

for  
file

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December 28, 1998

**Via Overnight Courier**

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

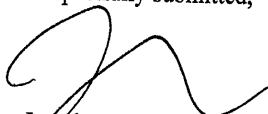
**Re: 563 Registration Form for Public Competitive Telecommunications  
Service Provider**

Ladies and Gentlemen:

On behalf of NOS Communications, Inc., we hereby submit the original and ten copies of its 563 Registration Form for Public Competitive Telecommunications Service.

An additional copy of this letter and filing is enclosed. Please date-stamp the extra copy and return it to the undersigned in the enclosed stamped, self-addressed envelope. Should you have any questions or need additional information, please contact me.

Respectfully submitted,

  
Jonathan S. Marashlian

Enclosures

This is to certify that the images appearing are an  
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PUBLIC UTILITIES COMMISSION OF OHIO

PUBLIC COMPETITIVE TELECOMMUNICATIONS SERVICE PROVIDER  
563 REGISTRATION FORM  
ISSUED: December 21, 1995

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In the Matter of the Application of  
NOS COMMUNICATIONS, INC.  
To Resell IXC Services

) Case No 98-1703-CT-ACE

Name of Registrant NOS COMMUNICATIONS, INC.

Registrant's Address 4380 Boulder Highway, Las Vegas, NV 89121

Contact Person Marlo Oliver (Phone -702-547-8000)

Date \_\_\_\_\_ TRF Docket No. \_\_\_\_\_ -CT-TRF

I. Indicate the reason for submitting this form (check only one) (NOTES: 1. If a waiver is filed in conjunction with an automatic case, see I.D.2.b. of the 563 guidelines for the applicable automatic time frame; and 2. The number of copies noted below must be accompanied by an original filing. Facsimiles are not acceptable.):

- ☐ 1. (ABN) Withdrawal or Abandonment of all Services (14-day notice, 13 copies)
- ☒ 2. (ACE) New Operating Authority (30-day approval, 10 copies)
  - ☒ IXC ☐ AOS ☐ CAP ☐ Cellular ☐ Paging
  - ☐ Other \_\_\_\_\_
- ☐ 3. (AMT) Merger (14-day notice, 13 copies)
- ☐ 4. (ATR) Transfer or Transaction Affecting Operating Authority (14-day notice, 7 copies)
- ☐ 5. (ARJ) All Other Requests for Relief from Jurisdiction (NOT automatic, 10 copies)
- ☐ 6. (MTW) "Me Too" Waiver (30-day approval, 10 copies)
- ☐ 7. (RRJ) Interexchange Switchless Rebiller Request for Relief from Jurisdiction (30-day approval, 10 copies)
- ☐ 8. (WVR) Request for Waiver from Portion(s) of 563 pursuant to I.D.3. of the 563 guidelines. (NOT automatic, 10 copies)
- ☐ 9. (ZAC) Contract (0-day notice, 10 copies)
- ☐ 10. (ZCN) Change of Name (0-day notice, 10 copies)
- ☐ 11. (ZCO) Change in Ownership (0-day notice, 10 copies)
- ☐ 12. (ZTA) Introduction of new tariffed service(s), textual revision, correction of error, addition of service area(s), etc. (0-day notice, 10 copies)
- ☐ 13. (UNC) Unclassified (explain) \_\_\_\_\_ (NOT automatic, 10 copies)
- ☐ 14. Other (explain) \_\_\_\_\_ (NOT automatic, 10 copies)

THE FOLLOWING ARE TRF FILINGS ONLY, NOT NEW CASES (0-day notice, 3 copies)

- ☐ 15. Introduction or Extension of Promotional Offering
- ☐ 16. New Price List Rate for Existing Service.
- ☐ 17. Designation of Registrant's Process Agent(s)

II. Indicate which of the following exhibits have been filed. The numbers (corresponding to the list above) indicate, at a minimum, the types of cases in which the exhibit is required:

- ☒ A copy of registrant's proposed informational tariff. (2) SEE EXHIBIT A
- ☒ Statement affirming that the registrant has notified the Ohio Department of Taxation of its intent to conduct operations as a telephone utility in the State of Ohio. (2) SEE EXHIBIT B
- ☒ List of names, addresses, and phone numbers of officers and directors, or partners. (2-4) SEE EXHIBIT C
- ☒ Brief description of service(s) proposed, as well as the targeted market(s). (2) SEE EXHIBIT D
- ☐ Copy of tariff sheet(s) & price list(s) superseded, marked as Exhibit A. (1,3-4,6, 8,10,12-16)

- ☐ Copy of revised tariff sheets & price lists, marked as Exhibit B. (1,3-4,6,8,10,12-16)
- ☐ If increase to residential MTS, DA, or traditional operator surcharges, specify which notice procedure will be utilized: \_\_\_\_\_ real time; or \_\_\_\_\_ annual. (12, 16)
- ☐ Copy of real time notice which has been provided to customers. (1,3,10-12,16)
- ☐ Copy of annual notice which will be sent to customers is: \_\_\_\_\_ included with this filing; or will be filed with the Commission \_\_\_\_\_ (month) \_\_\_\_\_ (year). (16)
- ☐ Description of and rationale for proposed tariff changes, including a complete description of the service(s) proposed or affected. Specify for each service affected whether it is business \_\_\_\_\_, residence \_\_\_\_\_, or both \_\_\_\_\_ as well as whether it is a switched \_\_\_\_\_ or dedicated \_\_\_\_\_ service. Include this information in either the cover letter or label as "Exhibit C". (3,6,8,12-15)
- ☐ Delineation of any deaveraged message toll service, if applicable. (6, 12-16)
- ☐ Statement explaining rationale for proposal. (1,3-5,10-11)
- ☒ List of Ohio counties specifically involved or affected (1-6,8,10,16) SEE EXHIBIT E
- ☒ Certification from Ohio Secretary of State as to party's proper standing (domestic or foreign corporation, authorized use of fictitious name, etc.). (2-4,7,10) (In transfer of certificate cases, the transferee's good standing must be established). SEE EXHIBIT F
- ☐ Justification for waiver of specific element(s) of 563. (6,8)
- ☐ Responses to questions contained in Appendix A, Attachment 4 to the 563 guidelines (7)
- ☐ For radio common carriers, a statement affirming that registrant has obtained all necessary federal authority to conduct operations being proposed, and that copies have been furnished by cellular, paging, and mobile companies to this Commission of any Form 401, 463, and/or 489 which the applicant has filed with the Federal Communications Commission. (2-4)
- ☐ Other information requested by the Commission staff.

III. Registrant hereby attests to its compliance with the following requirements in the Service Requirements Form, as well as all pertinent entries and orders issued by the Commission with respect to these issues. Further, registrant hereby affirms that it will maintain with its TRF docket an up-to-date, properly marked, copy of the Service Requirements Form available for public inspection.

Mandatory requirements for all CTS providers:

- ☒ Sales tax
- ☒ Deposits

Service requirements for CTS providers of certain services (check all applicable):

- ☒ Discounts for Persons with Communication Disabilities and the Telecommunication Relay Service
- ☒ Emergency Services Calling Plan
- ☐ Alternative Operator Service (AOS) requirements
- ☒ Limitation of Liability
- ☒ Termination Liability Language

IV. List names, titles, and addresses of those persons authorized to make and/or verify filings at the Commission on behalf of the registrant:


MARLO S. OLIVER, General Counsel, 4380 Boulder Highway, Las Vegas, Nevada 89121-3002  
AND  
CHARLES H. HELEIN, Regulatory Counsel, HELEIN & ASSOCIATES, 8180 Greensboro Drive, Ste. 700

McLean, Virginia, 22102  
NOTE: An annual report is required to be filed with the Commission by each company on an annual basis. The annual report form will be sent for completion to the address and individual(s) identified in this Section unless another address or individual is so indicated.

VERIFICATION

I, JOSEPH T. KOPPY, PRESIDENT verify that I have utilized, verbatim, the Commission's 563 Registration Form issued December 21, 1995 and that all of the information submitted here, and all additional information submitted in connection with Case No. \_\_\_\_ - \_\_\_\_ -CT- \_\_\_\_ is true and correct to the best of my knowledge.

(Signature)\*

 12/23/98

(Date)

\* A verification is required for every filing. It may be signed by counsel or a process agent designated by the Registrant, except that initial certification cases (ACE) must be signed by an officer of the registering entity.

Send your completed Registration 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

**EXHIBIT A**

**NOS Communications, Inc.**

**Informational Tariff**

NOS COMMUNICATIONS, INC.

Ohio Tariff No. 1  
Title Page

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OHIO

TELECOMMUNICATIONS TARIFF

OF

NOS COMMUNICATIONS, INC.

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by NOS Communications, Inc. ("NOS") within the state of Ohio.

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Las Vegas, NV 89121

CHECK SHEET

Pages 1 through 27 inclusive of this tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date at the bottom of this page.

<u>PAGE</u>	<u>REVISION</u>
Title	Original
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
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16	Original
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22	Original
23	Original
24	Original
25	Original
26	Original
27	Original

\*Denotes pages included with this filing.

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NOS COMMUNICATIONS, INC.

Ohio Tariff No. 1  
Original Page 2

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**SYMBOLS**

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

- D - Delete or discontinue.
- I - Change Resulting in an increase to a customer's bill.
- M - Moved from another tariff location.
- N - New
- R - Change resulting in a reduction to a customer's bill.
- T - Change in text or regulation.

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**Access Line** - An arrangement which connects the customer's location to a NOS Communications, Inc. switching center or point of presence.

**Account Codes** - Optional, customer defined digits that allow the customer to identify the individual user, department or client associated with a call.

**Authorized User** - A person, firm, corporation, or any other entity authorized by the customer to communicate utilizing the Company's service.

**Business Day** - 9:00 a.m. to 4:00 p.m. Monday through Friday.

**Call Unit** - A Call Unit is either Minimum, Incremental, Equivalent, or Total as defined herein.

**Cents per Minute of Usage ("CPMU")** - The Carrier's charges billed in whole cents or fractions of cents as Minimum and/or Incremental Call Units and apply to the duration of time in minutes or fractions thereof beginning when the Customer's call is connected to Carrier's network and ending when the call is disconnected from the network, but is not inclusive of non-transport, non-usage charges.

**Company or Carrier** - NOS Communications, Inc. unless otherwise clearly indicated by the context.

**Commission** - The Public Utilities Commission of Ohio.

**Customer** - The person, firm, corporation or other entity which orders, cancels, amends or uses service and is responsible for payment of charges and compliance with the Company's tariff.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

**Equivalent Call Unit (ECU)** - A Call Unit equivalent to one or more Incremental Call Units, added to Total Call Units to recover the "non-transport" costs incurred by Carrier in providing service.

**Incremental Call Unit** - The minimum additional period after a Minimum Call Unit for which charges are incurred for a call and, except as otherwise provided in this tariff, equals six (6) seconds.

**Minimum Call Unit (MCU)** - The minimum period for which charges are incurred for calls and, except as otherwise provided for in this tariff, equals 18 seconds.

**Non-Business Day** - 4:01 p.m. to 8:59 a.m., Monday through Friday, and all day Saturday and Sunday.

**NOS** - Used throughout this tariff to mean NOS Communications, Inc. unless clearly indicated otherwise by the text.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

**Special Access Origination** - Where originating access between the customer and the interexchange carrier is provided on dedicated circuits. The cost of these dedicated circuits is billed by the access provider directly to the end user.

**Switched Access Origination** - Where originating access between the customer and the interexchange carrier is provided on local exchange company Feature Group circuits. The cost of switched Feature Group access is billed to the interexchange carrier.

**Total Call Units** - The number of applicable Call Units (Minimum, Incremental, and Equivalent) which when added together determine the charges for a call. Total Call Units include one or more Equivalent Call Units and will appear on a Customer's monthly bill expressed in whole numbers and fractionally in tenths (e.g., .1, .4, .9, 1.4, 5.6, etc.).

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SECTION 2 - RULES AND REGULATIONS

2.1 Undertaking of the Company

The Company's services and facilities are furnished for communications originating at specified points within the state of Ohio under terms of this tariff.

The Company installs, operates, and maintains the communications services provided herein under in accordance with the terms and conditions set forth under this tariff. The Company 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 the Company's network. The customer shall be responsible for all charges due for such service arrangement.

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

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of the necessary facilities and equipment, and subject to the provisions of this tariff.
- 2.2.2 The Company reserves the right to discontinue or limit service when necessitated by conditions beyond its control, or when the customer is using service in violation of provisions of this tariff, or in violation of the law.
- 2.2.3 The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.
- 2.2.4 All facilities and services provided under this tariff are directly or indirectly controlled by the Company and the customer may not transfer or assign the use of service or facilities without the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.5 Prior written permission from the 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 of service.

2.3 Use

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4 Liabilities of the Company

2.4.1 The Company's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in transmission which occur in the course of furnishing service or facilities in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the faults in transmission occur.

2.4.2 The Company shall not be liable for claim or loss, expense or damage (including indirect, special or consequential damage), for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by any person or entity other than the Company, by any malfunction of any service or facility provided by any other carrier, by an act of God, fire, war, civil disturbance, or act of government, or by any other cause beyond the Company's direct control.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4 Liabilities of Company (Cont'd)

2.4.3 The Company shall not be liable for, and shall be fully indemnified and held harmless by customer against any claim or loss, expense, or damage (including indirect, special or consequential damage) for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, tradename or service mark, unfair competition, interference with or misappropriation or violation of any contract, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data, information, or other content revealed to, transmitted, or used by the Company under this tariff; or for any act or omission of the customer; or for any personal injury or death of any person caused directly or indirectly by the installation, maintenance, location, condition, operation, failure, presence, use or removal of equipment or wiring provided by the Company, if not directly caused by negligence of the Company.

2.4.4 The Company shall not be liable for any defacement of or damages to the premises of a customer resulting from the furnishing of service which is not the direct result of the Company's negligence.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

**2.5 Deposits**

The Company does not require a deposit from the customer.

**2.6 Advance Payments**

For customers whom the Company feels 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 a new advance payment may be collected for the next month.

**2.7 Taxes**

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

**2.8 Terminal Equipment**

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

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

**2.9 Installation and Termination**

Service is installed upon mutual agreement between the customer and the Company. The service agreement does not alter rates specified in this tariff.

**2.10 Payment for Service**

The customer is responsible for payment of all charges for services and equipment furnished to the customer or to an authorized user of the customer by the Company. All charges due by the Customer are payable to the Company or to the Company's authorized billing agency. Terms of payment shall be according to the rules and regulations of the Public Utilities Commission of Ohio. Any objections to billed charges must be promptly reported to the Company. Adjustments to customer's bills shall be made to the extent that circumstances exist which reasonably indicate that such changes are appropriate.

**2.11 Cancellation by Customer**

Customer may cancel service by providing 30 days written notice to the Company.

**2.12 Interconnection**

Service furnished by the Company may be connected with the services or facilities of other carriers. Such service or facilities are provided under the terms, rates and conditions of the other carrier. The customer is responsible for all charges billed by other carriers for use in connection with the Company's service. Any special interface equipment or facilities necessary to achieve compatibility between carriers is the responsibility of the customer.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.13 Refusal or Discontinuance by Company

2.13.1 The Company may refuse or discontinue service with proper notice to the customer for any of the following reasons:

- (a) For failure of the customer to pay a bill for service when it is due.
- (b) For failure of the customer to meet the Company's deposit and credit requirements.
- (c) For failure of the customer to make proper application for service.
- (d) For customer's violation of any of the Company's rules on file with the Commission.
- (e) For failure of the customer to provide the Company reasonable access to its equipment and property.
- (f) For customer's breach of any contract for service between the Company and the customer.
- (g) For a failure of the customer to furnish such service, equipment, and/or rights-of-way necessary to serve said customer as shall have been specified by the Company as a condition of obtaining service.
- (h) When necessary for the Company to comply with any order or request of any governmental authority having jurisdiction.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.13 Refusal or Discontinuance by Company (Cont'd)

2.13.2 The Company may refuse or discontinue service without notice to the customer for any of the following reasons:

- (a) In the event of tampering with the Company's equipment.
- (b) In the event of a condition determined to be hazardous to the customer, to other customers of the Company, to the Company's equipment, the public, or to employees of the Company.
- (c) In the event of a customer's use of equipment in such a manner as to adversely affect the Company's equipment or the Company's service to others.

2.14 Interruption of Service

Credit allowances for interruptions of service which are not due to the Company's testing or adjusting, to the negligence of the customer, or to the failure of channels, equipment or communications systems provided by the customer, are subject to the general liability provisions set forth in Section 2.4 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 by customer. Before giving such notice, customer shall ascertain that the trouble is not within his or her control, or is not in wiring or equipment, if any, furnished by customer and connected to the Company's terminal. Interruptions caused by customer-provided or Company-provided automatic dialing equipment are not deemed an interruption of service as defined herein since the customer has the option of using the long distance network via local exchange company access.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

**2.15 Inspection, Testing and Adjustment**

Upon reasonable notice, the facilities provided by the Company shall be made available to the Company for tests and adjustments as may be deemed necessary by the Company for maintenance. No interruption allowance will be granted for the time during which such tests and adjustments are made.

**2.16 Tests, Pilots, Promotional Campaigns and Contests**

The Company may conduct special tests or pilot programs and promotions at its discretion to demonstrate the ease of use, quality of service and to promote the sale of its services. The Company may also waive a portion or all processing fees or installation fees for winner of contests and other occasional promotional events sponsored or endorsed by the Company. From time to time the Company may waive all processing fees for a customer.

**2.17 Cost of Collection and Repair**

The customer is responsible for any and all costs incurred in the collection of money due the Company including legal and accounting expenses. Customer is also responsible for recovery costs of Company-provided equipment and any expenses required for repair or replacement of damaged equipment.

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SECTION 3 - DESCRIPTION OF SERVICE

3.1 Timing of Calls

- 3.1.1 Long distance usage charges are based on the usage of the Company's network. The Company will determine that a call has been established by signal from the local telephone company.
- 3.1.2 Charges for calls are based on usage of the Company's network (transport) and the related non-transport functions including without limitation, installation/account set up, general and account administration, regulatory fees, and other costs.
- 3.1.3 Charges for a call are determined by adding all applicable Call Units as defined in this tariff - Minimum, Incremental, and Equivalent - and are in lieu of additional surcharges, the imposition of minimum service terms or other special charges, unless expressly set forth in this tariff.
- 3.1.4 The Company adds one or more ECUs in determining TCUs to recover the equivalent of the costs for the non-transport functions of providing a call according to a non-discriminatory algorithm applied to all customers unless otherwise provided for herein.

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## SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

## 3.1 Timing of Calls (Cont'd)

## 3.1.4 (Cont'd)

Usage increments expressed in seconds for calls not in excess of 1200 total seconds determine applicable Equivalent Call Unit charges not to exceed a maximum of 205 ECUs:

Usage Increments (Seconds)	Applicable ECU(s)	Usage Increments (Seconds)	Applicable ECU(s)	Usage Increments (Seconds)	Applicable ECU(s)
1-3	0	270-275	50	570-575	100
4-5	1	276-281	51	576-581	101
6-7	2	282-287	52	582-587	102
8-9	3	288-293	53	588-593	103
10-11	4	294-299	54	594-599	104
12-13	5	300-305	55	600-605	105
14-15	6	306-311	56	606-611	106
16-17	7	312-317	57	612-617	107
18-22	8	318-323	58	618-623	108
23-26	9	324-329	59	624-629	109
27-30	10	330-335	60	630-635	110
31-35	11	336-341	61	636-641	111
36-44	12	342-347	62	642-647	112
45-53	13	348-353	63	648-653	113
54-59	14	354-360	64	654-659	114
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156-161	31	456-461	81	756-761	131
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168-173	33	468-473	83	768-773	133
174-179	34	474-479	84	774-779	134
180-185	35	480-485	85	780-785	135
186-191	36	486-491	86	786-791	136
192-197	37	492-497	87	792-797	137
198-203	38	498-503	88	798-803	138
204-209	39	504-509	89	804-809	139
210-215	40	510-515	90	810-815	140
216-221	41	516-521	91	816-821	141
222-227	42	522-527	92	822-827	142
228-233	43	528-533	93	828-833	143
234-239	44	534-539	94	834-839	144
240-245	45	540-545	95	840-845	145
246-251	46	546-551	96	846-851	146
252-257	47	552-557	97	852-857	147
258-263	48	558-563	98	858-863	148
264-269	49	564-569	99		

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## SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

## 3.1 Timing of Calls (Cont'd)

## 3.1.4 (Cont'd)

Usage Increment (Seconds)	Applicable ECU(s)
864-869	149
870-875	150
876-881	151
882-887	152
888-893	153
894-899	154
900-905	155
906-911	156
912-917	157
918-923	158
924-929	159
930-935	160
936-941	161
942-947	162
948-953	163
954-959	164
960-965	165
966-971	166
972-977	167
978-983	168
984-989	169
990-995	170
996-1001	171
1002-1007	172
1008-1013	173
1014-1019	174
1020-1025	175
1026-1031	176
1032-1037	177
1038-1043	178
1044-1049	179
1050-1055	180
1056-1061	181
1062-1067	182
1068-1073	183
1074-1079	184
1080-1085	185
1086-1091	186
1092-1097	187
1098-1103	188
1104-1109	189
1110-1115	190
1116-1121	191
1122-1127	192
1128-1133	193
1134-1139	194
1140-1145	195
1146-1151	196
1152-1157	197
1158-1163	198
1164-1169	199
1170-1175	200
1176-1181	201
1182-1187	202
1188-1193	203
1194-1199	204
1200+	205

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**SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)****3.2 Telecompetitive Service Offerings ("TSOs")**

From time to time, Carrier shall tariff rates or select tariffed rates, the purpose of and/or design for which is to retain Carrier's competitive position by offering rates which are necessitated by competing offers received by or available to existing or potential customers, which if not matched or bettered would result in the loss of an existing or potential customer and/or in the reduction of traffic volume of the customer. Carrier either shall require customer confirmation of the competitive offer in writing or shall confirm the availability of a more favorable competitive rate from published tariffs, marketing materials, or other public sources to establish a customer's right to obtain a TSO.

- 3.2.1 TSOs will comply with carrier's net revenue test which is founded on established economic principles ensuring above-cost pricing.
- 3.2.2 A customer or potential customer which is similarly situated may request service under a new or previously tariffed TSO. To qualify as a similarly situated customer for purposes of this Section, the customer seeking the TSO must demonstrate the existence of circumstances substantially and materially like those which justified the TSO as tariffed.
- 3.2.3 An existing customer or potential customer unable to demonstrate being similarly situated under a tariffed TSO may, nonetheless, be able to qualify for a different or new TSO tailored to that customer's circumstances.
- 3.2.4 TSOs are available for all rates published in this Tariff.
- 3.2.5 Whenever a customer's competitive offer entails a rate which is not at the time offered by the Company, a specifically responsive competitive rate (RCR) matching that otherwise available from the competitive offering shall be tariffed in Section 4, following.

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SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

3.3 Benchmark Rates

Certain rates set forth in Section 4 of this tariff are "benchmarked," that is, keyed to a customer's monthly revenue volume and/or term commitments. Customers whose monthly revenue volume and/or term commitments do not meet the applicable benchmark(s) may obtain the benchmarked rate pursuant to Section 3.2 preceding.

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SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)

## 3.4 Welcome Plan Rate Cap Program - Graduated Rate Categories

Carrier offers services under this tariff based on the Rate Plans and categories as specified following. Rates are graduated as shown in Table 1 following, higher to lower, that is, Rate Category I for the Super U Rate Plan contains Carrier's lowest offered rates and Rate Category VII for the Classic Q Rate Plan contains Carrier's top rates.

Table 1

Rate Plan	Rate Category
Classic Q	VII
Classic 2	VI
Classic 1	V
Classic U/Universal	IV
Prime 2	III
Prime 1	II
Super U	I

- 3.4.1 Any customer in service on or after whose rates have not changed during the three service periods prior to shall have its rates adjusted to the next higher applicable Rate Category.

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SECTION 4 - RATES

## 4.1 General

Each customer is charged individually for each call placed through the Company. Rates may vary by mileage band, time of day, day of week, call duration, type of originating access and product type, as specified in this tariff.

## 4.2 Time of Day Rate Periods

The appropriate rates apply for Business Day and Non-Business Day calls based on the following chart.

Times	Mon	Tues	Wed	Thur	Fri	Sat	Sun
9:00 am to 4:00 pm	Business Day						
4:01 pm to 8:59 am	Non-Business Day						

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SECTION 4 - RATES (Cont'd)

The following Classic, Prime, and Super Rate Plans are offered. The provisions of Section 3.4 of this tariff apply.

**4.3 Classic Q Rate Plan**

The following rate is available to all customers qualifying for application of the rate cap under the Company's "Welcome Customer Rate Cap Program" under Company's Tariff F.C.C. No. 4, section 4.19, effective April 2, 1998, and to those customers whose minimum monthly intrastate usage is over \$20.00 at the following rates:

Minimum Call Unit <u>or Fraction</u>	Incremental Call Unit <u>or Fraction</u>
\$0.0411	\$0.0137

**4.4 Classic 2 Rate Plan**

Classic 2 rates are provided to Customers whose minimum monthly intrastate usage is over \$30.00 at the following rates:

Minimum Call Unit <u>or Fraction</u>	Incremental Call Unit <u>or Fraction</u>
\$0.0387	\$0.0129

**4.5 Classic 1 Rate Plan**

Classic 1 rates are provided to customers whose minimum monthly intrastate usage is over \$40.00 at the following rates:

Minimum Call Unit <u>or Fraction</u>	Incremental Call Unit <u>or Fraction</u>
\$0.0357	\$0.0119

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SECTION 4 - RATES (Cont'd)

## 4.6 Classic U/Universal Rate Plan

Classic U/Universal rates are provided to customers whose minimum monthly intrastate usage is over \$50.00 at the following rates:

Minimum Call Unit <u>or Fraction</u>	Incremental Call Unit <u>or Fraction</u>
\$0.0327	\$0.0109

## 4.7 Prime 2 Rate Plan

Prime 2 rates are provided to customers whose minimum monthly intrastate usage is over \$60.00 at the following rates:

Minimum Call Unit <u>or Fraction</u>	Incremental Call Unit <u>or Fraction</u>
\$0.0297	\$0.0099

## 4.8 Prime 1 Rate Plan

Prime 1 rates are provided to customers whose minimum monthly intrastate usage is over \$70.00 at the following rates:

Minimum Call Unit <u>or Fraction</u>	Incremental Call Unit <u>or Fraction</u>
\$0.0267	\$0.0089

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SECTION 4 - RATES (Cont'd)

## 4.9 Super U Rate Plan

Super U rates are not available to customers electing to receive service under the NOS Freedom Plan for Business Users. Super U rates are provided to customers whose minimum monthly intrastate usage is over \$80.00 at the following rates:

Minimum Call Unit  
or Fraction

\$0.0237

Incremental Call Unit  
or Fraction

\$0.0079

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SECTION 4 - RATES (Cont'd)

## 4.10 Rates for Calling Cards

Rates for calling card calls which are not associated with other services are time of day sensitive.

	Minimum Call Unit <u>or Fraction</u>	Incremental Call Unit <u>or Fraction</u>
Business Day	\$0.0513	\$0.0171
Non-Business Day	\$0.0459	\$0.0153

## 4.11 Calling Card "Bong" Charge

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

4.12 Directory Assistance Rate per call: \$0.95

## 4.13 Miscellaneous Charges

A surcharge applies to all remote access calls, including 800/888/877 and calling card calls that are accessed by dialing 800/888/877, originated from payphones.

Per Call

\$0.35

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SECTION 5 - PROMOTIONAL OFFERINGS

5.1 NOS Freedom Plan for Business Users

Any business Customer meeting the eligibility requirements set forth following is eligible for the NOS Freedom Plan for Business Users. The NOS Freedom Plan for Business Users applies only to calls that originate and terminate within Ohio during Business Day hours. The following services are eligible for the NOS Freedom Plan for Business Users: 1+ Outbound, Toll Free Access (800/888/877), Internet Access, and Calling Card.

5.1.1 Under the NOS Freedom Plan for Business Users, the Company will waive the ECU rate component for the first and second periods of service within the regular billing cycle for each Customer eligible for and selecting the NOS Freedom Plan for Business Users. Company's standard tariff rates apply at the expiration of this introductory period.

5.1.2 To be eligible for the NOS Freedom Plan for Business Users, Customer must not have had its account with any carrier canceled for nonpayment of charges, must not have a history of late payment of charges at any time during the 12 month period preceding customer's service commencement date with Company, and must have originated and terminated usage within the state of Ohio within the 30 day period preceding customer's service commencement date with Company.

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## **EXHIBIT B**

**NOS Communications, Inc.**

### **Statement to the Ohio Department of Taxation**

NOS Communications, Inc. has notified the Ohio Department of Taxation of its intent to conduct operations as a telephone utility in the State of Ohio (See attached letter).

**HELEIN & ASSOCIATES, P. C.**

ATTORNEYS AT LAW

8180 GREENSBORO DRIVE

SUITE 700

MCLEAN, VA 22102

(703) 714-1300 (TELEPHONE)

(703) 714-1330 (FACSIMILE)

mail@helein.com (EMAIL)

WRITER'S DIRECT DIAL NUMBER:

WRITER'S DIRECT EMAIL ADDRESS:

(703) 714-1313

December 1, 1998

jmarashlian@helein.com

**VIA OVERNIGHT DELIVERY**

Ohio Department of Taxation

30 East Broadway

Columbus, Ohio 43266-0420

**RE: Registration of NOS Communications, Inc.**

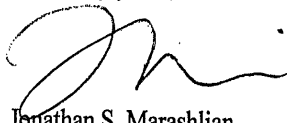
Dear Sir/Madam:

By this letter, NOS Communications, Inc. notifies the Ohio Department of Taxation of its intent to conduct intrastate telecommunications operations in the State of Ohio. The company may be contacted at the following address:

Marlo Oliver  
General Counsel  
NOS Communications, Inc.  
4380 Boulder Highway  
Las Vegas, NV 89121

If you have any questions, please contact the undersigned at the above telephone number.

Very truly yours,



Jonathan S. Marashlian

## **EXHIBIT C**

### **NOS Communications, Inc.**

#### **Officers and Directors**

The officers and directors of NOS Communications, Inc. are as follows:

Michael Arnau	CEO
Joseph Koppy	President
Robert Lichtenstein	Secretary
Ken Kirkpatrick	Treasurer
Robert Lichtenstein	Director
Rosette Delug	Director

The above directors and officers may be reached at the company's headquarters located at 4380 Boulder Highway, Las Vegas, NV 89121.

## **EXHIBIT D**

### **NOS Communications, Inc.**

#### **Description of Proposed Services and Targeted Markets**

NOS Communications, Inc. seeks authority to operate as a reseller of intraLATA and interLATA intrastate telecommunications services to the public throughout the State of Ohio. Initially, NOS proposes to offer switched and dedicated outbound message telecommunications services ("MTS"), postpaid calling card services, and directory assistance. NOS, however, seeks authority to provide a full array of telecommunications services, including prepaid calling card and toll free services. Accordingly, NOS requests general authority to provide resold interexchange telecommunications services on a statewide basis.

## **EXHIBIT E**

**NOS Communications, Inc.**

### **List of Affected Counties**

NOS Communications, Inc. will provide service on a statewide basis. Accordingly, all of the counties in the State of Ohio will be affected by this application.

**EXHIBIT F**

**NOS Communications, Inc.**

**Authority to do Business as a Foreign Corporation and  
Certificate of Good Standing from the Ohio Secretary of State**

UNITED STATES OF AMERICA,  
STATE OF OHIO,  
OFFICE OF THE SECRETARY OF STATE.

}

*I, Bob Taft, do hereby certify that I am the duly elected, qualified and present acting Secretary of State for the State of Ohio, and as such have custody of the records of Ohio and Foreign corporations; that said records show NOS COMMUNICATIONS, INC., a Maryland corporation qualified to do business within the State of Ohio on July 31st, 1998 under License No. 1021442 is currently in GOOD STANDING upon the records of this office.*



*WITNESS my hand and official  
seal at Columbus, Ohio on  
August 22, 1998*

*Bob Taft*

Bob Taft  
Secretary of State