

Southnet Telecomm Services, Inc.

TOLL TELECOMMUNICATIONS SERVICES

SOUTHNET TELECOMM SERVICES, INC.

**OF
SMYRNA, GEORGIA**

PRINCIPAL OFFICES LOCATED AT
2300 LAKE PARK DRIVE, SUITE 100
SMYRNA, GEORGIA 30080

RATES, RULES AND REGULATIONS FOR FURNISHING
RESALE TELECOMMUNICATIONS SERVICES
WITHIN AND THROUGHOUT
THE COMMONWEALTH OF KENTUCKY

FILED WITH THE PUBLIC SERVICE COMMISSION OF KENTUCKY

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

APR 19 1999

PURSUANT TO 607 KAR 5011,
SECTION 9 (1)

BY: Stephan O. Bee
SECRETARY OF THE COMMISSION

Issued : March 17, 1999

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Issued By: SOUTHNET TELECOMM SERVICES, INC.

By:

Robert A. Morris
Robert A. Morris
Vice President and General Manager

TOLL TELECOMMUNICATIONS SERVICES

CHECK SHEET

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CONCURRING CARRIERS

No concurring carriers

CONNECTING CARRIERS

No connecting carriers

OTHER PARTICIPATING CARRIERS

No other participating carriers

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EXPLANATION OF SYMBOLS AND ABBREVIATIONS

- (C) - To signify changed regulation.
- (D) - To signify discontinued rate or regulation.
- (I) - To signify increased rates.
- (M) - To signify material related from one page to another without change.
- (N) - To signify new rate, regulation, or text.
- (R) - To signify reduced rate.
- (T) - To signify a change in text, but no change in rate or regulation.

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TARIFF FORMAT

Sheet Numbering - Sheet numbers appear in the upper right corner of the sheet. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between Sheets No. 14 and No. 15 would be Sheet No. 14.1.

Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each sheet. These numbers are used to determine the most current sheet version on file with the Kentucky Public Service Commission. For example, the 4th Revised Sheet No. 14 cancels the 3rd Revised Sheet No. 14. Because of the various suspension periods, deferrals and other procedures the Kentucky Public Service Commission follows in its tariff approval process, the most current sheet number on file with the Kentucky Public Service Commission is not always the tariff sheet in effect. Consult the Check Sheet for the sheet currently in effect.

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Check Sheets - When a tariff filing is made with the Kentucky Public Service Commission, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new sheets are added, the Check Sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk ("*"). The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current on file with the Kentucky Public Service Commission.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 1 - APPLICATION OF TARIFF

This Tariff contains the regulations, rates, and charges applicable to the provision of intrastate resale common carrier communications service provided by SouthNet TeleComm Services, Inc. (hereinafter "SouthNet" or the "Company"), between points within the Commonwealth of Kentucky.

Service is furnished subject to the availability of facilities and transmission, atmospheric and like limitations.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS

- 2.1 **Access:** The connection between the Customer's location and an interexchange switching center.
- 2.2 **Access Line:** A transmission line from either an LEC central office or an IXC POP to the Customer's Premises used to process voice and limited speed data Calls.
- 2.3 **Account Code:** A numerical code, assigned to the Customer, to enable the Company to identify use of the Services by the Customer and to bill the use of the Services by the Customer. Multiple Account Codes may be assigned to the Customer to identify individual users or groups of users.
- 2.4 **Additional Period:** The minimum additional portion of a Calling Period after an Initial Period for which charges are incurred for completed Calls.
- 2.5 **Authorization Code:** A predefined series of numbers to be dialed by the Customer or End User upon access to the Company's system to identify the caller and validate the caller's authorization to use the Services provided. All Authorization Codes shall be the sole property of the Company and no Customer or End User shall have any property or other right or interest in the use of any particular Authorization Code. The Customer is responsible for charges incurred through the use of its assigned Authorization Code. Automatic Numbering Identification (ANI) may be used as or in connection with the Authorization Code.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.6 **Automatic Numbering Identification (ANI)**: A type of signalling provided by an LEC which automatically identifies the Calling Station.
- 2.7 **Bit**: The smallest unit of information in the binary system of notation.
- 2.8 **Call**: A completed connection established between a Calling Station and one or more Called Stations.
- 2.9 **Called Station**: The terminating point of a Call (*i.e.*, the Called number).
- 2.10 **Calling Card**: A billing arrangement which bills the charge for an MTS Call to the Main Billing Number of a Customer.
- 2.11 **Calling Card Services**: The Services described in Section 4.3 of this Tariff.
- 2.12 **Calling Station**: The originating point of a Call (*i.e.*, the Calling number).
- 2.13 **Calling Unit**: The measured period of a Call which is either Initial or Additional.

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.14 Commission:** Kentucky Public Service Commission.
- 2.15 Common Carrier:** A company or entity providing telecommunications services to the public.
- 2.16 Company:** SouthNet TeleComm Services, Inc. Also referred to as "SouthNet".
- 2.17 Competitive Access Provider (CAP):** A Common Carrier engaged in the origination and/or termination of interstate, interexchange Calls.
- 2.18 Competitive Local Exchange Carrier (CLEC):** A Common Carrier engaged in the provision of local dial tone and other local exchange services in competition with one or more LECs.
- 2.19 Customer:** A Person who orders Services under this Tariff and who is responsible for payment of all charges therefor and for complying with the terms and conditions set forth in this Tariff.
- 2.20 Customer Premises:** A location, on property owned, leased or otherwise controlled by the Customer, that is designated by the Customer for the provision of the Services to the Customer pursuant to this Tariff.

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.21 **Customer-Provided Equipment:** Telecommunications equipment provided by a Customer used to originate or terminate Calls at the Customer Premises.
- 2.22 **Dedicated Access:** A non-switched circuit connecting a Customer Premises to an IXC POP with no intermediate switching functions.
- 2.23 **DS-0:** A form of Service offered at digital signal level 0 and providing a 64 Kbps signal.
- 2.24 **DS-1:** A form of private line Service offered at digital signal level 1 and providing a 1.544 Mbps signal.
- 2.25 **DS-3:** A form of private line Service at digital signal level 3 and providing digital signals at the speed of 44.736 Mbps.

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.26 End User:** Any Person which uses the Services ordered by the Customer under this Tariff. If at any time the Customer fails to make timely payment for the Services, satisfaction of the Customer's payment obligations with respect to Services utilized by an End User shall become the direct responsibility of the End User and said End User shall make immediate payment directly to the Company of all associated overdue amounts. Notwithstanding the foregoing, the Customer shall not be relieved of its responsibility to fully satisfy its payment obligations under this Tariff.
- 2.27 FCC:** Federal Communications Commission.
- 2.28 Fractional Charges and Credits:** Each month is considered to have thirty (30) days for billing purposes. To determine charges or credits for portions of months, the days remaining in the billing period (including the thirty-first (31st) day of a thirty-one (31)-day month) are counted, starting with the day after the date on which the Services were furnished or discontinued; that figure is divided by thirty (30) days and the resultant fraction is multiplied by the Monthly Charge to arrive at the Fractional Charge or Credit.
- 2.29 Inbound Services:** The Services described in Section 4.2 of this Tariff.
- 2.30 Incomplete Call:** Any Call as to which voice transmission between the Calling and the Called Stations is not established (*i.e.*, busy, no answer).

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.31 Incremental Call Unit:** The minimum additional period after an Initial Call Unit for which charges are incurred for completed Calls and, except as otherwise provided in this Tariff, equals six (6) seconds.
- 2.32 Initial Call Unit:** The minimum period for which charges are incurred for a completed Call; unless otherwise specified herein, the Initial Call Unit for all services offered pursuant to this Tariff shall be eighteen (18) seconds.
- 2.33 Installation Charge:** A fixed charge per unit which applies when certain Services are furnished.
- 2.34 Interexchange Carrier (IXC):** A Common Carrier engaged in the transport of Calls and other telecommunications across LATA boundaries.
- 2.35 Isochronous:** A characteristic of a periodic signal in which the time interval that separates any two corresponding significant instants or transitions of signal level is equal to the unit interval or to a multiple of the unit interval. No timing or clock lead is provided at the customer interface.
- 2.36 KBPS:** Kilobits per second.

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.37 **KHZ**: Kilohertz.
- 2.38 **LATA**: Local Access and Transport Area.
- 2.39 **LEC**: Local Exchange Carrier.
- 2.40 **Main Billing Number**: A telephone number assigned to the Customer to which charges for the Services are billed.
- 2.41 **MBPS**: Megabits per second.
- 2.42 **MHZ**: Megahertz.
- 2.43 **Minimum Payment Period**: The Minimum Payment Period is the minimum period, if any, for which the Customer is required to make payment for the Services. The Minimum Payment Period for a given Service is specified in the section of this Tariff applicable to that Service. Charges applicable to the Minimum Payment Period include recurring charges plus any nonrecurring and/or special construction charge(s) that may apply.
- 2.44 **Monthly Charge/Monthly Recurring Charge**: A flat charge which applies for each month in which the Services are furnished to the Customer and which is prorated for a fractional month of Service.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.45 Move Charge:** A charge which applies when the physical location of the termination of an office connection or an office function is changed at the Customer's request. A move is considered to be the discontinuance of service at the old location and the reinstallation of the service at the new location. Installation charges apply only for the components that are moved. A new minimum payment period will be established.
- 2.46 MIS:** Message Telecommunications Services.
- 2.47 Nonrecurring Charges:** One-time charges payable to the Company including Installation Charges, Service Ordering Charges and Special Construction Charges. Charges may differ according to the work activity involved.
- 2.48 NPA:** Numbering Plan Area, more commonly referred to as an area code.
- 2.49 NPA Centroid:** The center of the area code, sometimes used to calculate mileage for inbound Calls where the NPA-NXX of the Calling Station is not available.
- 2.50 NXX:** 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.

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.51 Outbound Services:** The Services described in Section 4.1 of this Tariff.
- 2.52 Person:** A natural being, firm, organization, partnership, association, corporation, or entity.
- 2.53 Point-of-Presence (POP):** The central switching office of an IXC where it interconnects with an LEC.
- 2.54 Rate Center:** A group of central offices determined by NPA Centroid or NPA-NXX.
- 2.55 Recognized National Holidays:** New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- 2.56 Recurring Charge:** Monthly Charges and Usage Charges.
- 2.57 Reseller:** Any Person which obtains Services under this Tariff for the purpose of reselling those Services to End Users. The Reseller shall be deemed to be the Customer of such resold services.
- 2.58 RespOrg:** The entity responsible for the management of, and which may access and modify, a subscriber's record in the SMS/800 database. A RespOrg must meet certain eligibility criteria established by the FCC.

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SECTION 2 - TECHNICAL TERMS AND ABBREVIATIONS (cont'd)

- 2.59 Service:** The telecommunications services provided by the Company pursuant to this Tariff as described in Section 4 of this Tariff.
- 2.60 Service Order:** A Customer order for installation, move, or record change related to the Services.
- 2.61 Special Construction Charge:** A charge associated with an installation of the Services requiring unique or additional equipment or facilities.
- 2.62 Switched Access:** A switched circuit connecting a Customer Premises to an IXC POP with intermediate switching functions.
- 2.63 Underlying Carrier:** A facilities-based IXC which provides transport services that are resold by the Company.
- 2.64 Usage Charge:** Charges stated as a function of, and which vary with, use (e.g., per connection or per unit of time); Usage Charges are set forth for each Service provided by the Company in Section 5 of this Tariff.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS

3.1 Undertaking of the Company.

- 3.1.1 Scope.** The Company undertakes to provide the Services in accordance with the terms and conditions set forth in this Tariff. The Services are furnished for communications originating at points within the Commonwealth of Kentucky and terminating within the Commonwealth of Kentucky.
- 3.1.2 Provision of Customer Equipment.** Customer-Provided Equipment may be used with the Services. The Company does not provide such equipment.
- 3.1.3 Agency.** The Company may act as an agent for the Customer in connection with the implementation and maintenance of the Services.
- 3.1.4 Routing.** The Company will maintain sole and absolute discretion over the routing of Calls originated by the Customer pursuant to this Tariff and the channels and/or service components used to provide the Services. The Company will maintain sole and absolute discretion over the selection of the Underlying Carrier over whose network Calls originated by the Customer pursuant to this Tariff will be carried and will be under no obligation to notify End Users of any change in the Underlying Carrier.
- 3.1.5 Minimum Call Completion Rate.** The Customer can expect a Call completion rate (e.g., number of Calls completed/number of Calls attempted) of not less than ninety percent (90%) during peak use periods.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.2 Limitations.

3.2.1 Availability of Services. The Services are offered subject to the availability of facilities and under the terms and conditions contained in this Tariff. The Company's obligation to furnish the Services is dependent upon its ability to obtain, retain and maintain without unreasonable expense access to suitable facilities, including service arrangements with Underlying Carriers, and is subject to transmission, atmospheric and like limitations. The Services may be temporarily refused or limited due to limitations in system capacity or to other circumstances beyond the Company's control. The Services may be temporarily interrupted or curtailed due to equipment modifications, upgrades, relocations, repairs, or similar activities necessary for the proper or improved operation of the Services.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.2 Limitations (cont'd).

3.2.2 Rights of the Company. The Company reserves the right to refuse or limit the use of or suspend (pursuant to Section 3.16.1) or terminate (pursuant to Section 3.16.2) Service to the Customer without incurring liability:

- (A) For non-payment when due of any amount due and owing to the Company by the Customer.
- (B) For failure by the Customer to make a security deposit within a reasonable time.
- (C) For violation of, or failure to comply with, the terms and conditions of this Tariff by the Customer of either the provisions of this Tariff or for violation of any laws, rules, regulations, or policies of a governmental authority applicable to the Services and the Customer's use thereof.
- (D) By reason of an order or decision of a court or other governmental authority which prohibits the Company from furnishing the Services.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.2 Limitations (cont'd).

3.2.2 Rights of the Company (cont'd).

- (E) In the event that the Company's service arrangement with one or more Underlying Carriers is terminated and the Company is unable to secure another service arrangement without incurring unreasonable expense.
- (F) When necessitated by conditions beyond the Company's control. Conditions beyond the Company's control include, but are not limited to, the Customer generating Call volume or utilizing a Calling pattern that results, or may result, in network blockage or other service degradation which adversely affects the Service to other customers of the Company.
- (G) For abuse or fraudulent use of the Services by the Customer or its End Users. Abuse of the Services includes, without limitation, the making of Calls which might reasonably be expected to frighten, abuse, torment or harass another or which in any way would interfere unreasonably with the use of the Service by others. Fraudulent use of the Services includes, without limitation: (1) use of the Services to transmit a message, locate a person or otherwise give or obtain information without payment for the Services; (2) use, or attempted use, of the Services with the intent to avoid payment therefor by rearranging, tampering with, or making connections not authorized by this Tariff to any service components or through use of fraudulent means, devices, tricks, schemes, false or invalid numbers, false credit devices or electronic devices; (3) use of an Inbound Service with the intent of gaining access to an outbound calling capability on an unauthorized basis; or (4) use of fraudulent means or devices, tricks, schemes, false or invalid numbers, false credit devices or electronic devices to defraud or mislead callers.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.2 Limitations (cont'd).

3.2.2 Rights of the Company (cont'd).

- (H) For submission or use by the Customer of insufficient or fraudulent billing information, invalid or unauthorized telephone numbers, or pre-arranged account code numbers.
- (I) If the Company deems such action necessary to protect itself or third parties against fraud or to otherwise protect its personnel, agents, or the Services.

3.2.3 Restoration of Service. The Company will provide or restore the Services when the Customer is in compliance with the provisions of this Tariff and all applicable laws, rules, regulations and policies of pertinent governmental authorities and the Company determines that the Services can be provided without undue risk to the Company or the Services provided to other Customers of the Company.

3.2.4 Fraud Prevention. In order to control fraud, the Company may refuse to accept Calling Card Calls or discontinue the use of Authorization Codes which it determines to be fraudulent or invalid and/or may limit the use of these billing options to or from certain areas, including any part of the Commonwealth of Kentucky.

3.2.5 Emergency Conditions. The use and restoration of the Services during emergency conditions shall be in accordance with Part 64, Subpart D, Appendix A, of the FCC's Rules and Regulations, which specifies the priority system for such use and restoration.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.2 Limitations (cont'd).

3.2.6 Property Rights. The Customer will obtain no property right or interest in the use of any specific type of facility, service connection, equipment, number, process or code. All right, title and interest to such items will remain, at all times, solely with the Company.

3.3 Liability of the Company.

3.3.1 General. The Company's liability, if any, for damages associated with the ordering (including the reservation of any specific number for use with a Service), installation (including delays associated therewith), provisioning, termination, maintenance, repair or restoration of the Services or associated facilities offered under this Tariff, shall be limited as follows:

- (A) With respect to any Outbound or Inbound Service provided by the Company which involves Dedicated Access, shared interexchange transmission, and shared termination, the Company's liability shall not exceed an amount equal to the proportionate Monthly Recurring Charges, including any Service charges, minimum Monthly Charges, basic feature package charges, Monthly Charges for optional features, charges for Dedicated Access facilities, and any other Monthly Charges, for the period during which the Service was affected, or, if only a transmission using the shared interexchange facilities is interrupted, an amount equal to the charge applicable to a one minute Call to the Called Station at the time the affected Call was made.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.3 Liability of the Company (cont'd).

3.3.2 Other Carriers. The Company shall not liable for any act or omission of any other company or companies furnishing services to the Customer in conjunction with the Services, or for damages associated with services, channels or equipment which it does not furnish, or for damages which result from the operation of Customer-Provided Equipment or services furnished by other companies which are interconnected with the Company's Services. The liability of any Underlying Carrier to the Customer or any End-User shall be limited by the tariffs pursuant to which such carrier provides network services.

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 from the Company.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.3 Liability of the Company (cont'd).

3.3.3 Consequential or Special Damages. The Company's liability for its gross negligence or willful misconduct is not limited by this Tariff. Regardless of the form of action, whether in contract, indemnity, warranty, strict liability or tort, including, without limitation, negligence of any kind whether active or passive, the Company shall not be liable for any indirect, incidental, consequential, reliance, special or punitive damages, including, without limitation, damages for lost profits, of any kind or nature whatsoever, arising out of the provisions or interruption of the Services provided under this Tariff absent a determination of gross negligence or willful misconduct in a judicial or administrative proceeding.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.3 Liability of the Company (cont'd).

3.3.4 Customer Premises/Customer-Provided Equipment. The Company shall not be liable for any defacement of, or damage to, the Customer's premises resulting from the furnishing of the Services or attachment of the Company's equipment and associated wiring on such premises, or from the installation or removal thereof, when such defacement or damage is not the result of the Company's negligence. The Customer shall indemnify and save harmless the Company from any claims of the owner of the Customer Premises or other third party claims for such damages.

The Company shall not be liable for the Customer's failure to fulfill its obligation to take all necessary steps, including, without limitation, obtaining, installing and maintaining all necessary equipment, materials and supplies, for interconnecting the terminal equipment or communications system of the Customer, or any third party acting as its agent, to the Company's network. The Customer shall secure all licenses, permits, rights-of-way, and other arrangements necessary for such interconnection. In addition, the Customer shall ensure that its equipment and/or system or that of its agent is properly interfaced with the Company's Services, that the signals emitted into the Company's network are of the proper mode, band-width, power, data speed, and signal level for the intended use of the Customer and in compliance with the criteria set forth in the applicable subsections of this Tariff, and that the signals do not damage the Company's equipment, injure its personnel, or

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SECTION 3 - RULES AND REGULATIONS (cont'd)**3.3 Liability of the Company (cont'd).****3.3.4 Customer Premises/Customer-Provided Equipment (cont'd).**

degrade service to other Customers. If the FCC or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, the Company will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer or its agent fails to maintain and operate its equipment and/or system or that of its agent properly, with resulting imminent harm to the Company's equipment, personnel, or the quality of service to other Customers, the Company may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, the Company may, upon written notice, terminate the Services to the Customer without liability.

The Company shall not be responsible for the installation, operation or maintenance of any Customer-Provided Equipment. Where Customer-Provided Equipment is used in conjunction with the Services, the responsibility of the Company shall be limited to the furnishing, and the maintenance and operation in the proper manner, of the Services, and shall not include responsibility for the quality of, or defects in, the signal that are caused by the Customer-Provided Equipment. Subject to the above, the Company shall not be responsible for the through transmission of signals generated by, the reception of signals by, or network control signalling where such signalling is performed by Customer-Provided Equipment.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.3 Liability of the Company (cont'd).

3.3.5 Force Majeure. The Company shall not liable for any failure of performance hereunder due to causes beyond its control, including, but not limited to: unavoidable interruption in the working of transmission facilities; acts of nature; storms, fire, flood or other catastrophes; any law, order, regulation, direction, action or request of the United States Government, or any other governmental entity having jurisdiction over the Company, or of any department, agency, commission, bureau, corporation or other instrumentality of any one or more of such governmental entities, or of any civil or military authority; national emergencies, insurrections, riots, rebellions, wars, strikes, lockouts, work stoppages, or other labor difficulties; or, notwithstanding anything in this Tariff to the contrary, the unlawful acts of individuals, including acts of the Company's agents and employees if committed beyond the scope of their employment.

3.3.6 Notice. Notwithstanding anything to the contrary set forth in this Section 3.3, the Company shall not be liable for damages or be obligated to provide any credit allowance unless the Customer has notified the Company of the basis of any claim for damages or credit allowance within thirty (30) calendar days after an invoice is rendered or a debit is effected by the Company for the Services or the Call giving rise to such 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. Usage discounts will be adjusted based on total usage after all credits or adjustments have been applied.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.3 Liability of the Company (cont'd).

3.3.7 Unauthorized Use. The Company shall not be liable for any damages, including Usage Charges, that the Customer may incur as a result of the unauthorized use of Customer-Provided Equipment. The unauthorized use of Customer-Provided Equipment includes, but is not limited to, the placement of Calls from the Customer Premises and the placement of Calls through Customer-controlled or Customer-provisioned equipment that are transmitted or carried over the Company's network Services without the authorization of the Customer. The Customer is responsible for controlling access to, and use of, its own communications equipment, and shall be fully liable for all such charges.

3.3.8 Explosive Atmosphere. The Company does not guarantee or make any warranty with respect to the Services or the installation thereof at locations at which there is present an atmosphere that is explosive, prone to fire, dangerous or otherwise unsuitable for such Service or installations. The Customer shall indemnify and hold the Company harmless from any and all loss, claims, demands, suits or other action or any liability whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party for any personal injury to, or death of, any person or persons and for any loss, damage or destruction of any property, whether owned by the Customer or others, caused or claimed to have been caused, directly or indirectly, by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of the Services at such location.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.3 Liability of the Company (cont'd).

3.3.9 Indemnification. The Company shall be indemnified, defended and held harmless by the Customer against any and all loss, claims, demands, suits or other action, or any liability whatsoever, arising from the use of the Services furnished pursuant to this Tariff involving:

- (A) Claims for libel, slander, infringement of patent or copyright, or unauthorized use of any trademark, trade name or service mark arising out of the material, data, information, or other content transmitted by the Company; violations of any other literary, intellectual, artistic, dramatic, or musical right; violations of the right to privacy; or violations of any other rights whatsoever relating to or arising from message content or the transmission thereof.
- (B) Claims arising out of abuse of or fraudulent use of the Services by the Customer or its End Users.
- (C) All other claims arising out of any act or omission of the Customer in connection with the Services provided by the Company.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.3 Liability of the Company (cont'd).

3.3.9 Indemnification (cont'd).

The Company shall not be liable for, and the Customer shall indemnify and hold the Company harmless from, all losses, claims, demands, suits or other action, or any liability whatsoever, whether suffered, made, instituted or asserted by the Customer or any other Person, for any personal injury to, or death of, any Person, and for any loss, damage, defacement or destruction of the equipment or premises of the Customer or others, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, presence, condition, location, or use of equipment or wiring provided by the Company, when such installation, operation, failure to operate, maintenance, condition, use or location is not the direct result of the Company's gross negligence or willful misconduct.

3.3.10 Independent Contractor. The Company's relationship with any underlying carrier that may provide facilities to the Company for resale to the Customer is that of an independent contractor and the Company and any such underlying carrier shall not be deemed to be partners or joint venturers by virtue of this relationship. No agents or employees of other carriers shall be deemed to be agents or employees of the Company.

3.3.11 Implied License. No license under patents, copyrights, trademarks, or trade secrets is granted to the Customer by the Company, or shall be implied or arise by estoppel, with respect to the Services.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

- 3.4 Transfer or Assignment of Service.** The Customer may transfer or assign the right to receive the Service under this Tariff, including the right to use any associated telephone number(s), to a new Customer, provided that (1) the Customer notifies the Company in writing of the proposed transfer or assignment to the new Customer and the date upon which the transfer or assignment will become effective, (2) the new Customer notifies the Company in writing, prior to the proposed effective date of the transfer or assignment, that the new Customer agrees to assume all obligations of the Customer as of the time of transfer or assignment proposed by the Customer, including all outstanding indebtedness for the Service or otherwise provided under this Tariff up to and including the date of transfer or assignment, and (3) the Company approves the transfer or assignment.

The transfer or assignment does not relieve or discharge the Customer from remaining jointly and severally liable with the new Customer for any obligations existing at the time of transfer or assignment. Neither the Customer nor the new Customer will obtain a property right or interest in the use of any specific type of facility, Service connection, equipment, number, process or code. All right, title and interest to such items will remain, at all times, solely with the Company.

- 3.5 Interruption of Service.** Credit allowances for the interruption of the Services are subject to the general limitation and liability provisions set forth in Sections 3.2 and 3.3 of this Tariff. It shall be the obligation of the Customer to notify the Company immediately of any interruption in Services for which a credit allowance is desired. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.6 Use of Service.

- 3.6.1 Authorized Use.** The Services may be used solely to transmit communications of the Customer or authorized End Users in a manner consistent with the terms and conditions of this Tariff and the policies and regulations of the Commission. The Services are furnished for the transmission of voice communications, but may also be used for data, facsimile, signaling, metering, or other similar communications, subject to the transmission capabilities of the Services and the laws, rules and regulations of the Commission.
- 3.6.2 Limitations.** The Services are furnished subject to the condition that they will be used only for authorized and lawful purposes by the Customer. The Customer may not use the Services for any unauthorized or unlawful purpose.
- 3.6.3 Compatibility.** The Customer's use of the Services shall not interfere with or impair the Company's ability to provide the Services to other customers, cause damage to the Company's equipment or resold equipment, impair the privacy of communications over the Company's system or create hazards to the employees of any company or the public.
- 3.6.4 Modifications.** The Customer may not rearrange, disconnect, remove, modify or attempt to repair or permit others to rearrange, disconnect, remove, modify or attempt to repair any Company facility without the prior written consent of the Company.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.7 Obligations of the Customer:

- 3.7.1 Entry.** The Customer shall make Company-provided facilities on the Customer Premises available upon reasonable notice from the Company (which notice shall be in writing, except in emergency situations), for such tests, adjustments, and inspections as may be necessary to maintain such facilities in satisfactory condition or to determine whether the requirements of this Tariff are being complied with in the installation, operation and maintenance of the Customer's or the Company's equipment. The Customer shall permit or obtain permission for the Company employees and agents to enter the Customer Premises at any hour under mutually agreeable arrangements for the purpose of maintaining or repairing Company-provided facilities. The Customer shall make Company-provided facilities available for installation, periodic maintenance or removal at all times.
- 3.7.2 Preservation of Rights.** The Customer shall provide for the Company's rights under this Tariff in any and all agreements or arrangements with third parties.
- 3.7.3 Permits.** The Customer shall secure all permits, licenses, rights-of-way, services, variances and other arrangements necessary to allow for the installation and operation of the Services by the Company on the Customer Premises.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.7 Obligations of the Customer (cont'd).

3.7.4 Customer Premises. The Customer shall ensure the physical security of all Company facilities located on the Customer Premises. The Customer shall provide for power, power lines and power line conditioning; conduit; heating and cooling. building space; internal and external building wiring; and entrance facilities on the Customer Premises. Such Customer responsibilities shall be performed in accordance with procedures established by the Company in a timely manner for the installation and operation of the Company facilities located on the Customer Premises. The Customer shall maintain safe premises at which the Company employees may install or maintain facilities of the Company. The Customer responsibility shall include compliance with all laws and regulations regarding the conditions at such premises, including, but not limited to the provision, installation and maintenance of sealed conduits with explosive-proof fittings between facilities furnished by the Company in explosive atmospheres and points outside the hazardous area where connection may be made with the facilities of the Company and installations and maintenance within the hazardous area if, in the opinion of the Company, injury or damage to the Company employees or property might result from installation or maintenance by the Company.

3.7.5 Cooperation. The Customer shall cooperate with the Company in installation, trouble determination and fault isolation. The Customer shall furnish such information on a continuing basis as is required by the Company to prepare, install, provide and maintain the Services.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.7 Obligations of the Customer (cont'd).

3.7.6 Damage/Loss. The Customer shall be responsible for and reimburse the Company for loss of or damage to Company-provided facilities caused by the negligence or willful act or omission of the Customer or its officers, employees, agents or contractors.

3.7.7 Compatibility. The Customer shall ensure that Customer-Provided Equipment and facilities are fully compatible with the Services and do not interfere with, or impair, the Services provided by the Company to other customers and do not endanger the safety of the Company employees or the public or damage or interfere with the proper functioning of the Company's facilities.

3.7.8 Notice of Service Interruption. It shall be the obligation of the Customer to notify the Company of any interruption in service. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission by the Customer within its control, or is not in wiring or equipment, if any, furnished by the Customer. The Customer shall be responsible for payment of a maintenance service charge in the event that a service difficulty or trouble report results from Customer acts or omissions or Customer-Provided Equipment connected to the Services.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.7 Obligations of the Customer (cont'd).

3.7.9 Interconnection. The Customer shall take all necessary steps for the interconnection of Customer-Provided Equipment with Company-provided facilities. Interconnection between Customer-Provided Equipment and the Services, or between facilities or services provided to the Customer by another carrier and the Services, may be made by the Customer at an interface point designated by the Company. All terminal equipment and wiring necessary to connect to the channels at the designated interface point are provided by the Customer.

3.7.10 Safeguards. In order to protect the Company's facilities and personnel and the services provided by the Company to other customers from potentially harmful effects, the signals applied to the Services shall not induce harmful voltage or currents either in the conductors or between the conductors and ground.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.7 Obligations of the Customer (cont'd).

3.7.11 Operating Characteristics. When the Services are used in connection with Customer-Provided Equipment, the operating characteristics of such facilities shall be such as not to interfere with any other service offered by the Company. The use of such facilities shall not endanger the safety of the Company employees or the public, damage or require change in or alteration of facilities of the Company, interfere with the proper functioning of such facilities, or otherwise injure the public in its use of the Company's services. Upon notice from the Company that any facility provided by the Customer is causing or is likely to cause such hazard or interference, the Customer shall take such steps as shall be necessary to promptly remove or prevent such hazard or interference.

3.7.12 Inspections. The Company may, upon reasonable notice to the Customer, make such inspections, including monitoring of the Customer's use of the Services, as may be necessary to determine that requirements of the Tariff are being complied with in the installation, operation and maintenance of Customer-Provided Equipment connected to the Company facilities.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.8. Application For Service, Establishment of Credit.

3.8.1 Application for Service. The Company may require the Customer to submit an executed Service Order as a condition precedent to the initial establishment of the Services. The Company may make reasonable inquires as to the credit worthiness of the Customer in order to determine whether or not at its discretion to accept the Customer's application for the Services, including inquiries with consumer or commercial credit databases the Company may accept additions or changes to the Services verbally or in writing. Applications for the Services, including those for the installation, connection, repair, modification or termination of the Services, will be accepted only from the Customer or an authorized agent of the Customer.

3.8.2 Establishment of Credit. The Customer establishes credit by completing a Credit Application and other information or guarantees as may reasonably be required.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.9 Customer Deposits.

3.9.1 General. The Company reserves the right to require any Customer whose credit has not been duly established to the satisfaction of the Company to make a deposit to be held as a guarantee of payment of charges at the time of application. In addition, an existing Customer may be required to make a deposit or increase a deposit presently held. The Customer is not, as a result of having made a deposit, relieved from complying with the provisions of this Tariff pertaining to prompt payment of bills on presentation. The deposit may be retained for as long as the financial condition/credit worthiness of the Customer is considered to be unsatisfactory by the Company. Deposit amounts shall not exceed two-twelfths (2/12) of the Customer's actual or estimated annual bill.

3.9.2 Waiver of Deposits. Deposits may be waived at the discretion of the Company in accordance with this Tariff based upon a Customer's showing of satisfactory credit and payment history. If the deposit has been waived, or has been returned, and the Customer fails to maintain a satisfactory payment record, the Company may require that a deposit be made.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.9 Customer Deposits (cont'd).

3.9.3 Return of Deposit. The deposit will be returned for the following reasons:

- (A) When an application for the Services has been canceled prior to the establishment of the Services. The deposit will be applied to any charge applicable in accordance with this Tariff and the excess portion of the deposit will be returned to the Customer;
- (B) Upon the discontinuance of Service. The Company will refund the Customer's deposit or the balance in excess of unpaid bills for that Service. At the option of the Company, a deposit may be refunded or credited to the Customer at any time prior to the termination of Service; or
- (C) At the end of twelve (12) months satisfactory credit history, i.e., the Customer has not experienced a service discontinuation within the previous twelve months, or received a notice of discontinuance for nonpayment in two (2) or fewer of previous twelve (12) months, and a satisfactory financial condition/credit worthiness customer; or
- (D) When otherwise required by state law.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.9 Customer Deposits (cont'd).

3.9.4 Interest on Deposits. The Company will pay interest on deposits. Interest on a deposit shall accrue annually at the rate prescribed by law, beginning on the date of deposit.

3.9.5 Escrow of Deposits. Deposits are held in escrow in a federally-insured financial institution.

3.9.6 Late Payment Penalty Charge. A penalty may be assessed only once on any bill for rendered services. Any payment received shall first be applied to the bill for services rendered. Additional penalty charge shall not be assessed on unpaid penalty charges.

3.10 Placement of Orders.

3.10.1 General. The Customer is responsible for placing Service Orders. The Service Order shall identify the Services to be provided, indicate the locations at which the Services are to be installed, state the date on which the Services shall begin and provide a billing and a contact name and address for the Services.

3.10.2 Agency. The Customer may appoint an agent to act on its behalf. The Company will accept orders from an agent appointed by the Customer; an agency appointment must be sent to the Company in writing. If directed by the Customer, the bill for the Services will be sent to the agent. The bill will be issued in the name of the Customer, in care of the agent. The Customer retains responsibility for compliance with tariff regulations and any act or omission of the agent, regardless of any limitations the Customer may place on the agent's authority.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.10 Placement of Orders (cont'd).

3.10.3 Automatic Numbering Identification Service. Customers who obtain a telephone subscriber's information through ANI must comply with the following regulations adopted by the FCC regarding the use and sale of information derived from ANI:

- (A) Customers are permitted to use the telephone number and billing information for billing and collection, routing, screening and completion of the originating telephone subscriber's Call or transaction, or for services directly related to the originating telephone subscriber's Call or transactions.
- (B) Customers are prohibited from reusing or selling the telephone number or billing information without first (i) notifying the originating telephone subscriber, and (ii) obtaining the affirmative consent of such subscriber for such reuse or sale.
- (C) Customers are prohibited from disclosing, except as permitted by the above, any information derived from the ANI Service for any purpose other than: (i) performing the services or transactions that are the subject of the telephone subscriber's Call, (ii) ensuring network performance security and the effectiveness of Call delivery, (iii) compiling, using and disclosing aggregate information, and (iv) complying with applicable law or legal process.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.11 Cancellation or Delay of Service Orders.

3.11.1 Cancellation of a Service Order. The Customer may cancel a Service Order at any time prior to the due date. A Service Order is considered to have been canceled when the Company receives a notification of cancellation from the Customer. Such notification may not be retroactive. Cancellation charges will be equal to the Installation Charge applicable to the Service involved, unless the cancellation is caused by Company delay, or otherwise specified in the section of this Tariff applicable to the specific Services.

3.11.2 Cancellation of Service. Any Customer desiring service terminated or changed from one address to another shall give the Company three (3) working days' notice in person, in writing, or by telephone. The Customer shall not be responsible for charges for service beyond the three (3) days notice period if the Customer provides reasonable access to the Company's equipment.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.11 Cancellation or Delay of Service Orders (cont'd).

3.11.3 Delay of a Service Order.

3.11.3.A Delay of a Due Date by the Customer. The Customer may delay the due date of a Service Order involving the installation or change of the Services when: (i) the request for the delay is received by the Company prior to the Service Order's due date; and (ii) the total delay measured from the Service Order's initial due date does not exceed thirty (30) cumulative calendar days. Service Orders involving the discontinuance of Service may be delayed at any time prior to the due date. There will be no maximum delay period for these orders. A Customer having delayed a Service Order for the maximum thirty (30) cumulative calendar day period may not delay the Service Order again. The Customer instead has the option to (1) accept billing for the Services ordered, or (2) cancel the Service Order and pay the applicable Nonrecurring Charge(s) for the Services ordered. The billing or cancellation is effective on the thirtieth (30th) cumulative calendar day of the delay. If the Customer elects to accept billing, the installation will be completed as soon as reasonably practical after the Customer advises the Company.

3.11.3.B Delay of a Due Date by the Company. The Company will make every reasonable effort to assure that the Services are furnished on the due date. However, in some cases a delay in the installation may be unavoidable. If an order is delayed beyond its due date for more than forty-five (45) cumulative calendar days and such delay is not requested or caused by the Customer, the Customer may cancel the Service Order without penalty or payment of Nonrecurring Charges.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.12 Customer Service.

3.12.1 Contacts. Customer Service may be contacted in writing at SouthNet TeleComm Services, Inc., 2300 Lake Park Drive, Suite 100, Smyrna, GA 30080. The Customer can reach Customer Service via telephone by calling toll-free (800) 787-3221. Customer Service representatives are available twenty-four (24) hours per day, three hundred and sixty-five (365) days per year.

3.12.2 Complaints. A Customer may complain to the Company in person, by telephone, or in writing. Upon receipt of a Customer complaint, the Company shall promptly investigate the matter. Records shall be maintained for two (2) consecutive from the date of resolution of the complaint. If a complaint is not resolved, the Company shall inform the complainant of his right to file a complaint with the Commission and shall give the complainant the address and telephone number of the Commission.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.13 Rendering and Payment of Bills.

3.13.1 General. The Customer is ultimately responsible for payment of all charges for the Services provided by the Company to the Customer and its End Users, including, but not limited to, charges associated with Calls originated at the Customer's number(s), accepted at the Customer's number(s) or billed to the Customer's number(s) via Calling Cards, and the Services requested by the Customer.

3.13.2 Billing Period. The billing period is generally one calendar month; provided, however, that for purposes of billing Monthly Recurring Charges, each month is considered to have thirty (30) days. Usage Charges for the Services will be billed monthly in arrears; Monthly Recurring Charges will be billed monthly in advance; one-time fees will be billed upon completion of the associated Service. Monthly Charges start on the day after the Services are installed, but not before the due date of the order unless the Customer agrees to an earlier installation. Monthly Recurring Charges accrue through and include the day that the Services are discontinued.

3.13.3 Rendering Bills. Bills will generally be rendered on a monthly basis. Bills are sent via U.S. mail to the most recent billing address provided to the Company by the Customer. Some bills may be rendered by an LEC on behalf of the Company. The name of the Company shall appear prominently on all bills for services.

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SECTION 3 - RULES AND REGULATIONS (cont'd)**3.13 Rendering and Payment of Bills (cont'd).**

3.13.4 Payment of Bills. All invoices are due and payable within thirty (30) days from the date of invoice. The Customer is responsible for payment of all charges for services and equipment furnished to the Customer or to an authorized User of the Customer by Company. All charges due by the Customer are payable to the Company or to the Company's authorized billing agent (such as a local exchange telephone company or other authorized entity). Terms of payment shall be according to the rules and regulations of the billing agent and subject to the rules of regulatory agencies, including the Kentucky Public Service Commission.

3.13.5 Late Charge. Consistent with Section 3.9.6 of this Tariff, if any portion of a payment is still outstanding thirty (30) days following the invoice date, a late payment charge may be applied. The charge is determined by applying the maximum rate allowed by law to the unpaid balance for each month or fraction thereof that such balance remains unpaid.

3.13.6 Billing Disputes. Any objections to billed charges must be reported to the Company or its billing agent within sixty (60) days after receipt of bill. Contested charges will be handled in accordance with 807 KAR 5:006, Section 9. Adjustments to Customer's bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate. Billing disputes should be addressed in writing to SouthNet TeleComm Services, Inc., 2300 Lake Park Drive, Suite 100, Smyrna, GA 30080. Billing disputes may also be referred to the Company's Customer Service number, (800) 787-3221. Customer Service representatives are available to assist with billing inquiries Monday through Friday from 8:00 AM to 5:00 PM Eastern Time.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.13 Rendering and Payment of Bills (cont'd).

3.13.7 Returned Checks. If payment for the Services is made by a check, draft or similar instrument that is returned by a bank to the Company for any reason, a returned check charge of twenty-five dollars (\$25.00) shall be applied in addition to the total amount due.

3.13.8 Collection Service Charge. If the Services to the Customer are terminated for non-payment pursuant to Section 3.16.2, a collection service charge of twenty-five dollars (\$25.00) shall be applied in addition to the total amount due.

3.13.9 Billing Entity Conditions. If billing functions are performed on behalf of the Company by LECs, credit card companies or others, the payment conditions and regulations of such billing entities apply, including any applicable interest and/or late payment charge conditions.

3.13.10 Pro-Rated Charges. When the billing date and the date that the Services are started, changed, or discontinued do not coincide, Monthly Recurring Charges will be adjusted to reflect the fractional part of the month involved.

3.13.11 Business Use of Calling Card. In the event that ten (10) or more Calling Cards are issued by the Company to the Customer for use by employees of the Customer, the Customer shall be liable for all unauthorized use of any of the issued Calling Cards.

3.13.12 Description of Bills. The Company's monthly bill to each Customer consists of a billing summary of current charges, previous balance due and payments received and call detail pages. The bill includes the Company's name, address and toll-free telephone number.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.14 Credit Allowance. Subject to Sections 3.2, 3.3 and 3.7, the Customer will receive a credit allowance for any portion of a Call which is interrupted due to poor transmission, one-way transmission or involuntary disconnection in an amount equal to charges assessed for the period in which the Call was interrupted. However, no credit allowance will be made for the following:

- (A) Interruptions caused by the negligence of the Customer, user or others;
- (B) Interruptions due to the failure of equipment or systems provided by others;
- (C) Interruptions during any period in which the Company is not afforded access to the premises where a circuit is terminated;
- (D) Interruptions during any period when the Customer or user has released a circuit or arrangement to the Company for maintenance purposes, to make rearrangements, or for the implementation of a Customer Order for a change or rearrangement.
- (E) Interruptions which continue because of the failure of the Customer to authorize replacement of any element of special construction. The period for which no credit allowance is made begins on the seventh (7th) day after the Customer receives the Company's written notification of the need for such replacement and ends on the day after receipt by the Company of the Customer's written authorization for such replacement.
- (F) Periods when the Customer elects not to release the circuit or arrangement for testing and/or repair and continues to use it on an impaired basis.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.15 Cancellation of Service. The Customer may cancel the Services by giving thirty (30) days' prior written notice to the Company. Upon receipt of the written notice, the Company places an order with the Underlying Carrier to cancel the Services. The Service are canceled when the Underlying Carrier moves the Customer to another carrier or when the Company receives notice from the Underlying Carrier that the Service has been canceled. The Customer will be liable for any traffic occurring with the Company through the cancellation date.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)**3.16 Suspension/Termination of Service.**

3.16.1 Suspension for Cause. The Company may, without incurring any liability, suspend the Services without notice to the Customer if the Company deems that such action is necessary to protect its personnel, facilities or services. In addition, the Company may, without incurring any liability, suspend the Services ten (10) days after providing written notice to the Customer of nonpayment of any past due amount if payment is not received by the Company within the ten (10) day period. The Company may also, without incurring any liability, suspend the Service thirty (30) days after providing written notice to the Customer for any of the acts, omissions or occurrences listed in Section 3.2.2 of this Tariff if such act, omission or occurrence is not corrected within the thirty (30) day period. Notwithstanding the above, the Company may, without incurring any liability, suspend the Service after giving only such notice and opportunity to cure to the Customer as are reasonably required under the circumstances, if the suspension of the Services is required by law, regulation or order of governmental authority with appropriate jurisdiction.

Suspension for cause does not relieve the Customer of any obligation to pay charges that would otherwise be due to the Company or entitle the Customer to the receipt of a credit allowance. No period of suspension will accrue toward fulfillment of any applicable Minimum Payment Period.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.16 Suspension/Termination of Service.

3.16.2 Termination for Cause. The Company may refuse or terminate service for the following reasons:

- (A) For noncompliance with the Company's tariffed rules or Commission regulations after the Company has made a reasonable effort to obtain Customer compliance and after the Customer has been given at least ten (10) days' advance written termination notice pursuant to Section 3.16.3, below.
- (B) For dangerous conditions. No advance notice will be given to Customers if service is terminated for dangerous conditions.
- (C) For refusal of access after the Customer has been given at least ten (10) days' written termination notice pursuant to Section 3.16.3, below.
- (D) For outstanding indebtedness. Except as provided in 807 KAR 5:006, Section 15, the Company shall not be required to furnish new service to any customer who is indebted to the utility for service furnished or other tariffed charges until that customer has paid his or her indebtedness.
- (E) For noncompliance with state, local or other codes after the Customer has been given at least ten (10) days' written termination notice pursuant to Section 3.16.3, below, unless ordered to terminate immediately by a governmental official.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.16 Suspension/Termination of Service (cont'd).

3.16.2 Termination for Cause (cont'd).

- (F) For nonpayment of bills; however, the Company shall not terminate service to any Customer for nonpayment of bills for any tariffed charge without first having mailed or otherwise delivered to the Customer five (5) days' written notice, pursuant to Section 3.16.3 below, of intent to terminate. Under no circumstances shall service be terminated before twenty (20) days after the mailing date of the original unpaid bill.
- (G) 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 24 hours after such termination, the Company shall send written notification to the Customer of the reasons for termination and inform the Customer of his/her right to challenge the termination by filing a formal complaint with the Commission.

3.16.3 Advance Termination Notice. When advance termination notice is required, the termination notice shall be mailed or otherwise delivered to the last known address of the Customer. The termination notice shall be in writing, distinguishable and separate from any bill. The termination notice shall plainly state the reason for termination, that the termination date will not be affected by receipt of a subsequent bill, and that the Customer has the right to dispute the reasons for termination.

3.16.4 Termination Charges. Termination for cause does not relieve the Customer of any obligation to pay charges that would otherwise be due to the Company, including, without limitation, any termination charges.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.17 Calculation of Rates and Charges.

3.17.1 Timing of Calls. Chargeable time is determined by the duration of the Call. Calls are timed and measured by the Underlying Carrier. Timing for all Calls begins when the Called Station answers the Call (*i.e.*, when two-way communications are established). Answer detection is based on standard industry answer detection methods, including hardware and software answer detection. Chargeable time ends when either the Called Station or the Calling Station disconnects from the Call. There are no billing charges applied for incomplete Calls.

3.17.2 Time of Day Sensitive Services. Different rates may be applicable at different times of the day, as specified in the appropriate rate schedule for the Service.

3.17.3 Overlapping Rate Periods. Calls which extend over multiple rate periods will be charged according to the rates applicable to the time recorded in each rate period.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)3.17 Calculation of Rates and Charges (cont'd).

3.17.4 Mileage Sensitive Services. Usage Charges for all mileage sensitive Services are based on the airline mileage between the Rate Centers associated with the originating and terminating points of the Call. Each Rate Center has a unique set of assigned vertical and horizontal ("V & H") coordinates which are used by the Underlying Carrier for calculating distance.

The airline mileage between Rate Centers is determined by applying the formula below to the vertical and horizontal ("V & H") coordinates associated with the Rate Centers involved. The Company uses the Rate Centers and associated V & H coordinates that are produced by Bell Communications Research in its NPA-NXX V & H Coordinates Tape.

FORMULA:

$$\sqrt{\frac{(V1 - V2)^2 + (H1 - H2)^2}{10}}$$

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.17 Calculation of Rates and Charges (cont'd).

3.17.5 Initial and Incremental Units. The rates for all Services are based on an Initial Call Unit plus any Incremental Call Units. The Initial Call Unit is eighteen (18) seconds. Incremental Call Units are billed in six (6) second increments.

3.17.6 Application of Usage Charges. Usage Charges apply to all completed Calls. If the Usage Charge includes a fraction of a cent equal to or greater than \$.005, the fraction is rounded up to the next whole cent. If the Usage Charge includes a fraction of a cent less than \$.005, the fraction is rounded down to the next whole cent.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.17 Calculation of Rates and Charges (cont'd).

3.17.7 Taxes. The Customer will be billed for and is liable for payment of all applicable federal, state and local taxes, surcharges, fees or other assessments, including such amounts as the Company may be authorized to pass through to the Customer. All taxes, surcharges, fees or other assessments are listed as separate line items and are not included in the quoted rates.

When utility or telecommunications assessments, franchise fees, or privilege, license, occupational, excise or other similar taxes or fees, based on intrastate receipts, are imposed by certain taxing jurisdictions upon the Company or upon any LEC and passed on to the Company through or with intrastate access charges, the amounts of such taxes or fees may be billed to the Customer in such a taxing jurisdiction on a prorated basis. The amount of charge that is prorated to each Customer's bill is determined by the intrastate telecommunications services provided to and billed to a Customer service location in such a taxing jurisdiction with the aggregate of such charges equal to the amount of the tax or fee imposed upon or passed on to the Company.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.18 Minimum Payment Periods/Volume and Term Discounts - Switched Services. The charges applicable for a Minimum Payment Period include the Monthly Recurring Charge(s), plus any Nonrecurring Charge(s), that may be due. The Minimum Payment Period is calculated from the date that billing starts after (1) the initial installation, or (2) a reinstallation after a change, as applicable.

Volume and term discounts are available to Customers taking selected Services and committing to generate specified levels of revenues for specified numbers of months/years. Only revenues derived from the specific Service to which the volume/term commitment relates will apply to the Customer's satisfaction of those commitments.

In the event that a Customer discontinues the Services prior to the expiration of a Minimum Payment Period, the Customer shall pay to the Company upon discontinuance an amount equal to the difference between the aggregate revenue commitment (total number of months/years in the Minimum Payment Period times the monthly/ yearly committed revenue level) and the total amount of revenues received by the Company from the Customer (or in the case of a Reseller, the Customer's End Users) for the Services to which the volume/term commitment applies.

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SECTION 3 - RULES AND REGULATIONS (cont'd)

3.18 Minimum Payment Periods/Volume and Term Discounts - Switched Services (cont'd).

In the event that a Customer fails to meet a revenue commitment for a Minimum Payment Period, the Customer shall pay to the Company upon the expiration of that commitment term an amount equal to the difference between the aggregate revenue commitment (total number of months/years in the Minimum Payment Period times the monthly/yearly committed revenue level) and the total amount of revenues received by the Company from the Customer (or in the case of a Reseller, the Customer's End Users) for the Services to which the volume/term commitment applies.

If by the end of the first year of a multi-year Minimum Payment Period, the Company has not received from the Customer volume/term commitment revenues equal to the aggregate revenue commitment divided by the number of years in the overall Minimum Payment Period, times a factor of 0.75, the Company reserves the right to charge the Customer the discounted usage rate applicable to the volume commitment level equal to the Customer's actual average monthly usage during that first year. No such rate increase shall relieve the Customer of the volume/term liability to which it originally committed.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 3 - RULES AND REGULATIONS (cont'd)

3.19 Availability. The Service is available full-time, twenty-four (24) hours a day, seven (7) days a week, fifty-two (52) weeks a year.

3.20 Contacts.

- (a) Customer complaints, bill inquiries, new service or disconnect requests should be directed to:

Lori N. Langan
SOUTHNET TELECOMM SERVICES, INC.
2300 Lake Park Drive, Suite 100
Smyrna, GA 30080
Telephone: (800) 787-3221
Facsimile: (770) 937-9303

- (b) Other contacts with the Company should be directed to:

Robert A. Morris, Vice President & General Manager
SOUTHNET TELECOMM SERVICES, INC.
2300 Lake Park Drive, Suite 100
Smyrna, GA 30080
Telephone: (770) 937-9550
Facsimile: (770) 937-9303

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 4 - DESCRIPTION OF SERVICES**4.1 Outbound Services.**

- 4.1.1 Switched Outbound Services.** Switched Outbound Service is offered on a per-Call basis to Customers which originate and terminate within the Commonwealth of Kentucky. Outbound Service is accessed on a conventional "1+" pre-subscribed direct dial basis over the facilities of a LEC. Calls originate and terminate via Switched Access provided by a LEC or other authorized access provider. The Customer is responsible for establishing originating local access facilities or equipment and for all nonrecurring, recurring, construction and other charges in connection with such originating access.
- 4.1.2 Dedicated Outbound Services.** Dedicated Outbound Services permit a Customer to establish a communications path between two (2) stations by using a uniform dialing plan. Dedicated outbound services are provided through T-1 or DS0 dedicated access and are available to customers that have T-1 or DS0 dedicated access to the underlying carrier's POP. The Customer is responsible for securing dedicated access to the underlying carrier's POP and for all nonrecurring and recurring, construction and other charges incurred in connection with establishing such Dedicated Access. At the Customer's request, the Company will arrange for dedicated access to the underlying carrier's POP and pass through to the Customer all costs incurred in establishing such access.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 4 - DESCRIPTION OF SERVICES (cont'd)

4.2 Inbound Services.

4.2.1 Switched Inbound Services. Switched Inbound Service provides the Customer with one or more 800/888 numbers which when dialed within the Commonwealth of Kentucky will terminate on Customer-designated facilities or equipment within the Commonwealth of Kentucky. All charges accruing in connection with usage of the Customer's assigned 800/888 numbers are billed to the Customer rather than the party originating the Call. Calls terminate via Switched Access provided by a LEC or other authorized access provider. The Customer is responsible for establishing originating local access facilities or equipment and for all nonrecurring, recurring, construction and other charges in connection with such originating access.

4.2.2 Dedicated Inbound Services. Dedicated Inbound Services permit Calls to be completed to the Customer's location without charge to the Calling Station. Access to the Service is gained by dialing a ten digit telephone number, (800/888) NXX-XXXX, which terminates at the Customer's Premises. Dedicated Inbound Services are available only to Customers that have terminating T-1 or DS0 access to the underlying carrier's POP. The Customer is responsible for all nonrecurring, recurring, construction and other charges incurred in connection with establishing such terminating dedicated access. At the Customer's request, the Company will arrange for terminating dedicated access to the underlying carrier's POP and pass through to the Customer all costs incurred in establishing such access.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 4 - DESCRIPTION OF SERVICES (cont'd)

- 4.3 **Calling Card Service.** Calling Card Service is an outbound service offered on a per-Call basis to Customers originating calls which originate and terminate within the Commonwealth of Kentucky. Calling Card Service is accessed by dialing the Company's universal access toll free number to complete direct dialed or operator assisted calls.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 5 - RATES AND CHARGES

- 5.1 **Applicable.** The rules, regulations, rates and charges described in this Tariff are applicable within and throughout the Commonwealth of Kentucky.
- 5.2 **Availability of Service.** The Services described in Section 4 of this Tariff are available to business and residential customers residing in the Commonwealth of Kentucky.
- 5.3 **Rate Schedule.**
- 5.3.1 **General.** This section sets forth the rates and charges applicable to the Services. All rates are set forth in U.S. dollars.
- 5.3.2 **Rating Methodology.** Usage-sensitive charges for the Services are applied on a per-Call basis. Message charges are based on the duration of the Call.
- 5.3.3 **Billing Fees.** A monthly billing fee may be assessed under individual service options.
- 5.3.4 **Set-up Fees.** A one-time service fee may be assessed under individual service options.
- 5.3.5 **Credit Card Fees.** A monthly service fee and per-Call surcharges may be assessed under individual service options for credit card usage.
- 5.3.6 **Operator Service Charges.** Operator Service charges are billed by the Underlying Carrier or its agent; the Company does not provide or bill for Operator Services.
- 5.3.7 **Directory Assistance Charges.** Directory Assistance charges are billed at the Underlying Carrier's rates; the Company does not provide Directory Assistance.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 5 - RATES AND CHARGES (cont'd)

5.4 Outbound Service Option Rates.

5.4.1 Switched Outbound Rates.

<u>Initial</u>	<u>Incremental</u>
\$0.0648	\$0.0216

5.4.2 Dedicated Outbound Rates.

<u>Initial</u>	<u>Incremental</u>
\$0.0404	\$0.0135

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 5 - RATES AND CHARGES (cont'd)

5.5 Inbound Service Option Rates.

5.5.1 Switched Inbound Rates.

<u>Initial</u>	<u>Incremental</u>
\$0.0729	\$0.0243

5.5.2 Dedicated Inbound Rates.

<u>Initial</u>	<u>Incremental</u>
\$0.0454	\$0.0151

5.5.3 Inbound Service Payphone Surcharge. The Customer will be assessed a surcharge of \$0.25 for each Inbound Service Call placed from a payphone.

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SECTION 5 - RATES AND CHARGES (cont'd)

5.6 Calling Card Service Rates.

<u>Initial</u>	<u>Incremental</u>
\$0.0972	\$0.0324

Calling Card Service Charge.

The Customer will be assessed a surcharge of \$0.75 for each Calling Card Service Call.

Calling Card Service Payphone Surcharge.

The Customer will be assessed a surcharge of \$0.25 for each Calling Card Service Call placed from a payphone.

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TOLL TELECOMMUNICATIONS SERVICES

SECTION 5 - RATES AND CHARGES (cont'd)

5.7 Miscellaneous Rates and Charges.

- 5.7.1 Presubscribed Interexchange Carrier Change Charge.** The Company reserves the right to assess on the Customer a one time Presubscribed Interexchange Carrier Change Charge of \$5.00 upon initiation of the Services.
- 5.7.2 Pass-Through Charges.** The Company reserves the right to pass through to the Customer any charges resulting from governmental assessment, tax, charges or action.

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