



0000030432

**TC&F RECEIVED**

**TELECOM CERTIFICATION & FILING INC.** 2001 FEB 8 12:24  
485 MADISON AVENUE  
NEW YORK, NEW YORK 10022-5803  
TEL (212) 546-9090 AZ CORP COMMISSION  
FAX (212) 753-8101 DOCUMENT CONTROL  
e-mail: dklein@telfile.com

February 7, 2001

VIA FEDERAL EXPRESS

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

**DOCKET NO. T-03990A-01-0117**

Re: Local Telcom Holdings, LLC d/b/a Transpoint Communications

Dear Sir or Madam:

Enclosed for filing, please find one original and ten (10) copies of Local Telcom Holdings, LLC d/b/a Transpoint Communications' Application and Petition for a Certificate of Convenience and Necessity to Provide Intrastate Telecommunications Services as an Interexchange Reseller in the State of Arizona.

At your earliest convenience, please date stamp and return the copy of this letter to me in the postage prepaid self-addressed envelope.

Should you have any questions, or require additional information, please contact me at your convenience.

Sincerely,

Alice Rodriguez  
Project Manager

Enc.

2112-05/41429

00041429;1

www.telfile.com

FORM B

NEW APPLICATION  
RECEIVED

ARIZONA CORPORATION COMMISSION - 8 P 12: 22

Application and Petition for Certificate of Convenience and Necessity to Provide  
Intrastate Telecommunication Services as an Interexchange Reseller

Mail original plus 10 copies of completed application to:

For Docket Control Only:  
(Please Stamp Here)

Docket Control Center  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007-2927

If you have current applications pending in Arizona as  
an Interexchange reseller, AOS provider, or as the  
provider of other telecommunication services.

DOCKET NO. T-03990A-01-0117

Type of Service: \_\_\_\_\_

Docket No.: \_\_\_\_\_ Date: \_\_\_\_\_

Docket No. \_\_\_\_\_

Type of Service: \_\_\_\_\_

Docket No.: \_\_\_\_\_ Date: \_\_\_\_\_

Date Docketed \_\_\_\_\_

A. Company and Telecommunications Service Information

(A-1) The name, address, and telephone number (including area code) of the applicant(company):

Local Telcom Holdings, LLC  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
(818) 871-9900

(A-2) If doing business (dba) under a name other than the applicant (company) name listed above, specify:

Transpoint Communications

(A-3) The name, address, telephone number, facsimile number and email address of the management contact:

Mr. Adam Bir  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
(818) 871-9900  
(818) 871-9910

(A-4) The name, address, telephone number, facsimile number and email address of the ~~attorney~~ <sup>Representative</sup> if any.  
representing the applicant:

David O. Klein, COO  
Telecom Certification & Filing, Inc.  
485 Madison Avenue, 15th Floor, New York, NY 10022  
Email: [dklein@telfile.com](mailto:dklein@telfile.com)  
Tel: (212) 546-9090  
Fax: (212) 753-8101

(A-5) What type of legal entity is the applicant?

- Sole proprietorship
- Partnership: \_\_\_ limited, \_\_\_ general, \_\_\_ Arizona, \_\_\_ Foreign
- Limited liability company
- Corporation: \_\_\_ "S", \_\_\_ "C", \_\_\_ non-profit, \_\_\_ Arizona, \_\_\_ Foreign
- Other, specify:

(A-6) Include "Attachment A." Attachment A must list names of all owners, partners, limited liability company managers, or corporation officers and directors (specify), and indicate percentages of ownership.

See Attachment A

(A-7) 1. Is your company currently reselling telecommunication services in Arizona? If yes, provide the date or the approximate date that you began reselling service in Arizona.

No.

2. If the answer to 1. is "yes", identify the types of telecommunications services you resell; whether operator services are provided or resold and whether they are provided or resold to traffic aggregators (as defined in A.A.C. Rule R14-2-1001(3), a copy of which is attached); the number of customers in Arizona for each type of service; and the total number of intrastate minutes resold in the latest 12 month period for which data is available. Note: The Commission rules require that a separate CC&N, issued under Article 10, be obtained in order to provide operator services to traffic aggregators.

3. If the answer to 1. is "no, when does your company plan to begin reselling service in Arizona?

Local Telcom Holdings, LLC d/b/a Transpoint Communications plans to begin reselling interexchange telecommunications service upon approval of this Application.

(A-8) Include "Attachment B." Attachment B, your proposed tariff, must include proposed rates and charges for each service to be provided, state the tariff (maximum) rate as well as the price to be charged, and state other terms and conditions, including deposits, that will apply to provision of the service(s) by your company.

The Commission provides pricing flexibility by allowing competitive telecommunications service companies to price their services at levels equal to or below the tariff (maximum) rates. The prices to be charged by the company are filed with the Commission in the form of price lists.

Note: Price list rate changes that result in rates that are lower than the tariff rate are effective upon concurrent notice to the Commission (See Rule R14-2-1109(B)(2)). See Rule R14-2-1110 for procedures to make price list changes that result in rates that are higher than the tariff rate.

See Attachment B

(A-9) The geographic market to be served is:

Statewide

Other. Describe and provide a map depicting the area.

(A-10) List the states in which you currently resell services similar to those you intend to resell in Arizona.

None. However, Applicant has been granted authority in several states (See Attached).

(A-11) Provide the name, address, and telephone number of the company's complaint contact person.

Mr. Adam Bir

Tel: (888) 239-2941

26565 West Agoura Road, Suite 305, Calabasas, CA 91302

(A-12) Provide a list of states in which you have sought authority to resell telecommunications services and in which the state granted the authority with major changes and conditions or did not grant your application for those services. For each state listed, provide a copy of the Commission's decision modifying or denying your application for authority to provide telecommunications services.

None.

(A-13) Has the company been granted authority to provide or resell telecommunications services in any state where subsequently the authority was revoked? If "yes", provide copies of the State Regulatory Commission's decision revoking its authority.

No.

(A-14) Has the company been or is the company currently involved in any formal complaint proceedings before any State or Federal Regulatory Commission? If "yes", in which states is the company involved in proceedings and what is the substance of these complaints. Also, provide copies of Commission orders that have resolved any of these complaints

No.

(A-15) Has the applicant been involved in any civil or criminal investigations related to the delivery of telecommunications services within the last five years? If "yes", in which states has the applicant been involved in investigations and why is the applicant being investigated?

No.

(A-16) Has the applicant had judgment entered against it in any civil matter or been convicted of criminal acts related to the delivery of telecommunications services within the last five years? If yes, list the states where judgment or conviction was entered and provide a copy of the court order.

No.

## B. Technical Information

(B-1) If your company is a switchless reseller, provide the name of the company or companies whose services you resell and skip to question (B-2). If you are not a switchless reseller, complete the remainder of this section. **Global Crossing**

Include "Attachment C." Attachment C should provide the following information: A diagram of the applicant's basic call network used to complete Arizona intrastate telecommunications traffic. This diagram should show how a typical call is routed in both its originating and terminating ends (i.e. show the access network and call completion network).

Also include on the diagram the carrier(s) used for each major network component and indicate if the carrier is facilities-based or not. If the carrier is not facilities-based, indicate who owns the facilities (within the State of Arizona) that are used to originate and terminate the applicant's intrastate

telecommunications traffic (i.e. provide a list of the Arizona facilities-based long distance carriers whose facilities are used to complete the applicant's intrastate traffic).

(B-2) Will your customers be able to access alternative toll service providers or resellers via 1+ or 101XXXX access, if your system becomes non-operational?

Yes.

### C. Financial Information

(C-1) Include "Attachment D", Attachment D **must** include a copy of your Company's balance sheet, income statement, audit report (if audited) and all related notes to these financial statements for the two most recent years your Company has been in business.

See Attachment D

(C-2) If your Company does not have financial statements for the two most recent years, please give the date your Company began operations.

(C-3) If the balance sheets you submit do not have retained earnings accounts, please provide this account information on a separate sheet.

(C-4) If your Company is a subsidiary, please provide your Parent Company's financial statements, in addition to your Company's financial statements.

N/A

(C-5) If your Company intends to rely on the financial resources of its Parent Company, please provide a written statement from your Parent Company attesting that it will provide complete financial backing if your Company experiences a net loss or a business failure and that it will guarantee re-payment of customers; advances, prepayments or deposits held by your Company if, for some reason, your Company cannot provide service or repay the deposits.

N/A

(C-6) Will your customers be required to (or have the option to) pay advances, prepayments, or deposits for any of your products or services. No.

YES \_\_\_\_ (If yes, provide an explanation of how and when these customer advances prepayments or deposits will be applied or reference the terms and conditions section of your Company's tariffs with this explanation. If this information is not explained in the tariff of this application, please provide it on a separate sheet.)

NO X (Note: If at a later date, your Company decides it wants to offer or require customer advances, prepayments or deposits, it must submit financial statements as part of the tariff amendment process.)

I certify that if the applicant is an Arizona corporation, a current copy of the Articles of Incorporation is on file with the Arizona Corporation Commission and the applicant holds a Certificate of Good Standing from the Commission. If the company is a foreign corporation or partnership, I certify that the company has authority to transact business in Arizona. I certify that all appropriate city, county and/or State agency approvals have been obtained. Upon signing of this application, I attest that I have read the Commission's rules and regulations relating to the regulations of telecommunications services (A.A.C. Title 14, Chapter 2, Article 11) and that the company will abide by Arizona State Law including the Arizona Corporation Commission Rules and Regulations. I agree that the Commission's rules apply in the event there is a conflict between those rules and the company's tariff, unless otherwise ordered by the Commission. I certify that to the best of my knowledge the information provided in this Application and Petition is true and correct.

Ralph Metz  
(Signature of Authorized Representative)

January 31 , 2001  
(Date)

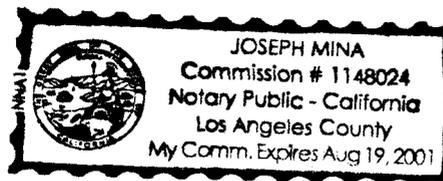
Ralph Metz  
(Print Name of Authorized Representative)

Chief Operating Officer / MANAGER  
(Title)

SUBSCRIBED AND SWORN to before me this 1 day of Feb January, 2001.

Joseph H. Mina  
NOTARY PUBLIC

My Commission Expires 8-19-2001



# STATE OF ARIZONA



Office of the  
**CORPORATION COMMISSION**

*To all to whom these presents shall come, greeting:*

*I, Brian C. McNeil, Executive Secretary of the  
Arizona Corporation Commission, do hereby certify that*

**\*\*\*LOCAL TELCOM HOLDINGS, LLC\*\*\***

*A Limited Liability Company organized under the laws of  
the jurisdiction of Delaware, has on this 15th day of  
August, 2000 obtained this Certificate of Registration  
to transact business in the State of Arizona.*

*IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed the official seal  
of the Arizona Corporation Commission.  
Done at Phoenix, the Capitol, this  
16th day of August, 2000, A. D.*



*[Signature]*  
Executive Secretary

BY: *[Signature]*

AZ. CORP. COMMISSION  
DELIVERED

AUG 15 2000

APPLICATION FOR REGISTRATION

DO NOT PUBLISH  
THIS SECTION

FILED BY M. Flory-Castelo OF A  
TERM \_\_\_\_\_ FOREIGN LIMITED LIABILITY COMPANY

DATE 8.15.00 R-0959629-3

1. The company name must contain an ending which may be "limited liability company," "limited company," or the abbreviations "L.L.C.," "L.C.," "LLC" or "LC". If you are the holder or assignee of a trademark or trademark, attach Declaration of Tradename Holder form. If you do not plan to use the name in Arizona, under which your company is organized, then provide the name which you plan to use.

2. Provide the name of the state or jurisdiction under whose laws your company was formed.

3. Provide the date on which your company organized in the state or jurisdiction under whose laws it was formed.

4. Provide the general character of business you plan to transact in Arizona.

5. The statutory agent address cannot be a P.O. Box. It must be a physical address in Arizona.

1.a. The name of the limited liability company is:

Local Telecom Holdings, LLC

1.b. If the name of the company is different than the proposed name for use in Arizona, then the name under which the company proposes to transact business in Arizona:

1.c. If the name of the company does not contain the words "Limited Liability Company," "Limited Company," "L.L.C." or "L.C.," then the name of the company with the words or abbreviation which it elects to add thereto for use in Arizona is:

2. The company is organized under the laws of: Delaware

3. The date of the company's formation is: April 7, 2000

4. The purpose of the company or the general character of business it proposes to transact in Arizona is:

To provide telecommunication services.

5. The name and street address of the statutory agent for the foreign corporation in Arizona is:

National Registered Agents, Inc.

815 N. First Avenue, Suite 4

Phoenix, AZ 85003

DO NOT PUBLISH THIS SECTION

6. If you do not appoint a statutory agent when you file the application, you must do so within sixty days of filing. Your failure to do so, may result in revocation of your Certificate of Registration.

7. If the jurisdiction under the law of which your company is formed, you must provide the address of the principle office of the company, in whatever state or jurisdiction it is located.

The application must be executed by a member, manager or duly authorized agent.

The agent may consent to the appointment by either executing the consent, attaching a cover letter, or if paying by check, executing the check.

6. The Arizona Corporation Commission is appointed as the Statutory Agent for service of process if either of the following occur.

- A. An agent has not been appointed under paragraph 5, or if the agent's authority has been revoked.
- B. The agent cannot be found or serviced with the exercise of reasonable diligence.

7. The address of the office required to be maintained in the jurisdiction under the laws of which the company is organized, if required; or, if not required, the address of the principal office of the company is:

485 Madison Avenue

New York, NY 10022

Executed this 31 day of July 2000

  
[signature]

Paul Black

Managing Member

[print name]

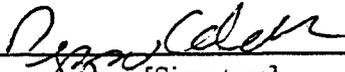
[title]

PHONE 818-519-7600 FAX 818-591-2020

ACCEPTANCE OF APPOINTMENT BY STATUTORY AGENT

I, National Registered Agents, Inc., having been designated to act as statutory agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.

National Registered Agents, Inc.

  
[Signature]

Agent for National Registered Agents, Inc.

Not a part of this document  
and is subject to the provisions of  
the Arizona Revised Statutes





STATE OF ARIZONA  
CORPORATION COMMISSION

I hereby certify this to be a true  
and complete copy of the document filed  
in this office and admitted to record in  
File No. B-0959629-3

*Kenneth J. [Signature]*  
Executive Secretary

Dated: 8.15.00 By: R. J. [Signature]

# ATTACHMENT A

**(A-6) List of all owners, partners, limited liability company managers, or corporation officers and directors (specify), and indicates percentages of ownership.**

Name: Transpoint Communications, LLC

Title: Shareholder

Percentage of Ownership: 100%

Name: Paul Black

Title: Shareholder, President and Chief Executive Officer

Percentage of Ownership: 0%

Name: Ralph Metz

Title: Chief Operating Officer

Percentage of Ownership: 0%

Name: Adam Bir

Title: Vice President of Sales

Percentage of Ownership: 0%

# ATTACHMENT B

LOCAL TELCOM HOLDINGS, LLC  
D/B/A TRANSPORT COMMUNICATIONS'  
PROPOSED INTEREXCHANGE TARIFF

Local Telcom Holdings, LLC  
d/b/a Transpoint Communications

A.C.C. TARIFF NO. 1  
ORIGINAL TITLE SHEET 1

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TITLE SHEET

ARIZONA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations and rates applicable to the furnishing of service and facilities for interexchange telecommunications services provided by Local Telcom Holdings, LLC d/b/a Transpoint Communications with principal office at 26565 West Agoura Road, Suite 305, Calabasas, CA 91302. This tariff applies for services furnished within the State of Arizona. This tariff is on file with the Arizona Corporation Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

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Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

00039373;1

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CHECK SHEET

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

<u>SHEET</u>	<u>REVISION</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original

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Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

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Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

SYMBOLS

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

- D - Delete or Discontinue
- I - Change Resulting In An Increase to A Customer's Bill
- M - Moved From Another Tariff Location
- N - New
- R - Change Resulting In A Reduction to A Customer's Bill
- T - Change In Text or Regulation but no Change In Rate or Charge

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Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

TARIFF FORMAT

- A. Sheet Numbering - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the A.C.C.. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the A.C.C. follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.
- C. Paragraph Number Sequence - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:
- 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).1.
  - 2.1.1.A.1.(a).1.(i).
  - 2.1.1.A.1.(a).1.(i).(1).

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Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

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

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Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

**Access Line** - An arrangement which connects the Customer's location to a Local Telcom Holdings, LLC d/b/a Transpoint Communications network switching center.

**Authorization Code** - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

**Company or Carrier** - Local Telcom Holdings, LLC d/b/a Transpoint Communications.

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

**Day** - From 8:00 a.m. up to, but not including, 5:00 p.m. local time Sunday through Friday.

**Evening** - From 5:00 p.m. up to, but not including, 11:00 p.m. local time Sunday through Friday.

**Holidays** - Local Telcom Holdings, LLC d/b/a Transpoint Communications' recognized holidays are New York's Day, Martin Luther King, Jr. Day, Chief Executive Officers' Day, Veterans' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day and Christmas Day.

**Night/Weekend** - From 11:00 p.m. up to, but not including, 8:00 a.m. Sunday through Friday, and 8:00 a.m. Saturday up to, but not including 5:00 p.m. Sunday.

---

Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

SECTION 2 - RULES AND REGULATIONS

2.1 Contact Information

- 2.1.1. Customer complaints, bill inquiry, new service or disconnect requests:

Mr. Adam Bir  
Local Telcom Holdings, LLC  
d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
Toll Free No. 1 (888) 239-2941

- 2.1.2. Commission contact - tariff information:

Mr. Paul Black  
Local Telcom Holdings, LLC  
d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
Telephone No. 1 (888) 239-2941

- 2.1.3. Commission Contact Complaints:

Mr. Adam Bir  
Local Telcom Holdings, LLC  
d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
Telephone No. 1 (888) 239-2941

- 2.1.4. Arizona Agent:

National Registered Agents, Inc.  
815 N. First Avenue  
Suite 4  
Phoenix, Arizona 85003  
1 (800) 767-1553

---

Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.2 Undertaking of Local Telcom Holdings, LLC d/b/a Transpoint Communications

Local Telcom Holdings, LLC d/b/a Transpoint Communications' facilities are furnished for long distance communications originating at specified points within the State of Arizona under terms of this tariff.

Local Telcom Holdings, LLC d/b/a Transpoint Communications operates, and maintains the communication services provided hereunder in accordance with the terms and conditions set forth under this tariff. It may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to the Local Telcom Holdings, LLC d/b/a Transpoint Communications network. The Customer shall be responsible for all charges due for such service arrangement.

The Company's services are provided on a monthly basis unless ordered on a longer time basis, and are available 24 hours per day, seven days per week.

2.3 Limitations

2.3.1 Service is offered subject to the availability of facilities and the provisions of this tariff.

2.3.2 Local Telcom Holdings, LLC d/b/a Transpoint Communications reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control; or when the Customer is using service in violation of the law or the provisions of this tariff.

2.3.3 All services provided under this tariff are directly controlled by Local Telcom Holdings, LLC d/b/a Transpoint Communications and the Customer may not transfer or assign the use of service, except with 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.

---

Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.3 Limitation (Cont'd)

2.3.4 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 for service.

2.4 Liabilities of The Company

2.4.1 Local Telcom Holdings, LLC d/b/a Transpoint Communications' liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the Customer for the period during which the aforementioned faults in transmission occur.

2.4.2 Local Telcom Holdings, LLC d/b/a Transpoint Communications 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 transmitted over the Company's facilities.

(B) All other claims arising out of any act or omission of the Customer in connection with any service or facility provided by Local Telcom Holdings, LLC d/b/a Transpoint Communications.

2.4.3 The included tariff language does not constitute a determination by the Commission that a limitation of liability imposed by the Company should be upheld in a court of law. Acceptance for filing by the Commission recognizes that 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 clause.

---

Issued: February 8, 2001

Effective: \_\_\_\_\_

By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4 Liabilities of The Company (Cont'd)

2.4.4 Local Telcom Holdings, LLC d/b/a Transpoint Communications will give at least ten (10) days notice to Customers and the A.C.C. before increasing rates or other changes. The notice to Customers will be either individual notice or a public notice in the newspapers in Orion Arizona service areas.

2.5 Interruption of Service

2.5.1 Credit allowances for the interruption of service, which is not due to the Company's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer, are subject to the general liability provisions set forth in 2.3.1 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired.

Before giving such notice, the Customer shall ascertain that the trouble is not being caused by an action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer and connected to the Company's facilities.

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

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

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Effective: \_\_\_\_\_

By:

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President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura Road, Suite 305  
Calabasas, CA 91302

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.5 Interruption of Service (Cont'd)

2.5.4 The Customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the fixed monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

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

"A" -- outage times in hours

"B" -- total fixed monthly charge for affected facility

2.6 Suspension-of-Service Guidelines

Local Telcom Holdings, LLC d/b/a Transpoint Communications will provide written notice at least seven days in advance of suspending a Customer's service for non-payment of charges. In cases of bona fide emergencies, we try to avoid suspension of service for non-payment. Service will be suspended without notice in the following situations:

- 1) The Customer obtained service fraudulently;
- 2) Risk of non-payment is evident; or
- 3) A safety hazard is found on the Customer's premises.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.7 Restoration of Service

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

2.8 Billing Periods

The Customer will receive a bill after the 30 day cycle.

2.9 Understanding your Bill

The Customer's bill will outline specific charges or adjustments for Local Telcom Holdings, LLC d/b/a Transpoint Communications' services.

2.10 Questions About A Customer's Bill

If the Customer has questions about Local Telcom Holdings, LLC d/b/a Transpoint Communications' charges that may appear on its bill, the Customer should call the Local Telcom Holdings, LLC d/b/a Transpoint Communications service representative or Local Telcom Holdings, LLC d/b/a Transpoint Communications' designated billing agent.

2.11 Pay By Mail

A return envelope is included with each Customer's bill. If the return envelope is unavailable, Customers should contact the Customer service telephone number indicated on the bill for the appropriate address.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.12 Lost Bills

If a bill is lost, the Customer should call the Local Telcom Holdings, LLC d/b/a Transpoint Communications service representative or Local Telcom Holdings, LLC d/b/a Transpoint Communications' designated billing agent for the amount due. Customer should be sure to include their account number, name, address and telephone number with payment.

2.13 Forms of Payment

For the protection of the Customer, Customers should send checks or money orders payable in United States dollars with their account number, area code, and telephone number included. Cash should not be sent. Unless otherwise required by law, tariff or commission order, partial payments received without customer direction will be prorated by Local Telcom Holdings, LLC d/b/a Transpoint Communications.

Alternate forms of payment include traveler's checks and bank drafts.

2.14 Returned Check Charge

If a Customer's check is returned by the bank, a charge will be added to the Customer's next monthly telephone bill. A fee of \$10.00, or five percent of the amount of the check, whichever is greater, will be charged for each check returned for insufficient funds.

2.15 Late Charge

Local Telcom Holdings, LLC d/b/a Transpoint Communications' service representative or Local Telcom Holdings, LLC d/b/a Transpoint Communications' designated billing agent should be contacted if a bill cannot be paid on time; special payment arrangements may be possible in case of illness or other circumstances beyond one's control. Late Payments may be subject to a late charge and/or may result in telephone service being suspended. A late fee of 1.5% monthly will be charged on any past due balances.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.16 Requirements for Service Restoral After Suspension for Non-Payment

In most cases, all charges billed for service must be paid before service will be restored. This would include any amount which may have received on a new bill. There is also a charge to restore service, which will be billed on the Customer's account.

2.17 Responsibility of The Company

The Company endeavors to provide the best long distance service possible at a fair and competitive price. In turn, the Customer is responsible for paying their bills on time and must report any problems in a timely manner so that they can be corrected.

2.18 Frequency Restrictions

There are no frequency restrictions.

2.19 Cancellations

Customers may cancel their service at any time through written instruction.

2.20 Nonpayment

The Company's designated billing agent will contact a Customer when their payment is late. At the point where payment exceeds 60 days late, the Customer may be turned over to a collection agency and the Customer's service may be terminated. Suspension or termination of service shall not be made without five (5) working days' written notice to the Customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.21 Credit for Incomplete Calls

When a Customer calls in and identifies that specific calls were incomplete, the Company's Customer Service department has the capability to credit the Customer's card. In the event that the call was incomplete, the Company will automatically credit the Customer's card.

2.22 Deposit

The Company does not require a deposit from the Customer.

2.23 Advance Payments

The Company does not require advance payments from the Customer.

2.24 Gross Revenue Surcharge

The applicable Gross Revenue Surcharge rates will be filed on 15 days' notice to the A.C.C., and as directed by the A.C.C. Customers will be notified of such changes on the first bill following the rate change, Whenever the State levels a new tax on the Company's gross revenue, repeals such tax, or changes the rate of such tax, the A.C.C. may approve new surcharge factors, and the Company will file revised surcharges as directed by the A.C.C.

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SECTION 3 - DESCRIPTION OF SERVICES

3.1 Usage Based Services

The Company's charges are based on the actual usage of Company's services, plus any special features and/or service options, if any. Charges begin when the Company's answer supervision determines that the other party has picked up. Charges cease when the termination(s) is/are disconnected.

3.2 Long Distance Telecommunications Network Service

The Company's Long Distance Network Service provides for the facilities based and switched resale of various underlying carriers' services including, the Underlying Carriers tariffed Software Defined Network (SDN) Service. This service is a custom designed private telecommunication network that combines the efficiencies and benefits of both switched and private line service to meet the specific requirements of Customers needing to communicate between geographic locations within the State.

Each service Customer is billed individually for each call, on a conversation minute basis, placed through the Company's network. Each call is measured and billed at the applicable rate for the initial sixty (60) second period or fraction thereof, and then at the applicable rate for each additional sixty (60) second period or fraction thereof. The minimum length of a call is sixty (60) seconds. See Section 4, for the applicable rate schedule.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.2 Long Distance Network Service (Cont'd)

Dedicated access circuits may be provided and billed by the local exchange company (LEC). Dedicated access channels may be purchased from carriers other than the LEC only in accordance with A.C.C. rules or if the special access channel is jurisdictionally interstate. Charges for the dedicated access channel are determined by the access provider.

3.3 Group Billing Service

Group Billing Service allows the Customer with more than one location to consolidate billing. Group Billing provides enhanced Customer bills with call summaries by NPA, time period and location.

3.4 Directory Assistance Service

Directory Assistance Service is provided to assist subscribers in obtaining telephone numbers. Residential Customers are entitled to six (6) free directory assistance calls per monthly billing cycle.

3.5 Accessing Service

The service provided by the Company is one way dial in - dial out, multi-point telecommunications services, allowing the Customer to originate calls through the network facilities of Local Telcom Holdings, LLC d/b/a Transpoint Communications and its Underlying Carrier(s).

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.6 Availability of Service

The services provided through the Company, are available where equal access and Underlying Carriers Billing System are provided.

3.7 Locations of Service

The services offered by the Company are to be available statewide, where Underlying Carriers long distance service or billing arrangements are available. The services offered by the Company are not intended to be limited geographically.

3.8 Timing of Calls

3.8.1 Long distance usage charges are based on usage of Local Telcom Holdings, LLC d/b/a Transpoint Communications' service. Chargeable time begins when a connection is established between the calling station and the called station. Chargeable time ends when either party "hangs up" thereby releasing the network connections.

3.8.2 Minimum call duration and usage measurement and rounding for billing purposes is specified on per-product basis in the rate section of this tariff.

3.8.3 There is no billing applied for incomplete calls.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.9 Local Telcom Holdings, LLC d/b/a Transpoint Communications Calling Card

3.9.1 This service permits use of a Calling Card to access and pay for the Company's telecommunications services.

3.9.2 Customers obtain the service by dialing an 800 number or other Access Codes to access the Company's network. The Customer is prompted by an automated voice response system to enter his/her PIN, and then to enter the terminating telephone number. The Company's processor tracks the call duration from when the call is answered by the Company's processor for rating purposes on a real time basis. Billing for all calls ends when the called party hangs-up.

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SECTION 4 - RATES

4.1 Long Distance Telecommunications Network Usage Rates

4.1.1 The calls placed through the Company are rated using one of the following schedules.

4.1.2 Day, Evening and Night rate periods apply to Long Distance Network usage. The rates apply for all days of the week including holidays. The Day rate period is 8:00 AM to, but not including, 5:00 PM, Monday through Friday and 5:00 PM to, but not including 11:00 PM Sunday. The Night/Weekend Rate period is 11:00 PM to, but not including, 8:00 AM Monday through Sunday, all day Saturday, and from 8:00 AM to, but not including, 5:00 PM Sunday. For New Year's Day (January 1), Independence Day (July 4), Labor Day, Thanksgiving Day and Christmas Day (December 25), the Evening Rate applies.

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SECTION 4 - RATES (Cont'd)

4.1 Long Distance Network Usage Rates (Cont'd)

4.1.3 Arizona Intrastate Interlata Rates (Switched Access)

<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>	
<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>
<b><u>Actual:</u></b>					
Switched Outbound:					
\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Switched Inbound:					
\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Dedicated Outbound:					
\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
Dedicated Inbound:					
\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
<b><u>Maximum:</u></b>					
Switched Outbound:					
\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Switched Inbound:					
\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Dedicated Outbound:					
\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.
Dedicated Inbound:					
\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.

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SECTION 4 - RATES (Cont'd)

4.1 Long Distance Network Usage Rates (Cont'd)

4.1.4 Arizona Intrastate Intralata Rates (Switched Access)

<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>	
<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>
<b>Actual:</b>					
Switched Outbound:					
\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Switched Inbound:					
\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Dedicated Outbound:					
\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
Dedicated Inbound:					
\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
<b>Maximum:</b>					
Switched Outbound:					
\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Switched Inbound:					
\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Dedicated Outbound:					
\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.
Dedicated Inbound:					
\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.

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SECTION 4 - RATES (Cont'd)

4.1 Long Distance Network Usage Rates (Cont'd)

4.1.5 Calling Card Service

<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>	
<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>

Actual:

\$0.200/min.    \$0.200/min.    \$0.200/min.    \$0.200/min.    \$0.200/min.    \$0.200/min.

Maximum:

\$0.400/min.    \$0.400/min.    \$0.400/min.    \$0.400/min.    \$0.400/min.    \$0.400/min.

4.1.5.1 Operator Handling Charge

Customers will be billed the following operator handling charge for each automated operator assisted Calling Card call.

	<u>Actual</u>	<u>Maximum</u>
Per Call Charge	\$3.50	\$7.00

4.2 Directory Assistance Service

Local Telcom Holdings, LLC d/b/a Transpoint Communications' Customers will be billed the following per call charge for each directory assistance call. The directory assistance charge applies to each call regardless of whether the directory assistance bureau is able to furnish the requested telephone number.

	<u>Actual</u>	<u>Maximum</u>
Per Call Charge	\$0.99	\$1.98

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SECTION 4 - RATES (Cont'd)

4.3 Exemptions and Special Rates

4.3.1 Discount for Hearing Impaired Customers:

A telephone toll message which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will receive, upon request, calls placed between TDDs. The credit to be given on a subsequent bill for such calls placed between TDDs will be equal to applying the evening rate during business day hours and the night/weekend rate during the evening rate period. Discounts do not apply to surcharges or per call add on charges for operator service when the call is placed by a method that would normally incur the surcharge.

4.3.2 Operator Assistance for Handicapped Persons:

Operator station surcharges will be waived for operator assistance provided to a caller who identified him or herself as being handicapped and unable to dial the call because of a handicap.

4.3.3 Directory Assistance for Handicapped Persons:

There is no charge for Directory Assistance for calls from handicapped persons. Such persons must contact the Company for credit on their directory assistance calls.

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LOCAL TELCOM HOLDINGS, LLC  
D/B/A TRANSPORT COMMUNICATIONS'  
PROPOSED INTEREXCHANGE PRICE LIST

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**TITLE SHEET**

**ARIZONA TELECOMMUNICATIONS PRICE LIST**

This price list contains the descriptions, regulations, and rates applicable to the furnishing of interexchange telecommunications services provided by Local Telcom Holdings, LLC d/b/a Transpoint Communications with principal offices located at 26565 West Agoura Road, Suite 305, Calabasas, CA 91302. This price list applies for service furnished within the State of Arizona. This price list is on file with the Arizona Corporation Commission, and copies may be inspected during normal business hours at the Company's principal place of business.

Company Name: Local Telcom Holdings, LLC  
d/b/a Transpoint Communications  
Company Address: 26565 West Agoura Road, Suite 305  
Calabasas, CA 91302  
Company Phone Number: (818) 871-9900

Regulatory Contact Name: Paul Black, President and Chief Executive Officer  
Phone Number: (818) 871-9900

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**CHECK SHEET**

The sheets listed below, which are inclusive of this price list, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original price list and are currently in effect as of the date on the bottom of this sheet.

<b><u>SHEET</u></b>	<b><u>REVISION</u></b>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original

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**SYMBOLS**

- (C) - To signify changed conditions or regulation.
- (D) - To signify discontinued rate, regulation or condition.
- (I) - To signify increase.
- (K) - To signify that material has been transferred to another sheet or place in the Price List.
- (M) - To signify that material has been transferred from another sheet or place in the Price List.
- (N) - To signify new rate, regulation, condition or sheet.
- (O) - To signify no change. \*
- (R) - To signify reduction.
- (T) - To signify a change in text for clarification.

\* The use of the symbol "O" shall be discretionary unless its use in the interest of clarity is evident or specifically requested by the Commission.

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SECTION 1 - TECHNICAL TERMS

**Access Line** - An arrangement which connects the Customer's location to a Local Telcom Holdings, LLC d/b/a Transpoint Communications network switching center.

**Authorization Code** - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

**Authorized User:** An end user authorized by the customer to use the service.

**Calling Card** - A card issued by the Company, the customer's Local Exchange Company, authorized vendor, or other common carrier which allows the customer to make telephone calls and bill calls to the Calling Card by entering a PIN.

**Card Number** - A multi-digit identifying number which may be printed on each Calling Card, which may also be referred to in this tariff as a PIN.

**Collect Call:** A billing arrangement where a call is billed to the called station.

**Commission:** The Arizona Corporation Commission.

**Customer:** The person, firm, corporation or other entity which orders or uses service and, has agreed by signature or otherwise to honor the terms of the service herein, and is responsible for the payment of rates and charges for service to call customer locations and for compliance with Price List regulations.

**Measured Service:** The provision of intrastate long distance measured time communications telephone service to customers who access the Carrier's service at its switching and call processing equipment by means of access facilities obtained from a local exchange common carrier. Carrier is responsible for arranging for the access lines.

**Operator Station:** A call that is completed with the assistance of an operator and billed to the calling party.

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SECTION 1 - TECHNICAL TERMS (Cont'd)

**Person-to-Person:** A call for which the person originating the call specifies to the operator a particular person, department or extension that is to be reached. Person-to-Person charges only apply when the call is completed to the requested party or when the calling party agreed to talk to another person.

**PIN(s)** - One or more multi-digit (usually 8 or more) personal identification numbers which have been assigned to a customer to use with a designated 800 number, or other access number, to access the Company's network.

**Third Party Billing:** Service option that allows a call to be billed to an account different from that of the calling or called party.

**Underlying Carriers** - Those A.C.C. approved telecommunications service providers whose services the Company resells to its customers under the provisions of this tariff.

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President and Chief Executive Officer

Local Telcom Holdings, LLC d/b/a Transpoint Communications

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Calabasas, CA 91302

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SECTION 2 - SERVICES AND LOCATIONS

2.1 DESCRIPTION OF SERVICE

- a. Local Telcom Holdings, LLC d/b/a Transpoint Communications intends to provide resold long distance telecommunications services throughout the State of Arizona, excluding rural service areas. Local Telcom Holdings, LLC d/b/a Transpoint Communications intends to subscribe to and resell all forms of interexchange services in the State of Arizona including: long distance services, Message Telephone Service, Wide Area Telephone Service, WATS-like services, Foreign Exchange Service, private lines, tie lines, access service, Calling Card Services, Directory Assistance and Operator Assistance and other services and facilities of communications common carriers and other entities. Local Telcom Holdings, LLC d/b/a Transpoint Communications intends to provide service to both residential and business class customers throughout the entire State of Arizona.
- b. Timing of calls begins when the called station is answered, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the underlying carrier sends a signal to the switch or the software utilizing audio tone detection. The Company does not bill for incomplete calls.

2.2 LOCATION OF SERVICE

Local Telcom Holdings, LLC d/b/a Transpoint Communications intends to provide resold and facilities-based long distance telecommunications services throughout the State of Arizona, excluding rural areas.

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SECTION 2 - SERVICES AND LOCATIONS (Cont'd)

2.3 SERVICES

2.3.1 Usage Based Services

The Company's charges are based on the actual usage of the Company's Underlying Carrier services, in addition to any special features and/or service options, if any. Charges begin when the Company's answer supervision determines that the other party has picked up. Charges cease when the termination(s) is/are disconnected.

2.3.2 Long Distance Network Service

The Company's Long Distance Network Service provides for the resold and facilities-based provision of long distance network services. This service is a custom designed private telecommunication network that combines the efficiencies and benefits of both switched and private line service to meet the specific requirements of customers needing to communicate between geographic locations within the State.

Each service customer is billed individually for each call, on a conversation minute basis, placed through the Company's network. Each call is measured and billed at the applicable rate for the initial sixty (60) seconds period or fraction thereof, and then at the applicable rate for each additional sixty (60) second period or fraction thereof. The minimum length of a call is sixty (60) seconds. See Section 3, Prices and Charges, for the applicable rate schedule.

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Issued: February 8, 2001

Effective: \_\_\_\_\_

Issued By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura road, Suite 305  
Calabasas, CA 91302

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SECTION 2 - SERVICES AND LOCATIONS (Cont'd)

2.3 SERVICES (Cont'd)

2.3.2 Long Distance Network Service (Cont'd)

Dedicated access circuits may be provided and billed by the Underlying Carrier. Dedicated access channels may be purchased from carriers other than the Underlying Carrier(s) only in accordance with A.C.C. rules or if the special access channel is jurisdictionally interstate. Charges for the dedicated access channel are determined by the access provider.

2.3.3 Group Billing

Group Billing Service allows the customer with more than one location to consolidate billing. Group Billing provides enhanced customer bills with call summaries by NPA, time period and location.

2.3.4 Local Telcom Holdings, LLC d/b/a Transpoint Communications Calling Card

2.3.4.1 This service permits use of a Calling Card to access and pay for the Company's telecommunications services.

2.3.4.2 Customers obtain the service by dialing an 800 number or other Access Codes to access the Company's network. The Customer is prompted by an automated voice response system to enter his/her PIN, and then to enter the terminating telephone number. The Company's processor tracks the call duration from when the call is answered by the Company's processor for rating purposes on a real time.

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SECTION 2 - SERVICES AND LOCATIONS (Cont'd)

2.3 SERVICES (Cont'd)

2.3.5 Directory Assistance Service

Directory Assistance Service is provided by the Company's Underlying Carrier(s) to assist subscribers in obtaining telephone numbers.

2.3.6 Accessing Service

The service provided by the Company is one way dial in - dial out, multi-point telecommunications services, allowing the customer to originate calls through the network facilities of Local Telcom Holdings, LLC d/b/a Transpoint Communications.

2.3.7 Availability of Service

The services provided through the Company, are available where equal access and the Underlying Carriers' long distance Billing Systems are provided.

2.3.8 Timing of Calls

2.3.8.1 Long distance usage charges are based on usage of Local Telcom Holdings, LLC d/b/a Transpoint Communications' service. Chargeable time begins when a connection is established between the calling station and the called station. Chargeable time ends when either party "hangs up" thereby releasing the network connections.

2.3.8.2 Minimum call duration and usage measurement and rounding for billing purposes is specified on per-product basis in the rate section of this price list.

2.3.8.3 There is no charge applied for incomplete calls.

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Calabasas, CA 91302

SECTION 2 - SERVICES AND LOCATIONS (Cont'd)

2.4 LOCATIONS

2.4.1 Locations of Service

The services offered by the Company are to be available statewide, where the long distance services of its Underlying Carriers are available. The services offered by the Company are not intended to be limited geographically.

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Issued: February 8, 2001

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Mr. Paul Black  
President and Chief Executive Officer  
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Calabasas, CA 91302

SECTION 3 - PRICES AND CHARGES

3.1 PRICES AND CHARGES

3.1.1 Arizona Intrastate Intralata Rates (Switched Access)

	<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>	
	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>
<b><u>Actual:</u></b>						
Switched Outbound:						
	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Switched Inbound:						
	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Dedicated Outbound:						
	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
Dedicated Inbound:						
	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
<b><u>Maximum:</u></b>						
Switched Outbound:						
	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Switched Inbound:						
	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Dedicated Outbound:						
	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.
Dedicated Inbound:						
	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.

Issued: February 8, 2001

Effective: \_\_\_\_\_

Issued By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura road, Suite 305  
Calabasas, CA 91302

SECTION 3 - PRICES AND CHARGES (Cont'd)

3.1 PRICES AND CHARGES (Cont'd)

3.1.2 Arizona Intrastate Interlata Rates (Switched Access)

	<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>	
	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>
<b>Actual:</b>						
Switched Outbound:	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Switched Inbound:	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.	\$0.215/min.
Dedicated Outbound:	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
Dedicated Inbound:	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.	\$0.129/min.
<b>Maximum:</b>						
Switched Outbound:	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Switched Inbound:	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.	\$0.43/min.
Dedicated Outbound:	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.
Dedicated Inbound:	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.	\$0.258/min.

Issued: February 8, 2001

Effective: \_\_\_\_\_

Issued By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura road, Suite 305  
Calabasas, CA 91302

SECTION 3 - PRICES AND CHARGES (Cont'd)

3.1 PRICES AND CHARGES (Cont'd)

3.1.3 Calling Card Service

	<u>DAY</u>		<u>EVE</u>		<u>NIGHT</u>	
	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>	<u>First</u>	<u>Add'l</u>
Actual:	\$0.200/min.	\$0.200/min.	\$0.200/min.	\$0.200/min.	\$0.200/min.	\$0.200/min.
Maximum:	\$0.400/min.	\$0.400/min.	\$0.400/min.	\$0.400/min.	\$0.400/min.	\$0.400/min.

3.1.3.1 Operator Handling Charge

Customers will be billed the following operator handling charge for each automated operator assisted Calling Card call.

	<u>Actual</u>	<u>Maximum</u>
Per Call Charge	\$3.50	\$7.00

3.1.4 Directory Assistance Service

Local Telcom Holdings, LLC d/b/a Transpoint Communications' Customers will be billed the following per call charge for each directory assistance call. The directory assistance charge applies to each call regardless of whether the directory assistance bureau is able to furnish the requested telephone number.

	<u>Actual</u>	<u>Maximum</u>
Per Call Charge	\$0.99	\$1.98

Issued: February 8, 2001

Effective: \_\_\_\_\_

Issued By:

Mr. Paul Black  
President and Chief Executive Officer  
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Calabasas, CA 91302

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SECTION 3 - PRICES AND CHARGES (Cont'd)

3.1 PRICES AND CHARGES (Cont'd)

3.1.5 Exemptions and Special Rates

3.1.5.1 Discount for Hearing Impaired Customers:

A telephone toll message which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will receive, upon request, calls placed between TDDs. The credit to be given on a subsequent bill for such calls placed between TDDs will be equal to applying the evening rate during business day hours and the night/weekend rate during the evening rate period. Discounts do not apply to surcharges or per call add on charges for operator service when the call is placed by a method that would normally incur the surcharge.

3.1.5.2 Operator Assistance for Handicapped Persons:

Operator station surcharges will be waived for operator assistance provided to a caller who identified him or herself as being handicapped and unable to dial the call because of a handicap.

3.1.5.3 Directory Assistance for Handicapped Persons:

There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving handicapped individuals. The Company shall charge the prevailing tariff rates for every call in excess of fifty within a billing cycle.

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Issued: February 8, 2001

Effective: \_\_\_\_\_

Issued By:

Mr. Paul Black  
President and Chief Executive Officer  
Local Telcom Holdings, LLC d/b/a Transpoint Communications  
26565 West Agoura road, Suite 305  
Calabasas, CA 91302

## A. Company and Telecommunications Service Information

**(A-10) List the states in which you currently resell services similar to those you intend to resell in Arizona.**

Local Telcom Holdings, LLC d/b/a Transpoint Communications has received resold local exchange and interexchange telecommunications authorization in the states of Kentucky, Michigan, New Hampshire, New York, Oregon and Tennessee. Local Telcom Holdings, LLC d/b/a Transpoint Communications has also received resold interexchange telecommunications authorization in the states of Maine and Rhode Island. (See attached Orders and Correspondence). However, as of this date, Local Telcom Holdings, LLC d/b/a Transpoint Communications has not commenced providing any type of services to either Kentucky, Maine, Michigan, New Hampshire, New York, Oregon, Tennessee or Rhode Island customers.

Local Telcom Holdings, LLC d/b/a Transpoint Communications is in the process of petitioning the remaining states of the Union for local and/or interexchange resold telecommunications authority. In no instance has an application been denied or rejected.



State of Michigan  
John Engler, Governor

Department of Consumer & Industry Services  
Kathleen M. Wilbur, Director

Public Service Commission

6545 Mercantile Way  
P.O. Box 30221  
Lansing, MI 48909-7721  
(517) 241-8187

Commissioners

John G. Scott  
David A. Svanoe  
Robert B. Nelson

November 27, 2000

Mr. Paul Black  
Local Telcom Holdings, LLC  
26565 West Agoura Road, #305  
Calabasas, CA 91302

Dear Mr. Black:

This is to certify that Local Telcom Holdings, LLC completed registration on 11/22/2000 with the Michigan Public Service Commission's Intrastate Telecommunications Service Providers registration program as a TR.<sup>1</sup>

If you have any questions regarding this registration, please contact Esther Lamb at 517-241-6250 or at [Esther.E.Lamb@cis.state.mi.us](mailto:Esther.E.Lamb@cis.state.mi.us).

Sincerely,

Esther Lamb  
Competitive Services Section  
Communications Division

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<sup>1</sup> TR (toll reseller), FBTP (facilities based toll provider), ILEC (incumbent local exchange carrier), CLEC (competitive local exchange carrier), BA (billing agency), OSP (operator service provider), PP (payphone provider) SS (systems support), ODB (other direct-bill, cellular, paging, pay-per-call services).

STATE OF NEW HAMPSHIRE

CHAIRMAN  
Douglas L. Patch

COMMISSIONERS  
Susan S. Geiger  
Nancy Brockway

EXECUTIVE DIRECTOR  
AND SECRETARY  
Thomas B. Getz



PUBLIC UTILITIES COMMISSION  
8 Old Suncook Road  
Concord, N.H. 03301-7319

TDD Access: Relay NH  
1-800-735-2964

Tel. (603) 271-2431

FAX No. 271-3878

Website:  
[www.puc.state.nh.us](http://www.puc.state.nh.us)

September 13, 2000

Mr. David O. Klein  
Telecom Certification & Filing, Inc.  
485 Madison Avenue  
New York, NY 10022-5803

RE: DT 00-189, Quintelco, Inc.

Dear Mr. Klein:

This letter serves as an acknowledgment of Quintelco, Inc.'s filing of a Notification of Transfer of Control to Transpoint Communications, received August 21, 2000. Please use the docket number cited above on any additional material to be filed in this matter. Except for discovery material, all filings should comprise an original and eight copies of both the cover letter and any associated material.

If your computer capabilities allow, please include along with all formal filings in this docket a floppy disk containing the filed information in format compatible with the NHPUC computer system. We utilize WordPerfect Windows Version 9.0 but can accept other versions of WordPerfect 6.1, or later, and ASCII. You may direct any questions in this regard to our MIS Department. Also, any information for which you wish to request confidential treatment, whether as hard copy or on floppy disk, must be filed separately from nonconfidential information.

I am enclosing a copy of the service list to be utilized for filings in this docket. Please contact the Office of the Commission if you require a copy of our procedural rules (Chapter 200) or, if your computer capabilities allow, you may download it from our Internet Home Page at <http://www.puc.state.nh.us>.

Very truly yours,

A handwritten signature in black ink, appearing to read "Thomas B. Getz", with a stylized flourish at the end.

Thomas B. Getz  
Executive Director & Secretary

TBG/acl

cc: Service List

FILED: SESSION OF SEP 20 2000

Approved as Recommended  
and so Ordered  
By the Commission

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JANET HAND DEIXLER  
Secretary

ISSUED &  
EFFECTIVE SEP 29 2000

STATE OF NEW YORK  
DEPARTMENT OF PUBLIC SERVICE

August 25, 2000

TO: THE COMMISSION

FROM: OFFICE OF COMMUNICATIONS

SUBJECT: Case 00-C-1263 - Joint Petition of Quintelco, Inc. and Local Telcom Holdings, LLC d/b/a Transpoint Communications for Approval of the Transfer of the local exchange and interexchange telecommunications license of Quintelco to Local Telcom Holdings.

RECOMMENDATION: It is recommended that the Commission grant approval, pursuant to Sections 99 and 100 of the Public Service Law, for a transaction whereby the local exchange and interexchange telecommunications license of Quintelco, Inc. would be transferred to Local Telcom Holdings, LLC d/b/a Transpoint Communications. Immediately after the consummation of the transaction approved herein, Quintelco, Inc. should be required to file the necessary cancellation supplement with the Secretary to the Commission. Also, within 60 days after the consummation of the transaction approved herein, the petitioner should be required to inform the Secretary to the Commission in writing that the transaction was consummated. If such transaction is not consummated within one year after the issuance of this Order, the Commission may rescind the approval granted herein.

Introduction

By petition filed July 31, 2000, pursuant to Sections 99 and 100 of the Public Service Law, Quintelco, Inc. (Quintelco) and Local Telcom Holdings, LLC d/b/a Transpoint Communications (Transpoint Communications), requested approval of a transaction

whereby control of the local exchange and interexchange telecommunications license of Quintelco would be transferred to Transpoint Communications. At present, Quintelco is inactive in the State of New York. Transpoint Communications intends to use the acquired certification to offer resold local and long distance telecommunications services to business and residential customers throughout the state of New York

#### Background

Quintelco, a wholly-owned subsidiary of Quintelco Communications, Inc., was incorporated under the laws of the state of Delaware and has its principal business offices located at One Blue Hill Plaza, Pearl River, New York 10965. Quintelco is certified to provide resold telecommunications services in the State of New York pursuant to an order issued in case 97-C-0737, dated June 11, 1997. At this time, Quintelco is not providing services in the State of New York.

Transpoint Communications is Delaware State Limited Liability Company, with its business offices located c/o Telecom Certification & Filing, Inc., at 485 Madison Avenue, 15<sup>th</sup> Floor, New York, New York 10022. Transpoint Communications is not currently certified in the State of New York.

#### Discussion

To accomplish this transfer of control, Quintelco's Certificate of Public Convenience and Necessity will be transferred from Quintelco to Transpoint Communications, so that Transpoint Communications will have the authority to provide resold telecommunications services in the State of New York. Quintelco will continue to operate in the State of New York under its own name providing unregulated services to the public. Since Quintelco has no customers under their tariff, the proposed transaction will have no adverse impact on consumers in the State of New York.

Transport Communications does not intend to acquire the existing tariff of Quintelco. Therefore, Quintelco must file the

necessary cancellation supplement to cancel their tariff. Transport Communications, before providing telephone services in New York State, must file with the Secretary to the Commission and have an approved tariff of rates and terms and conditions of service.

Public Interest Considerations

The petitioners claim that approval of this request is in the public interest because the transfer will further the public interest by providing for new ownership that plans to offer competitive local and long distance telecommunications services to the citizens of the State of New York.

Complaints

There have been no slamming complaints against Quintelco or Transpoint Communications for the past two years. This memo has been reviewed by the Office of Consumer Services (Barry Bedrosian).

Conclusion

Based on the representations in the petition, the proposed transaction is in the public interest. The Office of Communications has no objection to the transaction and recommends approval.

Respectfully submitted,

*Donald E. Burke /296*

DONALD E. BURKE  
Associate Valuation Engineer

Reviewed by,

*Elizabeth H. Liebschutz*

ELIZABETH LIEBSCHUTZ  
Assistant Counsel

CASE 00-C-1263

APPROVED:

A handwritten signature in cursive script, appearing to read "Robert La Marche".

ROBERT LA MARCHE  
Chief, Office of Communications

ORDER NO. 01 - 143

ENTERED JAN 30 2001

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

CP 883

In the Matter of the Application of LOCAL )  
TELECOM HOLDINGS, LLC dba )  
TRANSPPOINT COMMUNICATIONS for a ) ORDER  
Certificate of Authority to Provide )  
Telecommunications Service in Oregon and )  
Classification as a Competitive Provider. )

DISPOSITION: APPLICATION GRANTED

Note: By issuing this certificate, the Commission makes no endorsement or certification regarding the certificate holder's rates or service.

**The Application**

On October 6, 2000, Local Telecom Holdings, LLC, dba Transpoint Communications, (Applicant) filed with the Commission an application for certification to provide telecommunications service in Oregon as a competitive provider. Applicant seeks to provide intraexchange (local exchange) telecommunications service in areas coextensive with all local exchanges of the telecommunications utilities listed in Appendix A to this order. For this application those are Qwest Corporation (Qwest), formerly known as U S WEST Communications, Inc., Verizon Northwest, Inc. (Verizon), formerly known as GTE Northwest Incorporated, and United Telephone Company of the Northwest dba Sprint (Sprint). Applicant also seeks to provide interexchange telecommunications service statewide in Oregon.

Applicant proposes to provide intraexchange (local exchange) switched service (i.e., local dial tone), and non-switched, private line service (dedicated transmission service) within all exchanges of the telecommunications utilities listed in Appendix A to this order. Applicant will operate as a reseller of local exchange service. Applicant may purchase finished services for resale, as well as unbundled network elements (building blocks), from other certified carriers for intraexchange service. Applicant did not request authority to construct its own lines or transport facilities for intraexchange services.

Applicant also proposes to provide interexchange switched service (toll) and private line service (dedicated transmission service) statewide in Oregon. Applicant will operate as a reseller of interexchange service. Applicant may purchase finished services for resale, as well as unbundled network elements (building blocks), from other certified carriers for interexchange service. Applicant did not request authority to construct its own lines or transport facilities for interexchange service.

Operator services are part of switched telecommunications service. Applicant will not directly provide operator services as defined in OAR 860-032-0001. Applicant will not be an 'operator service provider' as defined in ORS 759.690(1)(d). Commission rule OAR 860-032-0007 and Oregon statute ORS 759.690 establish conditions regarding provision of operator services.

The Commission served notice of the application on the Commission's telecommunications mailing list on November 13, 2000. The Commission did not receive any protests or requests to be made parties to the proceeding. On December 12, 2000, an Administrative Law Judge (ALJ) with the Commission issued a ruling that adopted procedures for processing this docket. The ALJ set a procedural schedule. On December 21, 2000, the Commission Staff (Staff) distributed a proposed order for review by the parties. No exceptions to the proposed order were filed.

The Commission has reviewed the proposed order and the record in this matter. Based on a preponderance of the evidence, the Commission makes the following:

### FINDINGS AND CONCLUSIONS

#### Applicable Law

Applications to provide telecommunications service and for classification as a competitive telecommunications service provider are filed pursuant to ORS 759.020. ORS 759.020 provides that:

(1) No person [or] corporation \* \* \* shall provide intrastate telecommunications service on a for-hire basis without a certificate of authority issued by the Public Utility Commission under this section.

\* \* \* \* \*

(5) The commission may classify a successful applicant for a certificate as a telecommunications utility or as a competitive telecommunications services provider. If the commission finds that a successful applicant for a certificate has demonstrated that services it offers are subject to competition or that its customers or those proposed to become customers have reasonably available alternatives, the

commission shall classify the applicant as a competitive telecommunications services provider. \* \* \* For purposes of this section, in determining whether telecommunications services are subject to competition or whether there are reasonably available alternatives, the commission shall consider:

- (a) The extent to which services are available from alternative providers in the relevant market.
- (b) The extent to which services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions.
- (c) Existing economic or regulatory barriers to entry.
- (d) Any other factors deemed relevant by the commission.

Applications to provide local exchange (intraexchange) telecommunications service are reviewed pursuant to ORS 759.050, the "competitive zone law." Under ORS 759.050(2)(a), the Commission may:

Certify one or more persons, including another telecommunications utility, to provide local exchange telecommunications service within the local exchange telecommunications service area of a certified telecommunications utility, if the commission determines that such authorization would be in the public interest. For the purpose of determining whether such authorization would be in the public interest, the commission shall consider:

- (A) The effect on rates for local exchange telecommunications service customers both within and outside the competitive zone.
- (B) The effect on competition in the local exchange telecommunications service area.
- (C) The effect on access by customers to high quality innovative telecommunications service in the local exchange telecommunications service area.
- (D) Any other facts the commission considers relevant.

Under ORS 759.050(2)(b), the Commission shall:

Upon certification of a telecommunications provider under paragraph (a) of this subsection, establish a competitive zone defined by the services to be provided by the telecommunications provider and the geographic area to be served by the telecommunications provider.

Under ORS 759.050(2)(c), the Commission may:

Impose reasonable conditions upon the authority of [the applicant] to provide competitive zone service within the competitive zone \* \* \* at the time of certification of a telecommunications provider, or thereafter.

Subsection (5)(a) of ORS 759.050 provides that:

Unless the commission determines that it is not in the public interest at the time a competitive zone is created, upon designation of a competitive zone, price changes, service variations, and modifications of competitive zone services offered by a telecommunications utility in the zone shall not be subject to ORS 759.180 to ORS 759.190 [notice, hearing and tariff suspension procedures], and at the telecommunications utility's discretion, such changes may be made effective upon filing with the commission.

OAR 860-032-0015(1) authorizes the Commission to suspend or cancel the certificate if the Commission finds that (a) the holder made misrepresentations when it filed the application, or (b) the certificate holder fails to comply with the terms and conditions of the certificate.

#### **Designation as a Competitive Provider**

Applicant has met the requirements for classification as a competitive telecommunications service provider. Applicant's customers or those proposed to become customers have reasonably available alternatives. The incumbent telecommunications utilities listed in Appendix A provide the same or similar local exchange services in the local service area requested by Applicant. AT&T, WorldCom, Sprint Communications, Qwest, Verizon, and others provide interexchange telecommunications service in the service area requested by Applicant. Subscribers to Applicant's services can buy comparable services at comparable rates from other vendors. Economic and regulatory barriers to entry are relatively low.

#### **Conditions of the Certificate**

There are several conditions listed in the application. Oregon Administrative Rules relating to certificates of authority are generally included in OAR chapter 860, division 032. Conditions applicable to certificate holders include, but are not limited to the following: OAR 860-032-0007, 860-032-0008, 860-032-0011, 860-032-0012, 860-032-0013, 860-032-0015, 860-032-0045, 860-032-0060, 860-032-0090, and 860-032-0095. The conditions listed in the application and those contained in Oregon Administrative Rules are adopted and made conditions of this certificate of authority. A condition of this certificate of authority is that Applicant shall comply with applicable

laws, Commission rules, and Commission orders related to provision of telecommunications service in Oregon.

The Commission first applied the competitive zone law, ORS 759.050, in dockets CP 1, CP 14, and CP 15. After full evidentiary hearings and consideration of the public interest criteria set forth in ORS 759.050(2)(a), the Commission designated three competitive providers of switched local exchange services as alternate exchange carriers or competitive local exchange carriers (CLECs) in the Portland metropolitan area. See Order No. 96-021. The Commission subsequently applied those findings and conclusions to dockets CP 132, CP 139, and CP 149, and certified two CLECs to provide switched local exchange services in areas located throughout the state.

The Commission takes official notice of the record in dockets CP 1, CP 14, and CP 15.<sup>1</sup> In Order No. 96-021, the Commission established conditions applicable to CLEC certificates. Since Applicant proposes to offer local exchange service, it seeks certification as a CLEC. Pursuant to ORS 759.050(2)(c) and Order No. 96-021, Applicant as a CLEC shall comply with the following conditions:

1. Applicant shall terminate all intrastate traffic originating on the networks of other telecommunications utilities, competitive providers, and cooperative corporations that have been issued a certificate of authority by the Commission.
2. Whenever Applicant terminates intrastate long distance traffic directly or indirectly from interexchange carriers or from its own toll network to its end user customers, Applicant shall contribute to the Oregon Customer Access Fund (OCAF), or its equivalent, in accordance with provisions of the Oregon Customer Access Plan (OCAP) or any successor plan approved by the Commission. Applicant shall contribute using rates approved by the Commission on intrastate terminating carrier common line access minutes, or on any other basis determined by the Commission. Applicant may not participate in (i.e., receive money from) pooling arrangements established under the OCAP or any successor plan unless authorized by the Commission.
3. Applicant shall comply with the Oregon Exchange Carrier Association's (OECA) informational and operational needs as specified by the OCAP or any successor plan approved by the Commission.
4. Applicant shall offer E-911 service. Applicant has primary responsibility to work with the E-911 agencies to make certain that all users of their

<sup>1</sup> Under OAR 860-014-0050(2), a party may object to facts noticed within 15 days of notification that official notice has been taken. The objecting party may explain or rebut the noticed facts.

services have access to the emergency system. Applicant will deliver or arrange to have delivered to the correct 911 Controlling Office its customers' voice and dialable Automatic Number Identification (ANI) telephone numbers so the lead 911 telecommunications service provider can deliver the 911 call to the correct Public Safety Answering Point (PSAP). Applicant shall work with each 911 district and lead 911 telecommunications service provider to develop database comparison procedures to match Applicant's customer addresses to the 911 district's Master Street Address Guide in order to obtain the correct Emergency Service Number (ESN) for each address. Applicant shall provide the lead 911 telecommunications service provider with daily updates of new customers, moves, and changes with the correct ESN for each.

5. Applicant shall not take any action that impairs the ability of other certified telecommunications utilities, competitive providers, or cooperative corporations to meet service standards specified by the Commission.
6. At the request of the Commission, Applicant shall conduct and submit to the Commission traffic studies regarding traffic exchanged with telecommunications service providers and other entities designated by the Commission.
7. For purposes of distinguishing between local and toll calling, applicant shall adhere to local exchange boundaries and Extended Area Service (EAS) routes established by the Commission. Applicant shall not establish an EAS route from a given local exchange beyond the EAS area for that exchange.
8. When Applicant is assigned one or more NXX codes, Applicant shall limit each of its NXX codes to a single local exchange or rate center, whichever is larger, and shall establish a toll rate center in each exchange or rate center proximate to that established by the telecommunications utility or cooperative corporation serving the exchange or rate center.
9. Applicant shall comply with universal service requirements as determined by the Commission.
10. Any obligation regarding interconnection between Applicant and the telecommunications utilities listed in the Appendix to this order shall be governed by provisions of the Telecommunications Act of 1996 (the Act), including but not limited to sections 251 and 252 of the Act (47 USC §§ 251 and 252), as well as the applicable rules and regulations of the Federal Communications Commission and this Commission implementing

the Act. Order No. 96-021 will govern the interconnection obligations between such parties for the provision of switched local services, unless otherwise addressed by an interconnection agreement or the Commission modifies the principles established in Order No. 96-021.

11. If Applicant provides services to a subscriber who, in turn, resells the services, including operator services, then Applicant and the subscriber must comply with ORS 759.690 and OAR 860-032-0007.
12. Applicant shall pay an annual fee to the Commission pursuant to ORS 756.310, 756.320, and 756.350 and OAR 860-032-0008, 860-032-0080, 860-032-0090, and 860-032-0095. By November 1, of each year, the Commission will set the fee level that is to be based on gross retail intrastate revenues for the following calendar year. The minimum annual fee is \$100. Applicant is required to pay the fee for the preceding calendar year by April 1.
13. Pursuant to Oregon Laws 1987, chapter 290, sections 2-8, and to OAR chapter 860, division 033, Applicant shall be responsible to ensure that the Residential Service Protection Fund surcharge is remitted to the Commission. This surcharge is assessed against each paying retail subscriber at a rate that is set annually by the Commission.

**Public Interest**

In Order No. 93-1850, docket UM 381, the Commission considered the public interest aspects of local exchange competition for dedicated transmission service. In dockets CP 1, CP 14, and CP 15, Order No. 96-021, the Commission made several public interest findings regarding local exchange competition in general.

With regard to the general factual conclusions relevant to this proceeding, the Commission adopts the Commission's Findings of Fact and Opinion in docket UM 381, Order No. 93-1850, at pages 4-6, and the Commission's Findings and Decisions in dockets CP 1, CP 14, and CP 15, Order No. 96-021 at pages 6 - 21, entered pursuant to ORS 759.050(2)(a)(A) - (C). The Commission takes official notice of the record in dockets UM 381, CP 1, CP 14, and CP 15.<sup>2</sup>

Based on a review of those findings, as well as information contained in the application, the Commission concludes that it is in the public interest to grant the application of Local Telcom Holdings, LLC, dba Transpoint Communications, to provide

<sup>2</sup> Under OAR 860-014-0050(2), a party may object to facts noticed within 15 days of notification that official notice has been taken. The objecting party may explain or rebut the noticed facts.

local exchange telecommunications service as a competitive telecommunications provider in exchanges of the telecommunications utilities listed in Appendix A as described in the application.

This finding will have no bearing on any determination the Commission may be called upon to make under sections 251 or 252 of the Act (47 USC § 251, 252) with regard to the telecommunications utilities and cooperative corporations in this docket.

### **Competitive Zones**

All the exchanges of the telecommunications utilities listed in the Appendix to this order are designated competitive zones pursuant to ORS 759.050(2)(b).

### **Pricing Flexibility**

In Order No. 93-1850, docket UM 381, the Commission granted pricing flexibility for dedicated transmission service at the same time the Commission granted the certificate of authority. Therefore, the telecommunications utilities listed in Appendix A are granted pricing flexibility for dedicated transmission service in their respective exchanges by this order.

With regard to the general factual conclusions relevant to this proceeding and intraexchange, switched telecommunications service, the Commission adopts the Commission's Findings and Decisions in dockets CP 1, CP 14, and CP 15, Order No. 96-021 at pages 82 and 83, entered pursuant to ORS 759.050(5)(a) to (d). The telecommunications utilities listed in Appendix A, will gain pricing flexibility for intraexchange, switched service on an exchange-by-exchange basis under ORS 759.050(5) if:

1. Applicant, or an authorized CLEC, has received a certificate of authority to provide local exchange service;
2. The telecommunications utility files a tariff that satisfies the Commission's requirements regarding the provision of interim number portability, as set forth in Order No. 96-021, and the Commission approves the tariff; and
3. Staff notifies the Commission that a mutual exchange of traffic exists between the telecommunications utility and an authorized CLEC, including but not limited to, Applicant. If Staff previously provided the required notice regarding an exchange, no additional notice is required for that exchange.

(a) As used in paragraph 3 above, "mutual exchange of traffic" means a mutual exchange of traffic between the telecommunications utility and the CLEC within the telecommunications utility's exchange.

(b) As used in paragraph 3 above, for a CLEC who is a reseller (i.e., a CLEC does not use its own lines or switches to provide the particular service at issue), a "mutual exchange of traffic" exists when the CLEC orders and receives one service, at a wholesale rate, from the telecommunications utility for resale pursuant to a certificate granted under ORS 759.050.

Qwest has satisfied requirement No. 2, above. See Order No. 96-277, docket UT 130. Verizon has satisfied requirement No. 2, above. See Order No. 96-278, docket UT 129.

## ORDER

IT IS ORDERED that:

1. The application of Local Telecom Holdings, LLC, dba Transpoint Communications, to provide intraexchange switched service and non-switched dedicated transmission service, and to provide interexchange switched (toll) and dedicated transmission service, as described in the application, is in the public interest and is granted with conditions described in this order.
2. Applicant is designated as a competitive telecommunications provider for intraexchange service in the local exchanges of the telecommunications utilities listed in Appendix A. In addition, Applicant is designated as a competitive telecommunications provider for interexchange service statewide in Oregon.
3. The local exchanges of the telecommunications utilities listed in Appendix A are designated as competitive zones.
4. Any obligation regarding interconnection between Applicant and the telecommunications utilities listed in Appendix A shall be governed by the provisions of the Telecommunications Act of 1996 (the Act), including but not limited to sections 251 and 252 of the Act (47 USC §§ 251 and 252), as well as the applicable rules and regulations of the Federal Communications Commission and this Commission implementing the Act. Order No. 96-021 will govern the interconnection obligations

between such parties for the provision of switched local services, unless otherwise addressed by an interconnection agreement or the Commission modifies the principles established in Order No. 96-021.

5. No finding contained in this order shall have any bearing on any determination the Commission may be called upon to make under sections 251 or 252 of the Act (47 USC § 251 or 252) with regard to the telecommunications utilities in the appendix to this order.
6. The telecommunications utilities listed in Appendix A shall receive pricing flexibility on an exchange-by-exchange basis as set forth in this order.
7. Pursuant to ORS 759.050(2)(c), Applicant shall comply with Commission imposed universal service requirements as a condition of authority to provide local exchange service.

Made, entered, and effective JAN 30 2001.



A handwritten signature in cursive script, appearing to read "William G. Warren", is written over a horizontal line.

William G. Warren  
Director  
Utility Program

A party may request rehearing or reconsideration of this order pursuant to ORS 756.561. A request for rehearing or reconsideration must be filed with the commission within 60 days of the date of service of this order. The request must comply with the requirements in OAR 860-014-0095. A copy of any such request must also be served on each party to the proceeding as provided by OAR 860-013-0070(2). A party may appeal this order to a court pursuant to applicable law.

APPENDIX A

CP 883

EXCHANGES ENCOMPASSED BY THE APPLICATION:  
ALL EXCHANGES OF THE TELECOMMUNICATIONS  
UTILITIES LISTED BELOW

**Telecommunications Utilities Not Exempt Pursuant to ORS 759.040**

Qwest Corporation, formerly U S WEST Communications, Inc.  
Verizon Northwest, Inc., formerly GTE Northwest Incorporated  
United Telephone Company of the Northwest dba Sprint

**Telecommunications Utilities Exempt Pursuant to ORS 759.040**

None

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

October 10, 2000

IN RE:	)	
	)	
APPLICATION OF QUINTELCO, INC.	)	DOCKET NO.
AND LOCAL TELCOM HOLDINGS, LLC	)	00-00722
d/b/a TRANSPORT COMMUNICATIONS	)	
FOR APPROVAL OF A TRANSFER OF	)	
AUTHORITY TO PROVIDE RESOLD	)	
TELECOMMUNICATIONS SERVICES	)	

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ORDER APPROVING TRANSFER OF AUTHORITY

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This matter came before the Tennessee Regulatory Authority (the "Authority") on the Application (the "Application") of Quintelco, Inc. ("Quintelco") and Local Telcom Holdings, LLC d/b/a Transpoint Communications ("Transpoint"), pursuant to the provisions of Tenn. Code Ann. § 65-4-113, for approval of a transfer of authority to provide utility services in Tennessee from Quintelco to Transpoint.

**Requirement of and Standards for Authority Approval**

Tenn. Code Ann. § 65-4-113 requires a public utility to obtain Authority approval to transfer its authority to provide utility services. Tenn. Code Ann. § 65-4-113 provides as follows:

(a) No public utility, as defined in § 65-4-101, shall transfer all or any part of its authority to provide utility services, derived from its certificate of public convenience and necessity issued by the authority, to any individual, partnership, corporation or other entity without first obtaining the approval of the authority.

Tenn. Code Ann. § 65-4-113 also provides the standards by which the Authority shall consider an application for transfer of authority, as follows:

(b) Upon petition for approval of the transfer of authority to provide utility services, the authority shall take into consideration all relevant factors, including,

but not limited to, the suitability, the financial responsibility, and capability of the proposed transferee to perform efficiently the utility services to be transferred and the benefit to the consuming public to be gained from the transfer. . . .

### **The Application**

The Application states that Quintelco, a wholly owned subsidiary of Quintel Communications Inc., was incorporated under the laws of Delaware and has its principal offices in Pearl River, New York. Transpoint is a Delaware Limited Liability Company with its principal offices in New York, New York.

As is further stated in the Application, Quintelco was granted authority in Tennessee to provide resold intrastate services on July 2, 1998 in Authority Docket No. 97-01304. Quintelco is not currently providing regulated services in the State of Tennessee.

As stated in the Application, the proposed transfer of authority is part of a sale to Transpoint, effective April 20, 2000, of Quintelco's telecommunications license assets. The Application states that the proposed transfer of authority will have no adverse impact on Tennessee consumers as Quintelco currently has no customers and is not offering service to the public. The Application also states that the transfer of authority will further the public interest by providing for new ownership that plans to offer competitive local and interexchange telecommunications services in Tennessee.

### **Findings**

The Directors of the Authority considered this matter at a regularly scheduled Authority Conference held on August 29, 2000. Based upon careful consideration of the Petition and the Exhibits thereto, and of the entire record of this matter, the Authority finds and concludes as follows:

1. That the Authority has jurisdiction over the subject matter of this Application pursuant to Tenn. Code Ann. § 65-4-113;

2. That Quintelco has been granted authority to provide telecommunications service in Tennessee;

3. That as part of a sale to Transpoint of the telecommunications license assets previously owned by Quintelco, the authority granted Quintelco will be transferred to Transpoint;

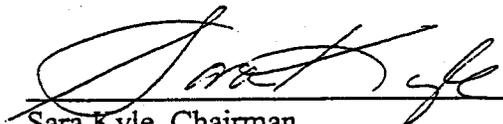
4. That Transpoint has the suitability, financial responsibility, and capability to perform efficiently the utility service to be transferred to it; and

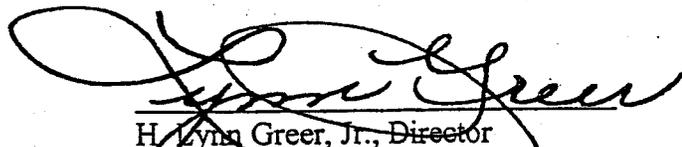
5. That the transfer of authority will benefit the consuming public.

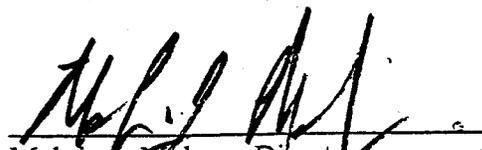
**IT IS THEREFORE ORDERED THAT:**

1. The Petition of Quintelco, Inc. and Local Telcom Holdings, LLC d/b/a Transpoint Communications for approval of the transfer of authority described herein is granted; and

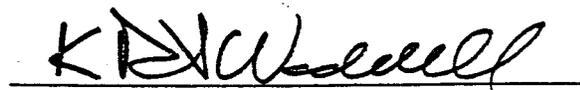
2. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from and after the date of this Order.

  
Sara Kyle, Chairman

  
H. Lynn Greer, Jr., Director

  
Melvin J. Malone, Director

ATTEST:

  
K. David Waddell, Executive Secretary

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

December 12, 2000

QUINTELCO, INC.  
Request to Abandon Service  
Docket No. 2000-756

ORDER DISMISSING  
REQUEST

LOCAL TELCOM HOLDINGS, LLC D/B/A  
TRANSPPOINT COMMUNICATIONS  
Petition for Finding of Public Convenience  
and Necessity to Provide Service as a  
Interexchange Telephone Utility as a Reseller  
Docket No. 2000-757

ORDER GRANTING  
AUTHORITY TO PROVIDE  
INTEREXCHANGE SERVICE  
AS A RESELLER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

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On August 18, 2000, Quintelco, Inc. (Quintelco) filed a letter requesting the Commission to "transfer" Quintelco's authority (granted in Docket No. 97-514) to provide resold interexchange service to Local Telcom Holdings, LLC d/b/a Transpoint Communications (Local Telcom Holdings). This request constitutes both a request by Quintelco to abandon service and an application by Local Telcom Holdings for a finding of public convenience and necessity to provide the same service now being provided by Quintelco.

Quintelco states that it "was not operational in the State of Maine." It also stated, however, that "Quintelco will continue to operate in the State of Maine under its own name providing affordable unregulated voicemail services to the public."

The Commission has never ruled that voice mail services are or are not regulated. Some carriers provide voice mail pursuant to tariffs. Pursuant to discussions between Quintelco and the Commission staff, Quintelco has agreed that it will retain its authority to provide service in Maine, to the extent necessary, to provide voice mail service.

Local Telcom Holdings plans to file an entirely new set of rates, terms and conditions (tariff) at some time in the future. Until that time, it may provide service pursuant to the existing Quintelco tariff. In the meantime, Local Telcom Holdings shall file a single tariff page that incorporates the rates, terms and conditions of Quintelco as its own. When Local Telcom Holdings files a new tariff, it should simultaneously file pages that eliminate Quintelco services that is no longer offering.



# ATTACHMENT D

## Local Telcom Holdings, LLC.

	Year 1	% of rev	Year 2
<b>Revenue:</b>			
Long Distance Sales	\$5,505,000		\$16,070,400
Local Service Sales	\$1,101,000		\$3,214,080
<b>Total Revenue</b>	<b>\$6,606,000</b>		<b>\$19,284,480</b>
<b>Cost of Goods Sold:</b>			
Carrier Charges	\$3,633,300	55.00%	\$10,606,464
<b>Total Cost of Goods</b>	<b>\$3,633,300</b>		<b>\$10,606,464</b>
<b>Gross Profit/(Loss)</b>	<b>\$2,972,700</b>	<b>45.00%</b>	<b>\$8,678,016</b>
<b>Operating Expenses:</b>			
Sales and Marketing Allocation *	\$1,718,881	26.02%	\$4,088,310
General and Administrative Allocation **	\$456,475	6.91%	\$1,137,784
Other SG&A	\$99,090	1.50%	\$192,845
Bad Debt	\$330,300	5.00%	\$964,224
<b>Total Operating Expenses</b>	<b>\$2,604,746</b>	<b>39.43%</b>	<b>\$6,383,163</b>
<b>EBITDA</b>	<b>\$367,954</b>	<b>5.57%</b>	<b>\$2,294,853</b>
Depreciation	\$7,500	0.11%	\$22,000
Amortization	\$0	0.00%	\$0
<b>EBIT</b>	<b>\$360,454</b>	<b>5.46%</b>	<b>\$2,272,853</b>
Income Tax	\$140,577	2.13%	\$886,413
<b>Net Income</b>	<b>\$219,877</b>	<b>3.33%</b>	<b>\$1,386,440</b>

**Notes:**

\* includes Salary, Commissions,  
Advertising, Benefits, Travel/Meals/Entert.

% of rev	Year 3	% of rev
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\$19,927,296  
\$3,985,459

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\$23,912,755

55.00%      \$13,152,015      55.00%

---

\$13,152,015

45.00%      \$10,760,740      45.00%

21.20%      \$4,906,897      20.52%

5.90%      \$1,382,157      5.78%

1.00%      \$239,128      1.00%

5.00%      \$1,195,638      5.00%

33.10%      \$7,723,820      32.30%

11.90%      \$3,036,920      12.70%

0.11%      \$30,000      0.13%

0.00%      \$0      0.00%

11.79%      \$3,006,920      12.57%

4.60%      \$1,172,699      4.90%

7.19%      \$1,834,221      7.67%