

David B. Erwin
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August 11, 1998

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

981017-TI

Re: IXC Application - American Phone Corporation

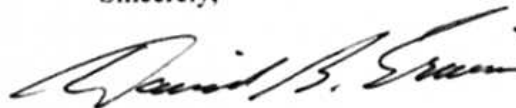
Dear Ms. Bayo:

Enclosed please find the original and six copies of the IXC application of American Phone Corporation. A proposed tariff is included as a part of the application. Appendix B and Appendix C are not included at this time. They will be filed within the next few days.

Also enclosed is the company's check in the amount of \$250.00 to cover the filing fee.

Thank you for your attention to this filing.

Sincerely,



David B. Erwin

DBE:jm
Enclosure
Copy to: Gary Golden

RECEIVED & FILED


FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08515 AUG 11 98

DOCUMENT NUMBER-DATE
08515 AUG 11 88

**** FLORIDA PUBLIC SERVICE COMMISSION ****
DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION

APPLICATION FORM
for
AUTHORITY TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
2540 Shumard Oak Blvd.
Gunter Building
Tallahassee, Florida 32399-0850
(904) 413-6600

- E. Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of \$250.00 to:

Florida Public Service Commission
Division of Administration
2540 Shumard Oak Blvd.
Gunter Building
Tallahassee, Florida 32399-0850
(904) 413-6251

1. Select what type of business your company will be conducting (check all that apply):

- Facilities based carrier** - company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.
- Operator Service Provider** - company provides or plans to provide alternative operator services for IXCs; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
- Reseller** - company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
- Switchless Rebiller** - company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
- Multi-Location Discount Aggregator** - company contracts with unaffiliated entities to obtain bulk/volume discounts under multi-location discount plans from certain underlying carriers. Then offers the resold service by enrolling unaffiliated customers.
- Prepaid Debit Card Provider** - any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

2. This is an application for (check one):

- Original Authority (New company).**
- Approval of Transfer (To another certificated company).**

Approval of Assignment of existing certificate (To an uncertificated company).

Approval for transfer of control (To another certificated company).

2. Name of corporation, partnership, cooperative, joint venture or sole proprietorship:

American Phone Corporation

4. Name under which the applicant will do business (fictitious name, etc.):

American Phone Corporation

5. National address (including street name & number, post office box, city, state and zip code).

N/A

6. Florida address (including street name & number, post office box, city, state and zip code):

127 Riversink Road, Crawfordville, Florida 32327

7. Structure of organization;

Individual

Corporation

Foreign Corporation

Foreign Partnership

General Partnership

Limited Partnership

Other, _____

8. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.

(a) Provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

N/A

(b) Indicate if the individual or any of the partners have previously been:

(1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.

N/A

(2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

N/A

9. If incorporated, please give:

(a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.

Corporate charter number: F 98000003559

(b) Name and address of the company's Florida registered agent.

Corporation Service Company
1201 Hays Street
Tallahassee, Florida 32301-2525

(c) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.

Fictitious name registration number: _____

(d) Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.

No

(2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

No

10. Who will serve as liaison with the Commission in regard to (please give name, title, address and telephone number):

**(a) The application; David Erwin
127 Riversink Road
Crawfordville, Florida 32327
(850) 926-9331**

(b) Official Point of Contact for the ongoing operations of the company;

Same as above

(c) Tariff; **Same as above**

- (d) Complaints/Inquiries from customers;

Before any customers are served, a permanent address and telephone number in Sarasota, Florida will be established and furnished to the Commission and to customers.

11. List the states in which the applicant:

- (a) Has operated as an inter-exchange carrier.

N/A

- (b) Has applications pending to be certificated as an inter-exchange carrier.

N/A

- (c) Is certificated to operate as an interexchange carrier.

N/A

- (d) Has been denied authority to operate as an interexchange carrier and the circumstances involved.

N/A

- (e) Has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

N/A

- (f) Has been involved in civil court proceedings with an inter-exchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

N/A

- (f) Has been involved in civil court proceedings with an inter-exchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

N/A

12. What services will the applicant offer to other certificated telephone companies:

- Facilities
- Operators
- Billing and Collection
- Sales
- Maintenance
- Other: _____

13. Do you have a marketing program?

This will developed later in accordance with the statutes and rules of the State of Florida

14. Will your marketing program:

- Pay commissions
- Offer sales franchises
- Offer multi-level sales incentives
- Offer other sales incentives

15. Explain any of the offers checked in question 14 (To whom, what amount, type of franchise, etc.).

16. Who will receive the bills for your service (Check all that apply)?

- Residential customers
- Business customers
- PATS providers
- PATS station end-users
- Hotels & motels
- Hotel & motel guests
- Universities
- Univ. dormitory residents
- Other: (specify)_____.

17. Please provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services, and if not who will the billed party contact to ask questions about the bill (provide name and phone number) and how is this information provided
Yes

(b) Name and address of the firm who will bill for your service.

Self Bill

18. Please provide all available documentation demonstrating that the applicant has the following capabilities to provide interexchange telecommunications service in Florida.

A. Financial capability

Regarding the showing of financial capability, the following applies:

The application should contain the applicant's financial statements for the most recent 3 years, including:

See Attached

1. the balance sheet
2. income statement
3. statement of retained earnings.

Further, **a written explanation**, which can include supporting documentation, regarding the following should be provided to show financial capability.

1. Please provide documentation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
2. Please provide documentation that the applicant has sufficient financial capability to maintain the requested service.
3. Please provide documentation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

NOTE: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

If available, the financial statements should be audited financial statements. If the applicant does not have audited financial statements, it shall be so stated. The unaudited financial statements should then be signed by the applicant's chief executive officer and chief financial officer. The signatures should **affirm that the financial statements are true and correct.**

B. Managerial capability.

See Attached

C. Technical capability.

See Attached

19. Please submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed).

See Attached

20. The applicant will provide the following inter-exchange carrier services (Check all that apply):

MTS with distance sensitive per minute rates

Method of access is FGA

Method of access is FGB

Method of access is FGD

Method of access is 800

MTS with route specific rates per minute

Method of access is FGA

Method of access is FGB

Method of access is FGD

Method of access is 800

MTS with statewide flat rates per minute (i.e. not distance sensitive)

- Method of access is FGA
- Method of access is FGB
- Method of access is FGD
- Method of access is 800

MTS for pay telephone service providers

Block-of-time calling plan (Reach out Florida, Ring America, etc.).

800 Service (Toll free)

WATS type service (Bulk or volume discount)

Method of access is via dedicated facilities

Method of access is via switched facilities

Private Line services (Channel Services)

Travel Service

Method of access is 950

Method of access is 800

900 service

Operator Services

Available to pre-subscribed customers

Available to non pre-subscribed customers (for example to patrons of hotels, students in universities, patients in

hospitals.
 Available to inmates

Services included are:

- Station assistance
- Person to Person assistance
- Directory assistance
- Operator verify and interrupt
- Conference Calling

21. What does the end user dial for each of the inter-exchange carrier services that were checked in services included (above).

00

22. Other:

**** APPLICANT ACKNOWLEDGEMENT STATEMENT ****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** A non-refundable application fee of \$250.00 must be submitted with the application.
5. **RECEIPT AND UNDERSTANDING OF RULES:** I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Orders relating to my provision of inter-exchange telephone service in Florida. I also understand that it is my responsibility to comply with all current and future Commission requirements regarding inter-exchange service.
6. **ACCURACY OF APPLICATION:** By my signature below, I the undersigned owner or officer of the named utility in the application, attest to the accuracy of the information contained in this application and associated attachments. I have read the foregoing and declare that to the best of my knowledge and belief, the information is a true and correct statement. **Further, I am aware that pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083".**

UTILITY OFFICIAL:


Signature

Date: July 15, 1998

Title: President

Telephone No: (512) 795-0076

American Phone Corporation
Financial Statement
June 30, 1997

ASSETS

Current Assets

Cash on hand	\$2,000.00
Accounts Receivable	\$18,100.00
Total Current Assets	\$20,100.00

Fixed Assets

Equipment - Corporate	\$9,108.00
Total Fixed Assets	\$9,108.00

TOTAL ASSETS **\$29,208.00**

LIABILITIES

Current Liabilities

Accounts Payable	\$0.00
Total Current Liabilities	\$0.00

Long Term Liabilities

Notes Payable	\$0.00
Total Long Term Liabilities	\$0.00

TOTAL LIABILITIES **\$0.00**

EQUITY

Current Year Earnings \$29,208.00

TOTAL EQUITY **\$29,208.00**

TOTAL LIABILITY & EQUITY **\$29,208.00**

By my signature below, I, Gary Golden, Chief Executive Officer of American Phone Corporation, attest to the truth and accuracy of this un-audited financial statement.

7-29-98
Date


Signature



July 28, 1998

David B. Erwin, Esquire
127 Riversink Road
Crawfordville, FL 32327

Dear David:

This letter is in response to our discussions with respect to previous questions which have been raised by staff at the Public Service Commission regarding other ALEC applications for the authority to provide inter-exchange telecommunications service and local exchange services within the State of Florida.

The particular question that I am addressing is American Phone Corporation's ability to get financing to provide these services. I want to assure you that I have devoted considerable effort to this project and have considered the question of finance. I believe that our business plan is sound since it is based on many years of experience in the telecommunications industry. Our approach to this process is extremely conservative and we believe that we can grow the business slowly and soundly.

Our projections indicate that we will be able to support the operation with a small capital base, supplemented by retained earnings over the next twelve months. Slow and steady growth of our customer base will allow us to meet our financial obligations as we proceed. To ensure adequate funding, we are projecting that we should have the ability to acquire an additional \$50,000 to cover our cash needs.

In order to meet that need, I, Gary Golden as President and stockholder in American Phone Corporation, am prepared to provide a shareholder loan to the company for an amount up to \$50,000 if needed. I currently have over \$100,000.00 available. That full amount is available to us on an immediate basis.

If there are any additional questions relating to our pending application, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary Golden'.

Gary Golden
President

Gary Golden

For more than twenty years, Gary Golden has been responsible for developing and managing major projects. Whether working at a Bell Operating Telephone Company or at AT&T headquarters, Mr. Golden has demonstrated his ability to get the job done. His responsibilities continuously increased during his nearly fifteen year tenure with the Bell System and ranged from hands on technical duties through management of operating units to the development and implementation of nationwide programs.

Moving into the emerging cellular telephone industry nearly at its inception, he gained valuable experience as Director of Field Operations for an independent, cellular telephone company and later in his own consulting firm. His successes in the cellular industry included winning the rights to a RSA market of his own.

More recently, Mr. Golden recognized the emergence of a new industry that has the potential for becoming an even greater success than cellular telephony, became actively involved in the Wireless Cable TV Industry. Serving as Senior Vice President for The Cellular Group, Inc., he was directly responsible for developing two Wireless Cable systems in Reading, Pennsylvania and in Baton Rouge Louisiana.

Mr. Golden's experience in all of the various aspects of the telecommunications industry enables him to provide the leadership necessary to form and develop local exchange and inter-exchange services for American Phone Corporation's residential and business customers.

TITLE PAGE
FLORIDA TELECOMMUNICATIONS TARIFF
OF
AMERICAN PHONE CORPORATION

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by American Phone Corporation within the State of Florida.

Issued:

Effective:

Issued By: Gary Golden
7700 North Capital of Texas Highway
Austin, Texas 78731

CHECK SHEET

Sheets 1 through 14, inclusive, of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Revised sheets, if shown below, reflect all changes from the original tariff.

SHEET	REVISION
1	Original *
2	Original *
3	Original *
4	Original *
5	Original *
6	Original *
7	Original *
8	Original *
9	Original *
10	Original *
11	Original *
12	Original *
13	Original *
14	Original *

*Tariff sheets included with this filing.

TABLE OF CONTENTS

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Austin, Texas 78731

TABLE OF CONTENTS

Title Page 1
Check Sheet 2
Table of Contents 3
Section 1 - Technical Terms and Abbreviations 6
Section 2 - Rules and Regulations 8
Section 3 - Description of Service 12
Section 4 - Rates 13

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SYMBOLS

The following are the only symbols used for the purposes indicated below:

D - Delete or discontinue.

I - Change Resulting in an increase to a customer's bill.

M - Moved from another tariff location.

N - New

R - Change resulting in a reduction to a customer's bill.

T - Change in text or regulation.

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TARIFF FORMAT

A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.

B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the FPSC follows in its tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.

C. Paragraph Numbering Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

- 2.
- 2.1
- 2.1.1
- 2.1.1.A.
- 2.1.1.A.1.
- 2.1.1.A.1.(a).
- 2.1.1.A.1.(a).I.
- 2.1.1.A.1.(a).I.(i).
- 2.1.1.A.1.(a).I.(i).(1).

D. Check Sheets - When a tariff filing is made with the FPSC, an updated Check Sheet accompanies the tariff filing. The Check Sheet lists the sheets contained in the tariff, with a reference to the current revision number. When new pages are added, the Check Sheet is changed to reflect the revision. The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current on file with the FPSC.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - A transmission path which connects the customer's location to a carrier switching center or point of presence.

Application for Service - A standard order form that contains information to enable the Company to provide the service required by the customer.

Calling Card - A billing convenience whereby the customer may bill the charges for a call to an approved telephone company-issued calling card. The terms and conditions of the local telephone company will apply to payment arrangements.

Collect Billing - A billing convenience whereby the originating caller may bill the charges for a call to the called party, provided the called party agrees to accept the charges.

Company or Carrier - American Phone Corporation unless otherwise clearly indicated by the context.

Customer - The person, firm, corporation or other entity which orders or uses services provided by the Company and is responsible for the payment of charges for the services.

Credit Card - A billing convenience whereby the customer may bill the charges for a call to an authorized charge card.

Dial Access - Provision of access to the inter-exchange network via a local telephone line provided by the LEC or by other access connection facilities provided by other carriers or entities.

FPSC - Florida Public Service Commission

Holidays - Holidays observed by the Carrier are: New Year's Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

LEC - Local Exchange Company

Operator-Station Call - A service whereby the originating End User requests the assistance of a Company operator to place or bill the call. Calls billed Collect or to a telephone company-issued Calling Card or to an authorized Credit Card are Operator-Station calls unless the call is placed on a Person-to-Person basis. Automated Calling Card calls are not Operator-Station calls.

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Austin, Texas 78731

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS, CON'T

Person-to-Person Call - A Service whereby the originating End User specifies to the Company operator a particular person to be reached, or a particular station, room number, department, or office to be reached through a PBX attendant.

Project Code - A three digit numerical code available to customers to enable identification of users on the customer's account for purposes of allocating costs of service to particular users.

Serving Wire Center - A geographic point from which the vertical and horizontal coordinate is used in calculation of airline mileage for the purposes of rating a call.

Subscriber - A term synonymous with Customer.

Third Party Billing - A billing convenience by which the charges for a call may be billed to a telephone number that is different from the calling number and the called number.

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SECTION 2 - RULES AND REGULATIONS

2.1 Undertaking of American Phone Corporation.

American Phone's services and owned or leased facilities are furnished for communications originating and or terminating at specified points within the state of Florida under terms of this tariff.

American Phone installs, operates, and maintains the communications services provided hereunder in accordance with the terms and conditions set forth under this tariff. American Phone may use LEC facilities or may order access connection facilities provided by other carriers or entities, in order to allow connection of a Subscriber's location to American Phone's network.

The Company's services and facilities are billed monthly, unless otherwise provided, and are available twenty-four hours per day, seven days per week.

2.2 Limitations

2.2.1 Service is offered subject to availability of the necessary facilities and equipment, and service is subject to the provisions of this tariff.

2.2.2 American Phone reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the Customer is using service in violation of provisions of this tariff, or in violation of the law.

2.2.3 American Phone does not undertake to transmit messages, but offers the use of its owned or leased facilities when available, and will not be liable for errors in transmission or for failure to establish connections.

2.2.4 All facilities provided under this tariff are directly controlled by American Phone and the Subscriber may not transfer or assign the use of service or facilities without the express written consent of the Company.

2.2.5 All regulations and conditions contained in this tariff shall apply to all permitted assignees or transferees.

2.3 Use

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited. Customers reselling or rebilling the Company's Florida intrastate service must have a Certificate of Public Convenience and Necessity as an inter-exchange carrier from the

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Effective:

Issued By: Gary Golden
7700 North Capital of Texas Highway
Austin, Texas 78731

SECTION 2 - RULES AND REGULATIONS (CON'T)

Florida Public Service Commission.

2.4 Liabilities of the Company

- 2.4.1 American Phone's liability for damages arising out of mistakes, interruptions, omission, delays, errors, or defects in transmission which occur in the course of furnishing service or facilities, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the faults in transmission occur.
- 2.4.2 The Company shall not be liable for claim for loss, expense or damage (including indirect, special or consequential damage), for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by any person or entity other than the Company, by any malfunction or any service or facility provided by any other carrier, by an act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond the Company's direct control.
- 2.4.3 The Company shall not be liable for, and shall be fully indemnified and held harmless by Customer against any claim for loss, expense or damage (including indirect, special or consequential damage) for defamation, libel, slander, invasion, infringement of copy-right or patent, unauthorized use of any trademark, trade name or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data, information, or other content revealed to, transmitted, or used by the Company under this tariff; or for any act or omission of the Customer or Subscriber; or for any personal injury or death of any person caused directly or indirectly by the installation, maintenance, location, condition, operation, failure, presence, use or removal of equipment or wiring provided by the Company, if not directly caused by negligence of the Company.
- 2.4.4 No agent or employee of any other carrier shall be deemed to be an agent or employee of the Company, except that independent sales agents and billing agents for American Phone may occasionally act as an agent for American Phone.
- 2.4.5 The Company shall not be liable for any defacement of or damages to the premises of a Subscriber resulting from the furnishing of service which is not the direct result of the Company's negligence.

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SECTION 2 - RULES AND REGULATIONS, CONT.

2.5 Deposits

The Company does not require a deposit from Customers.

2.6 Advance Payments

The Company, at its option, may require an advance payment from certain customers, and American Phone reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges, and, if necessary, a new advance payment will be collected for the next month, until the Customer's payment record has become acceptable to the Company.

2.7 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed as separate line items and are not included in the quoted rates.

2.8 Terminal Equipment

The Company's facilities and service may be used with or terminated in Subscriber-provided terminal equipment or Subscriber-provided communications systems, such as a PBX or Pay Telephone. Such terminal equipment shall be furnished and maintained at the expense of the Subscriber, except as otherwise provided. The Subscriber is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of American Phone's service. When such terminal equipment is used, the equipment shall comply with the generally accepted minimum protective criteria standards of the telecommunications industry, as endorsed by the Federal Communications Commission.

2.9 Installation and Termination

Service will be commenced after mutual agreement between the Subscriber and the Company. The agreement will determine terms and conditions of installation, termination of service, any applicable sales commission structure, and sales commission payment schedule. The service agreement does not alter rates specified in this tariff.

2.10 Payment for Service

All charges due by the Customer are payable to any agency duly authorized to receive such

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SECTION 2 - RULES AND REGULATIONS, CONT.**2.10 Payment for Service (Cont.)**

payments. The billing agency may be a local exchange telephone company, or other billing service. Terms of payment shall be according to the rules and regulations of the Company and regulatory agencies, such as the Florida PSC. Any objections to billed charges must be promptly reported to the Company's billing agent. Adjustments to Customer's bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate. If any payment is made by a check which is returned for insufficient funds, the Company will impose a charge as allowed by §832.07, F.S.

2.11 Other Rules

- 2.11.1 The Company reserves the right to refuse Third Party billing at its discretion.
- 2.11.2 The Company reserves the right to refuse to process Credit Card or Calling Card billed calls when authorization for use of the card cannot be validated.
- 2.11.3 The Company reserves the right to discontinue service, limit service, or to impose requirements on Subscribers as required to meet changing regulatory rules and standards of the FPSC.

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SECTION 3 - DESCRIPTION OF SERVICE

3.1 Timing of Calls

- 3.1.1 Long distance usage charges are based on the actual usage of American Phone's network. Usage begins when the called party picks up the receiver, as determined by hardware answer supervision of the local telephone company. A call is terminated when either party disconnects from the call.
- 3.1.2 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is one minute.
- 3.1.3 Unless otherwise specified in this tariff, usage is measured and rounded to the higher full minute for billing purposes.
- 3.1.4 There will be no billing applied for incomplete calls.

3.2 American Phone Long Distance Service

American Phone's Long Distance Service is offered to customers for calling within the State of Florida. Customers generally access American Phone's network via local exchange company provided Feature Group D access. Calls are routed over the Company's owned or leased transmission and switching facilities to any valid NPA-NXX in the State of Florida.

American Phone's Long Distance Service is provided for interexchange calling, except that zero minus "0-" and zero plus "0+" intra-LATA calls will be routed to the Local Exchange Company.

3.3 Minimum Call Completion Rate

A customer can expect a call completion rate (number of calls completed/number of calls attempted) of not less than 90% during peak use periods for all FGD services (1+ dialing).

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 SECTION 4 - RATES

4.1 American Phone's Long Distance Rates

American Phone will provide the Rate Plans specified below to customers who have selected American Phone as their primary interexchange carrier and have chosen a schedule through a company contact.

4.1.1 Residential and Business \$.15 plan.

American Phone will use the schedule below to rate eligible calls during all times of day, seven days a week, for customers choosing this plan. Eligible calls are all direct dialed calls except 700 or 900 calls.

<u>Class of Service</u>	<u>Rate Per Minute</u>	<u>Monthly Service Charge</u>
Interexchange	\$.15	None

4.1.2 Residential \$.10 Plan

American Phone will use the schedule below to rate eligible calls during all times of day, seven days a week for residential customers choosing this plan. Eligible calls are all direct dialed calls except 700 or 900 calls.

<u>Class of Service</u>	<u>Rate Per Minute</u>	<u>Monthly Service Charge</u>
Interexchange	\$.10	\$ 4.95

4.1.3 Toll Free Service (Terminating Switched Access)

<u>Class of Service</u>	<u>Rate Per Minute</u>	<u>Monthly Service Charge</u>
Interexchange	\$.14	\$5.00

4.2 Per Call Surcharges

4.2.1 Per call surcharges are applicable to calls originated by Customers, based upon the type of call origination, i.e., operator assisted, person-to-person, station-to-station and credit card. Surcharges apply in all rate periods and are in addition to per minute of use charges.

Issued:

Effective:

Issued By: Gary Golden
7700 North Capital of Texas Highway
Austin, Texas 78731

 SECTION 4 – RATES (CONT.)

4.2.1.A. Operator Assistance Call Surcharge - applicable to calls originated to an operator for:

4.2.1.A.1. Operator-Station	\$1.00*
4.2.1.A.2. Operator Person-to-Person	\$2.50
4.2.1.A.3. Directory Assistance Charge per call	\$.75**
4.2.1.A.4. Conference Service, per called station	\$2.50
4.2.1.A.5. Busy Line Verification	\$.95
4.2.1.A.6. Busy Line Interruption.	\$1.40

4.2.1.B. Credit Card Call Surcharge - applicable to calls without operator assistance

4.2.1.B.1. Per call	\$.80
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* Does not apply to calls where a customer cannot otherwise dial the call due to a) defective equipment or trouble on the network or b) identifies himself or herself as handicapped and in need of assistance to make the call or c) the customer wants to make a credit card call that the customer is having difficulty making without operator assistance.

** Not applicable to handicapped persons who are unable to use the telephone directory.

4.3 Emergency Calls

In the event that an emergency call is sent to American Phone, no charge will apply to calls placed to recognized emergency agencies (such as fire, police, and poison control).

4.4 Promotional Offerings

From time to time American Phone may offer special promotions to its customers. These offerings may be limited to certain dates, times and locations, and will be approved by the FPSC with specific starting and ending dates. Under no circumstances will special promotions run for longer than 90 days in any 12-month period.

 Issued:

Effective:

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7700 North Capital of Texas Highway
Austin, Texas 78731

David B. Erwin
Attorney-at-Law

127 Riversink Road
Crawfordville, Florida 32327

Phone 850.926.9331
Fax 850.926.8448
derwin@lewisweb.net

DEPOSIT DATE
D 827 00 AUG 11 1998

August 11, 1998

Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: IXC Application - American Phone Corporation

981017-TI

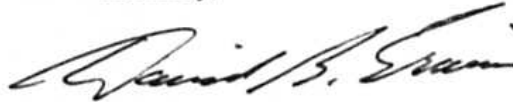
Dear Ms. Bayo:

Enclosed please find the original and six copies of the IXC application of American Phone Corporation. A proposed tariff is included as a part of the application. Appendix B and Appendix C are not included at this time. They will be filed within the next few days.

Also enclosed is the company's check in the amount of \$250.00 to cover the filing fee.

Thank you for your attention to this filing.

Sincerely,



David B. Erwin

DBE:jm

AMERICAN PHONE CORPORATION

244 SHOPPING AT #166
SARASOTA, FL 34237-7125

2003

DATE August 6, 1998 6J-1269-631

PAY TO THE ORDER OF Florida Public Service Commission

\$ 250.00

Two Hundred Fifty-----

DOLLARS

THE HUNTINGTON NATIONAL BANK
ORLANDO, FLORIDA 32802

FOR IXC Application Fee

