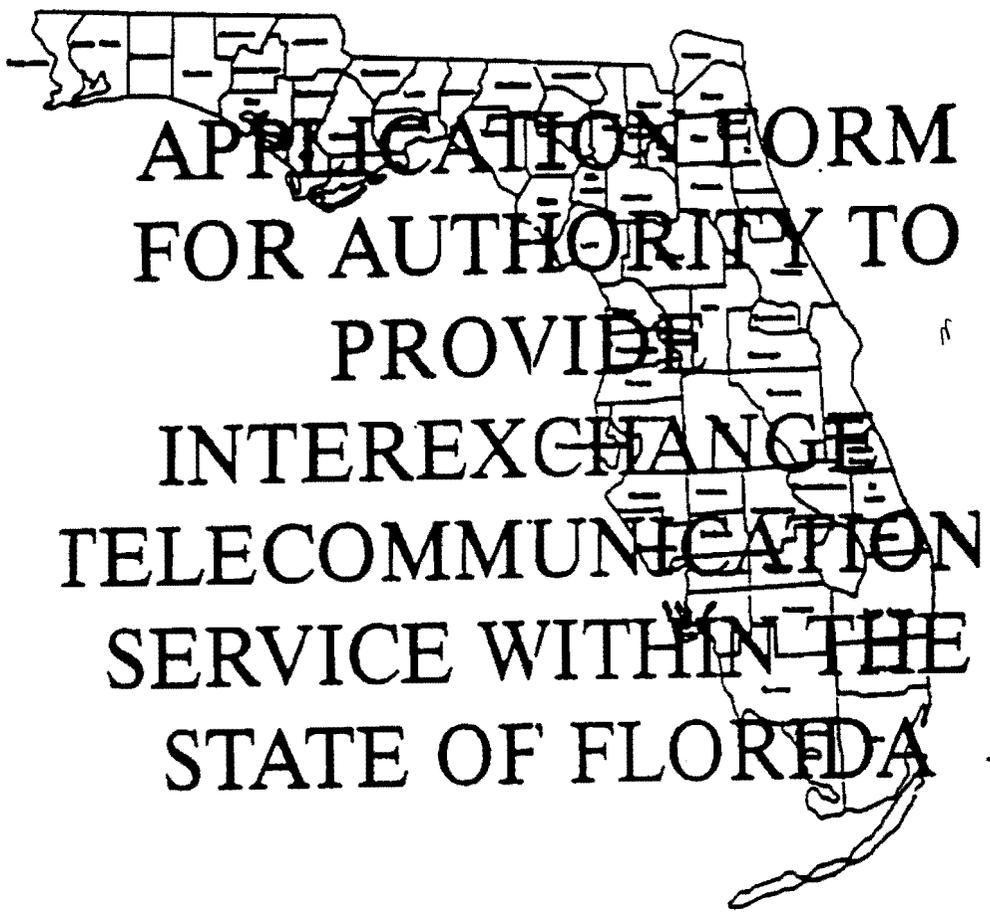


ORIGINAL

000302-TI



APPLICATION FORM  
FOR AUTHORITY TO  
PROVIDE  
INTEREXCHANGE  
TELECOMMUNICATION  
SERVICE WITHIN THE  
STATE OF FLORIDA

DOCUMENT NUMBER-DATE

03126 MAR 10 8

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  
2540 Shumard Oak Blvd., Gerald Gunter Building  
Tallahassee, Florida 32399-0850  
(850) 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., Gerald Gunter Building  
Tallahassee, Florida 32399-0850  
(850) 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 EXCs; 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):

(x) 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).

3. Name of <sup>limited liability company</sup> ~~corporation~~, partnership, cooperative, joint venture or sole proprietorship: USCarrier Telecom, LLC

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

5. National address (including street name & number, post office box, city, state and zip code). 100 Galleria Parkway  
Suite 200  
Atlanta, GA 30339

6. Florida address (including street name & number, post office box, city, state and zip code): c/o Corporation Service Company  
1201 Hays Street  
Tallahassee, FL 32301

7. Structure of organization;

- Individual                       Corporation  
 Foreign Corporation       Foreign Partnership  
 General Partnership       Limited Partnership  
 Other, Limited Liability Company

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

N/A

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

(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

limited liability company  
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: \_\_\_\_\_

Please see Exhibit 1

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

Corporation Service Company  
1201 Hays Street  
Tallahassee, FL 32301

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

Fictitious name registration number: \_\_\_\_\_

- (d) Indicate if any of the officers, directors, or any of the ten largest ~~responsible~~ members 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

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

(a) The application; Kenneth Hoffman  
Rutledge, Ecenia, Purnell &  
Hoffman  
215 South Monroe Street  
Suite 420  
Tallahassee, FL 32301  
Tel: 850/681-6788  
Fax: 850/681-6515

(b) Official Point of Contact for the ongoing operations of the company; Robert Warrington  
100 Galleria Parkway  
Suite 200  
Atlanta, GA 30339  
Tel: 770/988-2900  
Fax: 770/988-2929

(c) Tariff; Robert Warrington  
(Address as provided above)

(d) Complaints/Inquiries from customers;

Robert Warrington  
(Address as provided above)

11. List the states in which the applicant:

(a) Has operated as an interexchange carrier.

Georgia

(b) Has applications pending to be certificated as an interexchange carrier.

Please see Exhibit 2

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

Georgia

(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 interexchange 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: \_\_\_\_\_

Applicant may offer these services to other certified telephone companies. However, applicant has, as yet, not finalized its plans regarding these services.

13. Do you have a marketing program?

Please see Exhibit 3

14. Will your marketing program:

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

Please see Exhibit 3

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

Please see Exhibit 3

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

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Residential customers. | <input checked="" type="checkbox"/> Business customers.        |
| <input type="checkbox"/> PATS providers.                   | <input type="checkbox"/> PATS station end-users.               |
| <input checked="" type="checkbox"/> Hotels & motels.       | <input checked="" type="checkbox"/> Hotel & motel guests.      |
| <input checked="" type="checkbox"/> Universities.          | <input checked="" type="checkbox"/> Univ. dormitory residents. |
| <input type="checkbox"/> 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.

Applicant will provide its own billing.

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

A. Financial capability.

Please see Exhibit 4

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:

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.

C. Technical capability.

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).

Please see Exhibit 5

20. The applicant will provide the following interexchange 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)  
(For ex. 1.544 mbs., DS-3, etc.)

- Travel Service
- Method of access is 950
- Method of access is 800
  
- 900 service
  
- Operator Services
- Available to presubscribed customers
- Available to non presubscribed 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 interexchange carrier services that were checked in services included (above).

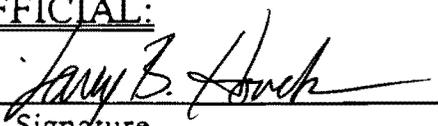
N/A

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 interexchange telephone service in Florida. I also understand that it is my responsibility to comply with all current and future Commission requirements regarding interexchange 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	<u>2-29-2000</u> Date
Larry Houck Chairman and President _____ Title	<u>770/988-2900</u> Telephone No.

**\*\* APPENDIX A \*\***

**CERTIFICATE TRANSFER STATEMENT**

I, (TYPE NAME) \_\_\_\_\_,

(TITLE) \_\_\_\_\_,

of (NAME OF COMPANY) \_\_\_\_\_

\_\_\_\_\_, and current holder of certificate number \_\_\_\_\_,

have reviewed this application and join in the petitioner's request for a transfer of the above-mention certificate.

**UTILITY OFFICIAL:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone No.

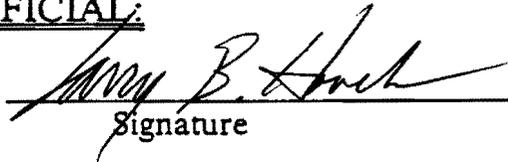
**\*\* APPENDIX B \*\***

**CUSTOMER DEPOSITS AND ADVANCE PAYMENTS**

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

- (x)      **The applicant will not collect deposits nor will it collect payments for service more than one month in advance.**
  
- ( )      **The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)**

**UTILITY OFFICIAL:**

  
\_\_\_\_\_  
Signature

2-29-2000  
Date

Larry Houck  
Chairman and President  
\_\_\_\_\_  
Title

770/988-2900  
\_\_\_\_\_  
Telephone No.

**\*\* APPENDIX C \*\***

**INTRASTATE NETWORK**

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

- |   |   |
|---|---|
| 1) 421 West Church St.<br>Jacksonville, FA<br>Lease property<br>Own equipment | 2) 601 Atlas Street<br>Tallahassee, FL<br>Own property<br>Own equipment |
| 3)  | 4)  |

Please see Exhibit 6

2. SWITCHES: Address where located, by type of switch, and indicate if owned or leased. Please see Exhibit 6

- |    |    |
|----|----|
| 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.

**POP-to-POP**

**TYPE**

**OWNERSHIP**

1)

2)

Please see Exhibit 6

4. **ORIGINATING SERVICE:** Please provide the list of exchanges where you are proposing to provide originating service within thirty (30) days after the effective date of the certificate (Appendix D).

Please see Exhibit 7

5. **TRAFFIC RESTRICTIONS:** Please explain how the applicant will comply with the EAEA requirements contained in Commission Rule 25-24.471 (4) (a) (copy enclosed).

N/A

6. **CURRENT FLORIDA INTRASTATE SERVICES:** Applicant has ( ) or has not (X ) previously provided intrastate telecommunications in Florida. If the answer is has, fully describe the following:

a) What services have been provided and when did these services begin?

b) If the services are not currently offered, when were they discontinued?

**UTILITY OFFICIAL:**

Larry B. Houck  
Signature

2-29-2000  
Date

Larry Houck

Chairman and President  
Title

770/988-2900  
Telephone No.

**\*\* APPENDIX D \*\***

**FLORIDA TELEPHONE EXCHANGES**

**AND**

**EAS ROUTES**

Describe the service area in which you hold yourself out to provide service by telephone company exchange. If all services listed in your tariff are not offered at all locations, so indicate. Please see Exhibit 7

In an effort to assist you, attached is a list of major exchanges in Florida showing the small exchanges with which each has extended area service (EAS).

**\*\* FLORIDA EAS FOR MAJOR EXCHANGES \*\***

<u>Extended Service Area</u>	<u>with</u>	<u>These Exchanges</u>
PENSACOLA:		Cantonment, Gulf Breeze Pace, Milton Holley-Navarre.
PANAMA CITY:		Lynn Haven, Panama City Beach, Youngstown-Fountain and Tyndall AFB.
TALLAHASSEE:		Crawfordville, Havana, Monticello, Panacea, Sopchoppy and St. Marks.
JACKSONVILLE:		Baldwin, Ft. George, Jacksonville Beach, Callahan, Maxville, Middleburg, Orange Park, Ponte Vedra and Julington.
GAINESVILLE:		Alachua, Archer, Brooker, Hawthorne, High Springs, Melrose, Micanopy, Newberry and Waldo.

OCALA:	Belleview, Citra, Dunnellon, Forest Lady Lake (B21), McIntosh, Oklawaha, Orange Springs, Salt Springs and Silver Springs Shores.										
DAYTONA BEACH:	New Smyrna Beach.										
TAMPA:	<table border="0"> <tr> <td>Central</td> <td>None</td> </tr> <tr> <td>East</td> <td>Plant City</td> </tr> <tr> <td>North</td> <td>Zephyrhills</td> </tr> <tr> <td>South</td> <td>Palmetto</td> </tr> <tr> <td>West</td> <td>Clearwater</td> </tr> </table>	Central	None	East	Plant City	North	Zephyrhills	South	Palmetto	West	Clearwater
Central	None										
East	Plant City										
North	Zephyrhills										
South	Palmetto										
West	Clearwater										
CLEARWATER:	St. Petersburg, Tampa-West and Tarpon Springs.										
ST. PETERSBURG:	Clearwater.										
LAKELAND:	Bartow, Mulberry, Plant City, Polk City and Winter Haven.										
ORLANDO:	Apopka, East Orange, Lake Buena Vista, Oviedo, Windermere, Winter Garden, Winter Park, Montverde, Reedy Creek, and Oviedo-Winter Springs.										
WINTER PARK:	Apopka, East Orange, Lake Buena Vista, Orlando, Oviedo, Sanford, Windermere, Winter Garden, Oviedo-Winter Springs, Reedy Creek, Geneva and Montverde.										
TITUSVILLE:	Cocoa and Cocoa Beach.										
COCOA:	Cocoa Beach, Eau Gallie, Melbourne and Titusville.										
MELBOURNE:	Cocoa, Cocoa Beach, Eau Gallie and Sebastian.										
SARASOTA:	Bradenton, Myakka and Venice.										

FT. MYERS:

Cape Coral, Ft. Myers Beach, North Cape Coral, North Ft. Myers, Pine Island, Lehigh Acres and Sanibel-Captiva Islands.

NAPLES:

Marco Island and North Naples.

WEST PALM BEACH:

Boynton Beach and Jupiter.

POMPANO BEACH:

Boca Raton, Coral Springs, Deerfield Beach and Ft. Lauderdale.

FT. LAUDERDALE:

Coral Springs, Deerfield Beach, Hollywood and Pompano Beach.

HOLLYWOOD:

Ft. Lauderdale and North Dade.

NORTH DADE:

Hollywood, Miami and Perrine.

MIAMI:

Homestead, North Dade and Perrine

EXHIBIT 1

9. If foreign Limited Liability Company, please give:

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

Corporate charter number: \_\_\_\_\_

A copy of Applicant's application for authority to conduct business as a foreign limited liability company is attached hereto. This application is currently pending. Applicant will notify the Commission when this application is approved, and will provide the corporate registration number at that time.

APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO TRANSACT  
BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 607.1503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN CORPORATION TO TRANSACT BUSINESS IN THE STATE OF FLORIDA.

1. US Carrier Telecom, LLC  
(Name of corporation; must include the word "INCORPORATED", "COMPANY", "CORPORATION" or words or abbreviations of like import in language as will clearly indicate that it is a corporation instead of a natural person or partnership if not so contained in the name at present.)

2. Georgia 3. 58-2325043  
(State or country under the law of which it is incorporated) (FEI number, if applicable)

4. 06/16/97 5. Perpetual  
(Date of incorporation) (Duration: Year corp. will cease to exist or "perpetual")

6. N/A - Pending Approval of Fla. PSC  
(Date first transacted business in Florida.) (SEE SECTIONS 607.1501, 607.1502 and 817.155, F.S.)

7. 100 Galleria Parkway, Suite 200  
Atlanta, GA 30339  
(Current mailing address)

8. Telecommunications Service Provider  
(Purpose(s) of corporation authorized in home state or country to be carried out in state of Florida)

9. Name and street address of Florida registered agent: (P.O. Box or Mail Drop Box **NOT** acceptable)

Name: Corporation Service Company

Office Address: 1201 Hays Street

Tallahassee, Florida, 32301  
(Zip code)

10. Registered agent's acceptance:

*Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.*

\_\_\_\_\_  
(Registered agent's signature)

11. Attached is a certificate of existence duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated.

12. Names and addresses of officers and/or directors: (Street address **ONLY** - P.O. Box **NOT** acceptable)

A. DIRECTORS (Street address only - P.O. Box NOT acceptable)

Chairman: Larry Houck

Address: 107 East Liberty Street  
Washington, GA 30673

Vice Chairman: \_\_\_\_\_

Address: \_\_\_\_\_

Director: Roger Futch

Address: 36 Dalton Street  
Ellijay, GA 30540

Director: Johnny Zoucks

Address: 100 Ryon Avenue  
Hinesville, GA 31313

B. OFFICERS (Street address only - P.O. Box NOT acceptable)

President: General Manager / CFO - Joseph Hensley

Address: 100 Galleria Parkway, Suite 200  
Atlanta, GA 30339

Vice President: \_\_\_\_\_

Address: \_\_\_\_\_

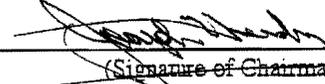
Secretary: \_\_\_\_\_

Address: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Address: \_\_\_\_\_

NOTE: If necessary, you may attach an addendum to the application listing additional officers and/or directors.

13.   
(Signature of Chairman, Vice Chairman, or any officer listed in number 12 of the application)

14. Joseph Hensley - General Manager / CFO  
(Typed or printed name and capacity of person signing application)

**Secretary of State**  
**Corporations Division**  
**315 West Tower**  
**#2 Martin Luther King, Jr. Dr.**  
**Atlanta, Georgia 30334-1530**

DOCKET NUMBER : 000491183  
CONTROL NUMBER : K722567  
DATE INC/AUTH/FILED: 06/16/1997  
JURISDICTION : GEORGIA  
PRINT DATE : 02/18/2000  
FORM NUMBER : 211

USCARRIER TELECOM  
ROBERT D. WARRINGTON  
100 GALLERIA PKWY STE 20  
ATLANTA, GA 30339

**CERTIFICATE OF EXISTENCE**

I, Cathy Cox, the Secretary of State of the State of Georgia, do hereby certify under the seal of my office that

**USCARRIER TELECOM, LLC**  
**A GEORGIA LIMITED LIABILITY COMPANY**

was formed in the jurisdiction stated above or was authorized to transact business in Georgia on the above date. Said entity is in compliance with the applicable filing and annual registration provisions of Title 14 of the Official Code of Georgia Annotated and has not filed articles of dissolution, certificate of cancellation or any other similar document with the office of the Secretary of State.

This certificate relates only to the legal existence of the above-named entity as of the date issued. It does not certify whether or not a notice of intent to dissolve, an application for withdrawal, a statement of commencement of winding up or any other similar document has been filed or is pending with the Secretary of State.

This certificate is issued pursuant to Title 14 of the Official Code of Georgia Annotated and is prima-facie evidence that said entity is in existence or is authorized to transact business in this state.



Cathy Cox  
Secretary of State

**EXHIBIT 2**

**11. List the states in which the applicant:**

- (b) Has applications pending to be certificated as an interexchange carrier.**

Applicant has pending an application to provide facilities-based intrastate interexchange in Georgia to augment its existing intrastate interexchange resale authority. Applicant plans to file similar applications in other states in the southeast region where Applicant has concluded that market conditions support its entry.

**EXHIBIT 3**

13. Do you have a marketing program?

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.)

Applicant currently is in the process of developing its marketing plans for the interexchange services it plans to offer in Florida. Applicant's marketing plans will be aimed at complying with applicable Florida requirements.

Exhibit 4  
(Page 1 of 8)

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:

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.

**EXHIBIT 4**  
(Page 2 of 8)

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.**

**C. Technical capability.**

The following is in response to all of the questions above:

Applicant is a Georgia limited liability company that was organized on June 16, 1997. As Applicant was organized in 1997, financial statements for the past three years are not available. Accordingly, financial statements from date of inception to December 31, 1999, are provided. These materials are, as described in the cover letter to this Application, filed under Confidential Information protection pursuant to Section 25-22.006 of the Rules of the Florida Public Service Commission.

Applicant possesses the requisite financial capability to provide interexchange private line service in the State of Florida for which it seeks authority. With respect to its initial capitalization, Applicant is similar to other start-up companies in that the Applicant may require support from its Members. In addition, Applicant expects to rely upon the generated revenues arising from its operations, as well as commercial borrowing. These revenue streams will also provide sufficient financial capability to maintain the facilities as required by Applicant to provide the services proposed herein, including ongoing lease or other expense associated with those facilities.

**EXHIBIT 4**  
(Page 3 of 8)

Applicant has, as demonstrated in the attached financial reports, sufficient financial capability to offer its proposed services. Applicant anticipates that these obligations will be similar to those Applicant has encountered as it plans to offer service in areas in which it is certificated.

Applicant also has the managerial and technical capability to provide the requested services. Applicant's members consist of 20 telecommunications carriers, or affiliates of such carriers. These companies and their locations are:

- AccuComm Telecommunications, Inc., Irwinton, GA
- Alma Telephone Company, Alma, GA
- Brantley Telephone Company, Inc., Nahunta, GA
- Bulloch Cellular, Inc., Statesboro, GA
- Citizens Telephone Company, Inc., Leslie, GA
- Coastal Utilities, Inc., Hinesville, GA
- ComSouth Corporation, Hawkinsville, GA
- The Darien Telephone Co., Inc., Darien, GA
- Dycom Holding, Inc., Washington, GA
- Ellijay Telephone Company, Ellijay, GA
- Hargray Holding Corporation, Hilton Head Island, SC
- Lintel, Inc., Hartwell, GA
- Pembroke Telephone Co., Pembroke, GA
- Pineland Cellular, Inc., Metter, GA
- Plant Telephone Company, Tifton, GA
- Planters Rural Telephone Cooperative, Inc.,  
Newington, GA
- Progressive Holding Co., Rentz, GA
- Public Service Communications, Inc., Reynolds, GA
- Ringgold Telephone Company, Ringgold, GA
- Waverly Hall Telephone Company, Inc., Waverly Hall,  
GA

Each of Applicant's Members, as a currently-operating telecommunications carrier or affiliate of a telecommunications carrier, has experience with all

**EXHIBIT 4**  
(Page 4 of 8)

aspects of implementing, offering, and providing telecommunications services to end-users. To the extent necessary, Applicant can rely upon this expertise with respect to its operation in the State of Florida.

Applicant's technical and managerial capabilities are further demonstrated by the experience of its senior level executives and management team. Each of Applicant's senior level executives and management team possesses relevant educational and technical training, as described below:

**Larry B. Houck (Chairman and President).** Mr. Houck is currently Vice-President of Wilkes Telephone & Electric Company, and is responsible for the operations of the company and its affiliates. Prior to joining Wilkes, Mr. Houck was employed with Centel for more than 23 years in a variety of capacities, and last served as Vice-President and operating officer for Centel's North Carolina operations during 1984-1993. Mr. Houck holds a BA from Lenoir-Rhyne College, Hickory, North Carolina, and is a graduate of the University of Virginia Darden School of Business Executive Program.

**Roger Futch (Treasurer).** Mr. Futch has been with Ellijay Telephone Company since 1968, when he started as switching coordinator, and for the past 16 years has served as Network Manager. Mr. Futch has three years experience with AT&T, and has completed various technical and business courses relating to telephony and management. Mr. Futch has served on various committees of the Georgia Telephone Association and is currently a Director and Member of the Executive Committee of the Georgia and Savannah Independent PCS Corporation.

**Johnny Zoucks (Secretary).** Mr. Zoucks is with Coastal Utilities, where he has been employed for 22 years as Controller, Accounting Manager, Accounting Supervisor, and Accountant. Mr. Zoucks holds a Bachelor of Business Administration from the University of Georgia, and completed the United States Independent Telephone Association Cost Separations at Michigan State University; he has also completed telephone-related

**EXHIBIT 4**  
(Page 5 of 8)

seminars with Ernest & Young, Arthur Anderson, John Starulakis, Inc., GVNW, Cathey, Hutton & Associates, and other industry-specific courses.

**Greg Davis.** Mr. Davis currently serves as Vice-President of Operations with Alma Telephone Company. Mr. Davis previously served as Manager of the Engineering Department of Hargray Telephone Company for seven years, where he oversaw construction of Network Switching and Transport and Outside Plant Distribution Systems, and served as Project Manager for various start-up Business-International Communications, Wireless. Mr. Davis holds a BSEE/Electrical Engineering from the Georgia Institute of Technology, and has worked in communications engineering and telephone plant and accounting for the past 21 years.

**Bill Ericsson.** Mr. Ericsson has been with Ringgold Telephone Company for nine years. During this time, he has served as director of sales and marketing, and has overseen commercial and Internet services. Mr. Ericsson is currently General Manager of Ringgold's subsidiary RTC Communications, and has served on the board of the planning committee for the company's PCS organization since its inception. Prior to joining Ringgold, Mr. Ericsson held positions with ITT, General Dynamics, and Northern Telecom.

**Council Mitchell** Mr. Mitchell is the Vice President and General Manager of AccuComm Telecommunications, Inc., formerly known as Wilkinson County Telephone Company. Mr. Mitchell has over 25 years of experience in telephony. At the age of 15, Mr. Mitchell began working part-time at the telephone company and, after graduating from college (University of Georgia, B.A. in Agriculture), went to work for the company on a full-time basis. Mr. Mitchell also assisted in establishing an interconnect company, AccuComm Networks, Inc., which provides services such as corporate PC maintenance, LAN installation and administration, PBX and key system sales and maintenance, and Internet.

**EXHIBIT 4**  
(Page 6 of 8)

**Ed Mullis** Mr. Mullis is the General Manager of Progressive Rural Telephone Co-op. Mr. Mullis has over 40 years of telecommunications experience, beginning his career in telecommunications during the Korean war when he joined the Air Force and worked with microwave communications. In 1957 after returning from the war, Mr. Mullis joined Southeast Telephone Company in Florida, thereafter joining Progressive Rural in 1978.

**Mike Shepard** Mr. Shepard is Executive Vice President of Hargray Communications Group and has been involved with all aspects of the operations of the Hargray Companies for the past 27 years. He is a past director of the Eastern Rural Telecom Association, and is a Director of Palmetto Network of South Carolina, South Carolina Net, and Communications Data Group.

In addition to the individuals listed above, Applicant has key personnel that run its day-to-day operations. These individuals are listed below:

**Joseph C. Hensley** Mr. Hensley is Chief Financial Officer and Interim General Manager. He is responsible for successfully interpreting all company policies, company operations, employee productivity, financial and commercial affairs. Mr. Hensley is a former managing partner of his CPA firm, Hensley, Land & Associates, PC. He has over twenty years experience in a number of areas related to business, industry, governments and regulated entities. Much of his experience is with start-up companies, professional consulting, planning, and personnel consulting. He graduated from Georgia Tech with a BS in Industrial Management, with highest honors.

**Jerry Neal** Mr. Neal is Director of Network Operations and Development and is responsible for the design, development and overall support of Applicant's planned network. He is also responsible for the development of voice and data switch transport networks for Applicant's interexchange and competitive local operations. Mr. Neal has over 20 years of

**EXHIBIT 4**

(Page 7 of 8)

telecommunications experience in the management and design of large scale voice and data networks. Prior to joining Applicant, Mr. Neal was Vice President, Network Services for Interstate and Valley Telephone Companies and assisted in the network design for other affiliated companies.

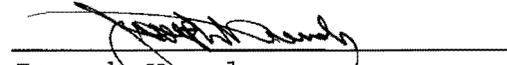
**Robert Warrington** Mr. Warrington is Manager of Tariffs and Regulatory Affairs and is responsible for Applicant's compliance with State and Federal regulatory requirements. Mr. Warrington has worked in the telecommunications industry for over 20 years. He began his career with AT&T Bell Laboratories and, at divestiture, moved to Bellcore where he was involved in regulatory, public policy and financial matters. Prior to joining Applicant, Mr. Warrington was Director, Public Policy & Regulatory Solutions for Bellcore and provided regulatory and public policy consulting to incumbent and emerging local exchange carriers.

**EXHIBIT 4**  
(Page 8 of 8)

**AFFIDAVIT**

The undersigned affirm that the following financial statements (Exhibit 4a) are true and correct.

  
\_\_\_\_\_  
Larry Houck  
Chairman and President

  
\_\_\_\_\_  
Joseph Hensley  
General Mgr./CFO

Sworn before me this 29th day of February, 2000.

  
\_\_\_\_\_  
Notary

EXHIBIT 4a

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Florida Public Service Commission

Application Of USCarrier Telecom, LLC  
For Authority To Provide  
Interexchange Telecommunication Service  
Within the State of Florida

\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\*

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Attached hereto are the financial statements of  
Applicant as of Year-end, 1999.

USCarrier Telecom, LLC  
BALANCE SHEET  
December 31, 1999

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Florida Public Service Commission

Application Of USCarrier Telecom, LLC  
For Authority To Provide  
Interexchange Telecommunication Service  
Within the State of Florida

\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\*

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**USCarrier Telecom, LLC**  
**LIABILITIES AND MEMBERS' EQUITY**  
December 31, 1999

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
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Within the State of Florida**

**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**

**STATEMENT OF INCOME**

For the One Month and Twelve Months Ended December 31,  
1999

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
Interexchange Telecommunication Service  
Within the State of Florida**

**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**

**STATEMENT OF INCOME**

For the One Month and Twelve Months Ended December 31,  
1999

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
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Within the State of Florida**

**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**  
**STATEMENT OF CHANGES IN MEMBERS' EQUITY**  
For the Twelve Months Ended December 31, 1999

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
Interexchange Telecommunication Service  
Within the State of Florida**

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**USCarrier Telecom, LLC**  
**STATEMENT OF CASH FLOWS**

For the One Month and Twelve Months Ended December 31,  
1999

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
Interexchange Telecommunication Service  
Within the State of Florida**

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**USCarrier Telecom, LLC**  
**STATEMENT OF CASH FLOWS**

For the One Month and Twelve Months Ended December 31,  
1999

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**Florida Public Service Commission**

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**USCarrier Telecom, LLC**  
**BALANCE SHEET**  
December 31, 1998 and 1997

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
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**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**  
**LIABILITIES AND MEMBERS' EQUITY**  
December 31, 1998 and 1997

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
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Within the State of Florida**

**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**  
**STATEMENT OF INCOME**  
For the Years Ended December 31, 1998 and 1997

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC**  
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**Within the State of Florida**

**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**  
**STATEMENT OF CHANGES IN MEMBERS' EQUITY**  
**For Years Ended December 31, 1998 and 1997**

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC**  
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**Within the State of Florida**

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**USCarrier Telecom, LLC**  
**STATEMENT OF CASH FLOWS**  
For the Years Ended December 31, 1998 and 1997

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
For Authority To Provide  
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Within the State of Florida**

**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 1998**

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
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**USCarrier Telecom, LLC**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 1998**

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
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Within the State of Florida**

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**USCarrier Telecom, LLC**  
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December 31, 1998

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
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**USCarrier Telecom, LLC**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 1998**

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
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Within the State of Florida**

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**USCarrier Telecom, LLC**  
**NOTES TO FINANCIAL STATEMENTS**  
December 31, 1998

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**Florida Public Service Commission**  
**Application Of USCarrier Telecom, LLC**  
**For Authority To Provide**  
**Interexchange Telecommunication Service**  
**Within the State of Florida**

**\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\***

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**USCarrier Telecom, LLC**  
**NOTES TO FINANCIAL STATEMENTS**  
**December 31, 1998**

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**Florida Public Service Commission**

**Application Of USCarrier Telecom, LLC  
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Interexchange Telecommunication Service  
Within the State of Florida**

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USCarrier Telecom, LLC

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Florida Public Service Commission

Application Of USCarrier Telecom, LLC  
For Authority To Provide  
Interexchange Telecommunication Service  
Within the State of Florida

\*\*\*\*\* PUBLIC DISCLOSURE DOCUMENT \*\*\*\*\*

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Applicant anticipates spending approximately \$--- million in 1999 and \$--- million in the year 2000 for the lease and/or construction of its interstate network. Upon approval of this application, this network will also be used for intrastate communications services offered by Applicant to its customers.

USCarrier Telecom, LLC

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Florida Public Service Commission

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Within the State of Florida

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Applicant has established a short-term line of credit with the Gilmer County Bank of Georgia for an amount not to exceed \$------. This credit device is secured solely by Applicant's Property and Equipment and is for a period of less than twelve (12) months. Currently, Applicant is in preliminary discussions for additional financing for \$----- -- with another financing organization.

EXHIBIT 5

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).

Please see attached tariff.

EXHIBIT 6  
APPENDIX C

1. POP: Addresses where located, and indicate if owned or leased.
2. Switches: Address where located, by type of switch, and indicate if owned or leased.
3. Transmission Facilities: Pop-to-Pop facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.

Initially, Applicant plans to resell existing interexchange network capability and to provide facilities-based private line services where economically feasible. With respect to its proposed intrastate interexchange facilities-based operations, Applicant will seek to acquire rights to utilize existing interexchange facilities where possible, and, where appropriate, Applicant may elect to construct its own facilities.

EXHIBIT 7  
APPENDIX C

4. **ORIGINATING SERVICE:** Please provide the list of exchanges where you are proposing to provide originating service within thirty (30) days after the effective date of the certificate (Appendix D).

Applicant's proposed intrastate, interexchange private line services will be provided over proposed facilities whose specific locations will be based on market factors and customer requirements. All local exchange facilities will be the responsibility of the customer. At the request of the customer, however, Applicant may act as the customer's agent to arrange for all necessary local exchange facilities.

**TITLE SHEET**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of resold and facilities-based interexchange telecommunications services provided by USCarrier Telecom, LLC, with offices at 100 Galleria Parkway, Suite 200, Atlanta, Georgia, 30339. This tariff applies to services furnished within the State of Florida. This tariff is on file with the Florida Public Service Commission ("FPSC"), and copies may be inspected during normal business hours at the Company's principal place of business.

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Issued: February \_\_, 2000

Effective: February \_\_, 2000

Robert Warrington, Manager of Tariffs and Regulatory Affairs  
100 Galleria Parkway, Suite 200  
Atlanta, GA 30339

**TABLE OF CONTENTS**

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2. RULES AND REGULATIONS ..... 7

3. DESCRIPTION, RATES AND CHARGES FOR DIGITAL PRIVATE LINE SERVICE .. 13

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**CHECK SHEET**

Sheets 1 through 17, inclusive, of this tariff are effective as of the date shown at the bottom of the respective sheets. Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

<u>SHEET</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

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Atlanta, GA 30339

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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 their tariff approval process, the most current sheet number file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet most 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 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 sheet is the most current on file with the FPSC.

**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, but no change in rate or charge.

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Issued: February \_\_, 2000

Effective: February \_\_, 2000

Robert Warrington, Manager of Tariffs and Regulatory Affairs  
100 Galleria Parkway, Suite 200  
Atlanta, GA 30339

**SECTION 1**  
**TECHNICAL TERMS and ABBREVIATIONS**

**COMMISSION**

The term "Commission" refers to the Public Service Commission of Florida.

**COMPANY or CARRIER**

USCarrier Telecom, LLC

**CUSTOMER**

The person, firm, corporation, or other entity which orders service and is responsible for payment of charges due and compliance with the company's tariff regulations.

**MILEAGE**

Airline miles between calling areas. The airline mileage distance between the origination and termination of a telephone call.

**UNDERLYING CARRIER**

A variety of telecommunications carriers whose network facilities provide the technical capability and capacity necessary for the transmission and reception of customer telecommunications traffic within Florida. Telecommunications is the transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or other similar communications.

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Issued: February \_\_, 2000

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Robert Warrington, Manager of Tariffs and Regulatory Affairs  
100 Galleria Parkway, Suite 200  
Atlanta, GA 30339

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**SECTION 2**

**RULES and REGULATIONS**

2.1 **Undertaking of Company**

- 2.1.1 Company's services are furnished for intrastate communications originating at specified points within the State of Florida under terms of this Tariff.
- 2.1.2 Company provides the communications services provided hereunder in accordance with the terms and conditions set forth under this Tariff. It may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities, when authorized by the Customer, to allow connection of a Customer's location to Company's point-of-presence. Company's services are provided on a monthly basis, unless ordered on a longer term basis, and are available twenty-four (24) hours per day, seven (7) days a week.

2.2 **Limitations**

- 2.2.1 Service is offered subject to the availability of facilities of Underlying Carriers 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 Prior written permission from Company is required before 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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Issued: February \_\_, 2000

Effective: February \_\_, 2000

Robert Warrington, Manager of Tariffs and Regulatory Affairs  
100 Galleria Parkway, Suite 200  
Atlanta, GA 30339

2. **RULES and REGULATIONS** (Cont'd)

2.3 **Liabilities of the Company**

2.3.1 Company's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the aforementioned faults in transmission occur.

- A. The liability of the Company, if any, for damages resulting in whole or in part from or arising in connection with the furnishing of Service under this Tariff, including but not limited to mistakes, omissions, interruptions, delays, errors or other defects in transmission occurring after Service activation and during the course of furnishing Service or arising out of any failure to furnish Service shall in no event exceed an amount of money equivalent to the proportionate charge to Customer for the period of Service during which such mistakes, omissions, interruptions, delays, errors, or defects in transmission occur and continue. However, any such mistakes, omissions, interruptions, delays, errors, or defects in transmission or Service which are caused by or contributed to by the negligence or willful act of Customer which arise from the use of Customer-Provided Facilities or equipment shall not result in the imposition of any liability whatsoever upon the Company.
- B. The Company is not liable for any act, omission, or negligence of any Local Exchange Carrier or other provider whose facilities are used concurrently in furnishing any portion of the Services received by Customer or the unavailability of or any delays in the furnishing of any Services or facilities which are provided by any Local Exchange Carrier or an Underlying Carrier.

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Issued: February \_\_, 2000

Effective: February \_\_, 2000

Robert Warrington, Manager of Tariffs and Regulatory Affairs  
100 Galleria Parkway, Suite 200  
Atlanta, GA 30339

2. **RULES and REGULATIONS** (Cont'd)

2.3 **Liabilities of the Company** (Cont'd)

2.3.1 (Cont'd)

- C. Under no circumstances shall the Company or its officers, agents, or employees be liable for indirect, incidental, special, or consequential damages.
- D. The Company shall not be liable for any failure of performance hereunder due to causes beyond its control, including, but not limited to, fire, flood, or other catastrophes; Acts of God; atmospheric conditions or other phenomena of nature, such as radiation; any law, regulation, directive, order, or request of the United States Government, or any other government including state and local governments having any jurisdiction over the Company or the Services provided hereunder; national emergencies; civil disorder, insurrections, riots, wars, strikes, lockouts, work stoppages, or other labor problems or regulations established or actions taken by any court or government agency having jurisdiction over the Company.
- E. The Company shall not be liable for any act or omission of any other entity furnishing to the Customer facilities or equipment used with the Service furnished hereunder; nor shall the Company be liable for any damages or losses due in whole or in part to the fault or negligence of the Customer or due in whole or in part to the failure of Customer-provided equipment or Facilities.

2.4 **Interruption of Service**

- 2.4.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer, are subject to

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Issued: February \_\_, 2000

Effective: February \_\_, 2000

Robert Warrington, Manager of Tariffs and Regulatory Affairs  
100 Galleria Parkway, Suite 200  
Atlanta, GA 30339

**2. RULES and REGULATIONS (Cont'd)****2.4 Interruption of Service (Cont'd)****2.4.1 (Cont'd)**

the general liability provisions set forth in 2.3 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission by the Customer.

2.4.2 Credit computations are provided for in Section 3.2 below.

**2.5 Contested Charges**

Subject to the conditions described in Section 2.7 below, for consideration of any disputed charge, a Customer must submit in writing to Company within thirty (30) days of the date the bill is issued, the call details and basis for any requested adjustment. Company will promptly investigate and advise the Customer as to its findings and disposition. Any undisputed charges must be paid on a timely basis. Any disputed charges that cannot be resolved between a Customer and Company may be appealed to the Commission.

**2.6 Billing Entity Conditions**

When billing functions on behalf of Company or its intermediary are performed by local exchange telephone companies, credit card companies, or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply.

**2.7 Returned Check Charge**

A charge of \$25.00, or applicable state returned check charge, whichever is less, may be applied if a check or draft presented for payment of service is not accepted by the institution on which it is written.

2. **RULES and REGULATIONS** (Cont'd)

2.8 Deposit

The Company does not require a deposit from the Customer. For Customers for whom the Company believes an advance payment is necessary, the Company 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.

2.9 Taxes

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

2.10 Disconnection of Service by Carrier

The Company, upon five (5) business 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:

- 2.10.1 Non-payment of any sum to Carrier for regulated service for more than thirty (30) days beyond the date of rendition of the bill for such service;
- 2.10.2 A violation of any regulation governing the service under this tariff;
- 2.10.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service; or
- 2.10.4 Where 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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**2. RULES and REGULATIONS (Cont'd)****2.11 Calculation of Distance**

Usage charges for all Mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the private line facilities at issue.

The airline Mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate center involved. Company uses the rate centers and associated vertical and horizontal coordinates that are reflected in the National Exchange Carriers Association, Inc. Tariff FCC No. 4.

EXAMPLE: Distance between Miami and New York City -

	<u>V</u>	<u>H</u>
Miami	8,351	529
New York	<u>4,997</u>	<u>1,408</u>
Difference	3,354	-879

Square and add:  $11,249,316 + 772,641 = 12,021,957$

Divide by 10 and round:  $12,021,957 / 10 = 1,202,195.70$   
= 1,202,196

Take square root and round:  $1,202,196 = 1,096.4$   
= 1,097 miles

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**SECTION 3****DESCRIPTION, RATES AND CHARGES FOR  
DIGITAL PRIVATE LINE SERVICE****3.1 Description of Service**

Private Line Service is dedicated for the use of a specific Customer of Company and is offered on a resold basis by the Company through its underlying carrier or through Company-provided facilities where such facilities exist. Private Line Service offers a direct transmission channel for the exclusive use of a Customer from the Company's Points of Presence ("POPs"). Private Line Service is billed based on the monthly rates quoted in this tariff. At the request of the Customer, Company will be the authorized agent and will make reasonable efforts to arrange service which may include terminal equipment, circuit conditioning and arrangements for Local Exchange Carrier ("LEC") access facilities. Private Line Service will be offered subject to the provisions of this tariff and the availability of facilities.

**3.2 Terms and Conditions**

- 3.2.1 Company reserves the right to discontinue service upon written notice when conditions are beyond it's control, or when the Customer is using service in violation of the law or the provisions set forth in this tariff.
- 3.2.2 Private Line Service is offered seven (7) days a week, twenty-four (24) hours a day.
- 3.2.3 For the purpose of computing monthly Private Line charges in this tariff, a month is considered to have thirty (30) days.
- 3.2.4 Private Line Service will be billed on the basis on a minimum of at least one (1) month, beginning on the date that billing becomes effective.
- 3.2.5 Recurring charges are billed effective on the date the Private Line Service is provided to the Customer by Company based on service period of one (1) month.

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Atlanta, GA 30339

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3. **DESCRIPTION, RATES AND CHARGES FOR DIGITAL PRIVATE LINE SERVICE**  
(Cont'd)

3.2 **Terms and Conditions** (Cont'd)

- 3.2.6 Non-recurring Charges are billed in the month in which the Private Line Service is provided.
- 3.2.7 Upon the date of the first billing cycle following the installation of the Private Line Service, a bill will be issued for the service period from installations of service to the billing cut-off date and an advance billing of service for one (1) month.
- 3.2.8 If an order for service is canceled by a Customer before the service is installed or before completion of the minimum one month service, the Customer will be responsible for payment of the non-recoverable portions of charges or liabilities incurred on behalf of the Customer by Company.
- 3.2.9 The Customer must insure that any Customer Provided Equipment ("CPE") and/or system is properly interfaced with the service provided by the Company to the Customer. In addition, any signals emitted from CPE into the network facilities furnished by Company must be of proper bandwidth, power, data speed and signal level to comply with applicable industry and/or regulatory standards.
- 3.2.10 In the event of an interruption of Private Line Service which is not due to network testing, negligence of the Customer or failure of CPE, a credit allowance will be issued to the Customer by Company. When the Private Line Service provided by Company is interrupted for two (2) consecutive hours or more, a credit allowance will be calculated based on the outage time expressed in hours, divided by twenty-four (24) hours per day times the total daily charge for the Private Line Service affected by the outage. Only those portions of the Private Line Service affected by the outage will be considered in determining the amount of the credit allowance. The length of the outage will be measured from the time the Customer is notified by Company or from the time the Customer notifies Company of an outage.

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3. **DESCRIPTION, RATES AND CHARGES FOR DIGITAL PRIVATE LINE SERVICE**  
(Cont'd)

3.2 **Terms and Conditions** (Cont'd)

- 3.2.11 Private Line Service provided by Company can be connected with facilities or services of other participating interexchange carriers.
- 3.2.12 Company will attempt to make arrangements for network redundancy on the Private Line Service at the request and the expense of the Customer.
- 3.2.13 When a Customer requests services not offered under this tariff, the appropriate recurring and non-recurring charges will be developed by Company according to the necessary engineering, installation, purchases and/or lease of facilities.

3.3 **DS-1 (Digital Signal Level 1) Service**

DS-1 Service is a point-to-point high capacity private line service that transports a full duplex signal. DS-1 Service is provisioned to operate at a speed of 1.544 million bits per second (Mbps) and is equivalent to the capacity of 24 standard voice circuits. DS-1 service is designed for the simultaneous full-duplex transmission of digital signals.

3.4 **DS-3 (Digital Signal Level 3) Service**

DS-3 Service is point-to-point dedicated high capacity private line service that transports a full duplex signal. DS-3 Service is provisioned to operate at a speed on 44.736 million bits per second (Mbps) and is equivalent to the capacity of 672 standard voice circuits. DS-3 service is designed for the simultaneous full-duplex transmission of digital signals.

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3. **DESCRIPTION, RATES AND CHARGES FOR DIGITAL PRIVATE LINE SERVICE**  
(Cont'd)

3.5 **RATES and CHARGES**

3.5.1 **General**

The rates and charges for digital private line service fall into two categories. The interoffice channel ("IOC") category encompasses that portion of the service provided between the Company POPs. IOCs are comprised of two rate components, a fixed charge and charge per airline mile. Optional features and services encompass additional services or service options available to Customers for additional charges.

3.5.2 **DS1 Rates and Charges**

3.5.2.A **Interoffice Channels -Monthly Charges**

<u>Distance</u>	<u>Per-Month Fixed Charges</u>	<u>Charges Per Airline Mile</u>
0 – 14 Miles	\$200.00	\$- 0 –
15-100 Miles	\$ -0 -	\$14.40
Over 100 Miles	\$ - 0 -	\$14.40

3.5.2.B **Installation Charge**

<u>Initial DS1 Non-Recurring Charges Per Service Order</u>	<u>Each Additional DS1 Non-Recurring Charges Per Service Order</u>
\$300.00	\$100.00

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3. **DESCRIPTION, RATES AND CHARGES FOR DIGITAL PRIVATE LINE SERVICE**  
(Cont'd)

3.5 **RATES and CHARGES** (Cont'd)

3.5.3 **DS3 Rates and Charges**

3.5.3.A **Interoffice Channels - Monthly Charges**

<u>Distance</u>	<u>Per-Month Fixed Charges</u>	<u>Charges Per Airline Mile</u>
0 – 14 Miles	\$3,010.56	\$ - 0 -
15-100 Miles	\$ - 0 -	\$215.04
101-200 Miles	\$ - 0 -	\$215.04
Over 200 Miles	\$ - 0 -	\$215.04

3.5.3.B **Installation Charge**

<u>Initial DS1 Non-Recurring Charges Per Service Order</u>	<u>Each Additional DS1 Non-Recurring Charges Per Service Order</u>
\$350.00	\$150.00

3.6 **Optional Features and Services**

3.6.1 **Local Distribution Channels obtained by the Company**

The monthly recurring charges and installation charges will be calculated on an individual case basis in accordance with the charges set forth in the relevant Local Distribution Channel Provider's tariff or contract. An administration fee of 10% will be added to all monthly recurring and installation fees charged by the Local Distribution Channel Provider.

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3. **DESCRIPTION, RATES AND CHARGES FOR DIGITAL PRIVATE LINE SERVICE**  
(Cont'd)

3.6 Optional Features and Services (Cont'd)

3.6.2 DS3 to DS1 Multiplexing

3.6.2.A Monthly Charges

Recurring Charge

Per Multiplexer Per Location

\$400.00

3.6.2.B Installation Charge

Non-Recurring Charge

Per Multiplexer Per Location

\$200.00

3.7 Special Services

From time to time the Company may offer special services to Customers on an individual case basis (ICB). The provisions for any such services will be summarized in this section of the tariff.

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US CARRIER TELECOM, LLC

Florida Public Service

Check Number: 2921  
Check Date: Feb 28, 2000

2921

Check Amount: \$250.00  
Discount Taken      Amount Paid

Item to be Paid - Description

022800 250.00



100 Galleria Pkwy, Suite 200  
Atlanta, GA 30339

GILMER COUNTY BANK  
ELLIJAY, GA 30540  
64-482/611

2921

DATE      AMOUNT  
Feb 28, 2000      \*\*\*\*\*\$250.00\*

Memo:

PAY Two Hundred Fifty and 0/100 Dollars

TO THE ORDER OF: Florida Public Service Commission  
2540 Shumard Oak Blvd  
Gerald Gunter Building  
Tallahassee, FL 32399

TWO SIGNATURES REQUIRED  
IF OVER 1000.00

*Larry B. Houch*

AUTHORIZED SIGNATURE

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

002921

DOCUMENT NUMBER-DATE

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