

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: November 16, 2004	2. BUREAU AGENDA NO. DEC-2004-FUS-0503*
3. BUREAU: Fixed Utility Services	
4. SECTION(S): Telecommunications	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: R. Rosenthal 3-5242 <i>RR</i> Mgr/Spvr: J. Tuzinski 3-6175 Legal Review: <i>A. Arnold</i>	December 16, 2004
7. PERSONS IN CHARGE: Staver 7-7703 Searforce 3-6159	9. EFFECTIVE DATE OF FILING: N/A
8. DOCKET NO.: A-311242 A-311242 F0002	

**DOCUMENT
FOLDER**

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

- a) Application of France Telecom Corporate Solutions, LLC, for approval to offer, render, furnish, or supply interexchange telecommunication services as a reseller of toll services and as a competitive local exchange carrier to the public in the Commonwealth of Pennsylvania.
- b) On January 28, 2003, the subject application was filed. A protest was filed by Commonwealth Telephone Company (CTCo) on February 2, 2003 on the original application, but was withdrawn on March 11, 2003 based on approval of the application as amended. No hearings were held.
- c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed Order.

DOCKETED
JAN 06 2005

10. MOTION BY: Commissioner Chm. Holland

SECONDED: Commissioner Bloom

Commissioner Thomas - Yes
Commissioner Pizzigrilli - Yes
Commissioner

CONTENT OF MOTION: Staff recommendation adopted.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DECEMBER 16, 2004

A-311242
A-311242F0002

WILLIAM K COULTER &
ELIZABETH HOLOWINSKI
COUDERT BROTHERS LLP
1627 I STREET NW SUITE 1200
WASHINGTON DC 20006

DOCKETED
JAN 26 2005

Application of France Telecom Corporate Solutions, LLC for approval of the right to offer, render, furnish, or supply telecommunication services as a Reseller of Interexchange Toll Services, to the Public, in the Commonwealth of Pennsylvania.

Application of France Telecom Corporate Solutions, LLC., for approval of the right to begin to offer, render, furnish, or supply telecommunication services as a Competitive Local Exchange Carrier, to the Public, in the Commonwealth of Pennsylvania.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on December 16, 2004 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

**DOCUMENT
FOLDER**

fg
encls
cert. mail

STEVEN K HAAS ESQUIRE
HAWKE MCKEON SNISCAK & KENNARD LLP
100 NORTH TENTH STREET
PO BOX 1778
HARRISBURG PA 17105-1778

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265**

Public Meeting held December 16, 2004

Commissioners Present:

Wendell F. Holland, Chairman
Robert K. Bloom, Vice Chairman
Glen R. Thomas
Kim Pizzingrilli

DOCKETED
JAN 26 2005

Application of France Telecom Corporate Solutions, LLC. for approval to offer, render, furnish or supply telecommunication services as a Reseller of Interexchange Toll Services to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311242

Application of France Telecom Corporate Solutions, LLC. for approval to offer, render, furnish or supply telecommunication services as a Competitive Local Exchange Carrier to the Public in the Commonwealth of Pennsylvania.

Docket Number
A-311242 F0002

**DOCUMENT
FOLDER**

ORDER

BY THE COMMISSION:

On January 28, 2003, France Telecom Corporate Solutions, LLC. ("Applicant") filed Applications seeking Certificates of Public Convenience pursuant to the Telecommunications Act of 1996, 47 U.S.C. §§201, *et seq.*,

(TA-96)¹ and to Chapter 11 of the Public Utility Code (Code) (66 Pa. C.S. §1101, *et seq.*) evidencing authority to provide the following telecommunication services to the public in the Commonwealth of Pennsylvania:

- (1) As a Reseller of intra and interLATA Interexchange Toll Services (IXC) throughout the Commonwealth of Pennsylvania,
- (2) As a Competitive Local Exchange Carrier (CLEC) in the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and Sprint/United Telephone of Pennsylvania within the Commonwealth of Pennsylvania.

The Applicant complied with notice requirements set forth in our Implementation Orders² by serving a copy of its application upon Verizon Pennsylvania Inc., Verizon North Inc. and Sprint/United Telephone of Pennsylvania. A protest was filed by Commonwealth Telephone Company (CTCo) on February 2, 2003 based on the Applicant's original application, which stated that the Applicant would seek to offer local exchange service throughout the Commonwealth of Pennsylvania. However, CTCo offered to withdraw the protest if the application was amended to reflect that the Applicant is only seeking to provide local exchange service in the service territories of Verizon Pennsylvania Inc. and Verizon North Inc. On March 10, 2003 the Applicant filed an amendment to their application to seek to offer local exchange service only in the service territories of Verizon Pennsylvania Inc., Verizon North Inc. and Sprint/United Telephone of Pennsylvania. On March 11, 2003 CTCo filed a notice of their intention to withdraw the protest based on approval of the application as amended. No hearings were held.

¹ Market entry requirements, in light of the policy objectives of the TA-96, for telecommunication service providers are set out in *In Re: Implementation of the Telecommunications Act of 1996*, Docket No. M-00960799 (*Implementation Order*: June 3, 1996; and *Implementation Reconsideration Order*: September 9, 1996).

² *Id.*

The Applicant is a Delaware Corporation with its principal place of business at 2300 Corporate Park Drive, Mailstop SPO606, Herndon, VA 20171, phone (703) 375-4919, fax (703) 375-4905. Correspondence to resolve complaints may be directed to Charles Hartman, at France Telecom, 12490 Sunrise Valley Drive, Reston, VA 20196, phone (866) 280-3726. The Applicant complied with 15 Pa. C.S. §4124, relating to a Foreign Business Corporation. The Applicant's registered office provider is CT Corporation System, 1515 Market Street, 12th Floor, Philadelphia, PA 19102, Philadelphia County. The Applicant will not be using a fictitious name. The Applicant understands that if it plans to cease doing business within the Commonwealth of Pennsylvania, it is under a duty to request authority from the Commission for permission prior to ceasing.

The Applicant's affiliates doing business in the Commonwealth of Pennsylvania are Equant U.S., Inc., France Telecom Long Distance USA, and GlobeCast Incorporated. Equant U.S., Inc. and France Telecom Long Distance USA currently hold Section 214 authorizations from the Federal Communications Commission to provide interstate and international resold and facilities based telecommunications services. Neither has authority to provide intrastate telecommunications in any state and do not offer intrastate common carrier telecommunication services in any state. GlobeCast is a private carrier which provides interstate and international services using Earth stations licensed by the Federal Communications Commission. The Applicant presently has three customers in the Commonwealth of Pennsylvania.

Applicant is a wholly-owned subsidiary of France Telecom, which is one of the largest telecommunications providers in the world. France Telecom and its subsidiaries operate in 220 countries and serve over 118 million customers. The

majority shareholder in France Telecom is the French State, although the Company is considered a private sector enterprise. Applicant has filed and been approved for resold local and toll services in 28 other states.

As an IXC Reseller, the Applicant proposes to offer InterLATA and/or IntraLATA toll service through switched or dedicated interexchange service options, Virtual Private Network service, Private Line service, Carrier 800 service, frame relay service, and travel calling card service to business customers. As a CLEC, the Applicant also proposes to offer resold local exchange service, Virtual Private Network service, Local Dedicated service, Integrated Services Digital Network Primary Rate Interface (ISDN-PRI) service and telecommunications relay service to business customers.

Issues affecting CLECs have been addressed and are being addressed in a number of Commission proceedings.³ A CLEC Applicant is expected to adhere to the requirements relative to universal service and lifeline programs, as initially set forth or as subsequently enlarged or modified.⁴ Also, per federal rules CLECs are required to ensure the efficient usage of their numbering resources and are required to semi-annually report their utilization and forecast data to the North American Numbering Plan Administrator. See 47 C.F.R. § 52.5 et seq. Any CLEC failing to comply with state and/or Commission orders related to numbering may be subject to the reclamation of their numbering resources as well as fines pursuant to the Public Utility Code, 66 Pa.C.S. § 3301. See *Implementation of Numbering Conservation Measures Granted to Pennsylvania by the Federal Communications Commission in its Order released March 31, 2000 – NXX Code*

³ See, e.g., *MFS, Intelenet, et al.*, Docket Nos. A-310203, F0002, et al., (October 4, 1995; July 31, 1996; and August 7, 1997); *Pa. PUC v. Bell*, Docket No. R-00963578; *Pa. PUC v. GTE*, Docket No. R-00963666, *Global Order*, Docket Nos. P-00991648 and P-00991649, as well as other CLEC proceedings.

⁴ *Universal Service Invest.*, Docket No. I-00940035 (January 28, 1997).

Reclamation, Docket No. M-00001373 (Order entered August 22, 2000), 30 Pa. B. 4701 (September 2, 2000) (Commission established process for reclaiming NXX codes from carriers who have failed to activate them within 6 months of their availability for assignment to customers.)

Further, Section 253(b) of the TA-96 permits a state Commission to impose, on a competitively neutral basis and consistent with the Universal Service Section, requirements necessary to preserve and advance universal service, protect the public safety and welfare, ensure the continued quality of telecommunication services, and safeguard the rights of consumers. In response, we articulated explicit concerns relative to an applicant's financial fitness, tariff compliance, and rates.⁵

The Commission requires that Applicants seeking to provide local telecommunications services in the Commonwealth of Pennsylvania take steps to protect the public safety of consumers.⁶ One means of ensuring the public safety of consumers in the increasingly competitive telecommunications marketplace is to ensure that new entrants provide their consumers with access to a seamless communications infrastructure for emergency services, such as 911. Therefore, in accordance with the notarized Affidavit (item #22 in the Application), the Applicant avers that it has contacted each county or municipal authority where it intends to provide CLEC telecommunications service and made the necessary arrangements for the provisioning of emergency 911 service.

Prior to approving an application for authority to provide local telecommunications services in the Commonwealth of Pennsylvania, the

⁵ *Blue Ribbon*, Docket No. A-310442 (April 25 and August 4, 1997).

⁶ See 47 U.S.C. §253(b)

Commission seeks to ensure the financial fitness of the Applicant. In this case, the Applicant has provided financial information to support its Application. We therefore conclude that the Applicant has demonstrated that it is financially capable of providing telecommunication services as a CLEC and an IXC reseller.

We conclude that the Applicant has met the requirements for certification as a CLEC and an IXC reseller consistent with this Order. Premised upon our review of the Applications and the proposed tariffs, and consistent with our Orders, the Code, our Regulations and the TA-96, we conclude that the Applicant's proposed services do not raise concerns at this time regarding safety, adequacy, reliability, or privacy. We note, however deficiencies in the proposed tariffs. See Appendix A.

We shall direct the Applicant to revise the proposed tariffs in accordance with the changes noted in Appendix A of this Order.⁷ The Applicant shall thereafter file its Initial Tariffs reflecting the requested changes on or before sixty (60) days from the date of entry of this Order. Copies of the Initial Tariffs shall also be served upon the same entities receiving service of the original Applications, including the ILECs. If the time required for such resolution and filing exceeds sixty (60) days, the Applicant may request an extension of an additional sixty (60) days with the Commission's Secretary. Thus, if the Initial Tariffs are not filed within 60 days (120 days including the extension) of the entry of this Order, the Applications will be dismissed and the authority granted herein will be revoked without further Commission Order. To the extent that the

⁷ Daniel Searfoorce (717) 783-6159, is the contact in the PUC's Bureau of Fixed Utility Services. Regardless of the review process, any tariff provision(s) inconsistent with the provisions of the Code, the TA-96, or our Regulations or Orders will be deemed inoperative and superseded. (52 Pa. Code §64.213).

proposed tariffs contain rates, the Initial Tariffs may become effective on one (1) day's notice from the date upon which they are filed and served.

Conclusion

Accordingly, we shall grant the Applications. The Applicant has had provisional authority under our *Implementation Order* (p. 7, para. B.1.c.4) and our *Implementation Reconsideration Order* (p. 5) to provide the proposed CLEC and IXC reseller services pursuant to its proposed tariffs during the pendency of the application process. Upon the establishment of filed rates and the approval of the Initial Tariffs, Certificates of Public Convenience shall be issued evidencing the Applicant's authority to provide services as an IXC in the Commonwealth of Pennsylvania and as a CLEC in the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and Sprint/United Telephone of Pennsylvania, consistent with this Order and our decisions in the *MFS* and such other proceedings;

THEREFORE,

IT IS ORDERED:

1. That the Application, as amended, of France Telecom Corporate Solutions, LLC at Docket No. A-311242, for authority to operate as a Reseller of Interexchange Toll Services throughout the Commonwealth of Pennsylvania is granted, consistent with this Order.

2. That the Application, as amended, of France Telecom Corporate Solutions, LLC at Docket No. A-311242F0002, for authority to operate as a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and Sprint/United Telephone of Pennsylvania is granted, consistent with this Order.

3. That the Applicant is directed to revise its proposed tariffs to reflect the changes noted in Appendix A of this Order. **The Applicant is directed to identify any changes made to the proposed initial tariffs that are in addition to the changes notes in Appendix A.**

4. That the Applicant shall file its Initial Tariffs consistent with the requisite changes noted in Appendix A of this Order, within sixty (60) days after the date of entry of this Order. The Applicant shall serve copies of its Initial Tariffs on each entity receiving a copy of the original Application. The Initial Tariffs may become effective on or after one (1) day's notice from the date upon which they are filed and served. The Initial Interexchange Tariff shall be labeled "Interexchange Reseller Toll Tariff." The Initial Competitive Local Exchange Carrier Tariff shall be labeled "Competitive Local Exchange Carrier Tariff."

5. That the Applicant shall comply with all the provisions of the Public Utility Code, as now exist or as may be hereafter amended, and with all pertinent rules, regulations, and Orders of the Pennsylvania Public Utility Commission, now in effect or as may be prescribed by the Pennsylvania Public Utility Commission, including but not limited to: the *MFS Intelenet, et al.*, Docket Nos. A-310203F0002, *et al.*; the *Universal Service Investigation*, Docket No. I-00940035; the *Global Order*, Docket No. P-00991648, *et al.*, and the *NXX Code Reclamation*, Docket No. M-00001373.

6. That if the Applicant expands its local service into new counties in its currently authorized area of Verizon Pennsylvania Inc., Verizon North Inc., and Sprint/United Telephone of Pennsylvania, Applicant shall contact the appropriate 911 coordinators, complete an Application for 911 Service for each,

and provide the service list to said 911 coordinators with its tariff revisions as verification that arrangements are underway for the provisioning of Emergency 911 service in the additional exchanges.

7. That if the Applicant should desire to expand its service territory to that of additional incumbent local exchange carriers, Applicant shall file an Application to amend its Certificate of Public Convenience and comply with all the requirements of the Application including the completion of the affidavit and requirements thereto concerning Emergency 911 service.

8. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the Applicant, shall not be construed as conferring more than one operating right to the Applicant.

9. That the Applicant maintain separate accounting systems for its IXC, and CLEC operations.

10. That the Applicant shall file such affiliated interest agreements as may be necessary relative to any transactions with affiliates within 30 days of this Order.

11. That the Applicant shall make 711 abbreviated dialing available to access Telecommunications Relay Service and to arrange its switching equipment to translate these calls to the assigned toll-free number, (888) 895-1197, in order to route calls to the Telecommunications Relay Service Provider, in accordance with Commission's Order entered on February 4, 2000 at Docket No. M-00900239.

12. That in the event that the Applicant has not, on or before sixty (60) days (120 days including an approved extension) from the date of entry of this Order, complied with the requirements set forth herein, the Applications at Docket Nos. A-311242 and A-311242F0002 may be dismissed and the authority granted herein revoked without further Commission Order.

13. That upon the establishment of filed rates and the approval of the Initial Tariffs, Certificates of Public Convenience shall be issued authorizing the Applicant to furnish services as: a) a Reseller of Interexchange Toll Services within the Commonwealth of Pennsylvania and b) a Competitive Local Exchange Carrier within the service territories of Verizon Pennsylvania Inc., Verizon North Inc. and Sprint/United Telephone of Pennsylvania, consistent with this Order.

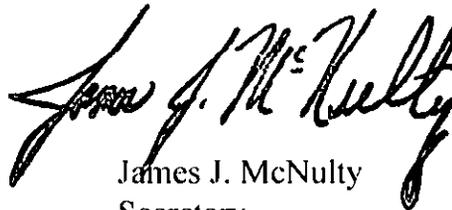
14. That changes and/or additions made to the approved, filed tariff shall be made in the form of supplements, consecutively numbered in the order of their filing dates, and the tariff designation shall be in the following manner:
Supplement No. ___ to Tariff Telephone Pa. P.U.C. No. ____.

15. That the Applicant shall add its Commonwealth of Pennsylvania tariff(s) to its website, if it has one. If the Applicant does not maintain a website, the PA Public Utility Commission will host its tariffs on the Commission's website. Within 30 days of the filing of its initial tariffs, the Applicant shall add the tariffs to its website and mark it "Pending." Within 30 days of receipt of its Certificates of Public Convenience, the Applicant shall make any required modifications to the tariffs on its website and remove the "Pending" notation. Thereafter the Applicant will continually update the website whenever any supplemental revisions to the tariffs are approved by the Commission such that the website tariffs are a true and accurate representation of its tariffs on file with the

Commission. The Applicant shall contact Cyndi Page (717-787-5722; cypage@state.pa.us) of the Commission's Communications Office, to create a link from the Commission's website to the Applicant's website. If the Applicant does not maintain a website, the Applicant shall contact Cyndi Page to have its tariffs added to the Commission's website; and to update the tariff upon subsequent approval of supplemental revisions to the tariffs.

16. That if the Applicant plans to cease doing business within the Commonwealth of Pennsylvania, it shall request authority from the Commission for permission prior to ceasing.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "James J. McNulty", written in a cursive style.

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: December 16, 2004

ORDER ENTERED: **DEC 16 2004**

France Telecom Corporate Solutions, L.L.C.
Docket Nos. A- 311242; A-311242 F0002
Proposed tariffs for Reseller of Interexchange Carrier Services; and
Reseller of Competitive Local Exchange Carrier Service;

France Telecom Corporate Solutions, L.L.C. (France Telco) is seeking a Certificate of Public Convenience to provide telecommunications services as delineated above. France Telco filed proposed initial tariffs for CLEC and IXC services with its Application. The proposed tariffs contain certain deficiencies that are discussed herein. These deficiencies must be addressed by the Company before the tariffs can be approved and the Certificate(s) of Public Convenience can be issued.

Please submit a copy of this Appendix with your revised compliance tariff. On that copy please note the page/sheet of the compliance tariff where the required revision is located for each item below.

Tariff deficiencies noted – IXC Reseller (A-311242)

1. Please update the Check Sheet and Table of Contents after all of the below deficiencies have been corrected and incorporated into the Tariff.
2. All Pages: in the header on the upper right hand side, the label should read “Telephone PA P.U.C. Tariff No. 2” on all of the pages of the Tariff. Also, please add Issued and Effective dates on the bottom footer of each page. The Issued Date should be the date of transmittal to the Commission and the Effective Date may be one day following.
3. Original Page No. 1:
 - i) This page should be labeled “**Original Title Page**” in the upper right hand corner, not “Original Page 1.” The following page should be “Original Page 1” and continue this way throughout the Tariff. Update the Check Sheet and Table of Contents after relabeling the pages in the Tariff.
 - ii) Replace the paragraph heading “Title Page” with “**Interexchange Reseller Toll Tariff**”
 - iii) In the middle paragraph, replace “Interexchange Communications Services” with “**Resold Intrastate Interexchange Communications Services**”

- iv) Insert the following language on this page: “This Company’s Tariff is in concurrence with all applicable State and Federal Laws, including, but not limited to, 52 Pa. Code, 66 Pa. C.S., the Telecommunications Act of 1966, and with the Pennsylvania Public Utility Commission’s applicable Rules and Regulations and Orders. Any provisions contained in this Tariff that are inconsistent with the foregoing mentioned will be deemed inoperative and superseded.”
4. Original Page No. 2: it is not sufficient to state “all pages are original” in the Check Sheet. List each page number under the proper column heading and put the word “Original” under the “Number of Original” column for each of the page numbers.
 5. Original Page No. 3: there are multiple formatting deficiencies to be addressed on this page and subsequent pages and sections. First, the subsections **Preliminary Statement, Applicability, Availability, Explanation of Symbols, and Tariff Format** should all be in one section, not placed in the beginning of the tariff without being assigned to any section. Place all of these subsections into a section and label it “Section 1.” The remaining sections will need to be renumbered as well, e.g. Definitions will then be section 2, Rules and Regulations will be Section 3, etc.
 6. Original Page No. 4: under “Preliminary Statement”, France Telco mentions that it will not offer residential services at this time. Subsequently, there is no mention of abiding by PA Title 52 Chapter 64 regulations for residential telephone services. France Telco should be aware that if they sought to offer residential services in the future, a tariff supplement for this page would need to be submitted that added the sentence “The Company will abide by PA Title 52 Chapter 64 concerning rules and regulations for residential services.”
 7. Original Page No. 4: under “Availability”, first sentence, change “Pennsylvania Public Service Commission” to “Pennsylvania Public **Utility** Commission”.
 8. Original Page No. 5: under “Explanation of Symbols”, there are only 3 symbols (C, D, I) allowed in any Pennsylvania Tariff. Remove any reference to other symbols and their associated definitions. Also, the definitions listed in this Tariff for the symbols C, D, and I are incorrect, please change them to these: (C) – to signify any other changes; (D) – to signify a decrease in rates; (I) – to signify an increase in rates.
 9. Original Page No. 7: Please include definitions for the following terms: ANI, ANSI, ANSI T1.606, ATM, DS-1, DS-2, DS-3, Feature Group D, G703/704, ITU-T, NIVR, OC-3, OC-12, OC-48, Octets, PBX, POP, PVC, V35, WATS, X.21, X.25

10. Original Page No. 25: §2.7.8(b), last sentence, change this sentence to read: "If the Customer is unable to resolve any dispute with the Company, then the Customer may file a complaint with the Commission in accordance with the Commission's rules of procedure."
11. Original Page No. 25: §2.7.8.(c), remove this section.
12. Original Page No. 37: §2.15, remove all of Section 2.15 (Schools and Libraries Discount Program) as this is a Federal Program and should not be in a state tariff
13. Original Page No. 62: §5.1, include this language in this section concerning Promotional Offerings: "Promotional service offerings may not have a duration of longer than 6 months in any rolling 12-month period which commences as of the effective date of the filed promotion and the Commission will be notified on at least one day's notice of any promotions."

Tariff deficiencies noted – CLEC Reseller/Facilities Based (A-311242 F0002)

1. Please update the Check Sheet and Table of Contents after all of the below deficiencies have been corrected and incorporated into the Tariff.
2. All Pages: in the header on the upper right hand side, the label should read "Telephone PA P.U.C. Tariff No. 1" on all of the pages of the Tariff. Also, please add Issued and Effective dates on the bottom footer of each page. The Issued Date should be the date of transmittal to the Commission and the Effective Date may be one day following.
3. Original Page No. 1:
 - i) This page should be labeled "**Original Title Page**" in the upper right hand corner of the header, not "Original Page 1." The following page should be "Original Page 1" and continue this way throughout the Tariff. Update the Check Sheet and Table of Contents after relabeling the pages in the Tariff.
 - ii) Change the heading "Title Page" to "Competitive Local Exchange Carrier Tariff."
 - iii) Insert France Telco's address below the heading "France Telecom Corporate Solutions L.L.C."
 - iv) The descriptive paragraph below the Company name and address should read: "Regulations and schedule of intrastate charges applying to resold competitive local exchange communications services within the Commonwealth of Pennsylvania in the service territories of Verizon

Pennsylvania Inc., Verizon North Inc., and Sprint/United Telephone of Pennsylvania as listed in section 9.4 of this tariff. France Telecom Corporate Solutions L.L.C. will conform to the exchange area boundaries as defined in (name and number of ILEC Tariffs that contain the exchange area boundaries listed in section 9.4).”

- v) Add this paragraph to this page below the paragraph described in (iv) above: “This Tariff is in concurrence with all applicable State and Federal Laws (including, but not limited to, 52 Pa. Code, 66 Pa. C.S., the Telecommunications Act of 1996) and with the Pennsylvania Public Utility Commission’s applicable Rules and Regulations and Orders. Any provisions contained in this Tariff that are inconsistent with the foregoing mentioned will be deemed inoperative and superseded.”
4. Original Page No. 2: it is not sufficient to state “all pages are original” in the Check Sheet. List each page number under the proper column heading and put the word “Original” under the “Number of Original” column across from each of the page numbers.
 5. Original Page No. 3: the “Explanation of Notes” and “Tariff Format” should be included in Section 1, not placed before Section 1. Change the labeling on Original Pages 4 and 5 to make them part of Section 1. Also, Section 10 “Explanation of Terms” should be included in Section 1 and not be its own section at the end of the tariff. Move “Explanation of Terms” into Section 1 along with “Explanation of Notes” and “Tariff Format”. Remove any reference to Section 10 in the Table of Contents and then update the Table of Contents and Check Sheet as necessary.
 6. Original Page No. 5: under “Explanation of Symbols”, there are only 3 symbols (C, D, I) allowed in any Pennsylvania Tariff. Remove any reference to other symbols and their associated definitions. Also, the definitions listed in this Tariff for the symbols C, D, and I are incorrect, please change them to these: (C) – to signify any other changes; (D) – to signify a decrease in rate; (I) – to signify an increase in rate.
 7. Original Page No. 6: §1.1, first paragraph, France Telco did not apply for, and is not approved for, service within the entire Commonwealth of Pennsylvania. Change the statement to read “...including within the Commonwealth of Pennsylvania in the service territories of Verizon Pennsylvania Inc., Verizon North Inc., and Sprint/United Telephone of Pennsylvania.
 8. Original Page No. 6: §1.1, second paragraph, second sentence, a CLEC cannot restrict service to one class of customers. Change this sentence to read “The Company does not seek to provide residential services at this time, but a

residential customer may apply for services at business rates subject to available facilities and/or equipment, the terms described in (1.3) below, and the customer demonstrating creditworthiness.”

9. Original Page No. 8: §2.1.1.g, second sentence, remove this sentence as it is inconsistent with the notification procedures in section (2.6) of this Tariff.
10. Original Page No. 19: §2.3.1.c, insert this sentence after the first sentence in this paragraph: “Residential Customers may have service discontinued upon five (5) days written or oral notice.” Also, §2.3.1.d, remove this paragraph as the appropriate language will be inserted in Section 7as per (17) below.
11. Original Page No. 20: §2.3.3.a, insert this sentence into this paragraph: “The Company will comply with Pa. 52 Chapter 64 regarding billing standards and practices for residential customers.”
12. Original Page No. 20: §2.3.3.c, insert this sentence after the first sentence: “For residential customers, the due date will be at least 20 days from the Company’s mailing of the bill to the customer.” Also, add these sentences to the end of the paragraph: “For residential customers, the late factor will be 1.25% per month on the full unpaid and overdue balance of the bill. These charges are to be calculated only on the overdue portions of the bill. The rate, when annualized, may not exceed 15% per annum—computed by the simple interest method—and may not include previously accrued late payment charges. A late payment charge may not be assessed against an outstanding security deposit.”
13. Original Page No. 22: §2.3.6, second paragraph, the address for the Bureau of Consumer Services Office is wrong and the phone number is wrong. It should read: “Pa. PUC, Bureau of Consumer Services, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265, (800)-782-1110.” Add this sentence to the end of this paragraph: “The Bureau of Consumer Services will have primary jurisdiction over all complaints to the Public Utility Commission.” Also, remove the third paragraph in this section as it is inconsistent with 52 Pa. Code Chapter 64, section 64.171 relating to the provision of interest on any dispute resolution that involves an overpayment by the customer.
14. Original Page No. 26: §2.5, first paragraph, add this sentence to the end of the paragraph: “The Company will comply with 52 Pa. Code Chapter 64, section 64.51-52 concerning refunds for service interruptions of at least 24 hours, after notice by the customer.”
15. Original Page No. 30: §2.8.3, add the following to this section: “For residential customers, for each full 24-hour period beyond the first three 24-hour periods referred to in paragraph (1) the residential customer will be credited with two-thirtieths of the tariff monthly rate. However, in no instance shall the allowance

for the out-of-service period exceed the total charges in a billing period for the service and facilities furnished by the company rendered useless or impaired.”

16. Original Page No. 33: §4.1.1.a, France Telco must offer the following options for residential customers in this section.

- i) Caller ID Blocking Service: this is to be offered free on a per-call basis, and free for the first instance on a per-line basis. Subsequent per-line requests may be charged a fee on a nonrecurring basis.
- ii) Directory Assistance Service: France Telco will provide residential customers with two (2) free directory assistance calls. Also add a description of Directory Assistance Service and rates that will apply after the two free calls.

17. Original Page No. 33: §4.1.1.a, add service descriptions and applicable rates for Call Blocking 900/976 and Toll Denial Services to this section. These services should be offered free of charge for the first instance with subsequent per-line requests charged a fee on a nonrecurring basis. Customers should be notified of these options while signing up for service. These services must be offered to both residential and business customers.

18. Original Page No. 47: §7, remove all of Section 7.1 (Schools and Libraries Discount Program) as this is a Federal Program and should not be in a state tariff.

19. Original Page No. 51: §7.2, remove this entire section and replace it with the attached sample Pennsylvania Telecommunications Relay Service description and rates following this deficiency report. In addition, insert the attached sample 911 Tariff Language, Lifeline Service Language, Link Up America Service Language, and IntraLATA Toll Presubscription Language. These samples are to be incorporated word-for-word, but formatted to fit this Tariff. For example, the section headings and subheadings should fit the formatting of the rest of the Tariff (7, 7.1, 7.1.1, etc.). Also, if there is a reference to a previous or subsequent section of the sample language within the sample language (e.g. ...as in section (a) above...), ensure that the reference is also reformatted to fit this tariff.

20. Original Page 53: §9.4, France Telco applied and was approved for the service territories of Verizon Pennsylvania Inc., Verizon North Inc. and Sprint/United Telephone of Pennsylvania within the Commonwealth of Pennsylvania. The exchanges/zones listed in this section are incomplete and inaccurate. If France Telecom wishes to offer service throughout these areas, then all of the exchanges and local calling areas of the incumbents' territories should be listed alphabetically (both by exchange and within local calling areas) in this section. If France Telecom wishes to serve a limited territory within the incumbents'

territories, then the Company may list those specific exchanges and local calling areas that they wish to offer service in. However, if the Company wishes to serve outside of the limited areas it lists in the Tariff, a Tariff Supplement that lists the additional areas (which can only be in the incumbent territories approved in this order) must be filed with the Commission, which after approval will be incorporated into the Tariff. This process will need to be repeated each time the Company seeks to increase its service area. The Company should examine the incumbent tariffs for the correct exchanges and calling areas and for suggested formatting.

21. Original Page No. 54: §10, see # 5 above.

911 TARIFF LANGUAGE

GLOSSARY OF TERMS

Host Telephone Company: The service provider, which is also the telecommunications public utility that provides 9-1-1 service to the county/municipality, and that houses the Automatic Location Identification (ALI)/MSAG data used for providing 9-1-1 service.

Telephone Company: A telecommunications public utility regulated by the Pennsylvania Public Utility Commission and which has or requests access to the county/municipality 9-1-1 system or connection to the serving selective router, including, but not limited to, local exchange carriers and competitive local exchange carriers. This term is synonymous with 'service provider'.

Content: The data elements of the MSAG including (but not necessarily limited to) the data elements that are entered into the following fields A-I of a standard MSAG record:

- A. Tax area record
- B. Locality
- C. Street
- D. Thoroughfare
- E. Directional [where required]
- F. Even (E), odd (O), or all (A) [applied to house numbers]
- G. Low-high range of house numbers
- H. PSAP (Public Safety Answering Point)
- I. LAT/LONG (Latitude/Longitude) [where required]

Formatting, Format: Shall include changes to the identity of fields, order of fields, and number and arrangement of data elements in each field, and a telephone company's rearrangement or regrouping of such data, without changing the MSAG content, for purposes of validating against MSAG records.

2. REGULATIONS

- A. The Telephone Company will comply with the Protocols as set forth in, and in the form of; Service Provider E-9-1-1 Protocols, Service Provider E-9-1-1 Questionnaire and Testing Procedures in accordance with the Petition of Bell Atlantic-Pennsylvania, Inc. for a Declaratory Order (MSAG); Docket No. P-0097 1203; Settlement Agreement of all Parties and Joint Petition entered August 7, 1998.
- B. The Telephone Company is indemnified under the Public Safety Emergency Telephone Act, Act 78 of 1990.
- C. The Telephone Company's liability and insurance provisions are fully stated in its tariff's General Regulations.
- D. Cases of Service interruptions affecting public health and safety shall receive priority attention under any and all conditions, particularly in time of disaster. Every appropriate resource will be utilized. The service provider will make reasonable best efforts to have its system fully functional as soon as possible, unless conditions beyond the service provider's control prevent service restoration.

Issued:

Effective:

911 TARIFF LANGUAGE

2. REGULATIONS (cont'd)

- E. The service provider will not use the county's/municipality's MSAG for any purpose that is not directly related to and required for the provision of 9-1-1 service.
- F. The Host Telephone Company will install the county's/municipality's MSAG in 'read/write' format and will not modify the content of the MSAG unless requested or permitted to do so by the county/municipality. A request to modify content by the Host Telephone Company shall be responded to by the county/municipality within (10) business days or the request is deemed to be approved. The request shall be in writing and shall set forth in reasonable detail the proposed modification and all reasons in support. The request shall be granted provided the modification is necessary for the Host Telephone Company's provision, maintenance, or upgrading of the 9-1-1 service.
- G. The Telephone Company shall not otherwise modify the content of the MSAG, but may make formatting changes approved by the county/municipality necessary to enable the MSAG to conform to the telephone company's information system(s). The request shall be in writing and shall set forth in reasonable detail the formatting changes and all reasons in support. The county/municipality shall respond to the request in ten (10) business days or the request is deemed to be approved. The request shall be granted provided the formatting change does not impair the integrity and accuracy of the MSAG database. For the purposes of this regulation, a content or formatting change does not include the use of the MSAG content in telephone companies' operational support systems to validate customer information for input to the ALL database.
- H. The service provider will not sell, lease, rent, loan or provide, or transfer the county's/municipality's MSAG to any other person(s) or entity(ies) without the express written authorization of the county's/municipality's 9-1-1 coordinator, or his or her designee.
- I. The Telephone Company will not, without the written consent of the county/municipality, modify or create any derivative of the county's/municipality's MSAG, except as follows: one (1) mirror image copy of the MSAG may be made in electronic form for archival purposes (the copy may be made in read/write format by the host telephone company, but shall be made solely in read-only format by all other telephone companies), and the telephone company may make a mirror image copy, solely in read-only format and only for database reconciliation, address verification for new connections of service, and other functions that are necessary to ensure that the name and address information provided by the service provider to the county/municipality is accurate and conforms to the county's/municipality's MSAG format.

Issued: _____

Effective: _____

Pennsylvania Telecommunications Relay Service

1. General

The Pennsylvania Telecommunications Relay Service (PA TRS) is a relay telecommunication service for the deaf, hearing and/or speech disabled population of the Commonwealth. The service permits telephone communications between individuals with hearing and/or speech disabilities who must use a Text Telephone and individuals with normal hearing and speech as provided in AT&T Communications of Pennsylvania, Inc.'s Tariff Telephone PA. P.U.C. No. 13

2. Surcharge

In addition to the charges provided in this tariff and other intrastate toll tariffs in which this Company concurs, a surcharge will apply to all residence and business access lines served by this Company. This surcharge applies regardless of whether or not the access line uses the PA TRS.

The surcharge serves as the funding vehicle for the operation of the PA TRS, and shall be calculated by the Pennsylvania Public Utility Commission (the Commission). The Commission shall compute the PA TRS surcharge each year and notify local exchange carriers of the surcharge amount to be applied for the twelve-month period commencing with July 1 of each year.

The Commission may revise the surcharge more frequently than annually at its discretion.

Tariff revisions will be filed whenever the Commission calculates a new surcharge amount and notifies the Company.

The following surcharge rates apply to all customer bills issued on or after July 1, 2004.

Per residence access line, per month	\$. 07
Per business access line, per month	\$. 13

Centrex lines will be charged on an equivalency basis as determined by the Commission.

Issued Date:

Effective Date:

By: (name, title and address of Co. representative)

Telephone Company Name

Tariff Telephone PA P.U.C. No. __

Original Page No. __

Pennsylvania Telecommunications Relay Service (Continued)

3. Rates

Local calls will be charged at the applicable local flat rate or local measured service rate, except for calls originating from Pay Telephones, which shall be completed free of charge.

Please refer to the appropriate Interexchange Carrier tariff for interstate charges.

Issued Date:

Effective Date:

By: (name, title and address of Co. representative)

Lifeline / Link Up America Sample Language

[Name] Telephone Company

Tariff Telephone Pa. P.U.C. No.
Original Sheet No.

A. LIFELINE SERVICE

1. DESCRIPTION

Lifeline Service is a Residence offering for low-income customers who qualify for this service in accordance with the following Regulations. NOTE: Customers who qualify for Lifeline Service may also qualify for Link Up America Service.

2. REGULATIONS

- a. Lifeline Service is available to qualified residence customers and is provided via a residence individual Dial Tone Line. Lifeline Service is limited to only one Service per qualified customer or household. A potential Lifeline customer who has an outstanding final bill for telephone service which is less than (4) years old must pay the entire balance of any Basic Service final bill before being eligible for Lifeline Service.
- b. Residence Lifeline Service consists of the following tariffed standard features and optional customer elected services at the applicable rates, charges and regulations for each feature and service provided:
 1. One-Party Residence Unlimited Service and Local Measured Service, if available.
 2. Directory Listing (standard only).
 3. Non-Published or Non-Listed Telephone Number Service.
 4. Access to Directory Assistance Service.
 5. Touch Tone Calling Service.
 6. Access to Message Toll Telephone Service and Optional Dial Station-To-Station Calling Plan Services. However, the Residence Lifeline Dial Tone Line will be blocked from dial station access to 976/556/900 and any other type of Audiotex Service.
 7. Access to Operator Services.
 8. Voluntary Toll Restriction Option.
 9. Link Up America (if eligible).
 10. Access to 8XX Services.
 11. Access to Call Trace.
 12. Access to Alerting and Reporting Systems (9-1-1 dialing).
 13. Access to the Pennsylvania Telecommunications Relay Service.
 14. Caller ID Per-call and Per-line Blocking
 15. One optional vertical service (1)

(1) When a Lifeline customer subscribes to the company's or a private vendor's voice mail service as the optional vertical service, a second vertical service may be added if necessary to make the voice mail service function.

Issued:

Effective:

A. LIFELINE SERVICE (cont.)

2. REGULATIONS (cont.)

- c. An applicant for Lifeline Service must be a current participant in one of the following Pennsylvania Department of Public Welfare (DPW) programs or federal public housing; and be able to provide proof of income which is at or below 150% of the annual United States Census Bureau Poverty Level Guidelines For All States (Except Alaska and Hawaii) and the District of Columbia. Recertification of Lifeline Service participants may be conducted biennially by **[Name]** Telephone Company.

Pennsylvania Department of Public Welfare Lifeline Service Programs:

- Temporary Assistance for Needy Families (TANF)
- General Assistance (GA)
- Supplemental Security Income (SSI)
- Medicaid
- Food Stamps
- Low Income Home Energy Assistance Program (LIHEAP)

The DPW Programs listed above must be certified by DPW. Such certification by DPW will be provided only when a DPW client requests Lifeline Service based on the client's status as a participant in any of the above eligibility programs. Certification by DPW will be limited to confirmation of the client's program status (i.e., participation or non-participation). Participation by DPW is subject to execution of an agreement with DPW and **[Name]** Telephone Company.

- d. Lifeline Service will be provided to a customer only so long as such customer continues to meet the participation and certification guidelines in 2 (c) above. At the time of initial establishment of Lifeline Service, the customer agrees to have his or her eligibility recertified as determined by **[Name]** Telephone Company. When the Company is notified by the customer or determines through recertification that the Lifeline Service customer is no longer a participant in the DPW programs in 2 (c) above or otherwise low-income eligible, the customer will be notified (by telephone or letter) that the Lifeline Service rate is no longer applicable. Within the stated customer notification period (10 working days from the date of the notification), the customer can contact the Company to negotiate new Dial Tone Service arrangements at applicable tariff rates (no connection charges will apply for existing services or options retained). If the customer does not contact the Company by the end of the notification period, the Lifeline Service will be changed to applicable Exchange Area Dial Tone Line service at existing tariff rates (no connection charges will apply to existing services or options retained). Upon contacting the Company, the customer will have ten (10) working days to complete the low-income certification or recertification process in order to retain Lifeline Service.

Issued:

Effective:

A. LIFELINE SERVICE (cont.)
2. REGULATIONS (cont.)

- e. A Lifeline Service customer may not subscribe to any other type of residence Local Exchange Service at the same or other premises. Lifeline Service will not be provided via Foreign Exchange or Foreign Central Office Service arrangements.
- l. Only services listed in 2 (b) above will be provided to Lifeline customers. All other premium services offered by the Company will not be available.
- g. Lifeline Service customers are required to apply for the Link Up America benefit when applicable.
- h. Customer requested temporary suspension of Lifeline Service is not permitted.
- i. Lifeline Service does not apply to applicants who are full time students living in university or college controlled housing.
- j. The applicant must not be a dependent for Federal Income Tax purposes, unless he or she is 60 years of age or older.
- k. Lifeline customers are subject to all Residence service regulations in this and other tariffs of [Name] Telephone Company.
- l. Residence Lifeline Service cannot be resold by the Lifeline customer or the Lifeline customer's agent(s).
- m. Resale of Lifeline Services are subject to wholesale rate obligations under Section 251(c) (4) of the Telecommunications Act of 1996.
- n. All outstanding charges, account balances and service restrictions apply to existing customers who qualify for Lifeline Service. Service restrictions will remain until the arrearage(s) have been paid in full.
- o. Any Lifeline customer who has a past due balance of Toll Charges will be treated with the appropriate Chapter 64 regulations. The Residence Toll Restoral Charge applies to Lifeline Customers who are suspended for non-payment and who subsequently pay their outstanding toll charges and request toll restoral. If a Lifeline customer is toll restricted for a second occurrence the Company may, at its discretion, place the Lifeline customer on permanent toll restriction.
- p. Toll-Blocking and Toll-Control services will be provided at no charge to Lifeline Service subscribers, to the extent that they are offered.

Issued:

Effective:

A. LIFELINE SERVICE (cont.)

3. DIAL TONE LINE MONTHLY RATE

- a. Applicable Residence Dial Tone monthly rate minus \$1.75 (1).
- b. Lifeline Service customers will be billed the applicable Subscriber Line Charge monthly rate and will be given credit for the same amount of the Subscriber Line Charge as prescribed by the Federal Communications Commission Docket Nos. 00-256, 96-45, 98-77, 98-166 and 00-193.
- c. Lifeline Service is subject to all applicable state, local and federal taxes, and surcharges, and to all applicable tariff rates, charges, surcharges and regulations.

NOTE:

- (1) The Dial Tone Line and Subscriber Line Charge monthly rate discounts will be reduced to the extent that application of the full discount would not result in rates that are less than zero.

Issued:

Effective:

B. LINK UP AMERICA SERVICE

DESCRIPTION

Link Up America is a program designed to promote universal service by providing a discount on service connection charges for qualified low-income customers, NOTE: Customers who qualify for Link Up America Service may also qualify for Lifeline Service.

2. REGULATIONS

Link Up America is available to residence customers who meet the following eligibility criteria:

- a. The applicant must not be a dependent for federal income tax purposes, unless he or she is 60 years of age or older.

The applicant must self-certify the requirement set out in (a).

- b. An applicant for Link Up America Service must be a current participant in one of the following Pennsylvania Department of Public Welfare (DPW) programs or federal public housing; and be able to provide proof of income which is at or below 150% of the annual United States Census Bureau Poverty Level Guidelines For All States (Except Alaska and Hawaii) and the District of Columbia. Recertification of Lifeline Service participants may be conducted biennially by [Name] Telephone Company.

Pennsylvania Department of Public Welfare Link Up America Service Programs:

- Temporary Assistance for Needy Families (TANF)
- General Assistance (GA)
- Supplemental Security Income (SSI)
- Medicaid
- Food Stamps
- Low Income Home Energy Assistance Program (LIHEAP)

The DPW Programs listed above must be certified by DPW. Such certification by DPW will be provided only when a DPW client requests Link Up America Service based on the client's status as a participant in any of the above eligibility programs. Certification by DPW will be limited to confirmation of the client's program status (i.e., participation or non-participation). Participation by DPW is subject to execution of an agreement with DPW and [Name] Telephone Company.

- c. The Link Up America discount is applicable to one access line (dial tone line) when applied to the installation or relocation of main service at a customer's principal residence.

Issued:

Effective:

1. LINK UP AMERICA SERVICE (cont.)

2. REGULATIONS (cont.)

- d. Link Up America applicants are not exempt from Telephone Company Deposit requirements,
- e. Service will not be established at discounted rates prior to receipt of certification. Service will be established at full service connection charges. If certification is received within 60 days of original application, credit will be applied to provide the Link UP America discount.
- f. The Link Up America discount does not apply to applicants who are full-time students living in university or college controlled housing.

3. RATES

The Link Up America Program provides for a 50% discount on the Service Connection Charge associated with the connection of a new residence exchange access line (dial tone line) as specified in the Telephone Company's tariffs. The total amount of the discount may not exceed \$30.00 and the remaining charges will be billed to the Link Up America customer in monthly installments as specified in the Telephone Company's tariffs.

Issued:

Effective

IntraLATA Toll Presubscription

- A. IntraLATA Presubscription is a procedure whereby a customer designates to the Telephone Company the IntraLATA Toll Provider (ITP) which the customer wishes to be the carrier of choice for intraLATA toll calls. Such calls are automatically directed to the designated carrier without the need to use carrier access codes or additional dialing to direct the calls to the designated carrier. IntraLATA presubscription does not prevent a customer, who has presubscribed to an IntraLATA toll carrier, from using carrier access codes or additional dialing to direct calls to an alternative intraLATA toll carrier on a per call basis.

Each carrier will have one or more access codes assigned to it for various types of service. When an end user selects a carrier as its preferred intraLATA toll provider, only one access code of that carrier may be incorporated into the switching system of the Telephone Company permitting access to that carrier by the end user without dialing an access code. Should the same end user wish to use other services of the same carrier, it will be necessary for the end user to dial the necessary access code(s) to reach that carrier's other service(s).

An ITP must use Feature Group D (FGD) Switched Access Service to qualify as an intraLATA toll provider unless prior arrangements have been made with or by the Telephone Company. IntraLATA toll providers must submit an Access Service Request (ASR) prior to the intraLATA toll presubscription conversion date or prior to the date on which the carrier proposes to begin participating intraLATA toll presubscription, unless prior arrangements have been made with the Telephone Company. Selection of an intraLATA toll provider by an end user is subject to the terms and conditions following.

- B. At the option of the ITP, the nonrecurring charge for a change in intraLATA toll presubscription, as provided herein, may be billed to the ITP, instead of the end user. This may involve charges resulting from end-user initial free choice PIC changes, as specified in C.1 following.

This option for the ITP to be billed for the PIC change charge instead of the end user is not available for orders placed directly via the Telephone Company's Business Offices.

C. Presubscription Charge Application

1. Existing end users may exercise an initial free presubscription choice, either by contacting the Telephone Company or by contacting the ITP directly. The initial free choice must be made within 90 days following implementation of intraLATA toll presubscription. The charge for the initial free choice change will be billed to the new ITP at the discretion of the Telephone Company. End users' choices which constitute exercising the free initial choice are:

IntraLATA Toll Presubscription (Cont'd)

C. (Cont'd)

- Designating an ITP as their primary carrier thereby requiring no access code to access that ITP's service. Other carriers are accessed by dialing 10XXX, 101XXXX, or other required codes.
- Choosing no carrier as a primary carrier thus requiring 10XXX or 101XXXX code dialing to access all ITPs. This choice can be made by directly contacting the Telephone Company.

Following an existing end user's initial free selection, any subsequent selection made during the first 90 days after presubscription or any change made more than 90 days after presubscription is implemented is subject to a nonrecurring charge as set forth herein.

2. New end users who subscribe to service after the presubscription implementation date (including an existing customer who orders an additional line) will be asked to select a primary ITP when they place an order for Telephone Company Exchange Service. If a customer can not decide upon an intraLATA toll carrier at the time, the Telephone Company may extend a 30-day period following completion of the service request to make an intraLATA PIC choice without charge. In the interim, the customer will be assigned a 'No-PIC' and will have to dial an access code to make intraLATA toll calls.

Initial free selections available to new end users are:

- Designate an ITP as their primary carrier thereby requiring no access code to access that ITP's service. Other carriers are accessed by dialing 10XXX, 101XXXX, or other required codes.
- Choose no carrier as a primary carrier thus requiring 10XXX or 101XXXX code dialing to access all ITPs. This choice can be made by directly contacting the Telephone Company. In addition, new end users that do not select a preferred carrier will be assigned a 'No-PIC'.

Following a new end user's initial free selection, any subsequent selection made following implementation of intraLATA toll presubscription is subject to a nonrecurring charge as set forth herein.

IntraLATA Toll Presubscription (Cont'd)

C. (Cont'd)

3. If an ITP elects to discontinue Feature Group D service after implementation of the intraLATA toll presubscription option, the ITP is obligated to contact, in writing, all end users who have selected the canceling ITP as their preferred intraLATA toll provider. The ITP must inform the end users that it is canceling its Feature Group D Service, request that the end user select a new ITP, and state that the canceling ITP will pay the PIC change charge as provided herein. The ITP must provide written notification to the Telephone Company that this activity has taken place.

Following the ITP's discontinuance of service, the Telephone Company will bill the canceling ITP the change charge for each end user that is currently designated to the ITP at the time of discontinuance.

4. An unauthorized PIC change is a change in the presubscribed intraLATA toll provider that the end user denies authorizing. PIC disputes for end users are resolved through an investigative process.

If an unauthorized change in intraLATA presubscription occurs, the ITP making the unauthorized change will be assessed a charge for unauthorized change in presubscription as provided in G.2 following. In addition, the ITP will be assessed the applicable charge for returning the end user to their preferred intraLATA toll provider.

If an unauthorized change in intraLATA toll presubscription and interLATA presubscription occurs at the same time, on the same Business/Residence line, and the presubscribed ITP is the same carrier for intraLATA and interLATA, presubscription change charges as provided herein and the Telephone Company's corresponding F.C.C. Access Tariff apply. In addition, the ITP will be assessed the applicable charges for returning the end user to their preferred intraLATA toll provider as herein and in the Telephone Company's corresponding F.C.C. Tariff.

IntraLATA Toll Presubscription (Cont'd)

D. End User Charge Discrepancy

1. When a discrepancy is determined regarding an end user's designation of a preferred intraLATA toll carrier, the following applies depending upon the situation described:

- A signed letter of authorization takes precedence over any order other than subsequent, direct customer contact with the Telephone Company.
- When two or more orders are received for an end user line generated by telemarketing, the date field on the mechanized record used to transmit PIC change information will be used as the PIC authorization date. The order with the latest application date/time determines customer choice.
- If an end user denies requesting a change in intraLATA toll presubscription as submitted by an ITP, and the ITP is unable to produce a letter of authorization, signed by the end user, the ITP will be assessed all applicable change charges. The nonrecurring change charges are provided herein. The ITP will also be assessed the intraLATA toll presubscription change charge as specified herein, which was previously billed to the end user.

2. Verification of Orders for Telemarketing

Neither the ITP or the Telephone Company shall submit a PIC change order generated by outbound telemarketing unless and until the order has first been confirmed in accordance with the F.C.C.'s current anti-slamming practices and procedures.

E. PIC Switchback Option-Business/Residence

PIC Switchback is an option under which no investigation activities are performed by the Telephone Company when an end user denies requesting a change in primary carrier submitted by the ITP. The ITP participating in PIC Switchback will be billed the PIC Switchback Charge, and the presubscription change charge, as specified herein, to switch the end user to the end user's previous carrier.

IntraLATA Toll Presubscription (Cont'd)

E. (Cont'd)

When the Telephone Company is contacted by an end user who denies requesting a change in ITP primary carrier, the end user will be credited the charge assessed for the disputed change in carrier, and will be switched back to the previous ITP at no charge. If this service is made available by the Telephone Company, ITPs may subscribe to or cancel PIC Switchback Service on 30 days notice to the Telephone Company by submitting a written request. A letter of authorization from the ITP will not be requested or accepted at a later date in the event of dispute of the charges assessed under the PIC Switchback option.

This option in no way relieves the ITP of the F.C.C. requirements for:

- Verifying all PIC orders obtained by outbound telemarketing prior to submitting those orders, or
- instituting steps to obtain verification of orders submitted to the Telephone Company.

In addition, the end user has the option of initiating a complaint to the F.C.C. or the Public Utility Commission concerning unauthorized changes in carrier.