additional called numbers to the call up to a total of nine called numbers. The initial period and additional periods are one (1) minute or fraction thereof.

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.5 Debit Card Service (continued)

3.5.2 Service Offerings

(A) Pantel Debit Card

The Company determines the content, design, and production of the card. The Company is responsible for all costs associated with production and distribution of the Debit Card to the Customer. The rate per unit varies based on the estimated annual volume of the Customer.

.1 Option D

Option D is a dollar based Debit Card available to Residential Customers and Business Customers. The card is available in denominations of \$5, \$10, \$15, and \$20 or in a denomination that is mutually agreed to by the Company and the Customer. The initial period is one minute or fraction thereof and the additional periods are each minute or fraction thereof.

Rate Plan	Annual Usage Commitment
A	less than 100,000 minutes
B	100 ,000 to less than 250,000 minutes
C	250 ,000 to less than 500,000 minutes
D	500,000 to less than 1,000,000 minutes
E	1,000,000 to less than 5,000,000 minutes
F	more than 5 ,000,000 minutes

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**SECTION 3 - DESCRIPTION OF SERVICES**

3.5 Debit Card Service (continued)

3.5.2 Service Offerings (continued)

(B) Pantel Private Label Debit Card

The Pantel Private Label Debit Card is available to Business Customers. The card is available as a unit based card or as a dollar based card in denominations that are mutually agreed to by the Company and the Customer. The Customer determines whether the card is printed as a unit based or dollar based card. The Customer may select card stock, card design (subject to approval by the Company), the content and length of the audio billboard message (subject to approval by the Company), and the print process. The telecommunications rate for long distance Service is shown in Section 4.9.2 of this Tariff. The costs for card design, production, and development of the card and the costs of production and transmission of audio billboards are established by the Company on an ICB agreement. The initial period is one minute or fraction thereof and the additional periods are each minute or fraction thereof.

Pantel Private Label Debit Cards may be issued as distributor cards or as promotional cards. If the card is issued as a promotional card to be given away to the End User, the Clip Rate to be printed on the Debit Card is established by the Customer.

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**SECTION 4 - RATES AND CHARGES**

4.1 Outbound Services

4.1.1 Pantel Dial 1

The usage rates are as follows:

Rate Mileage	Rate Per Minute		
	Day	Evening	Night
All	\$ .1368	\$ .1296	\$ .1296

4.1.2 Pantel Direct

The usage rates are as follows:

Rate Mileage	Rate Per Minute		
	Day	Evening	Night
All	\$ .0845	\$ .0763	\$ .0763

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**SECTION 4 - RATES AND CHARGES**

4.2 Inbound Services

4.2.1 Pantel 800

The usage rates are as follows:

	Rate Per Minute		
Rate Mileage	Day	Evening	Night
All	\$ .1368	\$ .1296	\$ .1296

4.2.2 Pantel Direct 800

The usage rates are as follows:

	Rate Per Minute		
Rate Mileage	Day	Evening	Night
All	\$ .0845	\$ .0763	\$ .0763

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**SECTION 4 - RATES AND CHARGES**

4.3 Directory Assistance

The charge is \$.75 per call.

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**SECTION 4 - RATES AND CHARGES**

4.4 Calling Card Services

4.7.1 Pantel Calling Card Select

(A) Plan 1

The surcharge is \$0.00 per call. The usage charges are as follows:

Rate Mileage	Initial Period 30 seconds			Additional Period 6 seconds		
	Day	Evening	Night	Day	Evening	Night
All	\$0.1250	\$0.0900	\$0.0900	\$0.0250	\$0.0180	\$0.0180

(B) Plan 2

The surcharge is \$0.40 per call. The usage charges are as follows:

Rate Mileage	Initial Period One Minute			Additional Period One Minute		
	Day	Evening	Night	Day	Evening	Night
All	\$0.2500	\$0.1800	\$0.1800	\$0.2500	\$0.1800	\$0.1800

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**SECTION 4 - RATES AND CHARGES**

4.4.2 Pantel Dial 1 Calling Card

The surcharge is \$.25 per call.

The following rates apply:

Rate Plan	Rate Per Minute
A	\$0.2950
B	\$0.2800
C	\$0.2650
D	\$0.2500
E	\$0.2350
F	\$0.2200

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**SECTION 4 - RATES AND CHARGES**

4.4.3 Pantel Phone Home / Family 800

(A) Plan A

Beyond the initial ten domestic minutes, the rate is \$0.25 per minute.

(B) Plan B

The rate is \$0.199 per minute.

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**SECTION 4 - RATES AND CHARGES**

4.5 Debit Card Services

4.5.1 Pantel Debit Card

.1 Option D

The rate per minute is as follows:

Rate Plan	Rate Per Minute
A	\$0.499
B	\$0.329
C	\$0.249
D	\$0.219
E	\$0.189
F	\$0.149

4.5.2 Pantel Private Label Debit Card

The rate is \$0.129 per minute.

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**SECTION 4 - RATES AND CHARGES**

4.6 Miscellaneous Charges

4.6.1 Payphone Surcharge

Pursuant to the FCC's Order in CC Docket 96-128, this surcharge applies only to dial-around calls, i.e., calls originating using a carrier's access code, a Customer's 800 and other toll-free numbers and debit card calls, from payphone instruments. This surcharge does not apply for 0+ call for which the payphone provider would otherwise receive compensation. The Customer shall pay the Company a per call surcharge of \$0.30 per call for all such traffic.

4.6.2 PICC

The Company will pass through to the Customer the PICC billed to the Company by the LEC or CLEC. The charge is per line per month.

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