

# LARGE FILING SEPERATOR SHEET

CASE NUMBER: 08-423-TP-ATA  
90-9190-TP-TRF

FILE DATE: 4/2/08

SECTION: 20F 2

NUMBER OF PAGES: 26

DESCRIPTION OF DOCUMENT:

New Case continue

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

2.14 Termination of Service (Cont'd)

2.14.3 Insufficient Reasons for Denial of Service (Cont'd)

2.14.3.1 (Cont'd)

2.14.3.1.F.2 Outstanding bill is for service obtained by the customer by means of tampering with equipment furnished and owned by the Company or by unauthorized use of service by any method; or

2.14.3.1.F.3 Outstanding bill is for service obtained by the customer by means of an application made:

- (i) In a fictitious name,
- (ii) In the name of an individual who is not an occupant of the dwelling unit, without disclosure of the individual's actual address,
- (iii) In the name of a third party without disclosing that fact or without bonafide authority from the third party, or
- (iv) Without disclosure of a material fact or by misrepresentations of a material fact.

2.14.3.2 This regulation applies to both residential and nonresidential classes of service.

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Issued: March 9, 2001

Effective:

Issued by:

Steve Andreassi  
Managing Director - Regulatory Affairs  
Broadview Networks, Inc.  
59 Maiden Lane, 27<sup>th</sup> Floor  
New York, NY 10038

Issued Under Authority of the Public Utilities Commission of Ohio, Dated \_\_\_\_\_, in Case No. \_\_\_\_\_

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

2.16 Interference with or Impairment of Service

Service shall not be used in any manner which interferes with other persons in the use of their service, prevents other persons from using their service, or otherwise impairs the quality of service to other customers. The company may require a customer to immediately shut down its transmission of signals if said transmission is causing interference to others or impairing the service of others.

2.17 Telephone Solicitation by Use of Recorded Messages

Service shall not be used for the purpose of solicitation by recorded messages when such solicitation occurs as a result of unrequested or unsolicited calls initiated by the solicitor by means of automatic dialing devices. Such devices, with storage capability of numbers to be called or a random or sequential number generator that produces numbers to be called and having the capability, working alone or in conjunction with other equipment, of disseminating a prerecorded message to the number called and which are calling party or called party controlled, are expressly prohibited.

2.18 Incomplete Calls

There shall be no charge for incomplete calls. No charge will be levied for unanswered calls. Customers will receive credit for calls placed to a wrong number if the customer notifies the Company of the error.

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

2.19 Overcharge/Undercharge

2.19.1 Overcharge/undercharge provisions will be in accordance with the Ohio Administrative Code.

2.19.2 When a customer has been overcharged, the amount shall be refunded or credited to the customer.

2.21 Abuse and Fraudulent Use of Service

The service shall not be used for any unlawful or improper use of the Company's facilities or service, or any other reason covered by the Tariff or applicable law. Service shall not be used for any purpose in violation of law.

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SECTION 3 - DESCRIPTION OF SERVICES

3.1 Description of Message Toll Service

Message Toll Service calling service provides a Customer with the ability to originate calls from a Company-provided access line to other stations on the public switched telephone network bearing the designation of any central office exchanges, areas, and zones outside of the Customer's Local Calling Area but within the State of Ohio.

3.2 Trial Services

The Company may offer new services, not otherwise tariffed, from time to time on a trial basis subject to Commission approval. Such trials are limited to a maximum of six months at which time the trial offering must be either withdrawn or made available on permanent basis.

3.3 Promotional Offerings

The Company may offer existing services on a promotional basis, subject to Commission approval, that provides special rates, terms, or conditions of service. Promotional offerings are limited to a maximum of six months at which time the promotional offering must be either withdrawn or made available on a permanent basis. All promotions, regardless of whether services are given away for free, are subject to Commission approval.

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**SECTION 4 - DESCRIPTION OF RATES AND CHARGES****4.1. Description of Rates and Charges for Message Toll Service**

There is an initial thirty (30) second minimum rounded up to the next six (6) second increment. The duration of each call will be rounded to the nearest higher increment for billing purposes and fractional cents will be rounded to the nearest higher cent.

(Applicable to Intrastate, InterLATA calling only.)

**4.1.1. Direct dialed calls billed on a monthly basis:**

	<u>Minimum Per MOU</u>	<u>Maximum Per MOU</u>
Message Toll Service Originating, Per Minute	\$0.01	\$0.40

**4.1.2. Company makes no distinctions between rates for days, evenings, and weekends.**

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SECTION 4 - DESCRIPTION OF RATES AND CHARGES (CONT'D)

4.1. Description of Rates and Charges for Message Toll Service (Cont'd)

4.1.3 Timing of Messages

- 4.1.4.1 Chargeable time begins when connection is established between the calling station and the called station.
- 4.1.4.2 Chargeable time ends when the calling station "hangs up" thereby releasing the network connection. If the called station "hangs up" but the calling station does not, chargeable time ends when the network connection is released by automatic timing equipment in the telephone network.
- 4.1.4.3 Chargeable time does not include time lost because of faults or defects in the connection.

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SECTION 4 - DESCRIPTION OF RATES AND CHARGES (CONT'D)

4.3 Monthly Charge Per Customer

Minimum	\$1.00
Maximum	\$10.00

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PRICE LIST

	<u>Per MOU</u>
Message Toll Service Originating, Per Minute (billed on a monthly basis)	\$0.12

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**EXHIBIT B**

**Exhibit B.2**

**Proposed Revised Tariff Pages of Broadview Networks, Inc.  
P.U.C.O. Tariff No. 1**

**“Tariff Schedule Applicable to  
Intrastate Toll Telecommunications Services  
Furnished by Broadview Networks, Inc.  
Between Points Within the State of Ohio”**

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

- 2.7.5 Deposits for establishment or reestablishment of credit will not be more than the estimated charge for service for 2 consecutive billing periods or 90 days, whichever is less.

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

- 2.8.4 Late payment fees will be computed at a rate not to exceed 1.5% per month, for the two nominal billing intervals and may not exceed 5% of the total original unpaid charges in compliance with the Ohio Administrative Code.

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

2.9 Customer Complaints and Billing Disputes

2.9.1 Customers may notify the carrier of billing or other disputes either orally or in writing. There is no time limit for submitting disputes.

2.9.2 Customer complaints and billing disputes that are not satisfactorily resolved may be presented by the customer to:

The Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, Ohio 43215-3793  
(614) 466-3292  
1-800-686-7826

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

2.12 Returned Check Charge

When payment for service is made by check, draft, or similar negotiable instrument, the Company may assess a minimum charge of \$25.00 to a maximum charge of \$75.00 for each such item returned unpaid by a bank to a Company for any reason. This charge is in addition to any late payment charge(s) that may also be applicable.

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

2.15 Unlawful Use of Service

2.15.1 Service shall not be used for any purpose in violation of law or for any use as to which the customer has not obtained all required governmental approvals, authorizations, licenses, consents, and permits. The company shall refuse to furnish service to an applicant or shall disconnect the service without notice of a customer when:

2.15.1.1 An order shall be issued, signed by a judge finding that probable cause exists to believe that the use made or to be made of the service is prohibited by law, or

2.15.1.2 The Company is notified in writing by a law enforcement agency acting within its jurisdiction that any facility furnished by the Company is being used or will be used for the purpose of transmitting or receiving gambling information in interstate or foreign commerce in violation of the law.

2.15.2 If service has been physically disconnected by law enforcement officials at the customer's premises and if there is not presented to the Company the written finding of a judge, then upon written or verbal request of the subscriber, and agreement to pay restoral of service charges and other applicable service charges, the Company shall promptly restore such service.

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SECTION 2 - RULES AND REGULATIONS (CONT'D)

2.20 "900" and "976" Blocking

Company will block the Customer's access to "900" and "976" pay-per-call telephone information services. Company will not impose a charge for blocking.

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SECTION 4 - DESCRIPTION OF RATES AND CHARGES (CONT'D)

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4.2 Presubscribed Interexchange Carrier Change Charge

Customers may presubscribe local access lines to their intrastate, interLATA long distance carrier of choice. Following the Customer's initial presubscription of each line, any subsequent change will incur a per line charge.

Per line minimum                      \$1.00

Per line maximum                      \$5.00

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PRICE LIST

Presubscribed Interexchange Carrier Change Charge:

Per initial line	\$5.00
Each Additional line:	\$1.50

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## **EXHIBIT C**

**Narrative Summarizing All Changes Proposed by  
Broadview Networks, Inc.  
In Compliance with PUCO Opinion and Order in Case No. 06-1345-TP-ORD**

PUCO Opinion and Order in Case No. 06-1345-TP-ORD provides that even within the P.U.C.O.'s mandatory detariffing environment, carriers must retain tariffs for the following Tier 1 services:

"local dial tone service; touch tone dialing service; access to and usage of 9-1-1 services; access to operator services and directory assistance; provision of a telephone directory and listing; per call, caller identification blocking services, access to telecommunications relay service, access to toll presubscription, interexchange or toll providers and networks of other companies (i.e., Basic Local Exchange Services).

Additionally, a tariff must continue to be maintained

"for purposes of complying with Commission and/or Federal Communications (FCC) directives including, but not limited to: primary interexchange carrier (PIC) change charges, Alternative Operator and Inmate Operator Services (AOS/IOS); late payment and bad check charges, per call and per line blocking; intrastate special and switched access services provided to carriers; N-1-1 service; pole attachments and conduit occupancy; pay telephone service; and telecommunications relay service."

To comply with this directive, Broadview Networks, Inc. ("Broadview") has analyzed the provisions embodied in the Company's P.U.C.O. Tariff No. 2, "Tariff Schedule Applicable to Local Exchange Telecommunications Services Furnished by Broadview Networks, Inc., Between Points Within the State of Ohio." Set forth at Exhibit A.1 hereto is the text which Broadview is removing from P.U.C.O. Tariff No. 2 in order to comply with the dictates of the PUCO's Opinion and Order. Set forth at Exhibit B.1 hereto is the text of Tariff P.U.C.O. No. 2 which will remain on file with the PUCO following the effectiveness of Broadview's mandatory detariffing filing.

Broadview has undertaken a similar analysis of the provisions embodied in the Company's P.U.C.O. Tariff No. 1, "Tariff Schedule Applicable to Intrastate Toll Telecommunications Services Furnished by Broadview Networks, Inc., Between Points

Within the State of Ohio.” Set forth at Exhibit A.2 hereto is the text which Broadview is removing from P.U.C.O. Tariff No. 1 in order to comply with the dictates of the PUCO’s Opinion and Order. Similarly, set forth at Exhibit B.2 hereto is the text of Tariff P.U.C.O. No. 1 which will remain on file with the PUCO following the effectiveness of Broadview’s mandatory detariffing filing.

To the extent the provisions previously set forth in P.U.C.O. Tariff Nos. 2 and 1 have not been superceded by PUCO rules, these rates, terms and conditions of service will continue to apply to Broadview’s Ohio telecommunications service offerings.

## EXHIBIT D

### Rule 4901:1-6-05(G)(3) Statement of Broadview Networks, Inc.

Broadview Networks, Inc. ("Broadview") has complied with Rule 4901:1-6-05(G)(3) regarding disclosure of rates, terms and conditions for detariffed services by posting on the Company's website all information previously contained in its Tariff P.U.C.O. No. 2 (local telecommunications services), and Tariff P.U.C.O. No. 1 (toll telecommunications services) as filed with the Public Utilities Commission of Ohio prior to the effectiveness of this detariffing filing. That previously tariffed information may be reviewed by clicking first on the Customer Center Tab and then the Tariffs & Rates Tab and selecting Ohio. The information will also be made available to consumers upon written request.

**EXHIBIT E**

**Rule 4901:1-6-16(B) Customer Notice of  
Broadview Networks, Inc.**

March 18, 2008:

Dear Customer:

Beginning on April 2, 2008, the prices, service descriptions and the terms and conditions for certain telecommunications services that you are provided by Broadview Networks, Inc., will no longer be on file with the Public Utilities Commission of Ohio.

These "detariffed" services include all Local Exchange Telecommunications Services furnished by Broadview Networks, Inc., within the State of Ohio as previously set forth in P.U.C.O. Tariff No. 2 except Basic Local Exchange Services, which will continue to be governed by P.U.C.O. Tariff No. 2. Basic Local Exchange Services consist of local dial tone service, touch tone dialing service, access to and use of 9-1-1 services; access to operator services and directory assistance; provision of a telephone directory and listing, per call, caller identification blocking services, access to telecommunications relay service, access to toll presubscription, interexchange or toll providers and networks of other telecommunications companies.

Also "detariffed" are all Intrastate Toll Telecommunications Services furnished by Broadview Networks, Inc., within the State of Ohio, as previously set forth in P.U.C.O. Tariff No. 1.

You will be able to find these services online at [www.Broadviewnet.com](http://www.Broadviewnet.com) by clicking first on the Customer Center Tab and then the Tariffs & Rates Tab and selecting "Ohio Local Tariff" or you can request a copy of this information by contacting Broadview Networks, Inc., c/o Customer Care, 800 Westchester Avenue, Suite N-501, Rye Brook, NY 10579, (800) 276-2394.

This change does not affect the prices, terms or conditions of those services to which you currently subscribe. These services continue to be regulated by the Public Utilities Commission of Ohio.

If you have any questions about this matter, please call Broadview Networks, Inc., at the toll free number, (800) 276-2394, or visit us online at [www.broadviewnet.com](http://www.broadviewnet.com).

Sincerely,

Broadview Networks, Inc.



**EXHIBIT F**

**Customer Notice Affidavit of  
Broadview Networks, Inc.**

**CUSTOMER NOTICE AFFIDAVIT**

**STATE OF NEW YORK:**

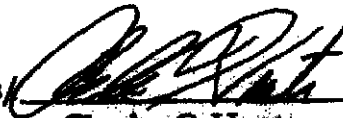
**SS:**

**COUNTY OF WESTCHESTER:**

**AFFIDAVIT**

I, Charles C. Hunter, am an authorized agent of the applicant corporation, Broadview Networks, Inc., and am authorized to make this statement on its behalf. I attest that customer notices accompanying this affidavit were sent to affected customers through United States mail, postage prepaid on March 18, 2008, in accordance with Rule 4901:1-6-16, Ohio Administrative Code. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 03/18/2008 Rye Brook, New York  
(Date) (Location)

/s/ 

Charles C. Hunter  
Executive Vice President and General Counsel

Subscribed and sworn to before me this 3/18/08  
(Date)



Notary Public  
My Commission Expires:

**COREY RINKER**  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 02R16013491  
QUALIFIED IN WESTCHESTER COUNTY  
MY COMMISSION EXPIRES 9/21/2021