

INTERSTATE INTRALATA MESSAGE TELECOMMUNICATIONS SERVICE

2. REGULATIONS

2.1 Undertaking of the Telephone Company

2.1.1. Scope

(A) Interstate IntraLATA Message Telecommunications Service (IIMTS) is that of furnishing facilities other than and in addition to local facilities for telephone communication between local service areas in accordance with the regulations and system of charges specified in this Tariff. The service of furnishing the local facilities required to establish and maintain connection between an exchange station and the toll plant in connection with long distance message calls is a part of local service.

(B) The Telephone Company does not undertake to transmit messages but furnishes the use of its facilities to its customers for communication.

2.1.2 Priority of Services

The provisioning, use, and restoration of services shall be in accordance with Part 64, Subpart D, paragraph 64.401 of the Federal Communications Commission's Rules and Regulations, which specifies the priority system for such activities.

2.1.3 Limitations on Duration of Connections

The Telephone Company reserves the right to limit the length of conversation when necessary in times of emergency resulting in a shortage of facilities.

2.1.4 Liability

(A) In view of the fact that the customer has exclusive control of the communications over the facilities furnished him by the Telephone Company, and of the other uses for which facilities may be furnished him by the Telephone Company, and because of unavailability of errors incident to the services of and to the use of such facilities of the Telephone Company, the services and facilities furnished by the Telephone Company are subject to the terms, conditions and limitations specified in (B), (C), and (D) following.

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2. REGULATIONS (Cont'd.)

2.1 Undertaking of the Telephone Company (Cont'd.)

2.1.4 Liability (Cont'd.)

- (B) The Telephone Company's liability, if any, for its willful misconduct is not limited by this tariff. With respect to any other claim or suit, by a customer or by any others, for damages associated with any aspect of the provision of service (including the failure to reach a called station), the Telephone Company's liability, if any, shall not exceed an amount equal to the initial period charge applicable for such a message to the called station. This liability shall be in addition to any billing adjustments that may otherwise be appropriate.
- (C) The customer indemnifies and saves the Telephone Company harmless against claims for libel, slander, or infringement of copyright arising from the material transmitted over its facilities; against claims for infringement of patents arising from combining with, or using in connection with, facilities of the Telephone Company, apparatus and systems of the customer; and against all other claims arising out of any act or omission of the customer in connection with facilities provided by the Telephone Company.
- (D) No carrier participating in this service shall be liable for any act or omission of any other carrier also participating in the service.

2.2 Use

2.2.1 Use of Service

This service is provided for use by the customer and may be used by others, when so authorized by the customer, providing that such usage shall be subject to the provisions of this tariff.

2.2.2 Abuse and Fraudulent Use

The service is furnished subject to the condition that there will be no abuse or fraudulent use of the service. Abuse or fraudulent use of service includes:

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2. REGULATIONS (Cont'd.)

2.2 Use (Cont'd.)

2.2.2 Abuse and Fraudulent Use (Cont'd.)

- (A) the use of service or facilities of the Telephone Company to transmit a message or to locate a person or otherwise to give or obtain information, without payment of the charge applicable for service;
- (B) the obtaining, or attempting to obtain, or assisting another to obtain or to attempt to obtain IIMTS by rearranging, tampering with, or making connection with any facilities of the Telephone Company, or by any trick, scheme, false representation, or false credit device, or by or through any other fraudulent means or device whatsoever, with intent to avoid the payment, in whole or in part, of the regular charge for such service;
- (C) the use of service or facilities of the Telephone Company for a call or calls, anonymous or otherwise, if in a manner reasonably to be expected to frighten, abuse, torment, or harass another;
- (D) the use of profane or obscene language;
- (E) the use of the service in such a manner as to interfere unreasonably with the use of the service by one or more other customers.

2.2.3 Unlawful Purposes

The service is furnished subject to the condition it will not be used for an unlawful purpose. Service will be discontinued, upon five days written notice, if any law enforcement agency, acting within its jurisdiction, advises that such service is being used or will be used in violation of law. If the Telephone Company receives other evidence giving reasonable cause to believe that such service is being or will be so used, it will, upon five days notice, deny the service or refer the matter to the appropriate law enforcement agency.

2.2.4 Cancellation for Cause

For nonpayment of any sum due the Telephone Company, or for abuse or fraudulent use of the service, the Telephone Company may either suspend, terminate without suspension, or refuse service without incurring any liability.

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2. REGULATIONS (Cont'd.)

2.3 Obligations of the Customer

The calling party shall establish their identity in the course of any communication as often as may be necessary.

The calling party shall be solely responsible for establishing the identity of the person or persons with whom connection is made at the called subscriber line or lines.

2.4 Connections of Customer or Other Common Carrier-Provided Equipment and Facilities

Any system or service connected to an IIMTS offering must be operated and maintained so it will work satisfactorily with IIMTS. Connections to IIMTS will be made in accordance with the following:

Answer supervision must be provided when an IIMTS offering is connected to switching equipment or a Customer-provided communications system which is not subject to Part 68 of the FCC Rules and Regulations, 47 C.F.R. Part 68. In such cases, the equipment or system must provide answer supervision so that the measure of chargeable time begins upon the delivery of the IIMTS call to the switching equipment or to the equipment connected to the communications system and ends upon termination of the call by the calling party.

2.5 Service Through Miscellaneous Common Carriers

Service is available to and from customers of a Miscellaneous Common Carrier with which arrangements have been made for the interexchange of telephone traffic and is furnished through interconnecting equipment and local connection facilities provided by the Telephone Company.

The rates between the applicable wire telephone rate center and the rate center of the Miscellaneous Common Carrier are the rates set forth in this tariff for two-point service.

INTERSTATE INTRALATA MESSAGE TELECOMMUNICATIONS SERVICE2. REGULATIONS (Cont'd.)2.6 Recording of Two-way Telephone Conversations

IIMTS is not represented as adapted to the recording of two-way telephone conversations. However, voice recording equipment which is directly, acoustically or inductively connected with IIMTS may be used for the recording of such conversations subject to the following regulations which have been adopted by the FCC:

2.6.1 Recording Requirements

The voice recording equipment must be arranged so that it can be connected or disconnected (or switched on or off) at the will of the Customer. In addition, one of the following conditions must apply:

- All parties to the telephone conversation must give their prior consent to the recording of the conversation, and the prior consent must be obtained in writing or be part of, and obtained at the start of, the recording, or
- All parties to the telephone conversation must be verbally notified at the beginning of the conversation and the notification must be recorded as part of the call, by the recording party, or
- A distinctive recorder tone, repeated at intervals of approximately fifteen seconds, is required to alert all parties when the recording equipment is in use. The distinctive recording tone can be provided as part of (1) the recording equipment, or (2) registered or grandfathered protective circuitry.

A broadcast licensee shall be exempt from the above recording requirements provided at least one of the following requirements is met:

- the licensee informs each party to the call of its intent to broadcast the conversation; or
- each party to the call is aware of the licensee's intent to broadcast the call; or
- such awareness of the licensee's intent to broadcast the call may be reasonably imputed to the party.

Issued: August 30, 1996

Effective: September 3, 1996

President
1440 "M" Street, Lincoln, NE 68508

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2. REGULATIONS

2.6 Recording of Two-way Telephone Conversations (Cont'd.)

2.6.2 Exceptions

The FCC has established the following exceptions to the foregoing requirements:

- (A) Recordings made of incoming calls to telephone numbers publicized for emergencies involving health or safety of life and property (e.g., emergency situations involving fire, health care, police, public utilities and emergency road service) and outgoing calls made in immediate response to such calls. Included in this exception are:
 - (1) Recordings made at the United States Department of Defense Command Centers of emergency communications transmitted over the Department of Defense's private line system when connected to LDMTS.
 - (2) Recordings made by the United States Nuclear Regulatory Commission of the Department of energy with respect to the telephone systems located at its Operations Center.
- (B) Recordings of calls made for patently unlawful purposes, such as bomb threats, kidnap ransom requests and obscene telephone calls. Outgoing calls made in immediate response to such calls are also excepted. Included in this exception are:
 - (1) Recordings made by the United States Secret Service of the Department of the Treasury for recording of two-way telephone conversations which concern the safety and security of the person of the President of the United States, members of his immediate family, or the White House and its grounds.
- (C) Recordings of calls made by Federal, State or local law enforcement authorities, or federal intelligence authorities, acting under color of law.