

Resale of Interexchange Telecommunications Services

**RATES, RULES AND REGULATIONS FOR FURNISHING
RESALE OF INTEREXCHANGE TELECOMMUNICATIONS SERVICES
PROVIDED BY
THE ELECTRIC AND WATER PLANT BOARD OF THE CITY OF
FRANKFORT**

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

MAY 03 2002

PURSUANT TO 807 KAR 5.011,
SECTION 9 (1)

BY Stephan D. Bell
SECRETARY OF THE COMMISSION

Issued: 4/03/02

Effective: 5/03/02

**Issued by: David M. Sandidge, Assistant General Manager
The Electric and Water Plant Board of the City of Frankfort
317 West Second Street
Frankfort, Kentucky
Telephone: (502) 223-3401**

Resale of Interexchange Telecommunications Services

CHECK SHEET

All sheets of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this sheet.

<u>SHEET</u>	<u>REVISION LEVEL</u>	<u>SHEET</u>	<u>REVISION LEVEL</u>
1	Original	25	Original
2	Original	26	Original
3	Original	27	Original
4	Original		
5	Original		
6	Original		
7	Original		
8	Original		
9	Original		
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23	Original		
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TARIFF FORMAT

- A. **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.
- B. **Sheet Revision Numbers** – Revision numbers also appear in the upper right corner of the sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, 4th Revised Sheet 14 cancels 3rd Revised Sheet 14.
- C. **Paragraph Numbering Sequence** – There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level of coding.

2.
2.1
2.1.1
2.1.1.A.
2.1.1.A.1.
2.1.1.A.1.(a)
2.1.1.A.1.(a).1
2.1.1.A.1.(a).1.(i)
2.1.1.A.1.(a).1.(i).(1)

- D. **Check Sheets** – When a tariff filing is made with the 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 (*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e. the format, etc., remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current sheet on file with the Commission.

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TABLE OF CONTENTS

Title Sheet1
Check Sheet2
Tariff Format3
Table of Contents4
Application of Tariff5
Section 1 – Technical Terms and Abbreviations6
Section 2 – Rules and Regulations Sections7
Section 3 – Description of Service19
Section 4 – Rates22
Section 5 – Billing Contents26

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APPLICATION OF TARIFF

This tariff contains the rules, regulations and rates applicable to the provision of Resale of Interexchange Telecommunications Services throughout Kentucky by The Electric and Water Plant Board of the City of Frankfort, within the State of Kentucky and is hereby filed with the Kentucky Public Service Commission.

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SECTION 1 – TECHNICAL TERMS AND ABBREVIATIONS

Authorized User – A person, firm, corporation, or any entity authorized by the Customer to communicate utilizing the Company's service.

FPB refers to The Electric and Water Plant Board of the City of Frankfort or Frankfort Plant Board, unless otherwise specified or clearly indicated by the context.

Commission – Kentucky Public Service Commission.

Message – A completed telephone call by a customer or user.

Due Date – The last date for payment without unpaid amounts being subject to late payment charge.

IXC – Interexchange Carrier.

MTS – Message Toll Service.

PBX – Private Branch Exchange.

LATA – Local Access Transport Area.

LDA – Local Distribution Area.

Premise – The space occupied by an individual customer.

Customer – A person, firm, corporation, or other entity which orders or uses service and is responsible by law for payment for communication services.

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Resale of Interexchange Telecommunications Services

SECTION 2 – RULES AND REGULATIONS

2.1 FPB Undertaking

FPB provides Long Distance Message Toll Telephone Services to Customers for their direct transmission of voice, data, and other types of telecommunications.

Communications originate when the Customer accesses FPB directly or through the facilities of the local service FPB via one or more access lines, equal access or on a dial-up basis. FPB may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to the FPB network. The Customer shall be responsible for all charges due for such service arrangements.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of the necessary facilities and equipment, and subject to the provisions of this tariff.
- 2.2.2 FPB reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer is using service in violation of provisions of this tariff, or in violation of the law.
- 2.2.3 FPB does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.

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Resale of Interexchange Telecommunications Services

SECTION 2 – RULES AND REGULATIONS

2.2 Limitations, cont.

2.2.4 All facilities provided under this tariff are directly controlled by FPB and the Customer may not transfer or assign the use of service or facilities without the express written consent of FPB. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.

2.2.5 Prior written permission from FPB is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees of transferees, as well as all conditions of service.

2.2.6 The minimum period for service is one month (30 days) unless otherwise noted in a Customer's service agreement.

2.3 Use

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited.

2.4 Liabilities of the Company

2.4.1 FPB's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in transmission which occur in the course of furnishing service or facilities, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the faults in transmission occur.

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Resale of Interexchange Telecommunications Services

SECTION 2 – RULES AND REGULATIONS, CONT.

2.4 Liabilities of the Company, cont.

2.4.2 FPB shall not be liable for claim or loss, expense or damage (including indirect, special or consequential damage), for any interruption, delay, error, omission, or defect in any service, facility, or transmission provided under this tariff, if caused by any person or entity other than FPB, by any malfunction of any service or facility provided by any other carrier, by an act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond FPB's direct control.

2.4.3 FPB shall not be liable for, and shall be fully indemnified and held harmless by Customer against any claim of loss, expense, or damage (including indirect, special or consequential damage) for defamation, libel, slander, invasion, infringement of copy-right or patent, unauthorized use of any trademark, tradename, or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data, information, or other content revealed to, transmitted, or used by FPB under this tariff; or for any act or omission of the Customer; or for any personal injury or death of any person caused directly or indirectly by the installation, maintenance, location, condition, operation, failure, presence, use or removal of equipment or wiring provided by FPB, if not directly caused by negligence of FPB.

2.4.4 No agent or employee of any other carrier shall be deemed to be an agent or employee of FPB.

2.4.5 FPB shall not be liable for any defacement of or damages to the premises of a Customer resulting from the furnishing of service which is not the direct result of FPB's negligence.

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Resale of Interexchange Telecommunications Services

SECTION 2 – RULES AND REGULATIONS, CONT.

2.5 Interruption of Service

A credit allowance for interruptions of service which are not due to FPB's testing or adjusting, to the negligence of the Customer, or to the failure of the channels, equipment, and/or communications systems provided by the Customer, are subject to the general liability provisions set forth herein. It shall be the obligation of the Customer to notify FPB 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 or within the Customer's control and is not in wiring or equipment connected to FPB's terminal.

2.6 Restoration of Service

The use and restoration of service in emergencies shall be in accordance with Part 64, Subpart D of the Federal Communications Commission's Rules and Regulations which specifies the priority system for such activities.

2.7 Customer Responsibility

2.7.1 All customers assume general responsibilities in connection with the provisions and use of FPB's service. When facilities, equipment and/or communications systems provided by others are connected to FPB's facilities, the Customer assumes additional responsibilities. All Customers are responsible for the following:

- A. The Customer is responsible for placing orders for service, paying all charges for service rendered by FPB and complying with all of FPB's regulations governing the service. The Customer is also responsible for assuring that its users comply with regulations.

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SECTION 2 – RULES AND REGULATIONS, CONT.

B. When placing an order for service, the Customer must provide:

1. The name(s) and address(es) of the person(s) responsible for the payment of service charges.
2. The name(s), telephone number(s), and address(es) of the Customer contact person(s).

2.7.2 Maintenance, Testing, and Adjustment

Upon reasonable notice, the equipment provided by FPB shall be made available to FPB for such tests and adjustments as may be necessary to maintain them in satisfactory condition. No interruption allowance will be granted for the time during which such tests and adjustments are made.

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SECTION 2 – RULES AND REGULATIONS, CONT.

2.7 Customer Responsibility, cont.

2.7.3 Deposits

FPB will typically not require a deposit for services. However, Applicants or Customers whose financial condition is unknown or unacceptable to FPB may be required to pay a deposit. If actual usage data is available for the Customer at the same or similar premises, the deposit amount shall be calculated using the Customer's average bill for the most recent twelve (12) month period and will accrue interest at six percent (6%). If actual usage data is not available, the deposit amount shall be based on the average bills of similar Customers and premises in the system, not to exceed forty-five (45) days actual or estimated usage. If Customer fails to pay for service or equipment, the deposit will be applied to the outstanding balance. If, at any time, FPB feels that the Customer has established satisfactory credit, FPB will refund the amount of the deposit. In any event, deposits or remaining balance thereof will be returned upon termination of service.

Interest will accrue on Customer deposits held by FPB, beginning on the date the deposit is made.

2.7.4 Credit Allowance

Credit for failure of service or equipment will be allowed only when failure is caused by or occurs in equipment owned, provided and billed for, by FPB.

- A. Credit allowances for failure of service or equipment starts when the Customer notifies FPB of the failure or when FPB becomes aware of the failure and ceases when the operation has been restored and an attempt has been made to notify the Customer.

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SECTION 2 – RULES AND REGULATIONS, CONT.

2.7 Customer Responsibility, cont.

- B. The Customer shall notify FPB of failures of service or equipment and make reasonable attempts to ascertain that the failure is not caused by Customer provided facilities, any act, or omission of the Customer or in wiring or equipment connected to the terminal.
- C. Only those portions of the service or equipment operation disabled will be credited. No credit allowances will be made for:
1. Interruptions of service resulting from FPB's performing routine maintenance;
 2. Interruptions of service for implementation of a Customer order for a change in the service;
 3. Interruption caused by the negligence of the Customer or his authorized user;
 4. Interruptions of service because of the failure of service or equipment due to Customer or authorized user provided facilities.

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Resale of Interexchange Telecommunications Services

SECTION 2 – RULES AND REGULATIONS, CONT.

2.7 Customer Responsibility, cont.

2.7.5 Cancellation by Customer

If a Customer orders services requiring special equipment and/or facilities dedicated to the Customer's use and then cancels his order before the service begins, a charge will be made to the Customer for the non-recoverable portions of expenditures or liabilities incurred expressly on behalf of the Customer by FPB and not fully reimbursed by installation and monthly charges. If, based on such an order, any construction has either begun or been completed, but no such services provided, the non-recoverable cost of such construction shall be borne by the Customer.

2.7.6 Payment and Billing

A. Services are provided and billed on a monthly basis. Each Customer bill will set forth FPB's name, address and toll free Customer Service telephone number which is available 24 hours Per day. Each bill will list the charges for individual calls made and taxes will be listed as separate line items. The date after which a penalty may apply to the gross amount shall be indicated on the Customer's bill.

B. Payment for services is due upon receipt, but will be considered timely if paid within 15 days after the bill is rendered. The bill shall be considered rendered when deposited in the U.S. mail with postage prepaid.

C. In the event of a dispute concerning a bill, Customer must pay a sum equal to the amount of the undisputed portion of the bill and proceed with complaint procedures set forth in this tariff.

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SECTION 2 – RULES AND REGULATIONS, CONT.

2.7 Customer Responsibility, cont.

- D. The Customer is responsible for payment of all charges for service furnished to the Customer under this tariff. Charges are based on actual usage during a month will be billed monthly in arrears.
- E. Customer is responsible for payment of any state and local taxes (i.e. gross receipts tax, sales tax, municipal utilities tax) which will be listed as separate line items and which are not included in the quoted rates.
- F. In accordance with KAR 5:006 Section 8(3)(h), Customers failing to pay a bill for services by the due date will be charged a one-time late payment penalty on the amount owed for such services. Any payment received by the Customer will first be applied to the bill for services rendered.

2.7.7 Application of Charges

The charges for service are those charges in effect during the period in service was furnished.

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SECTION 2 – RULES AND REGULATIONS, CONT.

2.7 Customer Responsibility, cont.

2.7.8 Customer Complaint Procedure

FPB will resolve any disputes brought to its attention as promptly and effectively as possible. Customer Service Representatives can be reached by dialing the toll free number set forth on all bills. (Toll Free: 1-888-312-4372).

Any unresolved disputes may be directed to the attention of the Commission by (1) calling the Commission's Toll Free Number 1-800-772-4636 or (2) mailing the Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602-0615.

In the event of a dispute concerning an invoice, the Customer must pay a sum equal to the amount of the undisputed portion of the bill and notify FPB of the disputed portion.

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SECTION 2 – RULES AND REGULATIONS, CONT.

2.8 FPB Responsibility

2.8.1 Calculation of Credit Allowance

Pursuant to limitations set forth herein, when service is interrupted
The credit allowance will be computed on the following basis:

- A. No credit shall be allowed for an interruption of less than two hours.
- B. When a minimum usage charge is applicable and the Customer fails to meet a usage minimum credit, the outage shall be applied against that minimum equal to $1/360^{\text{th}}$ of the monthly minimum charges associated with the portion of service disabled for each period of two hours or major fraction thereof that the interruption continues beyond two hours.
- C. FPB will try its best to resolve any disputes properly brought to its attention. Unresolved disputes may be directed to the attention of the Commission.

2.8.2 Disconnection of Service by FPB

FPB, upon 10 days written notice to the Customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- A. Non-payment of any sum due to FPB for service for more than thirty days beyond the date of rendition of the bill for such service.
- B. A violation of any regulation governing the service under this tariff.
- C. A violation of any law, rule, or regulation of any governmental authority having jurisdiction over the service; or

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SECTION 2 – RULES AND REGULATIONS, CONT.

2.8 FPB Responsibility, cont.

- D. FPB is prohibited from furnishing services by order of a Court or other government authority having jurisdiction.
- E. FPB may immediately terminate service, without notice if a dangerous condition exist which could subject a person to imminent harm.

2.8.3 Fractional Monthly Charges (Proration of Charges)

Where applicable, charges for a fractional part of the month shall be prorated on the basis of the number of days service was rendered to total number of days in the billing cycle.

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SECTION 3 - DESCRIPTION OF SERVICE AND RATES

3.1 Timing of Calls

The Customer's monthly usage charges for FPB's service are based upon the total number of minutes the Customer uses and service options subscribed to. Chargeable time begins when the connection is established between the calling station and the called station or PBX. Chargeable time ends when the either party "hangs up."

There are no charges incurred if a call is not completed.

3.2 Start of Billing

The Start of Service date is the first day which service is actually provided to the Customer. The End of Service date is the last day or any portion thereof that service is provided to Customer.

3.3 Interconnection

Services furnished by FPB may be interconnected with services or facilities other authorized communications common carriers and with private systems, subject to the technical limitations established by FPB. Service furnished by FPB is not part of a joint undertaking with such other carriers. Any special interface equipment of FPB and other participating carriers shall be provided at the Customer's expense.

The Customer is responsible for taking all necessary legal steps for interconnecting his Customer-provided terminal equipment or communications Systems with FPB. The Customer shall secure all licenses, permits, right-of-ways and other arrangements necessary for such interconnection.

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SECTION 3 – DESCRIPTION OF SERVICE AND RATES, CONT.

3.4 Terminal Equipment

FPB's service may be used with or terminated in customer provided terminal Equipment or Customer provided communication systems, such as teleprinters, handsets, or data sets. Such terminal equipment will be furnished and maintained at the expense of the providing Customer, except as otherwise agreed in advance and in writing. The Customer is responsible for all costs at their premises, including personnel, wiring, electrical power, and the like incurred in the use of FPB's service. When such terminal equipment is used, the equipment shall comply with the generally accepted minimum protective criteria standards of the telecommunications industry.

3.5 Calculation of Distance

Usage charges are flat rates. No distance factor applies.

3.6 Minimum Call Completion Rate

The Customer can expect a call completion rate of 99% of calls attempted during peak use periods for all Feature Group D (1+) services.

3.7 (NOT USED)

3.8 Service Offerings

FPB provides the following services:

3.8.1 Message Toll Service (MTS)

Dialing is achieved by Customer's telephone lines being programmed by the local telephone company (LEC) or FPB CLEC Network to automatically route 1+ calls to FPB's network.

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SECTION 3 – DESCRIPTION OF SERVICE AND RATES, CONT.

3.8.2 Toll Free Service

The Toll Free Service permits calls to be completed at the Customer's location without charge to the calling party. Access to the service is gained by dialing a ten digit telephone number which terminates at the Customer's location. Inbound 800/888 toll free services originate via normal shared use facilities and are terminated via the customer's local exchange service access line.

3.8.3 Calling Card Service

Allows FPB Customers to place long distance calls while in travel status by using a Calling Card which allows the related charges to be billed by FPB.

3.8.4 Directory Assistance

FPB will provide requesting Customers with listed telephone numbers at a per call charge.

3.8.5 Operator Assistance

Operator Assisted Services are provided by and billed by FPB in accordance with the rate specified later.

3.8.6 Collect Calling

3.8.7 Third Person Billing Call

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Telephone: (502) 223-3401

Resale of Interexchange Telecommunications Services

SECTION 4 – RATES AND CHARGES

4.1 Usage Charges and Billing Increments

4.1.1 Usage Charges

Charges for Intrastate, Interstate, and International Calls, including Calling Card and Toll Free Calls, are calculated by applying a flat rate applied to minutes of use with a minimal prorated charge for 30 second per call and the remaining time of the call prorated based on 6 second increments. In the case of toll free, credit card collect, and third number billing calls, a flat charge will be charged per call in addition to the per minute usage charge. This flat fee will apply regardless of the length of the call. There is only one rate period. It makes no difference as to the time and day of the call.

Collect calls, third party billing calls are based on a permanent usage plus a flat charge for the call.

4.1.2 Billing Increments

The billing increments are described in 4.1.1 above

4.1.3 Rounding

All calls are rounded to the next highest billing interval. Any partial cents per call will be rounded up to the next highest whole cent.

4.2 Basic Monthly Service Calls:

4.2.1 6¢ per minute for Residential and Business Customers for Intrastate and Interstate Calls.

4.2.2 5¢ per minute for Governmental Customers for Intrastate and Interstate Calls.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

MAY 03 2002

PURSUANT TO 807 KAR 5.011,
SECTION 9(1)

BY: *Stephan D. Bell*

SECRETARY OF THE COMMISSION
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The Electric and Water Plant Board of the City of Frankfort
317 West Second Street
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Resale of Interexchange Telecommunications Services

SECTION 4 – RATES & CHARGES, CONT.

4.2.3	Directory Assistance (Per Call)	\$2.29	(I)
4.2.4	Directory Assistance with Call Completion (Per Call)	\$1.00	
4.2.5	Operator Assistance (Per Minute):		
	A. Automated	\$.50	
	B. Manual	\$1.50	
	C. Inward Operator Verification	\$.50	
	D. Inward Operator Verification And Emergency Interrupt	\$1.00	
4.2.6	Collect Calls	\$2.50 per call plus 10¢ per minute	
4.2.7	Third Number Billing Calls	\$1.50 per call plus 6¢ per minute	
4.2.8	The rates for Basic Service International Calls and Calls to Alaska, Hawaii, Puerto Rico, Virgin Islands, Guam, and North Marine Islands will be posted to FPB Website fewpb.2.com under button labeled Telephone Rates, and sub-button Long Distance and sub-sub-button for type International Rate. Rates will include a schedule of charges for Direct Dialings from the Continental US for Customers with FPB local phone service and direct dial from Continental US for Customers not subscribing to FPB local phone service. International Calling Card Rates are including therein. These rates will be subject to 24 hours notice on the FPB Website before taking effect.		
4.3	Optional Services:		
4.3.1	Calling Card Calls		
	Intrastate and Interstate Calls (Continental US)	12¢ per minute	

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Resale of Interexchange Telecommunications Services

SECTION 4 – RATES AND CHARGES, CONT.

4.5.3	Reconnect for Non-payment Charge	\$25.00
4.5.4	Third Party Billing Charge	\$2.00 per Month

4.6 Special Promotions

FPB may from time to time offer special promotions to Customers upon prior Commission approval of such promotion.

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Resale of Interexchange Telecommunications Services

SECTION 5 - BILLING CONTENTS

5.1 FPB Billing Contents

Frankfort Plant Board's Customer bills contain the following information:

- Name and address of FPB
- Address for Correspondence
- Address for Remittance
- Customer Service/Billing Inquiry toll-free telephone number
- Name and address of Customer
- Bill Date
- Bill Due Date
- Account Number
- Bill Number
- Long Distance Summary of Charges:
 - A. Basic Monthly Itemized Calls
 - B. Optional Service Itemized Calls
 - C. Other Charges
 - D. Credits
 - E. Taxes
 - F. Total Amount Due
- Long Distance Detail of Charges:
 - A. Basic Monthly Service (Itemized Calls)
 - B. Optional Services (Itemized Calls):
 - Credit Card Calls
 - Toll Free Calls

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Resale of Interexchange Telecommunications Services

SECTION 5 - BILLING CONTENTS, CONT.

C. Other Charges:

- PICC Charge (Multiline Business Customers Only)
- Universal Service
- Pay Phone Originated (Toll Free or Credit Card Calls)
- Late Payment Charge
- Reconnect for Non-Payment Charge
- Third Party Billing Charge
(Will be shown under the Service Category it Applies)
- Credits
- Taxes
- Total

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