

TC97-122

12/75

TC97-122

DOCKET NO.

In the Matter of IN THE MATTER OF THE
APPLICATION OF ACCESS POINT, INC.
FOR A CERTIFICATE OF AUTHORITY
TO PROVIDE TELECOMMUNICATIONS
SERVICES IN SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
7/7 97	Filed and Rostited;
7/10 97	T.C. Log Filing;
8/22 97	Higher Docketing C.O.P. (C.O.P. will be sent when we receive order that they have received their C.O.A. from Sec. of State)
9/30 97	Received Certificate of Authority from Sec. of State;
10/2 97	Sent C.O.A.
10/2 97	Docket Closed.

TC97-122
RECEIVED

JUL 07 1997

Lance J.M. Steinhart

Attorney At Law
6455 East Johns Crossing
Suite 285
Duluth, Georgia 30155

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Also Admitted in New York
and Maryland

Telephone: (770) 232-9200
Facsimile: (770) 232-9208

July 2, 1997

VIA FEDERAL EXPRESS

Mr. William Bullard
Executive Director
South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070
(605) 773-3201

Re: Access Point, Inc.

Dear Mr. Bullard:

Enclosed please find one original and ten (10) copies of Access Point, Inc.'s Application for Registration of a Telecommunications Company.

Please note that Exhibit A, the Certificate of Authority from the Secretary of State, is not attached. We have applied for the certificate and will forward a copy to the commission upon receipt.

In order to expedite the processing of this application, I would like to suggest that all requests for information by the analyst be made by either telephone or facsimile. I will make every effort to respond on the day of the request.

I have also enclosed a check in the amount of \$250.00 payable to the "South Dakota Public Utilities Commission" for the filing fee, and an extra copy of this cover letter to be date stamped and returned to me in the enclosed self-addressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,


Lance J.M. Steinhart

Attorney for Access Point, Inc.

Enclosures
cc: Mr. Richard E. Brown
LJS/lmb

TC97-122

RECEIVED

JUL 07 1997

APPLICATION FOR REGISTRATION
OF ACCESS POINT, INC.
FILED WITH THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

IN THE MATTER OF THE)
APPLICATION OF)
ACCESS POINT, INC.)
FOR AN ORDER)
authorizing the registration)
of applicant as a)
telecommunications company)

Docket No. _____

APPLICATION

Application is hereby made to the South Dakota Public Utilities Commission for an Order authorizing Access Point, Inc. ("Applicant") to register as a telecommunications company within the State of South Dakota. The following information is furnished in support thereof:

1. Name, Address and Telephone Number of Applicant

Access Point, Inc.
1100 Crescent Green
Suite 109
Cary, North Carolina 27511
(919) 851-4838

All inquiries regarding complaints and regulatory matters should be addressed to:

Lance J.M. Steinhart, Esq.
6455 East Johns Crossing, Suite 285
Duluth, Georgia 30155
(770) 232-9200
(770) 232-9208 (Fax)

2. Registered Agent

The name and address of the Applicant's registered agent are:

CT Corporation System
319 South Coteau Street
Pierre, South Dakota 57501

3. Description of the Applicant

Applicant was incorporated in the State of North Carolina on April 30, 1996 as American Access, Inc. with perpetual duration and changed its name to Access Point, Inc. on June 3, 1996. Applicant has applied for authority to transact business as a foreign corporation in the State of South Dakota and will file a copy of its Certificate of Authority as Exhibit A upon receipt. A copy of the Applicant's Articles of Incorporation, as amended, is attached as Exhibit B hereto.

4. Facilities

Applicant does not own or maintain any transmission facilities or switching equipment in the State of South Dakota. The Applicant will provide services through LCI and IXC, its underlying carriers.

5. Stockholders

The names and addresses of all 5% or greater stockholders of Applicant are as follows:

Name and Address	Shares Owned	Percentage of all Shares Issued and Outstanding and Voting Control
Richard E. Brown	34,736	34.74%
Robin Byers	30,714	30.72%
Judy Hovis	10,034	10.03%
Hugh Petty	8,500	8.5%

The above referenced individuals can be reached at 1100 Crescent Green, Suite 109, Cary, North Carolina 27511.

6. Officers and Directors

The names and addresses of the officers and directors of Applicant are as follows:

Richard E. Brown	President/Director
Robin A. Byers	Senior Vice President/Director
Hugh W. Petty	Vice President of Operations
Judy H. Movis	Vice President of Sales

All individuals can be reached at Applicant's address listed above.

7. Corporate Ownership

The name and address of any corporation, association or similar organization holding a five percent (5%) or greater ownership in the Applicant is as follows:

None

8. Subsidiaries owned or controlled by Applicant

None

9. Description of Services

Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers. As a switchless reseller, Applicant has no points of presence in the State of South Dakota, thus Applicant neither owns, leases, nor operates any switching, transmission, or other physical facilities in the State of South Dakota, and no such facilities will be used by Applicant in providing service in the State of South Dakota. Rather, Applicant will be engaged in reselling services provided by facilities-based carriers within the State

of South Dakota. Upon receiving certification, Applicant intends to provide services throughout the State of South Dakota.

Applicant intends to provide these services to customers on a jurisdictionally interstate basis subject to the FCC's jurisdiction and Applicant intends to provide these services on jurisdictionally intrastate basis pursuant to certification, registration or tariff requirements, or on an unregulated basis, in all fifty states except Alaska, subject to the jurisdiction of various public service and utilities commissions. Applicant is currently in the process of obtaining all required authorizations from the FCC and the state regulatory agencies and is authorized to provide service in Alabama, Colorado, Florida, Georgia, Indiana, Iowa, Kentucky, Maryland, Michigan, Montana, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Wyoming.

Applicant intends to provide high quality service, with an industry standard blocking rate less than P.01. Its services will be available on a full-time basis, twenty-four hours a day, seven days a week, to customers within the geographic boundaries of the State of South Dakota.

10. Financial Qualifications

Applicant is financially qualified to provide intrastate interexchange telecommunications services within South Dakota. In particular, Applicant has adequate access to the capital necessary to fulfill any obligations it may undertake with respect to the provision of intrastate telecommunications services in the State of South Dakota. See Exhibit C which is attached hereto, Applicant's Financial Statements for the year ended December 31, 1996.


11. Tariff

A copy of Applicant's proposed tariff is attached as Exhibit D hereto.

WHEREFORE, the undersigned Applicant requests that the South Dakota Public Utilities Commission enter an order granting this application.

DATED this 20 day of July, 1997.

Access Point, Inc.

By: 
Lance J.M. Steinhart, Its Counsel

6455 East Johns Crossing
Suite 285
Duluth, Georgia 30135
(770) 232-9200

STATE OF NORTH CAROLINA

COUNTY OF WAKE

Richard E. Brown, being first duly sworn, deposes and says that he is the President of Access Point, Inc., the Applicant in the proceeding entitled above, that he has read the foregoing application and knows the contents thereof; that the same are true of his knowledge, except as to matters which are therein stated on information or belief, and to those matters he believes them to be true.

Richard E. Brown
Richard E. Brown

Subscribed and sworn to before this 24th day of June, 1997.

[Signature]
Notary Public

My Commission expires: 04/30/02

SD

LIST OF EXHIBITS

- A - CERTIFICATE OF AUTHORITY**
- B - ARTICLES OF INCORPORATION**
- C - FINANCIAL INFORMATION**
- D - PROPOSED TARIFF**

EXHIBIT A - CERTIFICATE OF AUTHORITY

EXHIBIT B - ARTICLES OF INCORPORATION

STATE OF
NORTH
CAROLINA



Department of The
Secretary of State

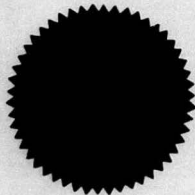
To all whom these presents shall come, Greetings:

I, Janice H. Faulkner, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF INCORPORATION
OF
ACCESS POINT, INC.

the original of which is now on file and a matter of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 6th day of June, 1996.



Janice H. Faulkner
Secretary of State

0-0394829

FILED

2:00pm

APR 30 1996

961209064

ARTICLES OF INCORPORATION

OF

AMERICAN ACCESS, INC.

RECEIVED
JANICE H. FAULKNER
SECRETARY OF STATE
NORTH CAROLINA

Pursuant to Section 55-2-02 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Incorporation for the purpose of forming a business corporation.

1. The name of the corporation is American Access, Inc.
2. The period of duration of the corporation is perpetual.
3. The purpose for which the corporation is organized is to engage in any lawful act or activity for which corporations may be organized under Chapter 55 of the General Statutes of North Carolina.
4. The number of shares of capital stock the corporation is authorized to issue is One Million (1,000,000). These shares shall be all of one class, designated as common stock with a par value at \$.01 per share.
5. The street address and county of the initial registered office of the corporation is 102 Comrie Place, Cary, Wake County, North Carolina 27511.
6. The mailing address and the street address of the initial registered office of the corporation are the same.
7. The name of the initial registered agent is Richard E. Brown.
8. Except to the extent that the North Carolina General Statutes prohibit such limitation or elimination of liability of directors for breaches of duty, no director of the corporation shall have any personal liability arising out of an action whether by or in the right of the corporation or otherwise for monetary damages for breach of any duty as a director. No amendment to or repeal of this article shall apply to or have any effect on the liability or alleged liability of any director of the corporation for or with respect to any acts or omissions of such director occurring prior to such amendment or repeal. The provisions of this article shall not be deemed to limit or preclude indemnification of a director by the corporation for any liability that has not been eliminated by the provisions of this article.

9. The name and address of the incorporator is Spruillco, Ltd., 3600 Glenwood Avenue, Raleigh, North Carolina 27612.

10. These articles will be effective upon filing.

This the 26th day of April, 1996.

SPRUILLCO, LTD., Incorporator

By: 

Leruel H. Gibbons, III,
Vice President

961559022 ARTICLES OF AMENDMENT
OF
AMERICAN ACCESS, INC.

0-0394829
FILED

10:58 AM
JUN 03 1996

Pursuant to § 55-10-05 and § 55-10-06 of the General Statutes of North Carolina, the undersigned corporation (the "Corporation") hereby submits the following Articles of Amendment for the purpose of amending its Articles of Incorporation:

1. The name of the Corporation is: American Access, Inc.
2. The text of the amendment adopted is as follows:

Article 1 of the Articles of Incorporation shall be deleted in its entirety and there shall be substituted in lieu thereof a new Article 1 which shall read as follows:

"1. The name of the corporation is Access Point, Inc."

3. The amendment does not provide for an exchange, reclassification, or cancellation of issued shares.
4. The date of adoption of the amendment was May 31, 1996.
5. The amendment was adopted by the sole incorporator without shareholder action. Shareholder action was not required because the amendment was adopted prior to the appointment of a board of directors and prior to the issuance of shares of the Corporation.
6. These articles will be effective upon filing.

This the 31st day of May, 1996.

AMERICAN ACCESS, INC.

By: SPRUILLCO, LTD., Incorporator

By: 

James M. O'Brien III
Vice President

EXHIBIT C - FINANCIAL INFORMATION

KPMG Peat Marwick LLP

150 Fayetteville Street Mall
Suite 1200
Post Office Box 29543
Raleigh, NC 27626-0543

INDEPENDENT AUDITORS' REPORT

The Board of Directors
Access Point, Inc. :

We have audited the accompanying balance sheet of Access Point, Inc. as of December 31, 1996 and the related statements of operations, stockholders' equity, and cash flows for the period from April 30, 1996 (inception) to December 31, 1996. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with generally accepted auditing standards. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Access Point, Inc. as of December 31, 1996 and the results of its operations and its cash flows for the period from April 30, 1996 (inception) to December 31, 1996 in conformity with generally accepted accounting principles.

KPMG Peat Marwick LLP

March 14, 1997

ACCESS POINT, INC.

Balance Sheet

December 31, 1996

Assets

Current assets:		
Cash and cash equivalents		\$ 303,442
Accounts receivable, net of allowance for doubtful accounts of \$643		20,783
Interest receivable		844
Prepaid expenses		<u>5,580</u>
Total current assets		330,649
Equipment, at cost	\$ 80,302	
Less accumulated depreciation	<u>5,983</u>	
Net equipment		74,319
Notes receivable		3,000
Other assets		<u>6,430</u>
Total assets		\$ <u>414,398</u>

Liabilities and Stockholders' Equity

Liabilities:		
Accounts payable		19,055
Accrued expenses		<u>1,815</u>
Total current liabilities		20,870
Stockholders' equity (notes 2 and 4):		
Common stock, \$.01 par value, 1,000,000 shares authorized,		
99,690 shares issued and outstanding	997	
Additional paid in capital	742,368	
Notes receivable from subscribed shares	(111,111)	
Accumulated deficit	<u>(238,726)</u>	
Total stockholders' equity		393,528
Commitments and contingencies (notes 3 and 4)		
Total liabilities and stockholders' equity		\$ <u>414,398</u>

See accompanying notes to financial statements.

ACCESS POINT, INC.

Statement of Operations

Period from April 30, 1996 (inception) to December 31, 1996

Sales		\$ 34,620
Cost of sales:		
Costs of sales	\$ 26,094	
Indirect sales commissions	<u>3,925</u>	
Total cost of sales		<u>30,019</u>
Gross profit		4,601
Operating expenses:		
Salaries	136,084	
Printing and reproduction	19,680	
Legal and accounting	18,642	
Office rent	16,740	
Telephone	9,083	
Office supplies	6,742	
Dues and subscriptions	6,290	
Data processing	6,069	
Depreciation	5,983	
Travel and entertainment	5,295	
Insurance	5,143	
Automobile expense	3,378	
Programming fees	2,290	
Miscellaneous expenses	1,945	
Postage and delivery	1,550	
Advertising	1,026	
Bad debts	643	
Repairs	500	
Taxes and licenses	<u>243</u>	
Total operating expenses		<u>247,326</u>
Operating loss		(242,725)
Interest income		<u>3,992</u>
Net loss		<u>\$ (238,726)</u>

See accompanying notes to financial statements.

ACCESS POINT, INC.

Statement of Stockholders' Equity

Period from April 30, 1996 (inception) to December 31, 1996

	Shares	Common Stock	Additional Paid In Capital	Note Receivable From Subscribed Shares	Accumulated Deficit	Total
Initial issuance of common stock to corporate officers in July 1996	77,000	\$ 770	-	-	-	770
Issuance of additional common stock to corporate officers	6,984	70	214,930	(125,000)	-	90,000
Issuance of common stock to outside investors in August 1996	2,858	29	100,001	-	-	100,030
Issuance of common stock to outside investors in August through December 1996	12,848	128	427,437	-	-	427,565
Proceeds of notes receivable from subscribed shares	-	-	-	13,889	-	13,889
Net loss	-	-	-	-	(238,726)	(238,726)
Balances as of December 31, 1996	<u>99,690</u>	<u>\$ 997</u>	<u>742,368</u>	<u>(111,111)</u>	<u>(238,726)</u>	<u>393,528</u>

See accompanying notes to financial statements.

ACCESS POINT, INC.

Statement of Cash Flows

Period from April 30, 1996 (inception) to December 31, 1996

Cash flows from operating activities:

Net loss		\$ (238,726)
Adjustments to reconcile net loss to net cash used by operating activities:		
Depreciation	\$ 5,983	
Increase in accounts receivable, net	(20,783)	
Increase in notes receivable	(3,000)	
Increase in interest receivables	(844)	
Increase in prepaid expenses	(5,580)	
Increase in other assets	(6,430)	
Increase in accounts payable	19,035	
Increase in accrued expenses	<u>1,815</u>	
Net cash used by operating activities		(248,510)

Cash flows used by investing activities -

purchase of equipment	(80,302)
-----------------------	----------

Cash flows from financing activities -

proceeds from issuance of common stock	637,254
--	---------

Net increase cash and cash equivalents at end of period

\$ 303,442

Disclosure of noncash financing activities:

The proceeds from issuance of common stock of \$743,365 is reduced by the notes receivable from stockholders used to acquire such shares of \$111,111.

See accompanying notes to financial statements.

ACCESS POINT, INC.

Notes to Financial Statements

December 31, 1996

(1) Company Operations and Summary of Significant Accounting Policies

(a) Nature of Business and Basis of Presentation

Access Point, Inc. ("Access Point" or the "Company") operates in the telecommunication industry. The Company purchases long distance services from major carriers and then resells these services to individuals and companies utilizing volume discounts. The Company provides services to customers in the southeastern United States. The Company was incorporated on April 30, 1996. Most of the Company's efforts between incorporation and beginning operations in August 1996 were devoted to obtaining capital and arranging for provision of services.

The financial statements presented are not presented as a development stage operations since revenue was produced in the current period.

(b) Revenue Recognition

Long distance service and access charges are recognized as services are provided to customers, regardless of the period in which they are billed. Typically customers are billed in the month following actual usage.

(c) Cash Equivalents

For purposes of the statement of cash flows, the Company considers all highly liquid debt instruments purchased with a maturity of three months or less to be cash equivalents.

(d) Income Taxes

The Company elected to be taxed as an S corporation for Federal and state income tax purposes. As a result, Federal and state income taxes are the responsibility of the Company's stockholders on their individual income tax returns.

(e) Depreciation

Equipment is being depreciated using the straight-line method over its estimated useful life of three to five years. Expenditures for maintenance and repairs are charged to operations; major expenditures for renewals and betterments are capitalized and depreciated over their useful lives.

(f) Common Stock

Shares of common stock issued during 1996 were issued under a stock subscription agreement. This agreement provides the percentage ownership for common stock investors based on cash investment.

ACCESS POINT, INC.

Notes to Financial Statements, Continued

(1) Company Operations and Summary of Significant Accounting Policies, Continued(a) Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities as of the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

(2) Notes Receivable from Stock Issuance

Notes receivable from stock issuance result from the issuance of common stock for notes from two co-founders. The notes bear an interest rate of 8% and are payable in installments through August 1999. The current portion and long-term portion of notes at December 31, 1996 was \$58,556 and \$52,555, respectively, with accrued interest of \$844.

(3) Leases

In 1996, the Company signed an operating lease for office facilities in Cary, North Carolina. Lease expense under the operating lease amounted to approximately \$16,700.

The future minimum lease payments under the noncancellable operating lease are as follows:

1997	\$ 34,560
1998	36,720
1999	18,900
Total minimum lease payments	\$ 90,180

The operating lease is guaranteed by the founding stockholders.

(4) Liquidity

In light of the Company's current projected earnings and cash flow, management believes the Company has financial resources to maintain its current level of operations. In the event that actual earnings and cash flows do not provide sufficient financial resources to maintain its current level of operations, the Company will pursue additional financial resources through capital contributions or other financing. There can be no assurance that the Company will be successful in its attempts to obtain additional financing.

EXHIBIT D - PROPOSED TARIFF

ACCESS POINT, INC.

ORIGINAL SHEET 1

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

TITLE SHEET

SOUTH DAKOTA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for Telecommunications Services furnished by Access Point, Inc. ("API"), with principal offices at 1100 Crescent Green, Suite 109, Cary, North Carolina 27511. This tariff applies for services furnished within the State of South Dakota. This tariff is on file with the South Dakota Public Utilities Commission, and copies may be inspected, during normal business hours, at the company's principal place of business.

ISSUED: July 3, 1997

ISSUED BY:

Richard E. Brown, President
1100 Crescent Green, Suite 109
Cary, North Carolina 27511

EFFECTIVE:

ACCESS POINT, INC.

ORIGINAL SHEET 2

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

CONCURRING, CONNECTING OR

OTHER PARTICIPATING CARRIERS AND

BILLING AGENTS

1. Concurring Carriers - None
2. Connecting Carriers - None
3. Other Participating Carriers - None
4. Billing Agents - None

ISSUED: July 3, 1997

ISSUED BY:

Richard E. Brown, President
1100 Crescent Green, Suite 109
Cary, North Carolina 27511

EFFECTIVE:

ACCESS POINT, INC.

ORIGINAL SHEET 3

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

CHECK SHEET

Sheets 1 through 31 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
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24	Original
25	Original
26	Original
27	Original
28	Original
29	Original
30	Original
31	Original

* New or Revised Sheet

ISSUED: July 3, 1997

EFFECTIVE:

ISSUED BY: Richard E. Brown, President
1100 Crescent Green, Suite 109
Cary, North Carolina 27511

ACCESS POINT, INC.

ORIGINAL SHEET 4
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED: July 3, 1997

ISSUED BY:

Richard E. Brown, President
1100 Crescent Green, Suite 109
Cary, North Carolina 27511

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFFTARIFF 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 pages 11 and 12 would be page 11.1.

B. Sheet Revision Numbers: Revision numbers also appear in the upper right corner of each sheet where applicable. These numbers are used to indicate the most current page version on file with the Commission. For example, 4th Revised Sheet 13 cancels 3rd Revised Sheet 13. Consult the Check Sheet for the sheets currently in effect.

C. Paragraph Numbering Sequence: There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

- 2.
- 2.1
- 2.1.1
- 2.1.1.A
- 2.1.1.A.1
- 2.1.1.A.1.(a)
- 2.1.1.A.1.(a).I
- 2.1.1.A.1.(a).I.(i)
- 2.1.1.A.1.(a).I.(i).(1)

D. Check Sheets: When a tariff filing is made with the Commission, 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 sheets 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 sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest Check Sheet to find out if a particular sheet is the most current on Commission file.

ISSUED: July 3, 1997

EFFECTIVE:

ISSUED BY:

Richard E. Brown, President
1100 Crescent Green, Suite 109
Cary, North Carolina 27511

ACCESS POINT, INC.

ORIGINAL SHEET 6

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

SYMBOLS

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

- (C) to signify change in regulation
- (D) to signify a deletion
- (I) to signify a rate increase
- (L) to signify material relocated in the tariff
- (N) to signify a new rate or regulation
- (R) to signify a rate reduction
- (T) to signify a change in text, but no change in rate or regulation

ISSUED: July 3, 1997

ISSUED BY:

Richard E. Brown, President
1100 Crescent Green, Suite 109
Cary, North Carolina 27511

EFFECTIVE:

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to API's location or switching center.

Authorization Code - A numerical code, one or more of which may be assigned to a Customer, to enable API to identify the origin of the Customer so it may rate and bill the call. Automatic number identification (ANI) is used as the authorization code wherever possible.

Commission - Used throughout this tariff to mean the South Dakota Public Utilities Commission.

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

Company or API - Used throughout this tariff to mean Access Point, Inc., a North Carolina corporation.

Holiday - New Year's Day, ML King's Birthday*, President's Day, Memorial Day*, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and Christmas Day. Holidays shall be billed at the off peak rates.

*On federally observed day

ISSUED: July 3, 1997

ISSUED BY:

Richard E. Brown, President
1100 Crescent Green, Suite 109
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EFFECTIVE:

ACCESS POINT, INC.

ORIGINAL SHEET 8

SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

Telecommunications - The transmission of voice communications or, subject to the transmission capabilities of the services, the transmission of data, facsimile, signaling, metering, or other similar communications.

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

ISSUED: July 3, 1997

ISSUED BY:

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TELECOMMUNICATIONS SERVICES TARIFFSECTION 2 - RULES AND REGULATIONS2.1 Undertaking of the Company

This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by API for telecommunications between points within the State of South Dakota. Resale services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff in compliance with limitations set forth in the Commission's rules. The Company's services are provided on a statewide basis and are not intended to be limited geographically. The Company offers service to all those who desire to purchase service from the Company consistent with all of the provisions of this tariff. Customers interested in the Company's services shall file a service application with the Company which fully identifies the Customer, the services requested and other information requested by the Company. The Company reserves the right to examine the credit record and check the references of all applicants and Customers. The Company may examine the credit profile/record of any applicant prior to accepting the service order. The service application shall not in itself obligate the Company to provide services or to continue to provide service if a later check of applicant's credit record is, in the opinion of the Company, contrary to the best interest of the Company. The Company may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement. The Company does not own any switching, transmission or other physical facilities in South Dakota.

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- 2.1.1 The services provided by API are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services, but may involve the resale of the Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers subject to the jurisdiction of this Commission.
- 2.1.2 The rates and regulations contained in this tariff apply only to the resale services furnished by API and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carriers for use in accessing the services of API.
- 2.1.3 The Company reserves the right to limit the length of communications, to discontinue furnishing services, or limit the use of service necessitated by conditions beyond its control, including, without limitation: lack of satellite or other transmission medium capacity; the revision, alteration or repricing of the Underlying Carrier's tariffed offerings; or when the use of service becomes or is in violation of the law or the provisions of this tariff.

2.2 Use of Services

- 2.2.1 API's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2.
- 2.2.2 The use of API's services to make calls which might reasonably be expected to frighten, abuse, torment, or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

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TELECOMMUNICATIONS SERVICES TARIFF

- 2.2.3 The use of API's services without payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.
- 2.2.4 API's services are available for use twenty-four hours per day, seven days per week.
- 2.2.5 API does not transmit messages, but the services may be used for that purpose.
- 2.2.6 API's services may be denied for nonpayment of charges or for other violations of this tariff.
- 2.2.7 Customers shall not use the service provided under this tariff for any unlawful purpose.
- 2.2.8 The Customer is responsible for notifying the Company immediately of any unauthorized use of services.

2.3 Liability of the Company

- 2.3.1 The Company shall not be liable for any claim, loss, expense or damage for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, civil disturbance, act of government, or due to any other causes beyond the Company's control.
- 2.3.2 The Company shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of any trademark, trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.

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- 2.3.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.3.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff for the long distance call for the period during which the call was affected. No other liability in any event shall attach to the Company.
- 2.3.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, instituted, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any Customer or any other entity or any other property whether owned or controlled by the Customer or others.
- 2.3.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.

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- 2.3.7 The remedies set forth herein are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

2.4 Responsibilities of the Customer

- 2.4.1 The Customer is responsible for placing any necessary orders and complying with tariff regulations. The Customer is also responsible for the payment of charges for services provided under this tariff.
- 2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities which the Customer requests and which are ordered by API on the Customer's behalf.
- 2.4.3 If required for the provision of API's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to API.
- 2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to API and the Customer when required for API personnel to install, repair, maintain, program, inspect or remove equipment associated with the provision of API's services.
- 2.4.5 The Customer shall cause the temperature and relative humidity in the equipment space provided by Customer for the installation of API's equipment to be maintained within the range normally provided for the operation of microcomputers.

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- 2.4.6 The Customer shall ensure that the equipment and/or system is properly interfaced with API's facilities or services, that the signals emitted into API's network are of the proper mode, bandwidth, power and signal level for the intended use of the subscriber and in compliance with criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, API will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to API equipment, personnel or the quality of service to other Customers, API may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, API may, upon written notice, terminate the Customer's service.
- 2.4.7 The Customer must pay API for replacement or repair of damage to the equipment or facilities of API caused by negligence or willful act of the Customer or others, by improper use of the services, or by use of equipment provided by Customer or others.
- 2.4.8 The Customer must pay for the loss through theft of any API equipment installed at Customer's premises.
- 2.4.9 If API installs equipment at Customer's premises, the Customer shall be responsible for payment of any applicable installation charge.

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- 2.4.10 The Customer must use the services offered in this tariff in a manner consistent with the terms of this tariff and the policies and regulations of all state, federal and local authorities having jurisdiction over the service.

2.5 Cancellation or Interruption of Services

- 2.5.1 Without incurring liability, upon five (5) working days' (defined as any day on which the company's business office is open and the U.S. Mail is delivered) written notice to the Customer, API may immediately discontinue services to a Customer or may withhold the provision of ordered or contracted services:
- 2.5.1.A For nonpayment of any sum due API for more than thirty (30) days after issuance of the bill for the amount due,
- 2.5.1.B For violation of any of the provisions of this tariff,
- 2.5.1.C For violation of any law, rule, regulation, policy of any governing authority having jurisdiction over API's services, or
- 2.5.1.D By reason of any order or decision of a court, public service commission or federal regulatory body or other governing authority prohibiting API from furnishing its services.

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- 2.5.2 Without incurring liability, API may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and API's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.
- 2.5.3 Service may be discontinued by API without notice to the Customer, by blocking traffic to certain countries, cities or NXX exchanges, or by blocking calls using certain Customer authorization codes, when API deems it necessary to take such action to prevent unlawful use of its service. API will restore service as soon as it can be provided without undue risk, and will, upon request by the Customer affected, assign a new authorization code to replace the one that has been deactivated.
- 2.5.4 The Customer may terminate service upon thirty (30) days written notice for the Company's standard month to month contract. Customer will be liable for all usage on any of the Company's service offerings until the Customer actually leaves the service. Customers will continue to have Company usage until the Customer notifies its local exchange carrier and changes its long distance carrier. Until the Customer so notifies its local exchange carrier, it shall continue to generate and be responsible for long distance usage.

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TELECOMMUNICATIONS SERVICES TARIFF**2.6 Credit Allowance**

- 2.6.1 Credit allowance 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 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 any 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.
- 2.6.2 No credit is allowed in the event that service must be interrupted in order to provide routine service quality or related investigations.
- 2.6.3 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company or in the event that the Company is entitled to a credit for the failure of the facilities of the Company's Underlying Carrier used to furnish service.
- 2.6.4 Credit for interruption shall commence after the Customer notifies the Company of the interruption or when the Company becomes aware thereof, and ceases when service has been restored.
- 2.6.5 For purposes of credit computation, every month shall be considered to have 720 hours.

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TELECOMMUNICATIONS SERVICES TARIFF

- 2.6.6 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.6.7 The Customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

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

"A" - outage time in hours

"B" - monthly charge for affected activity

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 Deposit

The Company does not require deposits to commence service.

2.9 Advance Payments

API does not require advance payments.

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TELECOMMUNICATIONS SERVICES TARIFF2.10 Payment and Billing

- 2.10.1 Service is provided and billed on a billing cycle basis, beginning on the date that service becomes effective. Billing is payable upon receipt. A late fee will be assessed on unpaid amounts 25 days after rendition of bills.
- 2.10.2 The customer is responsible for payment of all charges for services furnished to the Customer, as well as to all persons using the Customer's codes, exchange lines, facilities, or equipment, with or without the knowledge or consent of the Customer. The security of the Customer's Authorization Codes, subscribed exchange lines, and direct connect facilities is the responsibility of the Customer. All calls placed using direct connect facilities, subscribed exchange lines, or Authorization Codes will be billed to and must be paid by the Customer. Recurring charges and non-recurring charges are billed in advance. Charges based on actual usage during a month and any accrued interest will be billed bimonthly in arrears.
- 2.10.3 All bills are presumed accurate, and shall be binding on the customer unless objection is received by the Company in writing within 30 days after such bills are rendered. No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Company in writing within such 30 day period.

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TELECOMMUNICATIONS SERVICES TARIFF**2.11 Collection Costs**

In the event Company is required to initiate legal proceedings to collect any amounts due to Company for regulated or non-regulated services, equipment or facilities, or to enforce any judgment obtained against a Customer, or for the enforcement of any other provision of this tariff or applicable law, Customer shall, in addition to all amounts due, be liable to Company for all reasonable costs incurred by Company in such proceedings and enforcement actions, including reasonable attorneys' fees, collection agency fees or payments, and court costs. In any such proceeding, the amount of collection costs, including attorneys' fees, due to the Company, will be determined by the court.

2.12 Taxes

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein.

2.13 Late Charge

A late fee of 1.5% per month or the amount otherwise authorized by law, whichever is lower, will be charged on any past due balances.

2.14 Returned Check Charge

A fee of \$15.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written.

2.15 Reconnection Charge

A fee of \$10 per occurrence will be charged when service is reestablished for Customers which have been disconnected due to non-payment. Payment of the reconnection fee and any other outstanding amounts will be due in full prior to reconnection of service.

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Richard E. Brown, President
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TELECOMMUNICATIONS SERVICES TARIFFSECTION 3 - DESCRIPTION OF SERVICE3.1 Computation of Charges

- 3.1.1 The total charge for each completed call may be a variable measured charge dependent on the duration, distance and time of day of the call. The total charge for each completed call may also be dependent only on the duration of the call, i.e. a statewide flat rate per minute charge. The variable measured charge is specified as a rate per minute which is applied to each minute.
- 3.1.2 Where mileage bands appear in a rate table, rates for all calls are based upon the airline distance between the originating and terminating points of the call, as determined by the vertical and horizontal coordinates associated with the exchange (the area code and three digit central office code) associated with the originating and terminating telephone numbers. If the Customer obtains access to the Company's network by a dedicated access circuit, that circuit will be assigned an exchange for rating purposes based upon the Customer's main telephone number at the location where the dedicated access circuit terminates. The vertical and horizontal (V & H) coordinates for each exchange and the airline distance between them will be determined according to industry standards.

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ORIGINAL SHEET 22
SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 3.1.3 Timing begins when the called station is answered and two way communication is possible, as determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Recognition of answer supervision is the responsibility of the Underlying Carrier. Timing for each call ends when either party hangs up. API will not bill for uncompleted calls.

3.2 Customer Complaints and/or Billing Disputes

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to the Company at:

1100 Crescent Green, Suite 109
Cary, North Carolina 27511
(800) 957-6468

Any objection to billed charges should be reported promptly to API. Adjustments to Customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate. Where overbilling of a subscriber occurs, due either to Company or subscriber error, no liability exists which will require the Company to pay any interest, dividend or other compensation on the amount overbilled.

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TELECOMMUNICATIONS SERVICES TARIFF

The Company will respond within seventy two (72) hours of receipt of an inquiry. If the Customer is dissatisfied with the Company's response to a complaint or inquiry, the Customer may file the Commission for resolution of the conflict. The South Dakota Public Utilities Commission can be reached at:

500 East Capitol
Pierre, SD 57501-5070
(605) 773-3201
(800) 332-1782

If a Customer accumulates more than One Hundred Dollars (\$100.00) of undisputed delinquent API 800 Service charges, the API Resp. Org. reserves the right not to honor that Customer's request for a Resp. Org. change until such undisputed charges are paid in full.

3.3 Level of Service

A Customer can expect end to end network availability of not less than 99% at all times for all services.

3.4 Billing Entity Conditions

When billing functions on behalf of API or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon these companies by regulatory bodies having jurisdiction apply. API's name and toll-free telephone number will appear on the Customer's bill.

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TELECOMMUNICATIONS SERVICES TARIFF3.5 Service Offerings

3.5.1 1+ Dialing

The customer utilizes "1+" dialing, or "10XXX" dialing followed by "1 + ten digits" for interLATA calls, or dials "10XXX" followed by "1 + 7 digits" or "1 + 10 digits" for intraLATA calls.

3.5.2 Travel Cards.

The Customer utilizes an 11 digit "800" access number established by API to access a terminal. Upon receiving a voice prompt, the Customer uses push button dialing to enter an identification code assigned by the Company, followed by the ten digit number of the called party.

3.5.3 800 Service (Toll free).

This service is a direct access, incoming only, usage sensitive WATS offering. This is a service whereby a Customer can be billed at reduced rates for calls to his premises.

3.5.4 Local Calls and Directory Assistance.

Local calls will not be accepted or completed. API does not provide local directory assistance. Access to long distance directory assistance is obtained by dialing 1 + 555-1212 for listings within the originating area code and 1 + (area code) + 555-1212 for other listings. When more than one number is requested in a single call, a charge may apply for each number requested. A charge will be applicable for each number requested, whether or not the number is listed or published.

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TELECOMMUNICATIONS SERVICES TARIFF

3.5.5 Specialized Pricing Arrangements.

Customized service packages and competitive pricing packages at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers to the Company for proposals or for competitive bids. Service offered under this tariff provision will be filed with the Commission. Specialized rates or charges will be made available to similarly situated Customers on a non-discriminatory basis.

3.5.6 Emergency Call Handling Procedures

Emergency "911" calls are not routed to company, but are completed through the local network at no charge.

3.5.7 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance the marketing of its services. These offerings may be limited to certain dates, times and locations. The Company will notify the Commission of such offerings as required by Commission rules and regulations.

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SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES

4.1 1+ Dialing and Toll Free

4.1.1 American Home - Residential

Peak \$.25 per minute

Off Peak \$.15 per minute

60 second initial, 60 second additional

Peak: 7am to 7 pm, Monday - Friday

Off Peak: All other hours
including Holidays

Monthly Fees: \$3 for 1st 800 number

\$2 for each additional

4.1.2 Home Access - Residential

\$0.145 per minute

60 second initial, 60 second additional

Monthly Fees: \$5 for 1st 800 number

\$2 for each additional

Term Discounts: 1 year - 2%

2 year - 4%

3 year - 6%

Early Cancellation Penalty:

\$10 per month left in term

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ORIGINAL SHEET 27
SOUTH DAKOTA FUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 4.1.3 Home Office - Residential
- Peak \$.19 per minute
Off Peak \$.12 per minute
- 6 second increments, 30 second minimum
- Peak: 8 am to 5 pm, Monday - Friday
Off Peak: All other hours
including Holidays
- Monthly Fees: \$5 for 1st 800 number
\$2 for each additional
- Term Discounts: 1 year - 2¢
2 year - 4¢
3 year - 6¢
- Early Cancellation Penalty:
\$10 per month left in term
- 4.1.4 Business Access - Commercial
- \$.145 per minute
- 6 second increments, 18 second minimum
- Minimum Usage: \$10 per month
- Monthly Fees: \$5 for 1st 800 number
\$2 for each additional
- Term Discounts: 1 year - 2¢
2 year - 5¢
3 year - 8¢
- Early Cancellation Penalty:
\$10 per month left in term

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TELECOMMUNICATIONS SERVICES TARIFF

- 4.1.5 Corporate Access - Commercial
\$.14 per minute
6 second increments, 18 second minimum
Minimum Usage: \$15 per month
Monthly Fees: \$5 for 1st 800 number
\$2 for each additional
Term Discounts: 1 year - 2¢
2 year - 5¢
3 year - 8¢
Early Cancellation Penalty:
\$15 per month left in term
- 4.1.6 Select Access - Commercial
\$.135 per minute
6 second increments, 18 second minimum
Minimum Usage: \$20 per month
Monthly Fees: \$0 for 1st 5 800 numbers
\$2 for each additional
Term Discounts: 1 year - 2¢
2 year - 4¢
3 year - 6¢
Early Cancellation Penalty:
\$20 per month left in term

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SOUTH DAKOTA PUC TARIFF NO. 1

TELECOMMUNICATIONS SERVICES TARIFF

- 4.1.7 Maximum Access - Commercial
- \$.1275 per minute
- 6 second increments, 18 second minimum
- Minimum Usage: \$75 per month
- Monthly Fees: \$0 for 1st 5 800 numbers
\$2 for each additional
- Term Discounts: 1 year - 2¢
2 year - 4¢
3 year - 6¢
- Early Cancellation Penalty:
\$75 per month left in term
- 4.1.8 800 Pass
- 800 Service with Individual Personal
Identification Numbers (PIN)
- Switched Access: \$.16 per minute
- Dedicated Access: \$.13 per minute
- 6 second increments, 30 second minimum
- Monthly Fees: \$5 per PIN

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SOUTH DAKOTA PUC TARIFF NO. 1
TELECOMMUNICATIONS SERVICES TARIFF

4.1.9 Optimum Access

Commitment Level	Monthly Rate	1 Year Term	2 Year Term	3 Year Term
\$ 1,000.00	.0890	.0872	.0854	.0837
\$ 2,500.00	.0875	.0858	.0840	.0823
\$ 5,000.00	.0850	.0833	.0816	.0799
\$ 7,500.00	.0825	.0809	.0792	.0776
\$10,000.00	.0800	.0784	.0768	.0752

6 second increments, 18 second minimum
Monthly Fees: \$0 for 1st 5 800 numbers
\$2 for each additional

T-1 Local Loop charges priced per individual NPA-NXX.

Early Cancellation Penalty:
Commitment Level per month left in term
plus waived fees, installation charges or special
credits

4.2 Travel Cards

4.2.1 Americard

\$.235 per minute

6 second increments, 30 second minimum

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4.3 Association Discounts

Available to members of Associations, Affinity Groups or other groups which endorse API. Discount determined on monthly basis on aggregate monthly revenue as follows:

<u>Total Billed Revenue</u>	<u>Discount</u>
\$0 - 24,999	1%
\$25,000 - 49,999	2%
\$50,000 - 74,999	3%
\$75,000 - 99,999	4%
\$100,000 plus	5%

4.4 Directory Assistance Charges

A charge per number requested will be \$.65

4.5 Returned Check Charge

\$15.00

4.6 Reconnection Charge

\$10.00

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NEXT

DOCUMENT (S)

DISREGARD

BACKGROUND

ACCESS POINT, INC.
100 Crescent Green, Suite 109 • Cary, NC 27511

NATIONSBANK, N.A.
CAROLINAS
66-25-531-4

1894

6/11/97

PAY TO THE ORDER OF South Dakota Public Utilities Commission

\$ 250.00

for Michael Piny and 00100

South Dakota Public Utilities Commission

DODLARS

Richard E. Brown

FOO BARB COS31002581655935594

TC 97-122

TC97-129	Application by Telco Holdings, Inc. d/b/a Dial & Save for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/TZ) "Telco proposes to provide resold local exchange service to subscribers from all points within the state of South Dakota and, therefore, seeks statewide authorization. Specifically, Telco seeks authority to resell local exchange service in the existing service areas of U S WEST...The specific manner in which Telco will provide local exchange service depends upon the result of negotiations with the incumbent local exchange carriers currently operating within the State."	07/10/97	07/25/97
REQUEST FOR ELIGIBLE TELECOMMUNICATIONS COMPANY STATUS			
TC97-125	Brookings Municipal Utilities - Telephone Department pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Brookings Telephone is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchange prefixes in South Dakota: 688, 692, 696 and 697 - serving within the corporate limits of Brookings, SD. Brookings Telephone, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified service area. (Staff: HB/KC)	07/07/97	07/25/97
TC97-130	Hanson Communications d/b/a Hanson County Telephone Company pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. Hanson is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Alexandria (239). Hanson, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange area. (Staff: HB/CH)	07/10/97	07/25/97
TC97-131	Hanson Communications Inc. d/b/a McCook Telecom pursuant to 47 U.S.C. 214(e) and 47 CFR 54.201 hereby seeks designation as an eligible telecommunications carrier within the local exchange areas that constitute its service area in South Dakota. McCook Telecom is the facilities-based local exchange carrier presently providing local exchange telecommunications services in the following exchanges in South Dakota: Salem (425). McCook Telecom, to its knowledge, is the only carrier today providing local exchange telecommunications services in the above identified exchange area. (Staff: HB/CH)	07/10/97	07/25/97
NEGOTIATED INTERCONNECTION AGREEMENT FILED			
TC97-126	U S WEST Communications, Inc. filed for approval by the Commission the negotiated Interconnection Agreement between U S WEST and Dakota Telecom, Inc. and Dakota Telecommunications Systems, Inc. Any person wishing to comment on the parties' request for approval may do so by filing written comments with the Commission and the parties to the agreement no later than July 28, 1997. Parties to the agreement may file written responses to the comments no later than August 15, 1997.	07/07/97	Responses Due 07/28/97

Important Notice: The Commission is compiling a list of internet addresses. If you have an internet address please notify the Commission by E-mailing it to Terry Norum at: terry@pub.state.sd.us Filing the address to the Commission at: 605-773-3809

PAGE 2 OF 2

South Dakota Public Utilities Commission State Capitol 500 E. Capitol Pierre, SD 57501-5070 Phone: (800) 332-1782 Fax: (605) 773-3809		TELECOMMUNICATIONS SERVICE FILINGS These are the telecommunications service filings that the Commission has received for the period of: 07/04/97 through 07/10/97 If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Daine Kolbo within five days of this filing.	
DOCKET NUMBER	TITLE/STAFF/SYNOPSIS	DATE FILED	INTERVENTION DEADLINE
REQUEST FOR CERTIFICATE OF AUTHORITY			
TC97-122	Application by Access Point, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "Applicant is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free, and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers."	07/07/97	07/25/97
TC97-123	Application by USBG, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "Applicant seeks authority to offer a full range of 1+ interexchange telecommunications services on a resale basis. Specifically, Applicant seeks authority to provide NTS, out-WATS, in WATS and Calling Card services. Applicant does not intend to provide operator services, 900 or 700 services."	07/07/97	07/25/97
TC97-124	Application by Electric Lightwave, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: TS/TZ) "Applicant seeks authority to provide 1+, business 800, business calling cards, and prepaid calling cards to the general public and to small and large business."	07/07/97	07/25/97
TC97-127	Application by Telco Holdings, Inc. d/b/a Dial & Save for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/TZ) "Petitioner proposes to provide 24-hour intrastate interexchange telecommunications services, 800 services, and postpaid debit travel card services...Telco Holdings, Inc. hereby adopts the tariff of Dial & Save which has been approved and is on file with the Commission."	07/09/97	07/25/97
TC97-128	Application by Clarity Telecom LD Network Services, Inc. for a Certificate of Authority to operate as a telecommunications company within the state of South Dakota. (Staff: DJ/TZ) "The specific services to be offered by Clarity include switched inbound and outbound services to employees of Clarity and switched and dedicated inbound and outbound services for commercial customers, calling cards and directory assistance services for presubscribed commercial and residential customers."	07/10/97	07/25/97

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South Dakota Public Utilities Commission

State Capitol Building, 500 East Capitol Avenue, Pierre, South Dakota 57501-5070



September 2, 1997

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Relay South Dakota
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Chairman
Pam Nelson
Vice-Chairman
Laska Schoenfelder
Commissioner

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Marlene Frischbach
Shirleen Fugle
Lewis Hammond
Lemi Healy
Camron Hoseck
Dave Jacobson
Bob Kaadle
Delaine Kolbo
Terri J. Lesmeister
Jeffrey P. Lorenson
Terry Norum
Gregory A. Riskov
Tammi Stangor
Steven M. Wegman
Rolayne Alita Wiest

Mr. Richard E. Brown
President
Access Point, Inc.
1100 Crescent Green, Suite 109
Cary, NC 27511

Re: Access Point, Inc.
Docket No. TC97-122

Dear Mr. Brown:

Enclosed you will find a copy of the Order Granting Certificate of Authority with reference to Access Point, Inc. As soon as we receive evidence from you that you have received your Certificate of Authority from the South Dakota Secretary of State, we will send you your Certificate of Authority from our office.

Very truly yours,

Camron Hoseck
Staff Attorney

CH:dk

cc: Mr. Lance J. M. Steinhart
Enc.

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
ACCESS POINT, INC. FOR A CERTIFICATE OF)	CERTIFICATE OF
AUTHORITY TO PROVIDE)	AUTHORITY
TELECOMMUNICATIONS SERVICES IN)	
SOUTH DAKOTA)	TC97-122

On July 7, 1997, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24.02, received an application for a certificate of authority from Access Point, Inc. (Access Point).

Access Point is a switchless reseller which intends to offer 1+ direct dialing, 800 toll free and travel card (no prepaid calling cards) service through the resale of telephone services provided by facilities-based interexchange carriers. A proposed tariff was filed by Access Point. This service is classified as fully competitive.

On July 10, 1997, the Commission electronically transmitted notice of the filing and the intervention deadline of July 25, 1997, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled August 18, 1997, meeting, the Commission considered Access Point's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to Access Point obtaining authority from the Secretary of State to do business in South Dakota. Further, Commission Staff recommended granting the certificate of authority, subject to the condition that Access Point not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24.02 and 20:10:24.03. The Commission finds that Access Point has met the legal requirements established for the granting of a certificate of authority, except for certification by the South Dakota Secretary of State. Access Point has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. Subject to the conditions proposed by Staff, the Commission approves Access Point's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that Access Point's application for a certificate of authority is granted effective September 7, 1997, subject to Access Point receiving a certificate of authority from the Secretary of State, and it is

FURTHER ORDERED, when this condition has been met, a certificate of authority will be issued to Access Point, and it is

FURTHER ORDERED, that Access Point may not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission, and it is

FURTHER ORDERED, that Access Point shall file informational copies of tariff changes with the Commission as the changes occur.

Dated at Pierre, South Dakota, this 27th day of August, 1997.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By	<u><i>Shirley Kabis</i></u>
Date	<u>9/2/97</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

State of South Dakota



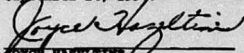
OFFICE OF THE SECRETARY OF STATE

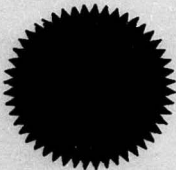
CERTIFICATE OF AUTHORITY

I, JOYCE HASELTINE, Secretary of State of the State of South Dakota, hereby certify that duplicate of the Application for a Certificate of Authority of ACCESS POINT, INC. (NC) to transact business in this state duly signed and verified pursuant to the provisions of the South Dakota Corporation Acts, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I hereby issue this Certificate of Authority and attach hereto a duplicate of the application to transact business in this state under the name of ACCESS POINT, INC.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this September 24, 1997.


JOYCE HASELTINE
Secretary of State



SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

CERTIFICATE OF AUTHORITY

**To Conduct Business As A Telecommunications Company
Within The State Of South Dakota**

Authority was Granted August 18, 1997, effective September 7, 1997
Docket No. TC97-122

This is to certify that

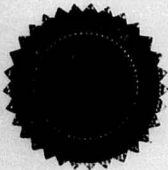
ACCESS POINT, INC.

is authorized to provide telecommunications services in South Dakota.

This certificate is issued in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, and is subject to all of the conditions and limitations contained in the rules and statutes governing its conduct of offering telecommunications services.

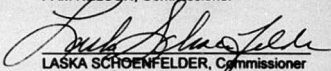
Dated at Pierre, South Dakota, this 2nd day of October, 1997.

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:**




JAMES A. BURG, Chairman


PAM NELSON, Commissioner


LASKA SCHOENFELDER, Commissioner