

TELECOMMUNICATIONS TARIFF

OF

NETWORK BILLING SYSTEMS, LLC

155 Willowbrook Boulevard
Wayne, New Jersey 07470

RESALE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE

Issued Pursuant to the New York Public Service Commission's
Decision in Case No. 98-C-1333, November 16, 1998

This Tariff contains the descriptions, regulations and rates applicable to the furnishing of local exchange telecommunications services provided by Network Billing Systems, LLC within the State of New York. This Tariff is on file with the New York Public Service Commission. Copies may be inspected during normal business hours at the Company's principal place of business: 155 Willowbrook Boulevard, Wayne, New Jersey 07470.

Issued: May 7, 2002

Effective Date: June 7, 2002

By:

NETWORK BILLING SYSTEMS, LLC

Jonathan Kaufman
155 Willowbrook Boulevard
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(888) 301-1721

CHECK SHEET

Sheets 1 through 48 inclusive of this Tariff are effective as of the date shown at the bottom of the respective sheet(s).

<u>SHEET</u>	<u>REVISION</u>	<u>SHEET</u>	<u>REVISION</u>
Title	Original	26	Original
2	Second Revised	27	Original
3	Original	28	Original
4	Original	29	Original
5	Original	30	Original
6	Original	31	Original
7	Original	32	Original
8	Original	33	Original
9	Original	34	Original
10	Original	35	Original
11	Original	36	Original
12	Original	37	Original
13	Original	38	Original
14	Original	39	Original
15	Original	40	Original
16	Original	41	Original
17	Original	42	Second Revised
18	First Revised	43	Original
19	Original	44	Original
20	Original	45	Original
21	Original	46	Original
22	First Revised	47	First Revised
23	Original	48	Second Revised*
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CONCURRING CARRIERS

None

CONNECTING CARRIERS

None

OTHER PARTICIPATING CARRIERS

None

EXPLANATION OF SYMBOLS

- (C) To signify **changed** condition or regulation
- (D) To signify **deleted or discontinued** rate, regulation or condition
- (I) To signify a change resulting in an **increase** to a Customer's bill
- (M) To signify that material has been **moved from** another Tariff location
- (N) To signify a **new** rate, regulation condition or sheet
- (R) To signify a change resulting in a **reduction** to a Customer's bill
- (T) To signify a change in **text** but no change to rate or charge

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TARIFF FORMAT

- A. **Sheet Numbering** - Sheet numbers appear in the heading of each sheet. Sheets are numbered sequentially. However, occasionally, when a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. **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 Commission. For example, the 4th revised Sheet 14 cancels the 3rd Revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in its Tariff approval process, the most current sheet number on file with the Commission is not always the sheet in effect. Consult the Check Sheet for the sheet currently in effect.
- C. **Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of code is subservient to its next higher level:
- 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).I.
 - 2.1.1.A.1.(a).I.(i).
 - 2.1.1.A.1.(a).I.(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 if a particular sheet is the most current on file with the Commission.

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APPLICATION OF TARIFF

This Tariff contains the rates, terms and conditions applicable to the provision of specialized resold local data and voice telecommunications services by Network Billing Systems, LLC between various locations within the State of New York.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Account Code:

A numerical code, one or more of which are available to a Customer to enable identification of individual users or groups of users on an account and to allocate costs of service accordingly.

Circuit:

An electronic path between two or more points, capable of providing a number of channels.

Commission:

New York Public Service Commission

Company:

Network Billing Systems, LLC ("NBS")

Customer:

The person, firm, corporation or other entity that orders or uses service and is responsible for payment of charges and compliance with tariff regulation.

Customer Premises:

A location(s) designated by the Customer for the purposes of connecting to Company's Services.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, Continued

Dedicated Circuit

A circuit designated for exclusive use by specified users.

Direct Inward Dialing

Permits inward-directed calls to a PBX to reach a specific PBX extension without human intervention, bypassing the attendant.

Direct Outward Dialing

An automated PBX feature that provides for outgoing calls to be dialed directly from the user terminal, usually by dialing a "9" to get an outside dial tone.

Disconnect or Disconnection:

The termination of a facility connection between the originating station and the called station or the Company's operator.

Premises:

A building or buildings or contiguous property, not separated by a public highway or right-of-way.

T-1 A digital transmission link with a capacity of 1.544 Mbps, that can be divided into 24 voice channels, each operating at 64 Kbps, by multiplexing. The "voice" channels can also be used to carry data.

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SECTION 2 - RULES AND REGULATIONS**2.1. UNDERTAKING OF THE COMPANY**

- 2.1.1. Company's services are furnished for telecommunications originating and/or terminating in any area within the State of New York.
- 2.1.2. Company is a non-facilities-based provider of resold local telecommunications service to Customers for their direct transmission and reception of data communications.
- 2.1.3. Company resells switching, transport, and termination services provided by facilities-based carriers.
- 2.1.4. Subject to availability, the Customer may use Account Codes to identify the users or user groups on an account. The numerical composition of the codes shall be set by Company to assure compatibility with the Company's accounting and billing systems and to avoid the duplication of codes.
- 2.1.5. The Company's services are provided on a monthly basis unless otherwise provided, and are available twenty-four (24) hours per day, seven (7) days per week.
- 2.1.6. Request for service under this Tariff will authorize the Company to conduct a credit search on the Customer. The Company reserves the right to refuse service on the basis of credit history, and to refuse further service due to late payment or nonpayment by the Customer.

2.2. LIMITATIONS OF SERVICE

- 2.2.1. Service is offered subject to availability of the necessary facilities and/or equipment and subject to the provisions of this Tariff.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.2. LIMITATIONS OF SERVICE, Continued**

- 2.2.2. Company reserves the right to immediately disconnect service without incurring liability when necessitated by conditions beyond the Company's control or when the Customer is using the service in violation of either the provisions of this Tariff or the Commission rules.
- 2.2.3. The Company 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.
- 2.2.4. The Customer obtains no property right or interest in the use of any specific type of facility, service, equipment, telephone number, process or code. All rights, titles and interests remain, at all times, solely with the Company.
- 2.2.5. Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this Tariff shall apply to all such permitted assignees or transferees, as well as all conditions of service.
- 2.2.6. The Company reserves the right to refuse an application for service by a present or former Customer who is indebted to the Company for service previously rendered pursuant to this Tariff until the indebtedness is satisfied.

2.3. USE

- 2.3.1. Service may be used for the transmission of communications by the Customer for any lawful purpose for which the service is technically suited.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.3. USE, Continued

- 2.3.2. Service may not be used for any unlawful purpose or for any purpose for which any payment or other compensation is received by the Customer, except when the Customer is a duly authorized and regulated common carrier. This provision does not prohibit an arrangement between the Customer, authorized user or joint user to share the cost of service.
- 2.3.3. Applications for Service must be in writing. The name(s) of the Customer(s) desiring to use the service must be set forth in the Application for Service.
- 2.3.4. The Company strictly prohibits use of the Company's Services without payment or an avoidance of payment by the Customer by fraudulent means or devices including providing falsified calling card numbers or invalid calling card numbers to the Company, providing falsified or invalid Credit Card numbers to the Company or in any way misrepresenting the identity of the Customer.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.4. LIABILITIES OF THE COMPANY**

- 2.4.1. The liability of the Company for damages arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission occurring in the course of furnishing service or other facilities and not caused by the negligence of the Customer, commences upon activation of service and in no event exceeds an amount equivalent to the proportionate charge to the Customer for the period of service during which such mistakes, omissions, interruptions, delays, errors or defects in transmission occur. For the purpose of computing such amount, a month is considered to have thirty (30) days. To the extent permitted by law, the Company will in no event be responsible for any indirect, incidental, consequential, reliance, special, lost revenue, lost savings, lost profits, or exemplary or punitive damages, regardless of the form of action, whether in contract, tort, negligence of any kind whether active or passive, strict liability or otherwise. The terms of this Section shall apply notwithstanding the failure of any exclusive remedy.
- 2.4.2. Company is not liable for any act or omission of any other company or companies furnishing a portion of the service.
- 2.4.3 Except as expressly warranted in writing by Company, Company makes no warranty or guarantee, express or implied, and Company expressly disclaims any implied warranties of merchantability and fitness for a particular purpose.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.4. LIABILITIES OF THE COMPANY, Continued

2.4.4. Company shall be indemnified and held harmless by the Customer against:

- A. Claims for libel, slander, infringement of copyright or unauthorized use of any trademark, trade name or service mark arising out of the material, data, information or other content transmitted over Company's facilities; and
- B. Claims for patent infringement arising from combining or connecting company's facilities with apparatus and systems of the Customer; and
- C. All other claims arising out of any act or omission of the Customer in connection with any service provided by Company.

2.4.5. The Company is not liable for any defacement of, or damage to, the equipment or Premises of a Customer resulting from the furnishing of services when such defacement or damage is not the result of the Company's negligence.

2.4.6. Company shall not be liable for and the Customer indemnifies and holds harmless from any and all loss claims, demands, suits, or other action or liability whatsoever, whether suffered, made instituted or asserted by the Customer or by any other party or person, for any personal injury to, death of any person or persons, and for any loss, damage, defacement or destruction of the Premises of the Customer or any other property, whether owned by the Customer or by 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 Company where such installation, operation, failure to operate, maintenance, condition, location or use is not the direct result of Company's negligence.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.4. LIABILITIES OF THE COMPANY, Continued**

- 2.4.7. 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.
- 2.4.8. The Company is 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 its facilities or those of another common carrier; acts of nature, storms, fire, floods, 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 or any one or more of such instrumentality or any one of 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 the Company's agents and employees, if committed beyond the scope of their employment.
- 2.4.9. The Company shall not be liable for damages or adjustments, refunds, or cancellation of charges unless the Customer has notified the Company of any dispute concerning charges, or the basis of any claim for damages, after the invoice is rendered by the Company for the call giving rise to such dispute or claim, unless ordered by the Commission pursuant to New York law. The Company shall not be responsible for claims made outside the thirty (30) day period. Any such notice must set forth sufficient facts to provide the Company with a reasonable basis upon which to evaluate the Customer's claim or demands.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.4. LIABILITIES OF THE COMPANY, Continued

- 2.4.10. 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 its communications equipment. The unauthorized use of the Customer's communications equipment includes, but is not limited to, the placement of calls from the Customer's 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 shall be fully liable for all such charges.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.5. INTERRUPTION OF SERVICE

2.5.1. The Company does not provide credit allowances for interruption of service.

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. MINIMUM SERVICE PERIOD

2.7.1 The Minimum Service Period is one (1) year. At the end of the minimum service period, the terms of service will remain in effect until the Customer or the Company provide written notice of termination in accordance with the terms and conditions of their written agreement. Customers that cancel service prior to the end of the Minimum Service Period will be assessed penalties as outlined in Section 2.9.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.8. PAYMENTS AND BILLING

- 2.8.1. Charges for service are applied on a recurring basis. Service is provided and billed on a monthly (30 day) basis. The billing date is dependent on the billing cycle assigned to the Customer. Service continues to be provided until canceled by the Customer.
- 2.8.2. The Customer is responsible in all cases for the payment of all charges for services furnished to the Customer. Charges are based on actual usage, and are billed monthly in arrears.
- 2.8.3. Billing is payable upon receipt and past due thirty (30) days after issuance and posting of invoice. Bills not paid within thirty (30) days after the date of posting are subject to a 1.5 percent late payment charge for the unpaid balance, and may be subject to additional collection agency fees.
- 2.8.4. A charge of \$20.00 will apply whenever a check or draft presented for payment of service is not accepted by the institution on which it is written.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.8. PAYMENTS AND BILLING, Continued**

- 2.8.5. Billing disputes should be addressed to Company's customer service organization via telephone to (888) 301-1721. Customer service representatives are available from 8:30 AM to 4:59 PM Eastern Time. Messages may be left for Customer Services from 5:00 PM to 8:29 AM Eastern Time, which will be responded to on the next business day. In the event of an emergency that threatens customer service, Customer Service Staff may be paged.
- 2.8.6. In the case of a dispute between the Customer and the Company for service furnished to the Customer, which cannot be settled with mutual satisfaction, the Customer can take the following course of action:
- A. First, the Customer may request, and the Company will perform, an in-depth review of the disputed amount. The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to Disconnection.
 - B. Second, if there is still disagreement over the disputed amount after the investigation and review by a manager of the Company, the Customer may appeal to the New York Public Service Commission for its investigation and decision.

The address and telephone number of the Commission are:

Consumer Services Division
New York Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Telephone: 800.342.3377

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SECTION 2 - RULES AND REGULATIONS, Continued**2.9. CANCELLATION BY CUSTOMER**

- 2.9.1. Customer may cancel service by providing written notice to Company according to the terms of their separate agreement.
- 2.9.2. Customer is responsible for usage charges and associated local exchange company charges, if any, while still connected to the Company's service, even if the Customer utilizes services rendered after the Customer's request for cancellation has been made.
- 2.9.3. In the event the Customer terminates service with the Company prior to the end of the Minimum Service Period stated in Section 2.7, the Customer will be assessed penalties for termination of service as set forth below:
- A. If the Customer orders service and then cancels the order before such service begins, then the Customer forfeits any advance payment.
 - B. If the Customer orders service and cancels the order before completion of the minimum service period, then the Customer must pay a termination fee amounting to the total monthly recurring charges multiplied by the number of months remaining in the term.
 - C. If the Company incurs liabilities expressly on behalf of the Customer that are not fully reimbursed by installation and monthly charges, the Customer must reimburse the Company's expenses and liabilities.
 - D. If Customer orders service and construction has either begun or has been completed, but no service provided, the customer must reimburse the Company the costs of construction.

Termination penalties are due and payable immediately upon termination of service.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.10. CANCELLATION BY COMPANY

- 2.10.1. Company reserves the right to immediately discontinue furnishing the service to Customers without incurring liability:
- A. In the event of a condition determined to be hazardous to the Customer, to other customers of the utility, to the utility's equipment, the public or to employees of the utility; or
 - B. By reason of any order or decision of a court or any other governmental authority which prohibits the Company from furnishing such service; or
 - C. If the Company deems such refusal necessary to protect itself or third parties against fraud or to otherwise protect its personnel, agents, facilities or services without notice; or
 - D. For unlawful use of the service or use of the service for unlawful purposes; or
 - E. If the Customer provides false information to the Company regarding the Customer's identity, address, credit-worthiness, past, current or planned use of Company's services.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.10. CANCELLATION BY COMPANY, Continued

- 2.10.2. Company may suspend Service to non-residential customers without liability upon eight (8) days written notice to the Customer via first-class mail prior to suspension of Service for non-payment of bills for service or refusal to provide Company with either a deposit or advance payment

Company will provide the Customer with written notice via first class U.S. Mail stating the reason for suspension, and allow the Customer not less than eight (8) days to remove the cause for suspension. Service may not be suspended on Saturdays, Sundays or holidays.

- 2.10.3 Company may terminate service to non-residential customers without liability upon thirteen (13) days written notice sent via first-class mail upon the completion of the eight (8) day suspension period.
- 2.10.4 The Company may not terminate service of a Customer whose service has been suspended until at least five (5) days after the date on which suspension shall have occurred.
- 2.10.5. The discontinuance of service(s) by the Company pursuant to this section does not relieve the Customer of any obligations to pay the Company for charges due and owing for service(s) furnished up to the time of discontinuance. The remedies available to the Company set forth herein shall not be exclusive and the Company shall at all times be entitled to all the rights available to it under law or equity.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.11. INTERCONNECTION**

- 2.11.1. Service furnished by Company may be interconnected with services or facilities of other authorized communications common carriers and with private systems, subject to the technical limitations established by Company. Any special interface of equipment or facilities necessary to achieve compatibility between the facilities of Company and other participating carriers shall be provided at the Customer's expense.
- 2.11.2. Interconnection between the facilities or services of other carriers shall be under the applicable terms and conditions of the other carriers' tariffs. The Customer is responsible for taking all necessary legal steps for interconnecting Customer-provided terminal equipment or communications equipment with Company's facilities. The Customer shall secure all licenses, permits, rights-of-way and other such arrangements necessary for interconnection.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.12. DEPOSITS AND ADVANCE PAYMENTS**

- 2.12.1 Company may require a deposit from an applicant for new service. A deposit may be waived if, according to Company's assessment, the applicant is a satisfactory credit risk.
- 2.12.2. Company may require a deposit from an existing Business Service Customer as a condition to the further provision of Service if, according to Company's assessment, the Customer has become a credit risk.
- 2.12.3 The Company will calculate the maximum deposit required from an applicant for Service or an existing Customer by estimating the expected charges for service for a one (1) month period. Company may adjust the amount of deposit to be held in order to maintain a one (1) month estimated amount when, according to Company's assessment, such adjustment is deemed necessary to adequately secure the account.
- 2.12.3 Customers may satisfy deposit requirements as follows:
- A. In cash,
 - B. By an acceptable bank letter of credit,
 - C. Through an acceptable third-party guarantee (Residential Service Customers only),
 - D. Other forms of security acceptable to Company.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.12. DEPOSITS AND ADVANCE PAYMENTS, Continued**

- 2.12.4. Deposits will be refunded to Business Service Customers no later than two years of non-delinquency in payment of bills rendered in accordance with Part 600.1(b) of 16 N.Y.C.C.R.
- 2.12.5. When Service has been terminated or disconnected, Company will deduct any and all unpaid amounts from the deposit, and the difference will be refunded, if applicable.
- 2.12.6. Interest rates applied to Customer deposits held by Company are prescribed by the Commission.
- 2.12.9. To safeguard its interests, Company may require an applicant for Service to make an advance payment before Services are furnished. The advance payment required from an applicant shall be in lieu of, and not in addition to, a deposit, and will not exceed an amount equal to two (2) times average monthly bill for the Service. The advance payment will be credited to the Customer's local service bills until it has been liquidated. The advance payment shall be forfeited to the Company and Customers shall be assessed additional costs as set forth in Section 2.9.3.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.13. CREDIT LIMIT**

The Company may, at any time and at its sole discretion, set a credit limit for any Customer's consumption of Services for any monthly period.

2.14. TAXES

The applicable Gross Revenue Surcharge rates and Metropolitan Transportation Business Tax Surcharge (MTA) tax rates are shown in an Appendix attached to this tariff. Any changes to these rates will be filed on fifteen (15) days' notice to the Commission, or as directed by the Commission. Customers will be notified of any changes by bill insert or separate mailing no later than the first billing period following the date of the change. Whenever the state levies a new tax on the Company's gross revenues, repeals such a tax, or changes the rate of such tax, the Commission may approve new surcharge factors, and the Company will file revised surcharges as directed by the Commission.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.15. SCHOOLS AND LIBRARIES DISCOUNT PROGRAM**

- 2.15.1. The Schools and Libraries Discount program permits eligible schools (public, private, grades Kindergarten through 12) and libraries to purchase the Company's Services offered in this tariff at a discounted rate, in accordance with the Rules adopted by the F.C.C. in its Universal Service Order 97-157, issued May 8, 1997 and the New York State Public Service Commission in its Opinion and Order 97-11 Adopting Discounts for Services for Schools and Libraries, issued June 25, 1997. The Rules are codified at 47 Code of Federal Regulation (C.F.R.) 54.500 *et. seq.*
- 2.15.2. As indicated in the Rules, the discounts will be between twenty (20) and ninety (90) percent of the pre-discount price, which is the price of Services to schools and libraries prior to application of a discount. The level of discount will be based on an eligible school or library's level of economic disadvantage and by its location in either an urban or rural area. A school's level of economic disadvantage will be determined by the percentage of its students eligible for participation in the national school lunch program, and a library's level of economic disadvantage will be calculated on the basis of school eligibility in the public school district in which the library is located. A non-public school may use either eligibility for the national school lunch program or other federally approved alternative measures to determine its level of economic disadvantage. To be eligible for the discount, schools and libraries will be required to comply with the terms and conditions set forth in the Rules. Discounts are available only to the extent that they are funded by the federal universal service fund. Schools and libraries may aggregate demand with other eligible entities to create a consortium.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.15. SCHOOLS AND LIBRARIES DISCOUNT PROGRAM, Continued

2.15.3. Obligations of eligible schools and libraries are as follows:

- A. Schools and libraries and consortia shall participate in a competitive bidding process for all services eligible for discounts, in accordance with any state and local procurement rules.
- B. Schools and libraries and consortia shall submit requests for services to the Schools and Libraries Corporation, as designated by the F.C.C., and follow established procedures.
- C. Services requested will be used for educational purposes.
- D. Services will not be sold, resold or transferred in consideration for money or any other thing of value.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.15. SCHOOLS AND LIBRARIES DISCOUNT PROGRAM, Continued

2.15.4. Obligations of the Company are as follows:

- A. Company will offer discounts to eligible schools and libraries on commercially available telecommunications services contained in this tariff. Those services contained in this tariff which are excluded from the discount program, in accordance with the Rules are included as an attachment to this tariff.
- B. The Company will offer services to eligible schools, libraries and consortia at prices no higher than the lowest price it charges to similarly situated non-residential Customers for similar services (lowest corresponding price).
- C. In competitive bidding situations, the Company may offer flexible pricing or rates other than in this tariff, where specific flexible pricing arrangements are allowed, subject to New York State Public Service Commission approval.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.15. SCHOOLS AND LIBRARIES DISCOUNT PROGRAM, Continued

2.15.5. Discounted rates for schools and libraries will be based on the following:

- A. Discounts for eligible schools and libraries and consortia shall be set as a percentage from the pre-discount price, which is the price of services to schools and libraries prior to application of a discount.
- B. The discount rate will be applied to eligible intrastate services purchased by eligible schools, libraries or consortia.
- C. The discount rate is based on each school or library's level of economic disadvantage as determined in accordance with the F.C.C. Order or other federally approved alternative measures (as permitted by the Rules) and by its location in either an urban or rural area.
- D. The discount matrix for eligible schools, libraries and consortia is included as an attachment to this tariff.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.16. HEALTH CARE PROVIDERS' SUPPORT PROGRAM**

2.16.1. General

The purpose of the Health Care Providers Support Program is to enable public and non-profit rural health care providers to have access to telecommunications services necessary for the provision of health care services at rates comparable to those paid for similar services in urban areas. The Health Care Providers Program offers eligible public and non-profit health care providers located in rural areas reduced rates for Company intrastate services available in this Tariff. Such Services must be purchased in accordance with the Rules adopted by the Federal Communications Commission (FCC) in its Universal Service Order 97-157, issued May 8, 1997 and codified at 47 Code of Federal Regulations (C.F.R.) 54.601 *et. seq.*, and any amendments made thereto.

- A. To be eligible for the reduced rates, rural health care providers are required to comply with the terms and conditions set forth in the FCC rules.
- B. Reduced rates are available only to the extent that they are funded by the federal universal service fund.
- C. Eligible rural health care providers may aggregate demand with other entities to create a consortium. Universal service support shall apply only to the portion of eligible service used by an eligible health care provider.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.16. HEALTH CARE PROVIDERS' SUPPORT PROGRAM, Continued

2.16.1. General, Continued

D. Responsibility of eligible health care providers:

1. Rural health care providers and consortia shall participate in a competition bidding process for all services eligible for reduced rates in accordance with any state and local procurement rules.
2. Rural health care providers and consortia shall submit requests for services to the program Administrator, as designated by the FCC, and follow established procedures.
3. Services requested must be used for purposes related to the provision of health care services or instruction that the health care provider is legally authorized to provide under the law.
4. A health care provider that cannot obtain toll-free access to an Internet service provider and who is eligible for support for limited toll-free access under the Rules must certify that it lacks toll-free Internet access and that it is an eligible health care provider.
5. Services cannot be sold, resold or transferred in consideration for money or any other thing of value.

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SECTION 2 - RULES AND REGULATIONS, Continued

2.16. HEALTH CARE PROVIDERS' SUPPORT PROGRAM, Continued

2.16.1. General, Continued

E. Responsibility of the Company:

1. The Company shall offer the rates and charges as specified in Section 4 to eligible health care providers to the extent that facilities and Services are available and offered.
2. The Company shall offer services to eligible rural health care providers and consortia at prices no higher than the highest urban rate as defined in the FCC Order and Rules.
3. In competitive bidding situations, where specific flexible pricing arrangements are allowed, the Company may offer flexible pricing (to determine the reduced rate) subject to New York Commission of Public Utilities approval.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.16. HEALTH CARE PROVIDERS' SUPPORT PROGRAM, Continued**

2.16.2 Rates and Charges

The following price adjustments will be available to eligible rural health care providers, except subparagraph C., which shall be available to all eligible health care providers, regardless of location.

- A. A reduced rate for telecommunications services, using a bandwidth capacity of up to 1.544 Mbps, not to exceed the highest tariffed or publicly available rate charged to a commercial Customer for a similar service provided over the same distance in the nearest city in New York State with a population of at least 50,000.
- B. An exemption from some mileage charges for any telecommunications services, using a bandwidth capacity of up to 1.544 Mbps, that is necessary for the provision of health care services. The exempted mileage includes the distance between the rural health care provider and the most distant perimeter of the nearest city in New York State with a population of 50,000 or more, less the standard urban distance, which is the maximum average diameter of all cities with population of 50,000 or more in the state.
- C. Each eligible health care provider that cannot obtain toll-free access to an Internet service provider is entitled to receive toll charge credits for toll charges imposed for connecting to an Internet service provider as per the FCC Rules. Such toll charges are available pursuant to applicable toll tariffs.

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SECTION 2 - RULES AND REGULATIONS, Continued**2.17. FLEXIBLE PRICING**

- 2.17.1 Flexible pricing sets minimum and maximum rates that can be charged for telephone service. The Company may change a specific rate within the established range of rates on one day's notice to Customers and the Commission.
- 2.17.2 The Company may change prices at any time subject to regulatory requirements by filing a revised Effective Rate Schedule, Addendum, with the Commission. A rate shall not be changed unless it has been in effect for at least thirty (30) days.
- 2.17.3 Individual written notice to Customers of rate changes shall be made in accordance with Commission regulations.
- 2.17.4 A Customer may request that the Company disconnect service that is provided under the flexible pricing due to a price increase. The Customer will be credited for the difference between the new price and the old price retroactive to the effective date of the price increase if the Customer notifies the Company of its desire to disconnect service within twenty (20) days of receiving notification of the price increase.

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SECTION 3 - DESCRIPTION OF SERVICE**3.1 NBS TELECOMMUNICATIONS SERVICE****3.1.1. General Information**

Company resells voice and data services, providing Customers with access to dedicated T-1 facilities for the transmission and reception of data and voice communications. The minimum Service Order Term is one year. Monthly recurring charges are based on the type of facility and service features ordered.

Customers may provide their own equipment for access the company's services. Customers may also purchase or lease the Company's equipment, including:

Adtran CSU ACE, for T1 or PRI
Adtran TA604,
Intregrated box, 4 ports
Adtran TA608, 8 ports
Adtran TA612, 12 ports
Adtran TA616, 16 ports
Adtran TA 624, 24 ports
Adtran TA 859 ac Bundle, integrated box, T1 out

Customers should contact the Company's customer service department at (888) 301-1721 for information about purchasing or leasing Company provided equipment.

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SECTION 3 - DESCRIPTION OF SERVICE**3.1 NBS TELECOMMUNICATIONS SERVICE, Continued****3.1.2 Operator Assistance**

A Customer may obtain the assistance of an operator to complete calls in the following manner. Surcharges set forth in Section 4 of this Tariff will be applied on a per call basis. Customers will be charged a surcharge for operator dialed calls in addition to the surcharges for the following types of calls.

- A. Person to Person provides the Customer with the capability to place calls completed with the assistance of an operator to a particular station and person specified by the caller. The call may be billed to the called party.
- B. Station to Station provides the Customer with the capability to place calls completed with the assistance of an operator to a particular station. The call may be billed to the called party.
- C. Credit Card Billing provides the Customer with the capability to place calls completed with the assistance of an operator to a particular station and person and bill the call to the Customer's credit card.
- D. Busy Line Verification provides the Customer with the option to request operator verification of whether a specific line is busy or inoperative.
- E. Line Service Interrupt provides the Customer with the option to request operator interruption of a line that is in use, primarily for emergency situations.

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SECTION 3 - DESCRIPTION OF SERVICE, Continued**3.1 NBS TELECOMMUNICATIONS SERVICE, Continued****3.1.3 Directory Assistance Service**

Company provides Directory Assistance as an ancillary service exclusively to its customers. Directory Assistance is accessible by dialing "1", the area code of the desired number and "555-1212."

3.1.4 Directory Listing

Company does not publish a directory or other similar listing of its Customers. However, Company will arrange for Customers, other than Customers requesting non-published service, to be listed in the directories and directory assistance records of the applicable Incumbent Local Exchange Carrier in accordance with the incumbent's listing service tariff schedule, subject to availability of such listing service to Company's Customers. Company hereby concurs in such schedules on file with the Commission that are current and effective as of the effective date of this Tariff sheet.

3.1.5 Non-Published Services

At the request of Customer, the Customer's name, address, and telephone number will not be listed in any directory or directory assistance records available to the public, except that the number may be included in reference listings. However, such information, along with call forwarding information from such numbers, will be released in response to legal process or to certain authorized governmental agencies.

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SECTION 3 - DESCRIPTION OF SERVICE, Continued**3.1 NBS TELECOMMUNICATIONS SERVICE, Continued****3.2. CALCULATION OF DISTANCE**

3.2.1. Usage Charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

3.2.2. The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers that are produced by Bell Communications Research in the NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

Formula:

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

3.3. PROMOTIONS

The Company may, from time to time, engage in special promotions of new or existing Service offerings of limited duration designed to attract new Customers or to increase existing Customer awareness of a particular offering. The promotional offerings are subject to the availability of the services and may be limited to a specific geographical area or to a subset of a specific market group; provided, however, all promotional offerings shall be approved by the Commission with specific starting and ending dates, and made part of this Tariff.

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SECTION 3 - DESCRIPTION OF SERVICE, Continued**3.4. INDIVIDUAL CASE BASIS (ICB) ARRANGEMENTS**

Arrangements will be developed on an individual, case-by-case basis (ICB) in response to a bona fide request from a Customer or prospective Customer to develop a competitive bid for a Service offered under this Tariff. Rates quoted in response to such competitive requests may be different than those specified for such Services in this Tariff. ICB rates will be offered to the Customer in writing and on a non-discriminatory basis, and made part of this Tariff.

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SECTION 4 - RATES**4.1. SERVICE CHARGES**

Service charges are based on the following schedules:

4.1.1 General**A. Service Order Charge:**

	Min.	Max.
First	\$0	\$300
Additional	\$0	\$300

B. Expedited Service Order Charge

	Min.	Max.
First	\$0	\$1,000
Additional	\$0	\$1,000

4.1.2 Restoral Charge

	Min.	Max.
First	\$0.00	\$250.00
Additional	\$0.00	\$250.00

4.1.3 Moves, Adds and Changes

	Min.	Max.
First	\$100.00	\$500.00
Additional	\$100.00	\$500.00

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SECTION 4 – RATES, Continued

4.1. SERVICE CHARGES, Continued

4.1.4 Charges Associated with Premises Visit

A. Labor

	Min.	Max.
Per Premises Visit, Per Hour: (Charged in 15 min. increments)	\$0.00	\$250.00

4.1.5 Usage Rates (T)

A. Local (N)

	Initial	Additional
	<u>18 Sec.</u>	<u>6 Sec.</u>
<u>Minimum:</u>	\$0.003	\$0.0010
<u>Maximum:</u>	\$0.03	\$0.0100

—
(N)

B. IntraLATA toll (T)

	Initial	Additional
	<u>18 Sec.</u>	<u>6 Sec.</u>
<u>Minimum:</u>	\$0.003	\$0.0010
<u>Maximum:</u>	\$0.03	\$0.0100

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SECTION 4 – RATES, Continued**4.1. SERVICE CHARGES, Continued****4.1.6 Operator Service Charges**

The following service charges apply to local and IntraLATA calls for which live or automated operator assistance is provided for call completion and/or billing.

	<u>Minimum</u>	<u>Maximum</u>
Operator Dialed Call*	\$0.25	\$2.00
Billed to Credit Card	\$0.25	\$2.00
Person to Person	\$1.00	\$10.00
Station to Station	\$1.00	\$10.00
Busy Line Verification	\$1.00	\$10.00
Busy Line Interrupt	\$1.00	\$10.00

*In addition to other operator charges.

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SECTION 4 – RATES, Continued**4.1. SERVICE CHARGES, Continued**

4.1.7 Circuit Charges

A. Voice Only Circuits, Per Month

One Year Term

<u>Circuit Type</u>	<u>Minimum</u>	<u>Maximum</u>
DOD/DIOD	\$250.00	\$1,000.00
PRI/DID	\$500.00	\$2,000.00
Channelized DIOD	\$250.00	\$1,000.00

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SECTION 4 – RATES, Continued

4.1. SERVICE CHARGES, Continued

4.1.7 Circuit Charges, Continued

B. Combined Voice/Data Circuits, Per Month

One Year Term

<u>Circuit Type</u>	<u>Minimum</u>	<u>Maximum</u>
12/256	\$500.00	\$2,000.00
12/512	\$500.00	\$3,000.00
12/DS1	\$1,000.00	\$3,000.00
16/256	\$1,000.00	\$3,000.00
16/512	\$1,000.00	\$3,000.00
16/DS1	\$1,000.00	\$3,000.00
20/256	\$1,000.00	\$3,000.00
20/512	\$1,000.00	\$3,000.00
20/DS1	\$1,000.00	\$5,000.00
24/256	\$1,000.00	\$3,000.00
24/512	\$1,000.00	\$4,000.00
24/DS1	\$1,500.00	\$4,000.00

C. Circuit Installation Charge

	<u>Min.</u>	<u>Max.</u>
Per Circuit	\$0	\$800

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SECTION 4 – RATES, Continued**4.1. SERVICE CHARGES, Continued****4.1.8 Direct Inward Dial (DID) Service**

	<u>Minimum</u>	<u>Maximum</u>
Monthly Recurring Charge	\$1.00	\$10.00
Installation	\$1.00	\$10.00
Per Channel DID on Channelized Circuit, Monthly Recurring Charge	\$25.00	\$100.00
Per Channel DID on Channelized Circuit, Installation	\$25.00	\$100.00

4.1.9 Internet Protocol (IP) Address Charges

	<u>No.</u>	<u>Minimum</u>	<u>Maximum</u>
Monthly Recurring Charge	1	\$0.00	\$25.00
	5	\$10.00	\$50.00
	13	\$10.00	\$50.00
Installation	1	\$0.00	\$25.00
	5	\$10.00	\$50.00
	13	\$10.00	\$50.00

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SECTION 4 – RATES, Continued**4.1. SERVICE CHARGES, Continued**

4.1.10 Directory Assistance Service

The directory assistance charge applies after the call allowance of two calls per line.

	Min.	Max.
Local and IntraLATA, per request	\$0.01	\$1.50

4.1.11 Blocking Service

	Nonrecurring Charges	
	<u>Minimum</u>	<u>Maximum</u>
900 Blocking	\$0.00	\$100.00
Outbound Toll Blocking	\$0.00	\$100.00
Caller ID Blocking	\$0.00	\$100.00

4.1.12 Directory Listings

	<u>Non-Recurring Charge</u>	
	Min.	Max.
A. Directory Listing Order Charge, Per Order	\$5.00	\$50.00

B. Listing Charges

	<u>Monthly Charge</u>		<u>Nonrecurring Charge</u>	
	Min.	Max.	Min.	Max.
<u>Type of Listing</u>				
Primary	\$0.00	\$8.00	\$0.00	\$8.00
Additional Listing	\$0.00	\$10.00	\$0.00	\$30.00
Caption	\$0.00	\$10.00	\$0.00	\$10.00
Foreign Listing	\$0.00	\$10.00	\$0.00	\$10.00
Unlisted	\$0.00	\$10.00	\$0.00	\$10.00
Non-Published	\$0.00	\$10.00	\$0.00	\$25.00
Line of Information	\$0.00	\$10.00	\$0.00	\$10.00

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SECTION 4 – RATES, Continued**4.1. SERVICE CHARGES, Continued****C. Domestic Violence Waiver**

Pursuant to Section 91(7) of the Public Service Law, where a customer requests protection of his or her identity in connection with the customer's purchase of telephone service and the customer a) is a victim of domestic violence, as defined in Section 459-a of the New York Social Services Law, and b) for whose benefit any order of protection, other than a temporary order of protection, has been issued by a court of competent jurisdiction, the Company will:

1. Allow the customer to use a modified or alternative name for a directory listing, or
2. Waive the otherwise applicable charges for a non-published telephone listing

These listings shall conform to all the same requirements of other non-published listings. A customer requesting such an accommodation shall provide a copy of the order of protection to the Company.

4.1.13 End User Line Charge (EULC)

<u>Item</u>	<u>Monthly Charge</u>	
	Min.	Max.
DOD/DIOD	\$15.00	\$100.00
PRI/DID	\$25.00	\$150.00
Channelized DIOD	\$15.00	\$100.00

4.1.14 Returned Check Charge

	Min.	Max.
Per Check	\$15.00	\$20.00

4.1.15 Local Measured Service

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