

TELECOMMUNICATIONS TARIFF

OF

NETWORK BILLING SYSTEMS, L.L.C.

155 Willowbrook Boulevard  
Wayne, New Jersey 07470

RESALE INTEREXCHANGE TELECOMMUNICATIONS SERVICE

This Tariff contains the descriptions, regulations, and rates applicable to the furnishing of telecommunications services provided Network Billing Systems, L.L.C. ("NBS") within the State of Vermont. This Tariff is on file with the Vermont Public Service Board ("VPSB"). Copies may be inspected during normal business hours at the VPSB and the Company's principal place of business: 155 Willowbrook Boulevard, Wayne, New Jersey 07470.

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Issued: June 22, 1999

Effective Date: July 22, 1999

Issued By:

Jonathan Kaufman  
Network Billing Systems, L.L.C.  
155 Willowbrook Boulevard  
Wayne, New Jersey 07470  
(973) 256-2020

**CHECK SHEET**

The Sheets 1 through 31 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>
1	Original	21	Original
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3	Original	23	Original
4	Original	24	Original
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12	Original		
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19	Original		
20	Original		

\* indicates revision

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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 VPSB. For example, the 4th revised Sheet 14 cancels the 3rd Revised Sheet 14. Because of various suspension periods, deferrals, etc. the VPSB follows in its Tariff approval process, the most current sheet number on file with the VPSB 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 VPSB, 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 VPSB.

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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.

### Called Station:

The terminating point of a call (i.e., the called number).

### Calling Card:

A card issued by Company containing such account numbers assigned to its Customer which enables the charges for calls made to be properly billed on a pre-arranged basis.

### Company:

Network Billing Systems, L.L.C.

### Credit Card:

A valid bank or financial organization card, representing and account to which the costs of products and services purchased by the card holder may be charged for future payment. Such cards include those issued by VISA or MasterCard.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, Continued**

**Customer:**

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

**Dedicated Access:**

Non-switched access between a Customer's premises and the point of presence of the Company's underlying carrier.

**Disconnect or Disconnection:**

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

**Subscriber:**

See "Customer" definition.

**VPSB:**

Vermont Public Service Board

**"800" Number:**

An interexchange service offered pursuant to this tariff for which the called party is assigned a unique 800-NXX-XXXX or 888-NXX-XXXX or 887-NXX-XXXX number, or any other NPA, and is billed for calls terminating at that number.

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## SECTION 2 - RULES AND REGULATIONS

### 2.1. UNDERTAKING OF THE COMPANY

- 2.1.1. This Tariff contains the rates, terms and conditions applicable to the provision of specialized resold intrastate common carrier telecommunications services by Network Billing Systems, L.L.C. throughout the State of Vermont.
- 2.1.2. All services are interstate offerings. Intrastate service is an add-on service available only if the Customer subscribes to the Company's interstate offerings.
- 2.1.3. Company's services are furnished for telecommunications originating and/or terminating in any area within the State of Vermont.
- 2.1.4. Company is a non-facilities-based provider of resold interexchange telecommunications to Customers for their direct transmission and reception of voice, data, and other types of communications.
- 2.1.5. Company resells access, switching, transport, and termination services provided by interexchange carriers.
- 2.1.6. 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.
- 2.1.7. 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.
- 2.1.8. Request for service under this Tariff will authorize the Company to conduct a credit search on the Customer, in accordance with VPSB Rule 3.200 and the Fair Credit Reporting Act. The Company may refuse service on the basis of credit history, and to refuse further service due to late payment or nonpayment by the Customer.

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## SECTION 2 - RULES AND REGULATIONS

### 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.
- 2.2.2. The Company may disconnect service without incurring liability, in accordance with VPSB Rule 3.300 for residential Customers or 3.400 for business Customers, 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 VPSB 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 may 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.

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**SECTION 2 - RULES AND REGULATIONS, Continued**

**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.
- 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. Application for service may be made verbally or 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 Company's liability for damages arising out of any failure of service shall not exceed an amount equivalent to the proportionate charge to the Customer for the period during which the faults in transmission occur.
- 2.4.2. The Company is not liable for any act or omission of any entity, other than employees or agents of the Company's, furnishing facilities or services connected with or provided in conjunction with the Company's services.

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**SECTION 2 - RULES AND REGULATIONS, Continued**

[Reserved for future use.]

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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.

**2.5. FULL FORCE AND EFFECT**

Should any provision or portion of this Tariff be held by a court or administrative agency of competent jurisdiction to be illegal, invalid or unenforceable, the remaining provisions of this Tariff will remain in full force and effect.

**2.6. INTERRUPTION OF SERVICE**

2.6.1. Credit allowance for interruptions of service which are not due to Company's testing or adjusting lasting less than two (2) consecutive hours, to the negligence of the Customer, or to the failure of channels, equipment and/or communications equipment provided by the Customer, are subject to the general liability provisions set forth in Section 2.4., herein. It shall be the obligation of the Customer to notify Company of any interruptions of service. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission of the Customer, not within the Customer's control.

2.6.2. For purposes of credit computation for services, every month shall be considered to have 720 hours. No credit shall be allowed for an interruption of a continuous duration of less than two (2) hours.

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**SECTION 2 - RULES AND REGULATIONS, Continued**

**2.6. INTERRUPTION OF SERVICE, Continued**

- 2.6.3. The subscriber shall be credited for an interruption of two (2) continuous hours or more at the rate of 1/720th of the monthly charge for the services affected for each hour or major fraction thereof that the interruption continues.

Credit formula: Credit -  $(A/720) \times B$

A - outage time in hours

B - total monthly charge for services

**2.7. 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 on file with the VPSB, which specifies the priority system for such activities.

**2.8. MINIMUM SERVICE PERIOD**

The minimum service period is one month (30 days).

**2.9. PAYMENTS AND BILLING**

- 2.9.1. 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 on not less than thirty (30) days' written or oral notice, unless VPSB rules specify otherwise.
- 2.9.2. 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.

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**SECTION 2 - RULES AND REGULATIONS, Continued**

**2.9. PAYMENTS AND BILLING, Continued**

- 2.9.3. Billing is payable upon receipt and past due thirty (30) days after issuance and posting of invoice. Bills not paid within thirty-one (31) days after the date of posting are subject to a 1.5 percent late payment charge for the unpaid balance.
- 2.9.4. A charge of \$20.00 of the check will apply whenever a check or draft presented for payment of service is not accepted by the institution on which it is written.
- 2.9.5. 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 5:59 PM Eastern Time. Messages may be left for Customer Services from 6:00 PM to 8:29 AM Eastern Time, which will be answered on the next business day, unless in the event of an emergency which threatens customer service, in which case Customer Service Staff may be paged.
- 2.9.6. 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.

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**SECTION 2 - RULES AND REGULATIONS, Continued**

**2.9. PAYMENTS AND BILLING, Continued**

2.9.6., Continued

- 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 VPSB's Consumer Affairs and Public Information Division at 112 State Street, Drawer 20, Montpelier, Vermont 05620-2601, or call 800.622.4496 if calling from within Vermont, or 802.828.2332. TTY/TDD users may contact the Department by dialing 800.734.8390.

**2.10. CANCELLATION BY CUSTOMER**

- 2.10.1. Customer may cancel service by providing oral or written notice to Company thirty (30) days prior to cancellation.
- 2.10.2. Customer is responsible for usage charges and the payment of 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 is made.

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**SECTION 2 - RULES AND REGULATIONS, Continued**

**2.10. CANCELLATION BY CUSTOMER, Continued**

2.10.3. Any non-recoverable cost of Company expenditures shall be borne by the Customer if:

- A. The Customer orders service requiring special facilities dedicated to the Customer's use and then cancels the order before such service begins, before completion of the minimum period or before completion of some period mutually agreed upon with the Customer for the non-recoverable portions of expenditures; or
- B. Liabilities are incurred expressly on behalf of the Customer by Company and not fully reimbursed by installation and monthly charges; and
- C. If based on an order for service and construction has either begun or has been completed, but no service provided.

**2.11. CANCELLATION BY COMPANY**

2.11.1. The Company may disconnect service without incurring liability, in accordance with VPSB Rule 3.300 for residential Customers or 3.400 for business Customers:

- A. In the event of a condition determined to be hazardous to the Customer, to other customers of the Company, to the Company's service, the public or to employees of the Company; or
- B. By reason of any VPSB 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

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**SECTION 2 - RULES AND REGULATIONS, Continued**

**2.11. CANCELLATION BY COMPANY, Continued**

2.11.1., Continued

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.

2.11.2. Company may discontinue service according to the following conditions, in accordance with VPSB rules:

A. For violation of Company's filed tariffs; or

B. For the non-payment of any proper charge as provided by Company's Tariff; or

C. For Customer's breach of the contract for service between the Company and the Customer.

2.11.3. 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.

2.11.4. The Company may refuse to permit collect calling, calling card and third-number billing which it determines to be fraudulent and/or may limit the use of these billing options or services.

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**SECTION 2 - RULES AND REGULATIONS, Continued**

**2.12. INTERCONNECTION**

- 2.12.1. 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.
- 2.12.2. 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.

**2.13. TAXES**

The Customer is responsible for payment of all federal, state and local taxes, franchise, excise and other fees applicable to the services, including, but not limited to: the Vermont Universal Service Fund surcharge, sales, use, excise, franchise, access, universal service, 911 services and handicapped services.

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### **SECTION 3 - DESCRIPTION OF SERVICE**

#### **3.1. TIMING OF CALLS**

- 3.1.1. The Customer's intrastate usage charge is based on the actual usage of Company's service. Usage begins when the receiver of the called number is answered. The moment of the called party's answer is determined by hardware supervision in which the local telephone company sends a signal to the underlying carrier's switch or the software utilizing audio tone detection. The timing of the call occurs when the called party answers and terminated when either party hangs up.
- 3.1.2. The minimum call duration for billing purposes for all services except calling card service is eighteen (18) seconds with six (6) second billing increments thereafter. Minimum call duration for calling cards is thirty (30) seconds with six (6) second billing increments thereafter.
- 3.1.3. Any portion of an applicable increment, after the appropriate minimum time for the call, will be rounded upward to the next increment. Calls less than the minimum length will be rounded to the minimum length.
- 3.1.4. There is no billing for incomplete calls.

#### **3.2. NETWORK BILLING SYSTEMS TELECOMMUNICATIONS SERVICES**

- 3.2.1. The rate for Company's service is based on the following factors:
- A. The monthly billing volume;
  - B. The duration of the call; and
  - C. The type of service subscribed to.

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**SECTION 3 - DESCRIPTION OF SERVICE, Continued**

**3.2. NETWORK BILLING SYSTEMS TELECOMMUNICATIONS SERVICES,**  
Continued

- 3.2.2. **Dial Access Service** is a switched or dedicated access service, offering users outbound “1 plus” intrastate telecommunications services from points originating and terminating in the State of Vermont.
- 3.2.3. **800 Service** is a switched or dedicated access service, offering users inbound, toll free “800” number, long distance telecommunications services throughout the State of Vermont. This service enables the caller to contact the Customer without incurring toll charges, through the use of an assigned “800” number. The Customer pays for the call.
- 3.2.4 **Travel Card Service** permits the caller to charge the principal presubscribed location for a call while the caller is away from the principal location. The Customer may place calls from any touch tone phone in Vermont or elsewhere by dialing a toll free “800” number and entering a personal identification code, followed by the desired telephone number. Calling card calls are billed at the Applicant's tariffed rates and appear on the Customer's monthly long-distance bill.

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**SECTION 3 - DESCRIPTION OF SERVICE, Continued**

**3.4. Rate Groups**

Rates are offered for each service based on rate group options.

**3.4.1. Group A**

All switched access residential customers and switched access business customers with monthly billing volume of \$0 to \$500.

**3.4.2. Group B**

All switched access business customers with monthly billing volume of \$500 to \$1,000 and dedicated access business customers with monthly billing volume less than \$5,000.

**3.4.3. Group C**

All switched access business customers with monthly billing volume above \$1,000 and dedicated access business customers with monthly billing volume over \$5,000.

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**SECTION 4 - RATES**

**4.1. SERVICE CHARGES**

Service charges per account are based on the following schedules:

4.1.1. Switched Access Services

A. Dial Access Service

<u>Rate Group</u>	<u>Initial 18 seconds</u>	<u>Additional 6 seconds</u>
Group A	\$.0660	\$.0220
Group B	\$.0618	\$.0206
Group C	\$.0579	\$.0193

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Effective Date: July 22, 1999

**SECTION 4 – RATES, Continued**

**4.1. SERVICE CHARGES, Continued**

4.1.1. Switched Access Services, Continued

B. Direct Access 800 Service

<u>Rate Group</u>	<u>Initial 18 seconds</u>	<u>Additional 6 seconds</u>
Group A	\$.0660	\$.0220
Group B	\$.0618	\$.0206
Group C	\$.0579	\$.0193

A recurring monthly charge of \$2.00 is billed for each inbound “800” number.

A \$.30 surcharge will apply to all calls initiated from a pay telephone.

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Issued: June 22, 1999  
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Effective Date: July 22, 1999

**SECTION 4 – RATES, Continued**

**4.1. SERVICE CHARGES, Continued**

4.1.2. Dedicated Access Services

Dedicated access services are designed for Customers with high traffic volumes, whose traffic volumes justify the additional costs of dedicated access facilities. Customers must experience a minimum of \$3,000.00 of monthly calling to qualify for dedicated access services. Dedicated facilities may be provided by the Customer or through the Company and are billed by the underlying local service provider under its access tariffs.

A. Dedicated Dial Access Service

<u>Rate Group</u>	<u>Initial 18 seconds</u>	<u>Additional 6 seconds</u>
Group A	N/A	N/A
Group B	\$.0372	\$.0124
Group C	\$.0348	\$.0116

Access coordination fee, if applicable -- \$450.00  
Central Office connection fee, if applicable -- \$1,500 per exchange  
Entrance facilities charge, if applicable -- \$175.00 per month

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**SECTION 4 – RATES, Continued**

**4.1. SERVICE CHARGES, Continued**

4.1.1. Dedicated Access Services, Continued

B. Dedicated Access 800 Service

<u>Rate Group</u>	<u>Initial 18 seconds</u>	<u>Additional 6 seconds</u>
Group A	N/A	N/A
Group B	\$.0372	\$.0124
Group C	\$.0348	\$.0116

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**SECTION 4 – RATES, Continued**

**4.1. SERVICE CHARGES, Continued**

4.1.3. Travel Card Service

Calling card charges are billed in six (6) second increments with a thirty (30) second minimum per call.

<u>Rate Group</u>	<u>Initial 30 seconds</u>	<u>Additional 6 seconds</u>
Group A	\$.125	\$.025
Group B	\$.095	\$.019
Group C	\$.085	\$.017

A \$.35 surcharge will apply to all calls initiated from a pay telephone.

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**SECTION 4 – RATES, Continued**

**4.1. SERVICE CHARGES, Continued**

4.1.4. Directory Assistance

The 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”.

Directory Assistance, per call \$.85

4.1.5. Individual Case Basis (ICB) Arrangements

Arrangements will be developed on a case-by-case basis 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 approved by the VPSB prior to its effective date.

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### **SECTION 5 – 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 VPSB prior to their effective dates.

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