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Arizona Corporation Commission

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November 2, 2000

**VIA OVERNIGHT DELIVERY**

Utilities Division  
 Docket Control  
 Arizona Corporation Commission  
 1200 West Washington Street  
 Phoenix, Arizona 85007

DOCKET NO. T-03462A-97-0619

Re: **New Century Telecom, Inc. - Final Tariff Submission**

Ladies and Gentlemen:

On behalf of New Century Telecom, Inc., a Provisional Holder of a Certificate of Convenience and Necessity to Provide Resold Telecommunications Services in the State of Arizona, we hereby transmit an original and ten (10) copies of their final tariff submission.

An extra copy of this letter, cover sheet and filing is enclosed to be date-stamped and returned to the undersigned in the pre-addressed, postage-paid envelope provided. Should any questions arise, kindly contact the undersigned.

Respectfully submitted,

Paul A. Dean  
 Regulatory Counsel

Enclosures

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**TELECOMMUNICATIONS SERVICES TARIFF**

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## TITLE SHEET

ARIZONA TELECOMMUNICATIONS TARIFF

This tariff contains the description, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by New Century Telecom, Inc., with principal offices at 8180 Greensboro Drive, Suite 700, McLean, Virginia 22102. This tariff applies to services furnished within Arizona. This tariff is on file with the Arizona Corporation Commission, where copies may be inspected during normal business hours. The address of the Arizona Corporation Commission is as follows:

Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

The name, address and telephone numbers for the officer of New Century Telecom, Inc. who is responsible for providing information with respect to the operating procedures of the Company is listed below.

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**ISSUED: November 3, 2000****EFFECTIVE: December 4, 2000**

**By: Robert F. Schneberger  
Executive Vice-President  
New Century Telecom, Inc.  
8180 Greensboro Drive, Suite 700  
McLean, VA 22102**

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**CHECK SHEET**

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

<u>PAGE</u>	<u>REVISION</u>
1	Original
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**TELECOMMUNICATIONS SERVICES TARIFF**

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CHECK SHEET (Cont'd)

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PAGE

REVISION

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**TELECOMMUNICATIONS SERVICES TARIFF**

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TELECOMMUNICATIONS SERVICES TARIFF

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SYMBOLS

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

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

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**TARIFF FORMAT**

- A. **Page Numbering** - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.
- B. **Page Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file with the A.C.C. For example, 4th Revised Page 14 cancels the 3rd Revised Page 14. Because of various suspension periods, deferrals, etc. the A.C.C. follows in its tariff approval process, the most current page number on file with the A.C.C. is not always the tariff page in effect. Consult the Check Sheet for the page currently in effect.
- C. **Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 2.
  - 2.1.
  - 2.1.1.
  - 2.1.1.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).(l).

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**TARIFF FORMAT** (Cont'd)

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

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

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

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

Carrier or Company - New Century Telecom, Inc. or "New Century."

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

A.C.C. - Arizona Corporation Commission.

Holidays - New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

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

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

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

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 2 - RULES AND REGULATIONS****2.1 Undertaking of Company**

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

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

**2.2 Limitations**

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

2.2.2 Company reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control, including without limitation, for customer non-payment of charges; or when the customer's use of a service becomes or is in violation of the law or the provisions of this tariff.

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

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 2 - RULES AND REGULATIONS (Cont'd)****2.2 Limitations (Cont'd)**

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

**2.3 Liabilities of the Company**

2.3.1 Company has no liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission or call processing of customer's communications traffic by the Underlying Carrier. The Company's liability for such damages occurring in the course of furnishing the Company's Services but not caused by its gross negligence or willful misconduct or that of its employees or agents in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which such mistakes, interruptions, omissions, delays, errors, or defects in the Company's furnishing of its Services occur.

2.3.2 Acceptance of the provisions of Section 2.3.1 by the Commission does not constitute its determination that the limitation of liability imposed by the Company should be upheld in a court of law; but the recognition that as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of Section 2.3.1.

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 2 - RULES AND REGULATIONS (Cont'd)****2.3 Liabilities of the Company (Cont'd)**

2.3.3 Company shall be indemnified and held harmless by the customer against:

- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content of a customer's communications traffic;
- (B) Claims for patent infringement arising from a customer's use of its equipment, facilities, or systems with the Company's Services; and
- (C) All other claims arising out of any act or omission of the customer in connection with any service provided by Company.

**2.4 Interruption of Service**

2.4.1 Credit allowance for the interruption of service is subject to the general liability provisions set forth in Section 2.3.1 herein. Customer shall receive no credit allowance for interruption of service due to Carrier's testing or adjusting, to negligence of the customer, or to the failure of channels or equipment provided by the customer. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is claimed. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission within customer's control, or is not in wiring or equipment, if any, furnished by the customer in connection with the Company's Services.

2.4.2 No credit is allowed in the event service must be interrupted in order to provide routine service quality or related investigations.

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 2 - RULES AND REGULATIONS (Cont'd)**

**2.4 Interruption of Service (Cont'd)**

2.4.3 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of Company or in the event Company is entitled to a credit for the failure of the facilities of Company's Underlying Carrier used to furnish customer's service.

2.4.4 No credit shall be allowed:

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

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

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

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

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

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

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

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 2 - RULES AND REGULATIONS (Cont'd)****2.4 Interruption of Service (Cont'd)**

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

Credit Formula:

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

"A" = outage time in hours

"B" = total monthly charge for affected facility

**2.5 Restoration of Service**

The use and restoration of service shall be administered by the Underlying Carrier in accordance with the priority system specified in Part 64, Subpart D of the Rules and Regulations of the Federal Communications Commission and in the Rules and Regulations of the Arizona Commerce Commission.

**2.6 Deposits**

The Company does not require a deposit from its customers.

**2.7 Advance Payments**

The Company does not collect advance payments.

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 2 - RULES AND REGULATIONS (Cont'd)****2.8 Taxes**

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

**2.9 Collections**

2.9.1 In the event Company incurs fees or expenses, including attorney's fees, to collect, or to attempt to collect, any charges owed Company by customer, including charges alleged to have resulted from fraud or abuse of customer's services, the Company shall charge customer all such fees and expenses, including Company's reasonable attorneys' fees, incurred to collect or to attempt to collect its charges, and Company shall be entitled to recover such fees or expenses irrespective of whether it prevails in any legal action brought to collect its charges, all in accordance with and subject to the following additional legal requirements -

2.9.2 In accordance with the "filed tariff doctrine," as established by judicial and regulatory decisions and precedents, customer shall pay all charges due and owing irrespective of any claims of loss, liability, set off, damages, or other claims against Company to which customer may claim to be entitled. The duty to pay such charges shall arise upon the demand for payment by Company and shall not be delayed or deferred by the commencement of any legal or equitable action by either customer or Company in connection with such charges incurred under this tariff.

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 2 - RULES AND REGULATIONS (Cont'd)****2.9 Collections (Cont'd)**

2.9.3 Customer agrees that all actions, suits, or proceedings, to recover charges due under this tariff shall be prosecuted in the United States District Court for the Eastern District of Virginia. Customer consents to and submits to the exercise of jurisdiction over the subject matter, waives personal service of any and all process upon it, and consents that all such service of process be made by registered mail directed to customer at its address registered with Company. Service so made shall be deemed to be completed five business days after such process shall have been deposited in the mail, postage prepaid. Customer waives trial by jury, any objection based on forum non conveniens, any objection to venue or jurisdiction of any action instituted hereunder, and consents to the granting of such legal or equitable relief as deemed appropriate by the Court.

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TELECOMMUNICATIONS SERVICES TARIFF

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.10 Employee Concessions

There are no employee concessions.

2.11 Specific Services

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

2.12 Billing

Company bills its customers directly.

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 3 - DESCRIPTION OF SERVICES****3.1 Usage Based Services**

- 3.1.1 Long distance usage charges are based on the actual usage of the Company's network. Timing for all calls begin when the called party answers the call (i.e. when two-way communications are established). Answer detection is based on standard industry answer detection methods, including hardware and software answer detection.
- 3.1.2 Chargeable time for all calls ends when one of the parties disconnects from the call.
- 3.1.3 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is eighteen (18) seconds.
- 3.1.4 Unless otherwise specified in this tariff, calls are billed in six (6) second increments.
- 3.1.5 Usage is measured and rounded up to the next higher increment for billing purposes.
- 3.1.6 There are no billing charges applied for incomplete calls.

**3.2 Outbound Interexchange Service**

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

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)****3.3 800/888 Service**

800/888 service provides for the termination of inbound toll-free calls to one-party exchange access lines from points within Arizona to Customer premises within Arizona.

**3.4 Calling Card Service**

Carrier offers a calling card, which allows Customer to gain access to its long distance service from anywhere in Arizona via a toll-free access number with service billed back to the Customer's account. Calling Card service allows customers to originate outbound, direct dial long distance calls. The following on-demand features are offered in conjunction with Company's calling card, and can not be accessed through any other Company product or service: Audio Text; Message Store and Forward; Station-to-Station Operator Assistance; and Conference Calling.

**3.4.1 Audio Text**

Audio Text allows customer to access prerecorded information on topics which include news, weather, sports, financial news, and entertainment. Customer accesses Audio Text by dialing Company's toll-free calling card access number and then selecting "Information Services." Customer may then select a specific topic by making one or more menu option selections. This service is billed based upon call duration, in full minute increments, with usage measured and rounded to the next higher full minute increment.

**3.4.2 Message Store and Forward**

Company's Message Store and Forward service allows customer to store a recorded message and then have the recorded message automatically forwarded to any telephone number within Arizona designated by the customer. Service is offered on a flat fee per message basis.

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**SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)****3.4 Calling Card Service (Cont'd)****3.4.3 Station-to-Station Operator Assistance**

Customer may request station-to-station dialing assistance on calling card calls. Company offers station-to-station dialing assistance on calling card calls only at the customer's request and then only through the resale of the services of operators employed by its underlying carrier. Station-to-station dialing assistance is offered on a flat fee per call basis.

**3.4.4 Conference Calling**

Conference calling is offered. Usage charges apply per each conference participant, and are based on time of day and duration of call. Conference calling usage charges are billed in full minute increments. A per-participant set-up charge also applies.

**3.5 Affinity Group Services (AGS)**

AGS Service is available only through exclusive agencies contracted with Carrier to market, sell, and participate in billing and collection of the Carrier's charges for services rendered to individuals, religious, charitable, scientific, educational, or similar institutions or organizations having a common affinity of interest ("affinity groups"). Each end user in an affinity group for whom an agent submits an order for service accepted by the carrier becomes the customer of record. AGS services are available at the rates set out in sections 4.11 - 4.13.

**3.6 Directory Assistance**

The Company provides standard Directory Assistance.

**3.7 Services Not Available**

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

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**TELECOMMUNICATIONS SERVICES TARIFF**

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**SECTION 4 - RATES****4.1 Description of Rates**

Services are available to subscribers under the following rate plans. Calls in each rate plan are billed in increments with minimum billing increments as specified. No charge is made for an uncompleted call.

**4.2 Outbound 1+ Switched Service**

The following rates apply to interLATA and intraLATA outbound 1+ switched calls originating and terminating in Arizona.

<u>Initial 18 Seconds or Fraction</u>	<u>Incremental 6 Seconds or Fraction</u>
\$0.0477	\$0.0159

**4.3 Outbound 1+ Dedicated Service**

The following rates apply to interLATA and intraLATA outbound 1+ dedicated calls originating and terminating in Arizona.

<u>Initial 18 Seconds or Fraction</u>	<u>Incremental 6 Seconds or Fraction</u>
\$0.0294	\$0.0098

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TELECOMMUNICATIONS SERVICES TARIFFSECTION 4 - RATES (Cont'd)4.4 800/888 Switched Service

The following rates apply to interLATA and intraLATA inbound 800/888 switched calls originating and terminating in Arizona.

<u>Initial 18 Seconds or Fraction</u>	<u>Incremental 6 Seconds or Fraction</u>
\$0.0477	\$0.0159

4.5 800/888 Dedicated Service

The following rates apply to interLATA and intraLATA inbound 800/888 dedicated calls originating and terminating in Arizona.

<u>Initial 18 Seconds or Fraction</u>	<u>Incremental 6 Seconds or Fraction</u>
\$0.0294	\$0.0098

4.6 Calling Card Service4.6.1 Calling Card Call

The following basic usage charges apply to calls originated using Carrier's calling card. Calls are billed in full minute increments, with usage measured and rounded up to the next higher increment.

<u>Per Minute or Fraction</u>
\$0.25

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**SECTION 4 - RATES (Cont'd)****4.6 Calling Card Service (Cont'd)****4.6.2 Audio Text**

The following usage charges apply to calls originated using Carrier's calling card to access Carrier's Audio Text service. Calls are billed in full minute increments, with usage measured and rounded up to the next higher increment.

Per Minute  
or Fraction

\$0.28

**4.6.3 Message Store and Forward**

The following usage charges apply to calls originated using Carrier's calling card to access Carrier's Message Store and Forward service.

Per Message

\$0.98

**4.6.4 Operator Assistance**

The following per call charge applies for operator assistance for station-to-station calls originated using carrier's calling card.

Per Call

\$0.70

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**SECTION 4 - RATES (Cont'd)****4.6 Calling Card Service (Cont'd)****4.6.5 Conference Calling**

Usage charges apply per each participant. Usage is billed in full minute increments, with usage measured and rounded up to the next higher increment. A set-up charge per participant applies.

Per Minute  
or Fraction

\$0.28

Set-Up Charge: \$1.40/participant

**4.7 Directory Assistance Charge**

\$0.85/call

**4.8 Late Payment Charge**

A late fee of 1.5% per month will be charged on any past due balance.

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**SECTION 4 - RATES (Cont'd)****4.9 Returned Check Charge**

Carrier charges a fee of \$15.00 for any check returned for insufficient funds.

**4.10 Method of Computing Charges**

Charges for each call are totaled by rate period. If the computed charges include a fraction of a cent, the fraction is rounded up to the next whole cent (e.g., \$1.4266 would be rounded up to \$1.43).

**4.11 AGS Outbound 1+ Switched Service**

The following rates apply to interLATA and intraLATA outbound 1+ switched calls originating and terminating in Arizona.

<u>Initial 18 Seconds or Fraction</u>	<u>Incremental 6 Seconds or Fraction</u>
\$0.0483	\$0.0161

**4.12 AGS 800/888 Switched Service**

The following rates apply to interLATA and intraLATA inbound 800/888 switched calls originating and terminating in Arizona.

<u>Initial 18 Seconds or Fraction</u>	<u>Incremental 6 Seconds or Fraction</u>
\$0.0483	\$0.0161

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**ISSUED: November 3, 2000****EFFECTIVE: December 4, 2000**

**By: Robert F. Schneberger  
Executive Vice-President  
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TELECOMMUNICATIONS SERVICES TARIFFSECTION 4 - RATES (Cont'd)4.13 AGS Calling Card Service4.13.1 AGS Calling Card Call

The following basic usage charges apply to calls originated using Carrier's calling card.

<u>Initial 18 Seconds or Fraction</u>	<u>Incremental 6 Seconds or Fraction</u>
\$0.074	\$0.025

4.13.2 AGS Conference Calling

Usage charges apply per each participant. Peak charges are from 8:00 a.m. to 5:00 p.m., Monday through Friday. Off-Peak charges are from 5:01 p.m. to 7:59 a.m., Monday through Friday, and all day Saturday and Sunday. Usage is billed in full minute increments, with usage measured and rounded up to the next higher increment. A set-up charge per participant applies.

	<u>Per Minute or Fraction</u>
Peak	\$0.28
Off-Peak	\$0.21

Set-Up Charge: \$1.40/participant

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