

Telecommunications
E Commerce
Technology
Corporate & Finance
Trademarks
Proprietary Rights
Complex Litigation
General Business Law

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September 29, 2000

001517-TI

VIA OVERNIGHT DELIVERY

Florida Public Service Commission
Division of Administration, Room G-50
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

Check received with filing and
forwarded to Fiscal for deposit.
Fiscal to forward a copy of check
to RAR with proof of deposit.

Initials of person who forwarded check:



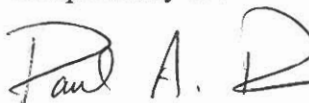
Re: Summit Telco L.L.C.'s Application for Authority to Provide
Interexchange Telecommunications Service Within the State of Florida

Ladies and Gentlemen:

Enclosed are an original and twelve (12) copies of Summit Telco L.L.C.'s ("Summit Telco") Application for Authority to Provide Interexchange Telecommunications Service within the State of Florida. Summit Telco is a non-facilities based reseller of 1+, toll free access, and calling card telecommunications services. Also enclosed is the filing fee of \$250.00 made payable to the Florida Public Service Commission.

An extra copy of this filing is enclosed. Please date-stamp and return the extra copy in the self-addressed, stamped envelope provided. If you have any questions regarding this application, please contact me at the number listed above.

Respectfully submitted,



Paul A. Dean
Regulatory Counsel

Enclosure

DOCUMENT NUMBER-DATE

12458 OCT-28

FPSC-RECORDS/REPORTING

** 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
101 East Gained Street
Tallahassee, Florida 32399-0866
(904) 488-1280

- E. Once completed, submit the original and twelve (12) copies of this form along with a non-refundable application fee of \$250.00 to:

Florida Public Service Commission
Division of Administration, Room G-50
101 East Gained Street
Tallahassee, Florida 32399-0866
(904) 488-4733

FORM PSC/CMU 31 (4/91)
Required by Commission Rule Nos. 25-24.471
25-24.473 & 25-24.480(2)

DOCUMENT NUMBER-DATE

12458 OCT-28

FPSC-RECORDS/REPORTING

APPLICATION

1. This is an application for \checkmark (check one):

- Original certificate** (new company).
- Approval of transfer of existing certificate:** Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.
- Approval of assignment of existing certificate:** Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
- Approval of transfer of control:** Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

SUMMIT TELCO, L.L.C

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

N/A

4. Official mailing address (including street name & number, post office box, city, state, zip code):

2646 South Loop West, Suite 660

Houston

Texas 77254

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

Corporation Service Company

1201 Hays Street

Tallahassee, FL 32301

6. Select type of business your company will be conducting \checkmark (check all the 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 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.

7. Structure of organization:

- () Individual (✓) Corporation
- () Foreign Corporation () Foreign Partnership
- () General Partnership () Limited Partnership
- () Other _____

8. **If individual**, provide:

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

9. **If incorporated in Florida**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State corporate registration number:**

N/A _____

10. **If foreign corporation**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State corporate registration number:**

Pending. Applicant has applied for proof of authority to operate as a foreign corporation in Florida. Once the Company receives this authority, a copy will be forwarded for inclusion with this application. The applications and Department of State correspondence is provided in Appendix C.

11. **If using fictitious name-d/b/a**, provide proof of compliance with fictitious name statute (Chapter 865.09 FS) to operate in Florida:

(a) **The Florida Secretary of State corporate registration number:**

N/A _____

12. **If a limited liability partnership**, provide proof of registration to operate in Florida:

(a) **The Florida Secretary of State registration number:**

N/A _____

13. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name: N/A _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

partnership statute (Chapter 620.169, FS), if applicable.

(a) **The Florida registration number:** N/A

15. Provide **F.E.I. Number** (if applicable): 76-0616997

16. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?
() Yes () No

(b) If not, who will bill for your services?

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ **Fax No.:** _____

(c) How is this information provided?

The Applicant will bill directly for its services. The Applicant's name and toll

free number for customer inquiries will be featured prominently on the bill.

17. Who will receive the bills for your service?

- | | |
|--|---|
| <input checked="" type="checkbox"/> Residential Customer | <input checked="" type="checkbox"/> Business Customers |
| <input type="checkbox"/> PATs providers | <input type="checkbox"/> PATs station end-users |
| <input type="checkbox"/> Hotels & motels | <input type="checkbox"/> Hotel & motel guests |
| <input type="checkbox"/> Universities | <input type="checkbox"/> Universities dormitory residents |
| (<input type="checkbox"/>) Other: (specify) _____ | |

18. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: Paul Dean

Title:Regulatory Counsel _____

Address:8180 Greensboro Dr. Ste 700 _____

City/State/Zip:Mclean, VA 22102 _____

Telephone No.:703-714-1300 **Fax No.**703-714-1330 _____

Internet E-Mail Address:pdean@helein.com _____

Internet Website Address:_____

(b) Official point of contact for the ongoing operations of the company:

Name:Eric Doremus _____

Title:President _____

Address: 2646 South Loop West, Suite 660 _____

City/State/Zip:Houston, TX 77254 _____

Telephone No.:713-838-8120 **Fax No.:** 713-838-7152 _____

Internet E-Mail Address:_____

Internet Website Address:_____

(c) Complaints/Inquiries from customers:

Name:Mr. Bart Rodriguez _____

Title: Customer Care Representative _____

Address:2646 South Loop West, Suite 660 _____

City/State/Zip:Houston, TX 77254 _____

Telephone No.:713-838-8120 **Fax No.** 713-838-7152 _____

Internet E-Mail Address:_____

Internet Website Address: _____

19. List the states in which the applicant:

(a) has operated as an alternative local exchange company.

N/A

(b) has applications pending to be certificated as an alternative local exchange company.

N/A

(c) is certificated to operate as an alternative local exchange company.

N/A

(d) has been denied authority to operate as an alternative local exchange company 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 interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

N/A

20. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain

N/A

(b) an 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

21. The applicant will provide the following interexchange carrier services (check all that apply):

a. **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

b. **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

c. **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

d. **MTS for pay telephone service providers**

e. **Block-of-time calling plan (Reach Out Florida, Ring America, etc.)**

f. **800 service (toll free)**

g. **WATS type service (bulk or volume discount)**

- Method of access is via dedicated facilities**
- Method of access is via switched facilities**

h. **Private line services (Channel Services)**
(For ex. 1.544 mbs., DS-3, etc.)

i. **Travel Service**

- Method of access is 950**
- Method of access is 800**

j. **900 service**

k. **Operator services**

- Available to presubscribed customers
- Available to non presubscribed customer (for example, to patrons of hotels, students in universities, patients in hospitals).
- Available to inmates

l. **Services included are:**

- Station assistance
- Person-to-person assistance
- Directory assistance
- Operator verify and interrupt
- Conference calling

22. Submit the proposed tariff under which the company plans to begin operation. Use the formate required by Commission Rule 25-24.485 (example enclosed).

A. Financial capability.

The application **should contain** the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

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

A copy of Applicant's balance sheet, income statement, and statement of cash flows is provided in Appendix D.

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.*

****APPLICANT ACKNOWLEDGMENT 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 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:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:



9/22/00

Signature

Date

Eric Doremus, President

713-838-8120

Title

Telephone No.

Address: 2646 South Loop West

713-838-7152

Fax No.

Suite 660

Houston, TX 77254

ATTACHMENTS:

A-CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

B-INTRASTATE NETWORK

C-AFFIDAVIT

N/A

****APPENDIX A****

CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

I, (Name) N/A ,

(Title) _____ of (Name of Company)

_____ and current holder of Florida Public Service Commission Certificate # _____

_____, have reviewed this application and join in the petitioner's request for a:

() sale

() transfer

() assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Signature

Date

Title

Telephone No.

Address: _____

Fax No.

N/A

****APPENDIX B****

INTRASTATE NETWORK (if available)

Chapter 25-24.825 (5), Florida Administrative Code, requires the company to make available to staff the alternative local exchange service areas only upon request.

1. **POP:** Addresses where located, and indicate if owned or leased.

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

2. **SWITCHES:** Address where located, by type of switch, and indicate if owned or leased.

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

3. **TRANSMISSION FACILITIES:** POP-to-POP facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.


<u>POP-to-POP</u>	<u>OWNERSHIP</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in the application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with 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	<u>09/22/00</u> _____ Date
<u>Eric Doremus, President</u> _____ Title	<u>(713)838-8120</u> _____ Telephone No.
<u>Address: 2646 South Loop West</u> _____	
<u>Suite 660</u> _____	
<u>Houston, TX 77254</u> _____	

APPENDIX C



FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State

August 11, 2000

MS
CT CORP.

Qualification documents for SUMMIT TELCO, L.L.C. were filed on August 11, 2000, and assigned document number M00000001599. Please refer to this number whenever corresponding with this office.

Your limited liability company is now qualified and authorized to transact business in Florida as of the file date. In accordance with section 608.406(2), F.S., the name of this limited liability company is filed with the Department of State for public notice only and is granted without regard to any other name recorded with the Division of Corporations.

A limited liability company annual report/uniform business report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number will be required before this report can be filed. If you do not already have an FEI number, please apply NOW with the Internal Revenue by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the limited liability company address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please telephone (850) 487-6051, the Registration and Qualification Section.

Tammi Cline
Document Specialist
Division of Corporations

Letter Number: 400A00043476

**APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO
TRANSACTION BUSINESS IN FLORIDA**

*IN COMPLIANCE WITH SECTION 08.503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN
LIMITED LIABILITY COMPANY TO TRANSACTION BUSINESS IN THE STATE OF FLORIDA:*

1. SUMMIT TELCO, L.L.C.
(Name of foreign limited liability company)

2. Delaware 3. 760616997
(Jurisdiction under the law of which foreign limited liability company is organized) (FEI number, if applicable)

4. June 22, 1999 5. perpetual
(Date of Organization) (Duration: Year limited liability company will cease to exist or "perpetual")

6. upon filing
(Date first transacted business in Florida. (See sections 608.501, 608.502, and 817.155, F.S.))

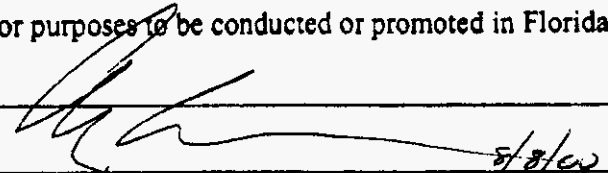
7. 1000 Louisiana, Ste. 3600
Houston, TX 77002
(Street address of principal office)

8. If limited liability company is a manager-managed company, check here

9. The usual business addresses of the managing members or managers are as follows:
2646 S. Loop West, Ste. 660
Houston, TX 77054

10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)

11. Nature of business or purposes to be conducted or promoted in Florida: Communications


Signature of a member or an authorized representative of a member.
(In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)
Eric H. Doremus, President
Typed or printed name of signee

FILED
09 JUN 11 PM 1:26
CORPORATE STATE

APPENDIX D

SUMMIT TELCO, L.L.C.
a Delaware Limited Liability Company
BALANCE SHEET

ASSETS	AT AUG 31, 2000
CASH AND EQUIVALENTS	5,669
A/R - TRADE	141,494
A/R - OTHER	0
A/R - RELATED PARTY	200
PREPAID EXPENSES	4,125
SUPPLIES INVENTORY	8,815
TOTAL CURRENT ASSETS	160,303
FIXED ASSETS	
FURNITURE	0
EQUIPMENT	0
COMPUTER EQUIP	0
ACCUM. DEPRECIATION	0
TOTAL FIXED ASSETS	0
OTHER ASSETS	
SOFTWARE	0
ACCUM. AMORTIZATION	(504)
OTHER ASSETS	2,906
DEPOSITS	0
TOTAL OTHER ASSETS	2,402
TOTAL ASSETS	162,704
LIABILITIES & OWNERS INTEREST	
CURRENT LIABILITIES	
A/P TRADE	24,952
A/P OTHER	0
A/P BILLING COST RESERVE	42,426
A/P RELATED PARTY	58,860
NOTES PAYABLE	0
N/P LOC	52,000
TOTAL CURRENT LIABILITIES	178,238
LONG TERM LIABILITIES	
L/T NOTES PAYABLE	0
TOTAL LONG TERM LIABILITIES	0
OWNERS INTEREST	
UNITHOLDER INTEREST	(11,778)
RETAINED EARNINGS	0
YTD NET INCOME	(3,756)
TOTAL OWNER INTEREST	(15,534)
TOTAL LIABILITIES & OWNERS INTEREST	162,704

(UNAUDITED)



SUMMIT TELCO, L.L.C.
a Delaware Limited Liability Company
INCOME STATEMENT

	YTD AT AUG 31, 2000	
REVENUE		
GROSS BILLINGS	141,494	
NET SALES	<u>141,494</u>	100.00%
COST OF SALES		
CARRIER COST	45,721	32.31%
BILLING COST	49,523	35.00%
TOTAL COST OF SALES	<u>95,244</u>	67.31%
GROSS MARGIN	<u>46,250</u>	32.69%
SALES & MARKETING COST	39,266	27.75%
GENERAL & ADMINISTRATIVE	10,739	7.59%
NET INCOME BEFORE EXTRAORDINARY ITEMS	(3,756)	-2.65%
EXTRAORDINARY GAIN (LOSS)	0	0.00%
NET INCOME	<u>(3,756)</u>	-2.65%

(UNAUDITED)



SUMMIT TELCO, L.L.C.
a Delaware Limited Liability Company
STATEMENT OF CASHFLOWS

	FOR THE MONTH ENDED AUG 2000
<u>OPERATING ACTIVITIES</u>	
NET EARNINGS	(3,756)
<u>ADJUSTMENTS TO RECONCILE NET CASH PROVIDED BY OPE</u>	
DEPRECIATION & AMORTIZATION	310
CHANGES IN A/R TRADE	(141,494)
CHANGES IN A/R OTHER	0
CHANGES IN A/R RELATED PARTY	(200)
CHANGES IN PREPAID EXPENSES	(4,125)
CHANGES IN SUPPLIES INVENTORY	3,544
CHANGES IN DEPOSITS	0
CHANGES IN A/P TRADE	(1,897)
CHANGES IN A/P OTHER	0
CHANGES IN BILLING COST RESERVE	42,426
CHANGES IN A/P RELATED PARTY	58,860
NET CASH PROVIDED BY OPERATING ACTIVITIES.	<u>(46,331)</u>
<u>INVESTMENT ACTIVITIES</u>	
CAPITAL EXPENDITURES	0
NET CASH USED IN INVESTMENT ACTIVITIES.	<u>0</u>
<u>FINANCING ACTIVITIES</u>	
CAPITAL CONTRIBUTIONS	0
CHANGES IN A/P LOC	52,000
NOTE PAYABLE	0
CAPITAL DISTRIBUTIONS	0
NET CASH PROVIDED BY FINANCING ACTIVITIES.	<u>52,000</u>
<u>NET INCREASE/(DECREASE) IN CASH & EQUIVALENTS</u>	<u>5,669</u>
<u>CASH & EQUIVALENTS AT BEGINNING OF PERIOD</u>	<u>0</u>
<u>CASH & EQUIVALENTS AT END OF PERIOD</u>	<u>5,669</u>

(UNAUDITED)



TELECOMMUNICATIONS SERVICES TARIFF

TITLE SHEET

FLORIDA TELECOMMUNICATIONS TARIFF

This tariff contains the description, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Summit Telco, L.L.C, with principal offices at 2646 South Loop West, Suite 660, Houston, TX 77254. This tariff applies to services furnished within Florida. This tariff is on file with the Florida Public Service Commission, where copies may be inspected during normal business hours.

ISSUED:

EFFECTIVE:

**By: Tariff Administrator
Summit Telco, L.L.C
2646 South Loop, Suite 660
Houston, TX 77254**

TELECOMMUNICATIONS SERVICES TARIFF

CHECK SHEET

Pages 1 through 25 inclusive of this tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date at the bottom of this page.

<u>PAGE</u>	<u>REVISION</u>
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
15	Original
16	Original
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original

ISSUED:

EFFECTIVE:

**By: Tariff Administrator
Summit Telco, L.L.C
2646 South Loop, Suite 660
Houston, TX 77254**

TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED:

EFFECTIVE:

**By: Tariff Administrator
Summit Telco, L.L.C
2646 South Loop, Suite 660
Houston, TX 77254**

TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED:

EFFECTIVE:

**By: Tariff Administrator
Summit Telco, L.L.C
2646 South Loop, Suite 660
Houston, TX 77254**

TELECOMMUNICATIONS SERVICES TARIFF

SYMBOLS

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

- (D) - Discontinued rate or regulation
- (I) - Increase in rate
- (M) - Moved to/from another tariff location
- (N) - New rate or regulation
- (R) - Reduction in rate
- (T) - Change in text only

ISSUED:

EFFECTIVE:

**By: Tariff Administrator
Summit Telco, L.L.C
2646 South Loop, Suite 660
Houston, TX 77254**

TELECOMMUNICATIONS SERVICES TARIFF

TARIFF FORMAT

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

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

- 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 pages contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc., remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular page is the most current on file with the FPSC.

ISSUED:

EFFECTIVE:

**By: Tariff Administrator
Summit Telco, L.L.C
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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - A telephone line provided by local exchange carriers which connect a telephone or other communications device at a customer's location to Summit Telco, L.L.C's underlying carrier's telecommunications network switching center(s).

Authorization or Account Code - A numerical code of four to eleven digits, one or more of which codes are available to a customer to enable the customer to lawfully connect its communication devices for the purpose of accessing the telecommunications networks of Summit Telco, L.L.C's Underlying Carrier, and which thereby are used to prevent unauthorized network access and to identify the customer and its calling volumes for billing purposes.

Carrier or Company - Summit Telco, L.L.C

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

FPSC - Florida Public Service Commission.

Rate Center - The Points of Presence (POPs) or first point of interconnection of local exchange facilities providing access to the long distance network of the Company's Underlying Carrier and the point from which a customer's traffic is rated and billed.

Service Agreement - Company's standard form for the ordering and acceptance of a customer's request for and commitment to take Company's service offerings pursuant to this tariff.

Underlying Carrier - The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of customer telecommunications traffic within Florida.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS

2.1 Undertaking of Company

Company undertakes to provide only those designated Services as are furnished under the terms and subject to the conditions and customer payment of the applicable rates of this tariff for communications originating and terminating within Florida.

The Company's Services are available to its customers twenty-four hours per day, seven days per week.

2.2 Limitations

2.2.1 Service is offered subject to the availability of the facilities of Company's Underlying Carrier and the provisions of this tariff.

2.2.2 Company reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control, or when the customer is using service in violation of the law or the provisions of this tariff.

2.2.3 The Services provided under this tariff are subject to the direct and exclusive control of the Company. No one may alter or affect the Services nor transfer or assign its use of the Services without the express written consent of the Company, which consent may be withheld, without limitation, by Company in its sole discretion at any time such alteration, effect, transfer or assignment would result in an interruption of the Services or a change in the customer's location to which the Services are to be provided.

2.2.4 In the event prior written permission from the Company is given for any assignment or transfer, all regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.3 Disconnection of Service by Company

The Company, upon 5 working days written notice to the customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- 2.3.1 Non-payment of any sum due to Company for regulated service for more than thirty days beyond the date of rendition of the bill for such service.
- 2.3.2 A violation of any regulation governing the service under this tariff.
- 2.3.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.3.4 The Company has given the customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)**2.4 Liabilities of the Company**

- 2.4.1 Company has no liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission or call processing of customer's communications traffic by the Underlying Carrier. The Company's liability for such damages occurring in the course of furnishing the Company's Services but not caused by its gross negligence or willful misconduct or that of its employees or agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which such mistakes, interruptions, omissions, delays, errors, or defects in the Company's furnishing of its Services occur.
- 2.4.2 Acceptance of the provisions of Section 2.3.1 by the Commission does not constitute its determination that the limitation of liability imposed by the Company should be upheld in a court of law; but the recognition that as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of Section 2.3.1.
- 2.4.3 Company shall be indemnified and held harmless by the customer against:
- (A) Claims for libel, slander, or infringement of copyright or trademark arising out of the material, data, information, or other content of a customer's communications traffic;
 - (B) Claims for patent infringement arising from a customer's use of its equipment, facilities or systems with the Company's Services; and
 - (C) All other claims arising out of any act or omission of the customer in connection with any service provided by Company.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.5 Interruption of Service

- 2.5.1 Credit allowance for the interruption of service is subject to the general liability provisions set forth in Section 2.3.1 herein. Customer shall receive no credit allowance for interruption of service due to Carrier's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is claimed. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission within customer's control, or is not in wiring or equipment, if any, furnished by the customer in connection with the Company's Services.
- 2.5.2 No credit is allowed in the event service must be interrupted in order to provide routine service quality or related investigations.
- 2.5.3 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of Company or in the event Company is entitled to a credit for the failure of the facilities of Company's Underlying Carrier used to furnish customer's service.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.5 Interruption of Service (Cont'd)

2.5.4 No credit shall be allowed:

(A) For failure of services or facilities of customer; or

(B) For failure of services or equipment caused by the negligence or wilful acts of customer.

2.5.5 Credit for an interruption shall commence after customer notifies Company of the interruption or when Company becomes aware thereof, and ceases when service has been restored.

2.5.6 Before customer notifies Company of an interruption, customer shall make reasonable attempts to ascertain that customer, a third party or its or their actions and/or equipment is/are not the cause thereof.

2.5.7 Credits are applicable only to that portion of service interrupted.

2.5.8 For purposes of credit computation, every month shall be considered to have 720 hours.

2.5.9 No credit shall be allowed for an interruption of a continuous duration of less than two hours.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)**2.5 Interruption of Service (Cont'd)**

2.5.10 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the service affected for each hour or major fraction thereof that the interruption continues. Calculations of the credit shall be made in accordance with the following formula.

Credit Formula:

$$\text{Credit} = \frac{A}{720} \times B$$

"A" = outage time in hours

"B" = total monthly charge for affected facility

2.6 Restoration of Service

The use and restoration of service shall be administered by the Underlying Carrier in accordance with the priority system specified in the Rules and Regulations of the Florida Public Service Commission.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.7 Deposits

The Company does not require a deposit from its customers.

2.8 Advance Payments

The Company does not collect advance payments.

2.9 Taxes

All state and local taxes levied by governmental entities upon customers (for example, sales taxes) are listed as separate line items on customer bills and are not included in the Company's scheduled rates.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)**2.10 Collection of Charges**

- 2.10.1 In the event Company incurs fees or expenses, including attorneys' fees, to collect, or attempt to collect, any charges owed Company by customer, including charges alleged to have resulted from fraud or abuse of customer's services, the Company shall charge customer all such fees and expenses, including Company's reasonable attorney's fees, incurred to collect or to attempt to collect its charges, and Company shall be entitled to recover such fees or expenses irrespective of whether it prevails in any legal action brought to collect its charges, all in accordance with and subject to the following additional legal requirements.
- 2.10.2 In accordance with the "filed tariff doctrine," as established by judicial and regulatory decisions and precedents, customer shall pay all charges due and owing irrespective of any claims of loss, liability, set off, damages, or other claims against Company to which customer may claim to be entitled. The duty to pay such charges shall arise upon the demand for payment by Company and shall not be delayed or deferred by the commencement of any legal or equitable action by either customer or Company in connection with such charges incurred under this tariff.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.11 Employee Concessions

There are no employee concessions.

2.12 Specific Services

The Company does not currently offer any specific services for which conditions of eligibility apply.

2.13 Billing

Company's billing agent submits Company's bills to customers through certified local exchange carriers operative in Florida.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 3 - DESCRIPTION OF SERVICES

3.1 Usage Based Services

The Company's charges are based on the actual usage of the Company's services, plus any special features and/or service options, if any. Charges begin when the called party answers the call. Charges cease when the call is disconnected.

3.1.1. Long distance usage charges are based on the actual usage of the Company's network. Timing for all calls begin when the called party answers the call (i.e. when two-way communications are established). Answer detection is based on standard industry answer detection methods, including hardware and software answer detection.

3.1.2 Chargeable time for all calls ends when one of the parties disconnects from the call.

3.1.3 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is one minute.

3.1.4 Unless otherwise specified in this tariff, calls are billed in one (1) minute increments, with usage measured and rounded to the next higher call duration increment.

3.1.5 There are no billing charges applied for incomplete calls.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.2 Outbound Interexchange Service

The Company's service is provided for use by presubscribed Customers or Authorized Users. Calls are routed over the Company's resold transmission and switching facilities to any valid NPA-NXX in the state of Florida.

3.3 Toll Free Inbound Service

Toll free inbound service provides for the termination of inbound toll-free calls to one-party exchange access lines from points within Florida to Customer premises within Florida.

3.4 Calling Card

Carrier offers a calling card, which allows Customer to gain access to its long distance service from anywhere nationally with service billed back to the Customer's account.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.5 Services Not Available

Carrier does not offer 900, 911, collect, or third-party billed calling.

3.6 Calculation of Distance

Company's current services are not distance sensitive. Charges tariffed on a distance sensitive basis will be based on the airline distance between rate centers located within Florida. The distance between rate centers is determined by applying the vertical and horizontal coordinates associated with the rate centers involved as set forth in such major carriers tariffs as AT&T's FCC No. 10. A standard formula for calculating distance such as the following will be used.

Step 1 - Obtain the "V" and "H" coordinates for the originating point and the destination point.

Step 2 - Obtain the difference between both the "V" coordinates and "H" coordinates of each of the Rate Centers.

Step 3 - Square the differences obtained in Step 2.

Step 4 - Add the squares of the "V" difference and "H" difference obtained in Step 3.

Step 5 - Divide the sum of the square obtained in Step 4 by ten (10). Round to the next higher whole number if any fraction results from the division.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.7 Minimum Call Completion Rate

Calls may be originated in equal access areas only (FGD) and Carrier's minimum call completion rate is 95%.

3.8 Directory Assistance

The Company provides standard Directory Assistance.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES

Summit Telco's rates are billed in full minute increments unless otherwise provided in this rate sheet. Summit Telco's rates for service for calls originating and terminating within Texas are as follows:

4.1 1+ Outbound and 800/888/877 Inbound Service

Calls of 60 seconds or less in duration are billed on a flat rate per call basis. Calls over 60 seconds in duration are billed in one (1) minute increments and are rounded up to the next highest increment.

Usage Charge for
Calls Exceeding
60 Seconds in Duration

\$0.22/minute

Usage Charge for
Calls 1- 60 Seconds
in Duration

\$0.09/call

4.1.1 Fourth Month Free

Customers who meet the eligibility requirements set forth in 4.1.1.2 following will receive a credit as provided following.

4.1.1.1 After a Customer's third full calendar month of consecutive uninterrupted service, a credit shall be issued equal to the average of the Customer's monthly charges (excluding calling card calls, fees, taxes, surcharges, assessments, and similar charges) for the preceding consecutive three-month period.

4.1.1.2 Eligibility. To be eligible for the Fourth Month free bonus, each Customer must:

- A. have no record of nonpayment in any of the preceding consecutive three-month period of service; and
- B. have received three consecutive and uninterrupted invoices over the preceding three-month period.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES

4.1.2 Eighth Month Free

Customers who meet the eligibility requirements set forth in 4.1.2.2 following will receive a credit as provided following.

4.1.2.1 After a Customer's seventh full calendar month of consecutive uninterrupted service, a credit shall be issued equal to the average of the Customer's monthly charges (excluding calling card calls, fees, taxes, surcharges, assessments, and similar charges) for the preceding consecutive three-month period.

4.1.2.2 Eligibility. To be eligible for the Eighth Month free bonus, each Customer must:

- A. have no record of nonpayment in any of the preceding consecutive three-month period of service;
- B. have received three consecutive and uninterrupted invoices over the preceding three-month period;

4.1.3 Twelfth Month Free

Customers who meet the eligibility requirements set forth in 4.1.3.2 following will receive a credit as provided following.

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES (Cont'd)

4.1.3.1 After a Customer's eleventh full calendar month of consecutive uninterrupted service, a credit shall be issued equal to the average of the Customer's monthly charges (excluding calling card calls, fees, taxes, surcharges, assessments, and similar charges) for the preceding consecutive three-month period.

4.1.3.2 Eligibility. To be eligible for the Twelfth Month free bonus, each Customer must:

- A. have no record of nonpayment in any of the preceding consecutive three-month period of service; and
- B. have received three consecutive and uninterrupted invoices over the preceding three-month period.

4.2 Calling Card Service

Calls are billed in one (1) minute increments and are rounded up to the next highest increment.

Usage Charge

\$0.22/minute

4.3 MISCELLANEOUS CHARGES:

4.4 Remote Access Surcharge

A \$0.35 surcharge applies for each remote access call originating from a payphone.

4.5 Calling Card Bong Charge

A \$0.50 per call charge applies to each call initiated using calling card access.

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