

North State Communications Long  
Distance, LLC  
d.b.a. North State Communications

Informational Tariff  
First Revised Page 1  
Canceling Original Page 1

INFORMATIONAL TARIFF

INTERSTATE OPERATOR SERVICES

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**REGULATIONS AND SCHEDULE OF CHARGES  
APPLICABLE TO  
OPERATOR SERVICES  
FURNISHED BY  
North State Communications Long Distance, LLC  
d.b.a. North State Communications**

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Manager - External Affairs

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First Revised Page 1  
Canceling Original Page 1

## **TABLE OF CONTENTS**

SECTION 1 INTRODUCTORY STATEMENT .....	2
SECTION 2 DEFINITIONS .....	3
SECTION 3 RULES AND REGULATIONS.....	6
SECTION 4 DESCRIPTION OF SERVICES .....	19
SECTION 5 RATES .....	22
SECTION 6 COMMISSIONS, SURCHARGES AND FEES .....	24
SECTION 7 ESTIMATES OF TRAFFIC .....	24

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## **SECTION 1           INTRODUCTORY STATEMENT**

North State Communications Long Distance, LLC d.b.a. North State Communications (the "Company") provides interstate and international operator services for telephone calls initiated from aggregator locations through contractual relationships with interstate/interLATA service providers.

### 1.1   Subject of this Tariff

This tariff contains the regulations and rates applicable to Operator Services, as defined herein, provided by the Company for telecommunications originating at points within the United States.

### 1.2   Applicability of Tariff

1.2.1       This tariff is filed for informational purposes only, pursuant to the Section (1) of the Communications Act of 1934, as amended.

1.2.2       The rates, terms, and other conditions in this tariff may be changed by the Company without advance notice.

1.2.3       This tariff does not apply to any telecommunications services offered by the Company except "Operator Services" as defined herein.

1.3   The operator assisted services of the Company are not part of a joint undertaking with any other entity providing telecommunications channels, facilities or services.

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**SECTION 1           INTRODUCTORY STATEMENT, cont'd.**

1.4 The rates and regulations contained in this tariff do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone Company or other common carrier for use in accessing the services of the Company.

**SECTION 2           DEFINITIONS**

Access Code - A sequence of numbers that, when dialed, connect the caller to the Provider or Operator Services associated with that sequence.

Aggregator - Any person that, in the ordinary course of its operations, makes telephones available to the public or to transient users of its premises, for interstate telephone calls using a Provider of Operator Services.

Billed Party - The person or entity responsible for payment of the Company's service for an Operator Assisted Call, as follows:

- (A) in the case of a Room Charge call, the Subscriber;
- (B) in the case of a Calling Card call, the holder of the calling card or credit card used by the consumer; and
- (C) in the case of a Collect or Third Party call, the person responsible for the local telephone service at the telephone number that agrees to accept charges for the call.

Call Splashing - The transfer of a telephone call from one provider of operator services to another such provider in such a manner that the subsequent provider is unable or unwilling to determine the location of the origination of

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**SECTION 2            DEFINITIONS, cont'd.**

Call Splashing, cont'd  
the call and, because of such inability or unwillingness,  
is prevented from billing the call on the basis of such  
location.

Common Carrier - A company or entity providing  
telecommunications services to the public.

Consumer - A person initiating any interstate telephone  
call using Operator Services.

Customer Dialed Calling Card Call - A Calling Card Call  
which does not require intervention by an attended operator  
position to complete.

Directory Assistance Call Completion - Interstate Directory  
Assistance Call Completion (DACC) service provides  
customers who dial directory assistance the option of  
having the requested telephone number automatically dialed  
and the call completed by the automated directory  
assistance system.

When the customer receives the requested directory number  
from the automated Directory Assistance System, the  
customer hears the DACC announcement prompt offering to  
automatically dial the requested telephone number. DACC is  
activated by the customer when the customer depresses a  
specific digit on a touch-tone telephone during the DACC  
announcement prompt.

Equal Access - Has the meaning given that term in Appendix  
B of the Modification of Final Judgement entered August 24,  
1982, in United States v. Western Electric, Civil Action  
No. 82-0192 (United States District Court, District of  
Columbia), as amended by the Court in its orders issued  
prior to October 17, 1990.

**SECTION 2            DEFINITIONS, cont'd.**

Equal Access Code - An access code that allows the public to obtain an equal access connection to the carrier associated with that code.

Measured Charge - A charge assessed on a per minute basis in calculating a portion of the charges due for a completed Operator Assisted Call.

Operator Assisted Call - An interstate telephone connection completed through the use of the Company Operator Services.

Operator Service Charge - A non-measured (fixed) charge which is added to a measured charge in calculating the total tariff charges due for a completed Operator Assisted Call.

Operator Services - Any interstate telecommunications service initiated from an Aggregator location that includes, as a component, any automatic or live assistance to a consumer to arrange for billing or completion, or both, of an interstate telephone call through a method other than-

- (A) automatic completion with billing to the telephone from which the call originated; or
- (B) completion through an access code used by the Consumer, with billing to an account previously established with the carrier by the Consumer.

Presubscribed Provider of Operator Services - the interstate Provider of Operator Services to which the Consumer is connected when the Consumer places a call using a Provider of Operator Services without dialing an access code.

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## **SECTION 2            DEFINITIONS, cont'd.**

Provider of Operator Services - Any common carrier that provides Operator Services or any other person determined by the Federal Communications Commission to be providing Operator Services.

Subscriber - An Aggregator that selects the Company as the Presubscribed provider of Operator Services for one or more locations within that Aggregator's control.

Subscriber Surcharge - A surcharge imposed by the Subscriber, to be paid by the consumer, for the use of Subscriber's telephone instruments, and other facilities in obtaining access to the Company's services.

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or any other form of intelligence.

## **SECTION 3            RULES AND REGULATIONS**

### **3.1    Use of Operator Services**

- 3.1.1        The Company's Operator Services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services.
- 3.1.2        The use of the Company's Operator Services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

- 3.1.3            The use of the Company's Operator Services without payment for service or attempting to avoid payment for service by fraudulent means or device, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 3.1.4            The Company's Operator Services are available for use twenty-four hours per day, seven days per week.

3.2    Responsibilities of the Company

- 3.2.1            The Company shall identify itself, audibly and distinctly, to the Consumer at the beginning of each telephone call and a second time before the Consumer incurs any charge for the call.
- 3.2.2            The Company shall permit the Consumer to terminate the telephone call at no charge before the call is connected.
- 3.2.3            The Company shall disclose immediately to the Consumer, upon request and at no charge to the Consumer,
  - (A) A quote of its rates or charges for the call;
  - (B) The methods by which such rates or charges will be collected; and
  - (C) The methods by which complaints concerning such rates, charges, or collection practices will be resolved;

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.2    Responsibilities of the Company, cont'd.

- 3.2.4        The Company shall withhold payment (on a location-by-location basis) of any compensation, including commissions, to Aggregators if the Company reasonably believes that the Aggregator (i) is blocking access by means of "950" or Toll Free numbers to interstate common carriers in violation of paragraph 3.4.1.B; or (ii) is blocking access to equal access codes in violation of rules the Federal Communications Commission may prescribe.
- 3.2.5        The Company shall:
- (i) Except as provided in Section 3.7.4, not bill for a call that does not reflect the location of the origination of the call; and
  - (ii) Ensure, by contract or tariff, that each aggregator for which such provider is the presubscribed Provider of Operator Services is in compliance with the requirement of Section 3.2.6 described below;
- 3.2.6        An Aggregator that utilizes this tariff shall ensure that no charge by the aggregator to the Consumer for using toll-free or "950" access code numbers, or any other access code number, is greater than the amount the aggregator charges for calls placed using the presubscribed Provider of Operator Services.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.3    Liability of the Company

- 3.3.1        Except as stated in this Section 3.3, the Company shall have no liability for damages of any kind arising out of or related to events, acts, rights or privileges contemplated in this tariff.
- 3.3.2        The liability of the Company for damages resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors or other defects or misrepresentations shall not exceed an amount equal to the charges under this tariff applicable to the specific call (or portion thereof) that was affected. No other liability in any event shall attach to the Company.
- 3.3.3        The Company shall not be liable for any failure of performance hereunder due to causes beyond its control, including but not limited to acts of God, fires, flood or other catastrophes; any law, order, regulation, directive, action or request of the United States Government, or any other government, including state and local governments having jurisdiction over the Company, or of any department, agency, commission,

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.3    Liability of the Company, cont'd

3.3.3 cont'd

bureau, corporation or other instrumentality of any one or more of said governments, or of any civil or military authority; national emergencies insurrections, riots, wars or other labor difficulties.

3.3.4    The Company shall not be liable for any action or omission of any other entity furnishing facilities, equipment, or services used by a Subscriber or Consumer with the Company's Operator Service. Nor shall the Company be liable for any damages or losses due to the failure or negligence of any Subscriber or Consumer or due to the failure of Subscriber-provided equipment, facilities or services.

3.3.5    The Company shall be indemnified and saved harmless by the Subscriber from and against all loss, liability, damage and expenses, including reasonable counsel fees, due to claims for libel, slander, or infringement of copyright or trademark in connection with any material transmitted by any person using the Company's services; any other claim resulting from any act or omission of the Subscriber or any Consumer relating to the use of the Company's facilities.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.4    Responsibilities of Subscribers

- 3.4.1    The Subscriber shall:
- A.    Post on or near the telephone instrument, in plain view of Consumers:
    - 1.    The name, address, and toll-free telephone number of the Provider of Operator Services;
    - 2.    A written disclosure that the rates for all operator-assisted calls are available on request, and that Consumers have a right to obtain access to the interstate common carrier of their choice and may contact their preferred interstate common carriers for information on accessing that carrier's service using that telephone; and
    - 3.    The name and address of the Enforcement Division of the Common Carrier Bureau of the Commission, to which the Consumer may direct complaints regarding Operator Services; and
  - B.    Ensure that each of its telephones presubscribed to a Provider of Operator Services allows the Consumer to use Toll Free and "950" access code numbers to obtain access to the Provider of Operator Services desired by the Consumer; and.
  - C.    Ensure that no charge by the Subscriber to the Consumer for using Toll Free or "950" access code number, is greater than the amount the Subscriber charges for calls placed using the Presubscribed Provider of Operator Services.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.4    Responsibilities of Subscribers, cont'd.

D.    The requirements of paragraph 3.4.1.A. shall not apply to a Subscriber in any case in which State law or State regulation requires the Subscriber to take actions that are substantially the same as those required in paragraph 3.4.1.A.

3.4.2    The Subscriber is responsible for placing any necessary orders; for complying with tariff regulations; and for assuring that Consumers comply with tariff regulations. The Subscriber shall ensure compliance with any applicable laws, regulations, orders or other requirements (as they exist from time to time) of any governmental entity relating to services provided or made available by the Subscriber to Consumers. The Subscriber is also responsible for the payment of charges for calls originated at the Subscriber's numbers which are not collect, third party, calling card, or credit card calls.

3.4.3    The Subscriber is responsible for charges incurred for special construction and/or special facilities which the subscriber requests and which are ordered by the Company on the Subscriber's behalf.

3.4.4    If required for the provision of the Company's services, the Subscriber must provide any equipment space, supporting structure, conduit and electrical power without charge to the Company.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.4    Responsibilities of Subscribers, cont'd.

- 3.4.5        The Subscriber is responsible for arranging access to its premises at times mutually agreeable to the Company when required for personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of the Company's services.
- 3.4.6        The Subscriber shall ensure that its terminal equipment and/or system is properly interfaced with the Company's facilities or services, that the signals emitted into the Company's network are of the proper mode, bandwidth, power and signal level for the intended use of the Subscriber and in compliance with the criteria set forth in Part 68 of the rules of the Federal Communications Commission, and that the signals emitted do not damage equipment, injure personnel, or degrade service to other subscribers.
- If the Subscriber fails to maintain the equipment and/or the system properly, with resulting imminent harm to the Company's equipment, personnel, or the quality of service to other Subscribers, the Company may, upon written notice, require the use of protective equipment at the Subscriber's expense.        If this fails to produce satisfactory quality and safety, the Company may, upon written notification, terminate the Subscriber's service.
- 3.4.7        The Subscriber must pay the Company for replacement or repair of damage to the equipment or facilities of the Company caused

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.4    Responsibilities of Subscribers, cont'd.

by negligence or willful act of the  
Subscriber, Consumers, or others, by  
improper use of equipment provided by the  
Subscriber, Consumers, or others.

- 3.4.8    The Subscriber must pay for the loss through  
theft of any of the Company's equipment  
installed at Subscriber's premises.

3.5    Responsibilities of the Consumer

- 3.5.1    The Consumer is responsible for compliance  
with the applicable regulations set forth in  
this tariff.
- 3.5.2    The Consumer is responsible for establishing  
its identity as often as necessary during  
the course of the call.
- 3.5.3    The Consumer is responsible for identifying  
the station, party, or person with whom  
communications is desired and/or made at the  
called number.
- 3.5.4    The Consumer is responsible for providing  
the Company with a valid method of billing  
for each call. The Company reserves the  
right to validate the credit worthiness of  
users through available credit card, calling  
card, called number, third party telephone  
number and room number verification  
procedures. Where a requested billing  
method cannot be validated, the user may be  
required to provide an acceptable alternate  
billing method or the Company may refuse to  
place the call.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

**3.6    Cancellation or Interruption of Services**

- 3.6.1            Without incurring liability, the Company may discontinue Operator Services to a Subscriber or to a particular Subscriber location, or may withhold the provision of ordered or contracted services under the following conditions:
- (A) For nonpayment of any sum due the company for more than thirty days after issuance of the bill for the amount due;
  - (B) For violation of any of the provisions of this tariff;
  - (C) For violation of any law, rule, regulation or policy of any governing authority having jurisdiction over the Company's services; or
  - (D) By reason of any order or decision of a court, public service commission or Federal regulatory body or other government authority prohibiting the Company from furnishing its services.
- 3.6.2            Without incurring liability, the company may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of the Subscriber and the Company's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.6    Cancellation or Interruption of Services

3.6.3        Service may be discontinued by the company, without notice to the Subscriber, by blocking traffic to certain countries, cities, or NXX exchanges, or by blocking calls using certain customer authorization codes, when the Company deems it necessary to take action to prevent unlawful use of its service.        The company may restore service as soon as it can be provided without undo risk.

3.7    Billing Arrangements

3.7.1        Collect, Calling Card and Third Party Calls

Charges for calls of this type will be included on the Billed Party's regular home or business telephone bill pursuant to billing and collection agreements established by the Company or its intermediary with the applicable telephone company.        The company will bill an interexchange telephone call to a billing card number which is issued by another Provider of Operator Services, and permits the identification of the other provider, unless the call is billed at a rate not greater than the other provider's rate for the call, the Consumer requests a special service that is not available under tariff from the other provider, or the Consumer expressly consents to a rate greater than the other provider's rate.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.7    Billing Arrangements, cont'd.

3.7.2            Unanswered Calls

The Company will not bill for unanswered calls in areas where Equal Access is available, nor will the Company knowingly bill for unanswered telephone calls where Equal Access is not available. In the event that an unanswered call is inadvertently billed due to the unavailability of equal Access, the Company will cancel or refund all such charges upon request of the Billed Party. Any call for which the billed duration exceeds one minute shall be presumed to have been answered.

3.7.3            Call Splashing

The Company will not engage in call splashing, unless the Consumer requests to be transferred to another Provider of Operator Services, the Consumer is informed prior to incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call, and the Consumer then consents to be transferred.

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**SECTION 3            RULES AND REGULATIONS, cont'd.**

3.7 Billing Arrangements, cont'd.

3.7.4            Billing Entity Conditions

When billing functions on behalf of the Company are performed by local exchange telephone companies, credit card companies or others, the payment conditions and regulations of such companies apply, including any applicable interest and/or late payment charges. In case of any disputed charges which cannot be resolved by the billing company, the Billed Party may contact the Company directly. If there is still a disagreement about the disputed amount after investigation and review by the Carrier, the Billed Party may file an appropriate complaint with the Federal Communications Commission. The address of the Federal Communications Commission is listed below:

Enforcement Division  
Federal Communications Commission  
Mail Stop 1600A2  
Washington, D.C. 20554

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#### **SECTION 4            DESCRIPTION OF SERVICES**

The Company offers Operator Services pursuant to this informational tariff. All Operator Services are offered for the purpose of completing telephone calls originating in the United States.

##### **4.1    Collect Calls**

A call for which charges are billed, not to the originating telephone number, but to the destination or termination telephone number.

##### **4.2    Third Party Calls**

A call for which charges are billed, not to the originating telephone number, but to a third party telephone number which is neither the originating nor the terminating telephone number.

##### **4.3    Calling Card Calls**

A call for which charges are billed, not to the originating telephone number, but to a telephone calling card issued either by a local exchange or long distance telephone company for this purpose.

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**SECTION 4            DESCRIPTION OF SERVICES, cont'd.**

4.4    Person-to-Person Calls

A call which is placed under the stipulation that the caller will speak only to a specific called party. Such a call is not completed until either the specific party named by the caller is contacted, or the caller agrees to speak to a different party. Any of the types of calls described in 4.1 to 4.5, above, may optionally be placed on a person-to-person basis. The caller must arrange with the operator to make a person-to-person call; otherwise, all calls will be treated as station-to-station. Person to person calls cannot be charged to the originating number. All person to person calls must be charged to credit card, calling card or third party.

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## **SECTION 5            RATES**

This section contains the Company's basic usage rates for telephone calls completed by means of its Operator Services. See Section 6, following, for other applicable charges.

### **5.1    Application of Rate Tables**

The total charge for each completed operator assisted call consists of the following charge elements; (a) a measured usage charge dependent on the duration, distance and time of day of the call; (b) a fixed Operator Services charge, as set forth in Section 5.5 following, which will be dependent on the type of billing selected (i.e., calling card, third party or other) and/or the completion restriction selected (i.e., station-to-station or person-to-person); and (c) other charges as set forth in Section 6, following. The usage charge element is specified as a rate per minute which applies to each minute of call duration, with fractional minutes of use thereafter counted as one full minute.

### **5.2    Taxes & Fees**

All Federal excise taxes and fees, and state and local sales, use and similar taxes and fees, are billed as separate line items and are not included in the quoted rates.

### **5.3    Timing of Calls**

Billing for calls placed over the Company network is based in part on the duration of the call. Timing of each call begins as specified below, and ends when the called party hangs up.

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**SECTION 5        RATES, cont'd.**

- 5.3.1        Collect Calls - Timing begins when the called party accepts the responsibility for payment.
- 5.3.2        Person-to-person Calls (other than Collect) - Timing begins when the designated party comes on the line, or when the caller agrees to speak with a substitute party. Person-to-person calls cannot be billed to the originating number and must be billed either to a calling card, credit card or third party.
- 5.3.3        All other Calls - Timing begins when the called station is answered, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection.

5.4    Calculation of Distance

All measured usage charges are based on the airline distance between rate centers associated with the originating and terminating points of the call, except as otherwise provided for in this tariff. Airline distance is determined according to the V&H Coordinates provided by Telecordia Technologies.

5.5    Rates and Charges

The following rates apply to Dial Station, Operator Station, Person-to-person and Customer Dialed Calling Card classes of service calls. The rates apply all days of the week as specified in the Rate Period Chart following. Services Charges apply, as indicated.

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First Revised Page 23  
Canceling Original Page 23

**SECTION 5        RATES, cont'd.**

5.5.1        Surcharges

<u>Classes of Service</u>	<u>Service Charge Per Call</u>
0+ Customer Dialed Calling Card	\$0.33
0+ Operator Station	\$0.30
0+ Person-to-Person	\$2.15
0-Operator Station	\$0.30
0-Person-to-Person	\$2.15
Station-to-Station Operator assisted sent-paid, collect, third number, and non-customer-dialed calling card calls	\$1.00

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## 6.1 Commission

## 6.2 Directory Assistance

Directory Assistance Call Completion charges are not applicable to handicapped customers who are exempt from Directory Assistance charges.

Day Rate Period:	1700 message per month
Evening Rate Period:	4800 message per month
Night/Weekend Rate Period:	2000 message per month

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