

**The Public Utilities Commission of Ohio**  
**TELECOMMUNICATIONS APPLICATION FORM for**  
**DETARIFFING AND RELATED ACTIONS**

Per the Commission's 09/19/07 "Implementation Order" in Case No. 06-1345-TP-ORD  
(Effective: 10/01/2007 through 04/01/2008)

In the Matter of the Application of Clear Rate )  
Communications, Inc. )

TRF Docket No. 90-\_\_\_\_\_  
Case No. \_\_\_\_ - \_\_\_\_ - **TP - ATA**

to Detariff Certain Tier 2 Services and make other changes )  
related to the Implementation of Case No. 06-1345-TP-ORD )

**NOTE: Unless you have reserved a Case No. leave the "Case No." fields BLANK.**

Name of Registrant(s) Clear Rate Communications, Inc.

DBA(s) of Registrant(s) \_\_\_\_\_

Address of Registrant(s) 24700 Northwestern Hwy., Southfield, MI 48075

Company Web Address www.clearrate.com

Regulatory Contact Person(s) Thomas H. Rowland

Phone 312-803-1000

Fax 312.803.0953

Regulatory Contact Person's Email Address tom@telecomreg.com

Contact Person for Annual Report Thane Namy

Phone 248-556-4500

Address (if different from above) 24700 Northwestern Hwy., Southfield, MI 48075

Consumer Contact Information Thane Namy

Phone same.

Address (if different from above) same.

**Part I – Tariffs**

**Please indicate the Carrier Type and the reason for submitting this form by checking the boxes below.**

*NOTE: All cases are ATA process cases, tariffs are effective the day they are filed, and remain in effect unless the Commission acts to suspend.*

<u>Carrier Type</u>	<input type="checkbox"/> ILEC	<input checked="" type="checkbox"/> CLEC	<input type="checkbox"/> CTS
Business Tier 2 Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Residential & Business Toll Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Changes required by Rule (Describe in detail in Exhibit C)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Part II – Exhibits**

**Note that the following exhibits are required for all filings using this form.**

<u>Included</u>	<u>Identified As:</u>	<u>Description of Required Exhibit:</u>
<input checked="" type="checkbox"/>	Exhibit A	The existing affected tariff pages.
<input checked="" type="checkbox"/>	Exhibit B	The proposed revised tariff pages.
<input checked="" type="checkbox"/>	Exhibit C	Matrix or narrative summarizing all changes proposed in the application, and/or other information intended to assist Staff in the review of the Application.
<input checked="" type="checkbox"/>	Exhibit D	Explanation of how the Applicant intends to comply with Rule 4901:1-6-05(G)(3) regarding disclosure of rates, terms, and conditions for detariffed services, including: <ul style="list-style-type: none"> <li>• citation to the appropriate Web Page if any, in accordance with rule 4901:1-6-05(G)(4), and/or</li> <li>• copy of other materials and publications to be used to comply with 4901:1-6-05(G)(3).</li> </ul>
<input checked="" type="checkbox"/>	Exhibit E	One-time customer notice of detariffing and related changes consistent with rule 4901:1-06-16(B), including where customers may find the information regarding such services as required by rule 4901:1-6-05(G)(3).
<input checked="" type="checkbox"/>	Exhibit F	Affidavit that the Customer Notice described in Exhibit C has been sent to Customers.

**Part III – Attestation**

Registrant hereby attests to its compliance with pertinent entries and orders issued by the Commission.

**AFFIDAVIT*****Compliance with Commission Rules and Service Standards***

I am an officer/agent of the applicant corporation, Thane Namy  
(Name)

, and am authorized to make this statement on its behalf.

I attest that these tariffs comply with all applicable rules, including the Minimum Telephone Service Standards (MTSS) Pursuant to Chapter 4901:1-5 OAC for the state of Ohio. I understand that tariff notification filings do not imply Commission approval and that the Commission's rules, including the Minimum Telephone Service Standards, as modified and clarified from time to time, supersede any contradictory provisions in our tariff. We will fully comply with the rules of the state of Ohio and understand that noncompliance can result in various penalties, including the suspension of our certificate to operate within the state of Ohio.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on (Date) 3-31-08 at (Location) 24700 Northwestern Hwy, #340 Southfield, MI 4807

\*(Signature and Title) Thane Namy CEO (Date) 3-31-08

- This affidavit is required for every tariff-affecting filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

**VERIFICATION**

I, Thane Namy

verify that I have utilized the Telecommunications Application Form for Detariffing and Related Actions provided by the Commission and that all of the information submitted here, and all additional information submitted in connection with this case, is true and correct to the best of my knowledge.

\*(Signature and Title) Thane Namy CEO

(Date) 3-31-08

.....\*Verification is required for every filing. It may be signed by counsel or an officer of the applicant, or an authorized agent of the applicant.

***Send your completed Application Form, including all required attachments as well as the required number of copies, to:***

**Public Utilities Commission of Ohio  
Attention: Docketing Division  
180 East Broad Street, Columbus, OH 43215-3793**

***Or***

***Make such filing electronically as directed in Case No 06-900-AU-WVR***

**EXHIBIT A**

**EXISTING AFFECTED TARIFF PAGES**

**FAX****FILE**TO: Docketing Div. PUCODATE: 9-9-02RE: CASE# 02-2034-CT-ACEFAX #: 614-466-0313

FROM:

Phone: 614-466-4095

Thane J. Namy

Phone: 248-968-4290 ext. 207

Fax: 248-968-4291

PUCO

2002 SEP -9 PM 4:46

RECEIVED-DOCKETING DIV

**Comments/Special Instructions:**Per Staff Request, We have made corrections to the Clear Rate**Communications Tariff please docket corrections. There are 10 pages in this fax including cover sheet. Thank you.**

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business  
Technician ANC Date Processed 9/9/02

Original Title Page

**Clear Rate Communications**  
MESSAGE TOLL SERVICES TARIFF - P.U.C.O NO. 1**REGULATIONS AND SCHEDULE OF INTRASTATE CHARGES  
APPLYING TO MESSAGE TOLL SERVICE  
WITHIN THE STATE OF OHIO  
IN THE COUNTIES OF**

All counties in the state of Ohio

RECEIVED-BOOKETING DIV  
2002 SEP -9 PM 4:45  
PUCO**EXECUTIVE OVERVIEW**

*Pursuant to this tariff, Clear Rate Communications offers rates and terms for IntraLATA and InterLATA toll services.*

*Customers will have the option to choose IntraLATA and InterLATA toll service or either service separately.*

*In addition to the generally available rates and charges, Clear Rate Communications will offer Customer Specific Pricing Plans. Of a contractual basis to interested customers on a case by case basis, contract will be filed with the PUCO for approval.*

**PRINCIPLE OFFICE**

**Clear Rate Communications principle office is located at 23300 Greenfield Road, Suite 116, Oak Park, Michigan 48237.**

**This Tariff is available for public inspection at the above address during regular business hours.**

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ISSUED: 9 August 2002

EFFECTIVE: 9 September 2002

**Clear Rate Communications**  
**MESSAGE TOLL SERVICES TARIFF - P.U.C.O. NO. 1**

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CHECK SHEET

Current pages in this tariff are as follows:

<u>Sheet</u>	<u>Revision</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original

<u>Price List</u>	<u>Revision</u>
1	Original

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**Clear Rate Communications**  
MESSAGE TOLL SERVICES TARIFF – P.U.C.O. NO. 1

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Directory Assistance	7
Service Establishment	8
Price List	1

**Clear Rate Communications****MESSAGE TOLL SERVICES TARIFF - P.U.C.O. NO.1***Original Page 3***EXPLANATION OF SYMBOLS**

The following symbols are used for the purposes indicated below.

- (C) -To signify changed regulation
- (I) -To signify increased rate
- (M) -To signify a move in location of text
- (N) -To signify a new rate or regulation
- (R) -To signify a rate reduction
- (T) -To signify a change in text or regulation but no change in rates



## Clear Rate Communications

MESSAGE TOLL SERVICES TARIFF - P.U.C.O. NO. 1

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This tariff applies to Two-Point Message Toll Service within the State of Ohio. Pursuant to this tariff, Clear Rate Communications provides originating MTS service for whole State of Ohio.

### B. GENERAL REGULATIONS

#### 1. DEFINITIONS

800/888: A long distance call where the charges are incurred by the party receiving the call.

Originating Off-Net: A call terminating on and placed via non-company owned or company leased facilities.

Originating On-Net: A call terminating on and placed via company owned or company leased local exchange facilities.

Station: The term "Station" denotes the network control signaling unit and any other equipment provided at the Customer's premises which enables a customer to establish communications connections and to effect communication through such connections.

Station-to-Station: Two-Point Service is that service where the person originating the call from other than a public or nonpublic coin telephone dials the telephone number desired and the call is completed without the assistance of a Company operator and the call is not billed to a number other than the originating number.

Terminating Direct: An 800/888 service whereby traffic is terminated to the customer location via a company owned or leased dedicated circuit.

Terminating Off-Net: A call terminating on and placed via non-company owned or company leased facilities.

Terminating On-Net: A call terminating on and placed via company owned or company leased local exchange facilities.

Two-Point Message Toll Service is that of furnishing facilities for telecommunications between different local calling areas in accordance with the regulations and schedule of rates specified in this Tariff. The rates specified in this Tariff are in payment for all services furnished between the calling and called stations.

**Clear Rate Communications**

MESSAGE TOLL SERVICES TARIFF-P.U.C.O. NO. 1

**B. GENERAL REGULATIONS (Cont'd)****2. UNDERTAKING OF COMPANY**

Clear Rate Communications offers, subject to the terms and conditions specified in this Tariff, the use of facilities. Clear Rate has access to per carrier resale agreements, where available for communications between customers.

**3. PRIORITY OF SERVICE**

In case a shortage of facilities exists at any time either for temporary or protracted periods, the furnishing of Message Toll Service will be furnished, in all cases, pursuant to any applicable federal or state prioritization Requirements.

**4. LIABILITY OF THE COMPANY**

The liability of the Company for damages arising out of the furnishing of these services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other effects, representations, or use of these services or arising out of the failure to furnish the service, whether caused by acts of commission or omission, shall in no event exceed an amount equivalent to the proportionate charge to the customer for the period of service during which such mistake, omission, interruption, delay, or error or defect in transmission, or failure or defect in the Company's equipment occurs. Adjustments within the limits provided herein may be made by direct payment to the customer or by credit to the customer's account.

Approval of limitation of liability language by the Commission does not constitute a determination by the Commission that the limitation of liability imposed by the Company should be upheld in a court of law. Approval by the Commission merely recognizes that since it is a court's responsibility to adjudicate negligence and consequential damage claims, it is also the court's responsibility to determine the validity of the exculpatory clauses.

**5. USE**

a. Service is provided for use by the customer and may be used by others, when so authorized by the customer, provided that all such usage shall be subject to the provisions of this Tariff, and shall not affect the customer's responsibility for all payments required under this Tariff.

b. **Use of Service for Unlawful Purposes**

Service is furnished subject to the condition that it will not be used for an unlawful purpose. Service will not be furnished if any law enforcement agency, acting within its jurisdiction, advises that such service is being used or will be used in violation of the law, or if the Company receives other evidence that such service is or will be used for such purposes.

c. **Use of Service with Customer-Provided Equipment**

Customer-provided terminal equipment and communications systems may be connected to interexchange facilities of the Company subject to the regulations, rates and charges applicable to the facilities as provided for in the Company's Tariffs.

**6. CUSTOMER SPECIFIC PRICING (CSP)**

Customer Specific Pricing arrangements for Toll services provided in this Tariff can be furnished to meet the communications needs of specific customers on a case-by-case basis. Such Toll services will be provided to customers on a contractual basis. Each contract will be filed with the Commission under to become effective on one day's notice pursuant to the Commission's 563 guidelines. Unless otherwise specified, the regulations for such arrangements are in addition to the applicable regulations specified in other sections of this Tariff.

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**Clear Rate Communications**  
MESSAGE TOLL SERVICES TARIFF - P.U.C.O. NO. 1**C. MESSAGE TOLL SERVICES****1. DESCRIPTION OF CHARGES AND RATE COMPONENTS**

The service is flat rated and billed in six (6) second increments after the initial (18) eighteen seconds. The duration of each call will be rounded off to the nearest higher increment for billing purposes. Additionally, fractional cents will be rounded off to the nearest higher cent. Unless specified otherwise in this Tariff, the duration of each call for bill purposes will be rounded off to the nearest highest increment.

**2. TIMING OF MESSAGES**

- a. Chargeable time begins when connection is established between the calling station and the called station.
- b. 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.
- c. Chargeable time does not include time lost because of Faults or defects in the connection.

**D. 800/888 SERVICES**

800/888 Service is usage rated and billed in six (6) second increments, after the initial (18) eighteen seconds. The duration of each call will be rounded off to the nearest higher increment for billing purposes. Additionally, fractional cents will be rounded off to the nearest higher cent. Unless specified otherwise in this Tariff, the duration of each call for bill purposes will be rounded off to the nearest highest increment.

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EFFECTIVE: 9 September 2002

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**Clear Rate Communications**

Message Toll Services Tariff - P.U.C.O. NO. 1

**E. Directory Assistance**

A Customer may obtain long distance Directory Assistance in determining telephone numbers outside the customer's local calling area within the state of Ohio at the rate specified below by calling the Directory Assistance operator.

	<u>Min.</u>	<u>Max.</u>
Directory Assistance, per call	\$ .01	\$2.00

**G. Volume and Term Discount Plan**

The following volume discounts apply to those customers who make a minimum service commitment of one (1) year or more and indicated monthly dollar volumes - See Price List.

**H. Discounts for Persons with Communication Disabilities and Telecommunication Relay Service**

Customer of the company with communication disabilities, such as hearing disabled, deaf, deaf/blind, and speech disabled persons, who require the use of a telecommunications device for the communicatively impaired are eligible for discount on all MTS service, including TRS, as set forward in the price list.

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**Clear Rate Communications**

Message Toll Services Tariff - P.U.C.C. NO. 1

- I. Establishment of service:
1. Via phone, in which case the customer will be transferred to a third party verification number after all pertinent information is gathered.
  2. Via mail or fax, customer may submit a completed and signed Letter of Authorization.
  3. Via internet, customer may sign-up at [www.clearrate.com](http://www.clearrate.com), which also will prompt the customer to call the third party verification number.
  4. Clear Rate Communications will comply with MTS Rule 13.
- J. Deposits
1. Clear Rate Communications will comply with MTS Rule 13.
- K. Disconnection Rules
1. Customers will receive a past due warning letter requesting payment 2 weeks after the due date has passed if they have not paid the current invoice.
  2. Customers will receive letter advising they will be shut-off within 8 days once their account is 60 days past due.
  3. Customer will be shut-off if payment is not made on balances more than 30 days old. Customer's will be mailed a letter advising service has been terminated.
  4. Clear Rate Communications will comply with MTS Rule 17.
- L. Denial of service
1. Customers who have previously been disconnected for non-payment and have remaining outstanding balances will not be provided new service until outstanding balance are brought current.
  2. Clear Rate Communications will comply with MTS Rule 17.

ISSUED: 9 August 2002

EFFECTIVE: 9 September 2002

EXHIBIT B  
PROPOSED REVISED TARIFF PAGES

Clear Rate proposes to withdraw in its entirety its Message Toll Service PUCO Tariff No. 1, filed in Case No. 02-2034-CT-ACE.

EXHIBIT C

MATRIX OR NARRATIVE SUMMARIZING ALL CHANGES PROPOSED IN THE APPLICATION, AND/OR OTHER INFORMATION INTENDED TO ASSIST STAFF IN THE REVIEW OF THE APPLICATION.



Clear Rate proposes to withdraw in its entirety its Message Toll Service PUCO Tariff No. 1, filed in Case No. 02-2034-CT-ACE. That tariff, which contains the terms and conditions for Clear Rate's provision of intrastate and interstate toll services will be withdrawn pursuant to the Public Utility Commission of Ohio's Order in Case No. 06-1345-TP-ORD. The prices, terms and conditions of Clear Rate's intrastate and interstate toll services will be available on Clear Rate's website, [www.clearrate.com](http://www.clearrate.com)

EXHIBIT D

EXPLANATION OF HOW THE APPLICANT INTENDS TO COMPLY WITH RULE 4901:1-6-05(G)(3) REGARDING  
DISCLOSURE OF RATES, TERMS, AND CONDITIONS FOR DETARIFFED SERVICES

Applicant intends to comply with Rule 4901:1-6-05(G)(3) by posting the prices, terms and conditions of its intrastate and interstate toll services on its website, at [www.clearrate.com](http://www.clearrate.com)

EXHIBIT E

ONE-TIME CUSTOMER NOTICE OF DETARIFFING AND RELATED CHANGES CONSISTENT WITH RULE 4901:1-06-16(B), INCLUDING WHERE CUSTOMERS MAY FIND THE INFORMATION REGARDING SUCH SERVICES AS REQUIRED BY RULE 4901:1-6-05(G)(3).

October 12, 2007

Dear Clear Rate Customer,

We are writing to inform you that beginning on October 25<sup>th</sup>, 2007, the following prices, service descriptions, and the terms and conditions for certain telecommunications services that you are provided by Clear Rate Communications, Inc., will no longer be on file with the Public Utilities Commission of Ohio.

Services previously offered pursuant to the Clear Rate Communications IXC tariff (e.g., Long Distance services) will no longer be on file with the Public Utilities commission of Ohio.

You will be able to locate the description of these services on the Company's Tariff page online at [www.ClearRate.com](http://www.ClearRate.com) or you may request a copy of this information by contacting Clear Rate directly at:

Clear Rate Communications  
Ohio Tariff Request  
24700 Northwestern Hwy Suite 340  
Southfield, MI 48075

Or by calling 1-877-877-4799.

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

If you have any questions about this matter, please call Clear Rate at 1-877-877-4799 or visit us online at [www.ClearRate.com](http://www.ClearRate.com).

Sincerely,

Clear Rate Communications, Inc.  
Regulatory Affairs

EXHIBIT F

AFFIDAVIT THAT THE CUSTOMER NOTICE DESCRIBED  
IN EXHIBIT C HAS BEEN SENT TO CUSTOMERS

## AFFIDAVIT

I, Thane Namy, President of Clear Rate Communications, Inc., am an authorized agent of the Applicant, and am authorized to make this statement on its behalf.

I attest that the customer notice accompanying this Affidavit was sent to affected customers via U.S. Mail on October \_\_, 2007 in accordance with Rule 4901:1-6-16 of the Ohio Administrative Code. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3-31-08 24700 North Western Hwy #340, Southfield, MI 48075  
(Date) (Location)

Thane Namy  
Thane Namy, President

3-31-08  
(Date)

Subscribed and sworn to before me this

3/31/08  
(Date)

Renee Ruebelman

Notary Public

My Commission Expires: September 7, 2014

RENEE RUEBELMAN  
NOTARY PUBLIC, OAKLAND CO. MI

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**3/31/2008 5:19:29 PM**

**in**

**Case No(s). 08-0380-TP-ATA**

Summary: Application Application of Clear Rate Communications, Inc. for Detariffing and Related Actions electronically filed by Mr. Kevin D. Rhoda on behalf of Rowland & Moore LLP and Rhoda, Kevin D. Mr.