

KF DT

In the Matter of _____ IN THE MATTER OF THE _____
 _____ APPLICATION OF OPTICAL _____
 _____ TELEPHONE CORPORATION FOR A _____
 _____ CERTIFICATE OF AUTHORITY TO _____
 _____ PROVIDE INTEREXCHANGE _____
 _____ TELECOMMUNICATIONS SERVICES IN _____
 _____ SOUTH DAKOTA _____

Public Utilities Commission of the State of South Dakota

DATE	DESCRIPTION
10/3/01	<i>Filed and docketed;</i>
10/4/01	<i>Weekly Filings;</i>
11/13/01	<i>Order Granting COA;</i>
11/13/01	<i>Docket Closed.</i>

LAW OFFICES OF THOMAS K. CHOWE, P.C.

2100 N STREET, N.W.
SUITE 800
WASHINGTON, DC 20037

TELEPHONE (202) 973-2800
FAX (202) 973-2801
E-MAIL tkc@tkcpc.com

October 2, 2001

BY OVERNIGHT DELIVERY (605-773-3101)

South Dakota Public Utilities Commission
500 E. Capital Ave
Pierre, SD 57501-5070

RECEIVED

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Re Optical Telephone Corporation

Dear Sir or Madam

Please find enclosed an original and eleven (11) copies of Optical Telephone Corporation's Application for a Certificate of Authority to Offer, Render, Furnish or Supply Telecommunications Services as a Reseller to the Public in the State of South Dakota. Also enclosed is a check in the amount of \$250.00, made payable to the "South Dakota Public Utilities Commission," to cover the requisite filing fee.

Please acknowledge receipt of this filing by re-stamping and returning the extra copies of the Application in the self-addressed, stamped envelope provided for this purpose. Should you require further information, please contact the undersigned.

Sincerely,

Thomas K. Chowe
Director
Council for Optical Telephone Corporation

Enclosures

BEFORE THE
SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

RECEIVED

OCT 17 2001

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

Application of Optical Telephone)
Corporation for Certificate of Authority)
to Offer, Render, Furnish, or Supply)
Telecommunications Services as a)
Reseller of Services to the Public.)

Application Docket No. _____

To the South Dakota Public Utilities Commission

APPLICATION OF OPTICAL TELEPHONE CORPORATION

Optical Telephone Corporation ("OTC" or "Applicant") hereby petitions the South Dakota Public Utilities Commission ("Commission") for a certificate of authority to operate as a reseller of toll services in the State of South Dakota. The following general information and specific exhibits are furnished in support thereof:

1. Name, Address, and Telephone Number of Applicant:

Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802
(866) 318-5480 Telephone
(866) 830-2365 Facsimile

2. Trade Name:

Applicant will provide its services under the same name listed above

3. Corporate Information:

Applicant was incorporated under the laws of the State of Alabama on March 16, 2001

Applicant's articles of incorporation are attached as Exhibit A. OTC's certificate of authority to transact business in South Dakota is attached hereto as Exhibit B

4. Registered Agent:

Applicant has no principal office in the State of South Dakota. OTC's registered agent in South Dakota may be contacted at the following address

National Registered Agents, Inc.
100 South Phillips Avenue, Suite 300
Sioux Falls, SD 57102

5. Applicant's Shareholder:

Mark Frost is the sole shareholder of OTC and owns 100% of the applicant's voting securities. His contact information is as follows:

Mark Frost
Optical Telephone Corporation
600 Blvd South, Suite 104
Huntsville, AL 35802
(866) 318-5480 Telephone
(866) 830-2365 Facsimile

6. Proposed Services:

Applicant proposes to operate as a reseller of long distance services, and initially plans to offer land calling card (post-paid) services. OTC does not require deposits or advanced payments from its customers.

7. Means of Providing Services:

Applicant is a switchless, non-facilities based reseller of telecommunications services. Applicant will offer its services *via* the networks of local exchange carriers.

8. Service Area:

OTC intends to offer services to all points (originating and terminating) within and throughout the entire State of South Dakota

9. Demonstration of Financial Competence:

See Exhibit C.

10. Customer Service Information:

OTC maintains a toll-free customer service number for all customer questions and complaints

OTC customer service is available 24 hours a day, 7 days a week, by calling (866) 318-5480

Written questions and complaints should be addressed to

John Ross
Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802
(866) 830-2365 Facsimile

11. Regulatory Contact Information:

Commission inquiries concerning day-to-day operations should be directed to

John Ross
Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802
(866) 318-5480 Telephone
(866) 830-2365 Facsimile

Questions regarding this application should be directed to

Thomas K. Crowe, Esq.
Daron T. Threet, Esq.
Law Offices of Thomas K. Crowe, P.C.
2300 M Street, N.W., Suite 800
Washington, D.C. 20037
(202) 973-2890 Telephone
(202) 973-2891 Facsimile

12. Billing Information:

Applicant bills its customers *via* the billing mechanisms of the relevant local exchange carrier

13. States in Which Applicant is Registered/Certificated:

OTC is registered/certificated to provide telecommunications services in Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Maine, Massachusetts, Michigan, Montana, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, Texas, Utah, Virginia, and Wisconsin. Applicant is in the process of applying for authorization throughout the United States. In no instance has any application been denied or rejected. Applicant is in good standing with all appropriate regulatory agencies in the states where it is certificated or registered.

14. Marketing Information:

A summary of Applicant's marketing information is attached as Exhibit D

15. Federal Tax Identification Number:

OTC's federal tax identification number is 63-1272139

16. Slamming or Cramming Complaints:

No complaints have been filed against OTC for the unauthorized switching of telecommunications providers nor for charging customers for services that have not been ordered

17. Demonstration of Managerial and Technical Competence:

A demonstration of Applicant's managerial and technical competence is attached hereto as Exhibit E.

18. Accounting Records:

Applicant's custodian and location of its accounting records is

Mark Frost
Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802

19. Initial Tariff:

See Exhibit F.

Mark Frost
Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802

19. Initial Tariff:

See Exhibit F.

As demonstrated above, OTC respectfully requests that the Commission grant the instant application to operate as a reseller of long distance services.

Respectfully submitted,



Mark Frost
President
Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802
(256) 705-3522 Telephone
(256) 705-3513 Facsimile

Of Counsel:
Thomas K. Crowe
Daron T. Threet
LAW OFFICES OF THOMAS
K. CROWE, P.C.
2300 M Street, N.W., Suite 800
Washington, D.C. 20037
(202) 973-2890 Telephone
(202) 973-2891 Facsimile

VERIFICATION

State of Georgia :
County of Fulton :

ss.

Mark Frost, Affiant, being duly sworn according to law, deposes and says that:

He is President of Optical Telephone Corporation;

That he is authorized to and does make this affidavit for said corporation;

That Optical Telephone Corporation, the Applicant herein, acknowledges that it may have an obligation to serve or continue to serve the public by virtue of the Applicant commencing the rendering of service pursuant to this Application consistent with the Public Utility Code of the State of South Dakota or with other applicable statutes or regulations;

That Optical Telephone Corporation, the Applicant herein, asserts that it possesses the requisite technical, managerial, and financial fitness to render public utility service within the State of South Dakota and that the Applicant will abide by all applicable federal and state laws and regulations and by the decisions of the South Dakota Public Utilities Commission;

That the facts above set forth are true and correct to the best of his knowledge, information, and belief and that he expects said corporation to be able to prove the same at any hearing hereof.

Mark Frost
Signature of Affiant

Sworn and subscribed before me this 9 day of August, 2001.

Katherine B. [Signature]
Signature of official administering oath

My commission expires Jan. 10, 2005.

EXHIBIT A
ARTICLES OF INCORPORATION

STATE OF ALA. MADISON CO
INSTRUMENT
RECORDED ON

01 MAR 16 PH 2:24

REC'D - STATE TAX
& FEE HAS BEEN
PAID ON THIS INSTRUMENT

STATE OF ALABAMA
DOMESTIC FOR-PROFIT CORPORATION
ARTICLES OF INCORPORATION GUIDELINES

INSTRUCTIONS:

STEP 1: CONTACT THE OFFICE OF THE SECRETARY OF STATE AT (334)242-5324 TO RESERVE A CORPORATE NAME.
STEP 2: TO INCORPORATE, FILE THE ORIGINAL, TWO COPIES OF THE ARTICLES OF INCORPORATION AND THE CERTIFICATE OF NAME RESERVATION IN THE COUNTY WHERE THE CORPORATION'S REGISTERED OFFICE IS LOCATED. THE SECRETARY OF STATE'S FILING FEE IS \$50. PLEASE CONTACT THE JUDGE OF PROBATE TO VERIFY FILING FEES.

PURSUANT TO THE PROVISIONS OF THE ALABAMA BUSINESS CORPORATION ACT, THE UNDERSIGNED HEREBY ADOPTS THE FOLLOWING ARTICLES OF INCORPORATION.

Article I The name of the corporation:
Optical Telephone Corporation

Article II The duration of the corporation is "perpetual" unless otherwise stated.

Article III The corporation has been organized for the following purpose(s):
To be a 1 + reseller of long distance

Article IV The number of shares which the corporation shall have the authority to issue is 10,000

Article V The street address (NO PO BOX) of the registered office: 600 Boulevard South, Suite 104 Huntsville, AL 35802 and the name of the registered agent at that office: Mark Frost

Article VI The name(s) and address(es) of the Director(s):
N/A

Article VII The name(s) and address(es) of the Incorporator(s):
Mark Frost 600 Blvd South, Suite 104 Huntsville, AL 35802

Any provision that is not inconsistent with the law for the regulation of the internal affairs of the corporation or for the restriction of the transfer of shares may be added.

IN WITNESS THEREOF, the undersigned incorporator executed these Articles of Incorporation on this the 15th day of March, 2001

THIS DOCUMENT PREPARED BY:
Mark Frost
Huntsville, AL

Mark Frost
Type or Print Name of Incorporator
[Signature]
Signature of Incorporator

STATE OF ALABAMA

COUNTY OF MADISON

I, Tommy Ragland, Judge of Probate in and for the County and State aforesaid, hereby certify that the within and foregoing is a true, correct and complete copy of Articles of Incorporation for

Optical Telephone Corporation

as same appears of record in my office.

Given under my hand and seal of office this 16th day of March,
2001.

Tommy Ragland
Judge of Probate

STATE OF ALABAMA

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that pursuant to the provisions of Section 10-28-4.02, Code of Alabama 1975, and upon an examination of the corporation records on file in this office, the following corporate name is reserved as available:

Optical Telephone Corporation

This domestic corporation name is proposed to be incorporated in Madison County and is for the exclusive use of Mark Frost, 600 Blvd South Ste 104, Huntsville, AL 35802 for a period of one hundred twenty days beginning March 8, 2001 and expiring July 7, 2001.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capitol, in the City of Montgomery, on this day

March 8, 2001

Date



Jim Bennett

Secretary of State

EXHIBIT B

CERTIFICATE OF AUTHORITY

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

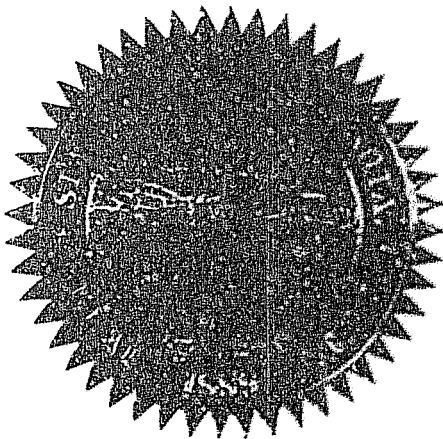
Certificate of Authority

ORGANIZATIONAL ID #: FB025295

I, JOYCE HAZELTINE, Secretary of State of the State of South Dakota, hereby certify that the Application for a Certificate of Authority of **OPTICAL TELEPHONE CORPORATION (AL)** 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.

IN TESTIMONY WHEREOF, I have hereto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this July 2, 2001



Joyce Hazeltine
Secretary of State



Secretary of State
 State Capitol
 500 E. Capitol Ave.
 Pierre SD 57501
 Phone 605-773-4845
 Fax 605-773-4550

FILE NO. _____

RECEIPT NO. _____

RECEIVED

JL 02 01

Application for Certificate of Authority

Pursuant to the provisions of SDCL 47-8-7, the undersigned corporation hereby applies for a Certificate of Authority to ~~conduct~~ **conduct** business in the State of South Dakota and for that purpose submits the following statement:

(1) The name of the corporation is OPTICAL TELEPHONE CORPORATION
(exact corporate name)

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated" or "limited" or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state is _____

(3) State where incorporated Alabama Federal Taxpayer ID# 58-1277138

(4) The date of its incorporation is March 16, 2001 and the period of its duration, which may be perpetual, is Perpetual

(5) The address of its principal office in the state or country under the laws of which it is incorporated is 600 Boulevard South, Suite 104, Huntsville, Alabama Zip Code 35892
 mailing address if different from above is: _____ Zip Code _____

(6) The street address, or a statement that there is no street address, of its proposed registered office in the State of South Dakota is 300 South Phillips Avenue, Suite 300, Sioux Falls, South Dakota Zip Code 57102
 and the name of its proposed registered agent in the State of South Dakota at that address is National Registered Agents, Inc.

(7) The purposes which it proposes to pursue in the transaction of business in the State of South Dakota are: (state specific purposes)
Long Distance Reseller

(8) The names and respective addresses of its directors and officers are:

Name	Officer Title	Street Address	City	State	Zip
<u>See attached schedules</u>					

(9) The aggregate number of shares which it has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class is:

Number of shares	Class	Series	Par value per share or statement that shares are without par value
<u>10,000</u>	<u>Common</u>		<u>No Par Value</u>

(10) The aggregate number of its issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class, is:

Number of shares	Class	Series	Par value per share or statement that shares are without par value
10,000	Common		No Par Value

(11) The amount of its stated capital is \$ 50,000
Shares issued times par value equals stated capital. In the case of no par value stock, stated capital is the consideration received for the issued shares.

(12) This application is accompanied by a CERTIFICATE OF FACT or a CERTIFICATE OF GOOD STANDING duly acknowledged by the Secretary of State or other officer having custody of corporate records in the state or country under whose laws it is incorporated.

(13) That such corporation shall not directly or indirectly combine or make any contract with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders, or with any copartnership or association of persons, or in any manner whatever to fix the prices, limit the production or regulate the transportation of any product or commodity so as to prevent competition in such prices, production or transportation or to establish excessive prices therefor.

(14) That such corporation, as a consideration of its being permitted to begin or continue doing business within the State of South Dakota, will comply with all the laws of the said State with regard to foreign corporations.

The application must be signed, in the presence of a notary public, by the chairman of the board of directors, or by the president or by another officer.

I DECLARE AND AFFIRM UNDER THE PENALTY OF PERJURY THAT THIS APPLICATION IS IN ALL THINGS, TRUE AND CORRECT.

Dated March 16 18 2001
Mark Frost
(Signature)
President
(Title)

STATE OF Georgia
COUNTY OF Fulton
I, Catherine Bergeron, a notary public, do hereby certify that on this 16 day of March, 2001, personally appeared before me Mark Frost who, being by me first duly sworn, declared that he/she is the President of Optical Telephone Corporation, that he/she signed the foregoing document as officer of the corporation, and the statements therein contained are true.

Jan. 10, 2005
My Commission Expires
Catherine Bergeron
(Notary Public)

Notarial Seal


The Consent of Appointment below must be signed by the registered agent listed in number six.

Consent of Appointment by the Registered Agent

I, National Registered Agents, Inc. hereby give my consent to serve as the registered agent for OPTICAL TELEPHONE CORPORATION

(name of registered agent)
(corporate name)

Dated March 16 rs 2001


(signature of registered agent)

The proper filing fee must accompany the application. Make checks payable to the Secretary of State.
William B. Snodgrass, Asst. Secy.

FEE SCHEDULE

Authorized capital stock of	25,000	or less	\$90
Over \$25,000 and not exceeding	100,000		110
Over \$100,000 and not exceeding	500,000		130
Over \$500,000 and not exceeding	1,000,000		150
Over \$1,000,000 and not exceeding	1,500,000		200
Over \$1,500,000 and not exceeding	2,000,000		250
Over \$2,000,000 and not exceeding	2,500,000		300
Over \$2,500,000 and not exceeding	3,000,000		350
Over \$3,000,000 and not exceeding	3,500,000		400
Over \$3,500,000 and not exceeding	4,000,000		450
Over \$4,000,000 and not exceeding	4,500,000		500
Over \$4,500,000 and not exceeding	5,000,000		550

For each additional \$500,000, \$40 in addition to \$550.

For purposes only of computing fees under this section, the dollar value of each authorized share having a par value shall be equal to par value and the value of each authorized share having no par value shall be equal to one hundred dollars per share. The maximum amount charged under this subdivision may not exceed sixteen thousand dollars.

FILING INSTRUCTIONS:

The application must be signed, in the presence of a notary public, by the chairman of the board of directors, or its president, or any other officer. One original and one photocopy of the application must be submitted.

The application must be accompanied by an original, currently dated, **CERTIFICATE OF FACT** or a **CERTIFICATE OF GOOD STANDING** from the Secretary of State in the state where incorporated. A photocopy of a certificate is not acceptable. It should be dated within ninety (90) days of submitting it to our office.

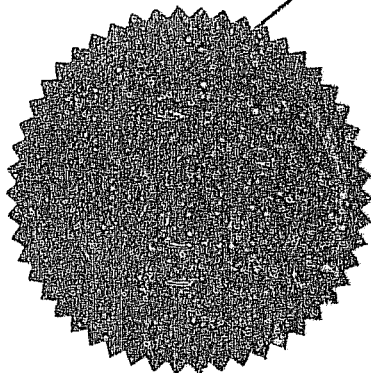
South Dakota law requires every corporation to continuously maintain a resident of this state as the registered agent (number six on the application). The registered agent's address is considered the registered office address of the corporation in South Dakota. A complete street address must be listed for service of process.

The Consent of Registered Agent portion must be signed by the South Dakota registered agent

Mail the application, certificate, and filing fee to the Secretary of State, Corporate Division, 500 E. Capitol Avenue, Pierre, SD 57501-5070. The duplicate and a Certificate of Authority will be returned for your records

STATE OF ALABAMA

I, Jim Bennett, Secretary of State of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that the domestic corporation records on file in this office disclose that Optical Telephone Corporation incorporated in Madison County, Huntsville, Alabama on March 16, 2001. I further certify that the records do not disclose that said Optical Telephone Corporation has been dissolved.



In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State, at the Capital, in the City of Montgomery, on this day.

May 4, 2001

Date

Jim Bennett

Secretary of State

ATTACHMENT

OPTICAL TELEPHONE CORPORATION
Officers and Directors List

OFFICERS

Mark Frost, President
600 Boulevard South
Suite 104
Huntsville, AL 35802

John Ross, Vice President
600 Boulevard South
Suite 104
Huntsville, AL 35802

Mark Frost, Treasurer
600 Boulevard South
Suite 104
Huntsville, AL 35802

John Ross, Secretary
600 Boulevard South
Suite 104
Huntsville, AL 35802

DIRECTORS

Mark Frost
600 Boulevard South
Suite 104
Huntsville, AL 35802

John Ross
600 Boulevard South
Suite 104
Huntsville, AL 35802

EXHIBIT C

DEMONSTRATION OF FINANCIAL COMPETENCE

DEMONSTRATION OF FINANCIAL COMPETENCE

Optical Telephone Corporation was incorporated in March 2001. As such, it does not have audited financial statements, an income statement, or a statement of retained earnings. Despite this, as demonstrated in the Balance Sheet attached hereto, OTC maintains a current balance of \$183,694.41. Such capitalization is adequate to finance OTC's initial telecommunications service offerings.

As Optical Telephone Corporation is a switchless reseller and does not own, operate or lease telecommunications facilities, it has no lease or ownership obligations at this time.

10:21 AM
07/24/01
Accrual Basis

Optical Telephone Corporation
Balance Sheet
As of June 30, 2001

	<u>Jun 30, 01</u>
ASSETS	
Current Assets	
Checking/Savings	
Regions Bank	550.41
Total Checking/Savings	<u>550.41</u>
Total Current Assets	550.41
Fixed Assets	
Equipment	
Cost - Equipment	148,562.00
Total Equipment	<u>148,562.00</u>
Furniture	
Cost - Furniture	34,582.00
Total Furniture	<u>34,582.00</u>
Total Fixed Assets	<u>183,144.00</u>
TOTAL ASSETS	<u><u>183,694.41</u></u>
LIABILITIES & EQUITY	
Liabilities	
Long Term Liabilities	
Loan From Shareholder	228,144.00
Total Long Term Liabilities	<u>228,144.00</u>
Total Liabilities	228,144.00
Equity	
Net Income	-44,449.59
Total Equity	<u>-44,449.59</u>
TOTAL LIABILITIES & EQUITY	<u><u>183,694.41</u></u>

EXHIBIT D
MARKETING INFORMATION

MARKETING INFORMATION

As a newly-formed company, Applicant does not possess detailed marketing information at this time. Applicant intends to utilize telemarketing as a part of its overall marketing strategy and will use an independent third-party company to confirm primary carrier change orders in conformance with 47 CFR § 64.1100. A sample telemarketing transcript is attached.

OPTICAL TELEMARKETING SCRIPT - SOUTH DAKOTA

Telemarketer:

Hello, Mr /Ms _____

This is [Telemarketer Name] with Optical Telephone Corporation. I am calling to introduce you to OTC's long distance service and offer you a free gift for trying our service.

OTC prides itself on providing state of the art Telecommunications service. Our rates are as low as 6 cents per minute with a \$5.95 monthly service fee. And for trying our service you will receive 1500 free minutes on your OTC calling card.

Are you interested in taking advantage of OTC's low rates and high quality service _____?

All you need to do is to listen to the following announcement and answer the questions at the end and you can start enjoying OTC's great service.

Announcement and Digital LOA Recording: Independent Automated Verification System *[Telemarketer drops off the line]*

Thank you for selecting Optical Telephone Corporation as your Long Distance and Local Long Distance telephone service provider.

We at OTC are committed to providing our customers with the nation's highest-quality, most affordable long distance service.

And now you can try our low 6 cents per minute prime-time rate with a low \$5.95 monthly fee and receive 1500 free minutes on your Optical Telephone Calling Card redeemable at 100 minutes per month for 15 months

Please answer the following questions. You may press zero to speak with an attendant at any time.

1. Are you 18 years of age or older?
2. If you are the person authorized to make changes and/or incur charges for this phone number, please state your complete name and address at the tone.
3. Do you select Optical Telephone Corporation to be your long distance provider for state-to-state and international calls? **Please say yes at the tone.**
4. Do you also select OTC to be your instate long distance provider? **Please say yes at the tone.**
5. Do you authorize OTC to change your current service? **Please say yes at the tone.**
6. Do you understand that you can only have one long distance provider per phone number? **Please say yes at the tone.**
7. Your previous long distance provider was _____?
8. Do you have any additional telephone or fax numbers, other than _____ (recite number) that you want included on your OTC account?
9. To validate your account, please state your date of birth or mother's maiden name at the tone
10. A small charge may be assessed by your phone company for changing long distance carriers. OTC will reimburse you for this charge.

You will receive a welcome letter with your calling card in 2 to 3 weeks. If you have any questions, please contact our customer service department at 866-207-3220. Thank you for choosing Optical Telephone Corporation, and have a good day.

Questions and answers are digitally recorded.

EXHIBIT E

DEMONSTRATION OF MANAGERIAL AND TECHNICAL COMPETENCE

DEMONSTRATION OF MANAGERIAL COMPETENCE

Optical Telephone Corporation's day-to-day operations will be managed primarily by Mark Frost. Mr. Frost has over 12 years of business experience including personnel and operations management. Mr. Frost's extensive technical experience coupled with his recent employment for a switchless reseller of interexchange long distance services have enabled him to develop an extensive understanding of the operations of long distance resell organizations. A copy of his resume is attached.

DEMONSTRATION OF TECHNICAL COMPETENCE

Optical Telephone Corporation's technical operations will be managed by Mark Frost, David K. Burnette, Scotty Sharpe, and John Ross. Mr. Frost has over 12 years of technical experience, including software custom control development, technical support, and computer programming. Mr. Burnette has 10 years of technical experience including network administration and hardware/software installation, configuration and maintenance. Mr. Sharpe has five years of technical experience including network administration and systems administration. Mr. Ross has 6 years of technical experience including website design, database creation and maintenance, and network administration. The resumes for each of these individuals are attached.

Mark J. Frost

Objective: Continuing employment in the field of software development with a company in which my background, skills and experience can be best utilized to meet or exceed company objectives while aspiring to a position as high as my abilities and opportunity permit.

Abilities: Vocational training and aviation principals through the U.S. Navy. Electricity and Electronics courses at Marietta-Cobb Vocational School. Currently working on a Bachelor of Science degree in Computer Science at Kennesaw State College. Completed courses in C/C++ programming offered through ZedNet (Interactive Internet Training). I offer four years experience in aviation electronics and eight years civilian experience in analog and digital circuit repair. As well as five years of Windows programming.

Experience:

1999-Present

LKI Communications, Inc.

In charge of maintaining and updating records for customer service.

2-97 to 1999

EITech Development, Inc.

Custom control development. Provide support and maintenance on existing custom controls, which include Compression Plus, FaxPlus, Encrypt-It Plus and Communications Library. Responsible for creating a TAPI interface that will ultimately be used in merging two existing products together. Also, developed an FTP prototype for Dynamic Update which will be releasing later this year. Additionally, I wrote the dialog logic for dynamically creating user defined dialog boxes that are currently used in the self extracting modules of compression Plus v5. Developing in Microsoft C/C++ Support requires knowledge of VB, FoxPro, Delphi, and several other programming languages.

6-96 to 1-97

IMS, Inc

Worked on a credit control system, to pre-qualify prospective buyers, this project included interfacing with major credit card bureaus, and also allowed credit checking from the World Wide Web, project included heavy MAPI, TAPI and database work. I was also instrumental in finishing the Auto-Match 2000 system, a program designed to aid auto dealers in selling to perspective new and used car buyers.

10-95 to 6-96

MicroHelp Inc

Worked on the Uninstaller design team designing prototypes for Uninstaller 4.0 in Visual basic, worked exclusively in Spanish, a zip compatible Windows program for end users in Visual Basic. I have written DLLs in Visual C++ 1.52, and Visual C++ version 4.0. In the course of working in Quality assurance I tested MicroHelps custom controls in both Visual Basic and Visual C/C++, reported bugs, and looked for an appropriate work around when engineering fix was going to take long to repair. As a technical support engineer, I provided help to developers using the MicroHelp custom controls, and developed a firmer understanding of the Windows API. I also learned the Microsoft Foundation classes for Visual C++ in the course of employment at MicoHelp.

4-94 to 10-95

Marietta, Georgia technical Support Manager

Wrote examples for using the EITech custom controls in Visual Basic and Visual C. These products included FaxPlus and Compression Plus. Provided phone, BBS, and Fax support for the EITech controls. Managed the overall operation and functions of the technical support division.

1-88 to 4-94

Shop Manager, Bench Technician

Repaired and calibrated all types of audiometric testing equipment. Equipment includes audiometers, tympanometers, ABR, ENG equipment. Duties included troubleshooting to component level, calibration and working within ANSI standards, close customer relations. Promoted to shop manager, duties included management of personnel, work scheduling and maintaining parts stock levels. Specialized testing equipment involved using sound meters, docimeters and artificial bone mastoids.

John Ross



Objective

To obtain a challenging and rewarding Computer Engineering or IT position with an organization that will effectively use my experience, training, and achievements.

Summary of qualifications

Offering a comprehensive background of education, training and experience in computers, troubleshooting, assembly, maintenance, repairs, personnel training and supervision, technical support, and implementing policies and procedures. Strengths include excellent organizational, time management, leadership, interpersonal, and problem solving skills. Highly motivated, self-starter, with team player abilities. I have experience with NT 4.0 Workstation and Server, Windows 95, WFW, and DOS operating systems. I have worked extensively with Microsoft Office products such as Access, Excel, and Word. I have experience with SQL Server 6.5. I have designed and maintained Web Sites using Microsoft FrontPage and installed and maintained a webserver using Internet Information Server 4.0

Employment

1995 - Present Alpha Networks Alpharetta, Georgia

Network and Office Design

- Designed, installed, and maintain networks of 100 + workstations using Windows NT 4.0 Server, Windows NT 4.0 Workstation, and Windows 95 for several companies. I designed and maintained databases using Microsoft Access. I also created company web sites using Microsoft FrontPage, and worked closely with the programmers to design custom software. Installed and maintain the Company Webserver using Internet Information Server 4.0. Designed and maintained customer service infrastructures.

1990 - 1995 Apollo Printing Inc Richardson, Texas

Manager

- Managed a printing firm. Did all the scheduling for 6 pressmen did some of the graphic artwork such as typesetting, logo design, and literature design.

Accreditations

I have taken and passed all required and elective exams for Microsoft Certified System Engineer for NT 4.0, including the four core operating system exams and two elective exams, TCP/IP and SQL 6.5 Administration. Also have taken and passed all required and elective exams for MCP + Internet Certification including IIS 4.0 exam.

Education

1989 - 1992 Richland Community College Richardson, Texas

Business Administration

- I have completed several core classes and business classes

Languages

I speak English, Spanish, and Italian

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

DAVID K. BURNETTE, MCSE, MCP, A+

724 Deer Trail Rd

Daviston, AL 36256

256.329.1205 Work

256.409.2275 Home

CAREER OBJECTIVE

To obtain a position with an established company where there is the opportunity for growth and utilizing the Network Administration, Hardware, and Computer skills that I possess.

SUMMARY OF QUALIFICATIONS

I have a wide variety of experiences both in management and computer technical positions. I have over 4 years experience in installing, maintaining, configuring, and troubleshooting Windows NT 4.0, Windows 95/98, TCP/IP, UNIX networks. I've also worked with Novell networks to some extent. I have installed and configured Windows 2000 (Professional, Server, & Terminal Server) and Windows Me for over 16 months. I have over 7 years experience in PC hardware maintenance and troubleshooting. I am a trainer in several Software Applications and a trainer in Network and PC Operations. I have obtained the A- certification and I am a Microsoft Certified Professional in NT 4.0 Server, NT 4.0 Workstation, Networking Essentials, NT Server 4.0 in the Enterprise, Internet Information Server 4.0, and Exchange Server 5.0. I am a Microsoft Certified Systems Engineer as well. I have experience in running independent businesses. I operated two small businesses, while attending college and still operate one of them part time.

SOFTWARE APPLICATION

The software application that I am knowledgeable with are Word, Word Perfect, Corel Draw, PageMaker, Photoshop (in many different formats), Relativity, MICROSOFT, ICE TEN, ICE TCP, ICE TCP Pro, Netscape Communicator, Internet Explore, Adobe Illustrator, Paintbrush, PE Design, Power Point, Conversions Plus, Partition Magic, pcAnywhere and others. I am a trainer in Scott Accounting (SACS Housing Software) software in Maintenance Systems, Maintenance Work Orders, Preventatives Maintenance, Inspection System (on the PC and on the Pin Computer), Inventory, Tenant Accounts Receivable, Excess Utilities, Tenant Security, Menu System Maintenance.

EDUCATION

2000 Microsoft Certified Technical Educational Center, Executrain Completed courses at present are NT 4.0 Workstation, NT 4.0 Server, NT 4.0 Server in the Enterprise, TCP IP, IIS 4

1999 Certified SCC Training Center

Completed courses at present are Introduction to SCC Unix, System Admin I

1994 University of Tennessee, Knoxville, TN

Bachelor of Science Degree in Human Ecology (3.67 GPA)

1991 Phillips, State Technical Community College, Knoxville, TN (50 credit hours earned)

1991 Platt College, San Diego, CA
Computer Graphic Design/Graphic Design (completion of certificate program)

1990 Cuyamaca City College, San Diego, CA
Desktop Publishing

EXPERIENCE

Network Administrator, Scott Accounting and Computer Services, Alexander City,
AL June 1999 to Present

Duties: Responsible for configuration, maintenance, and administration of LANs and WANs on various networks at Housing Authorities in nine States. The main operating systems that I administrator are Windows 2000, Windows NT 4.0, Windows 95/98, SCO UNIX, and Novell. I install hardware and software upgrades to networks and PCs. I install, configure, and troubleshoot hubs, routers, multiplexer's, modems, printers, scanners, PC components SCSI & IDE (motherboards, processors, video cards, sound cards, hard drives, cd-roms, cd-writers, network cards, zip drives, and others). I have experience servicing laptops also. I've done cabling with 10Base-2, ThinNet, and 10Base-T.

Owner Operator, E&E Design, Knoxville, TN 1991 to 1999

Duties: Computer Graphic Design, Graphic Design, and Desktop Publishing.
PC maintenance and troubleshooting. PC System purchasing and sales.

Owner Operator, Clean Touch, Knoxville, TN 1995 to 1999

Duties: Commercial Cleaning

Carpenter, Falcone Construction, San Diego, CA 1986 to 1988

Duties: All phases of residential construction

Sub-Contractor for several construction companies 1976 to 1986

Duties: Ranged from superintendent to common laborer of commercial and residential construction

MEMBERSHIPS

Kappa Omicron Nu, honor society, University of Knoxville, Knoxville, TN 1997 to 1999

Eta Theta Kappa, honor society, Mississippi State Technical Community College 1994-1996



Scotty Sharpe, MCSE, MCP, A+
290 Price Avenue
Alexander City, AL 35010
scotty@sacsinc.com

Daytime: 256-329-1205
Evening: 256-329-7792

Information Technology

OBJECTIVE To secure a position as a Windows NT Systems Administrator in a growing technologically driven organization that will challenge my skills and utilize my strong leadership, analytical and problem solving abilities.

TARGET JOB Desired Job Type: Network Administrator
Desired Status: Full-Time
Date of Availability: After two weeks notice at current employer

EXPERIENCE October 1996- present Scott Accounting & Computer Service
Alexander City, AL

Computer Technician

- * Installation, Administration, Cabling, Supporting and Troubleshooting Windows 2000, NT 4.0, 98, 95 and Unix Networks in both LANs and WANs in over 280 locations in the Southeast.
- * Develop proposals for our end users based on what equipment they have and what they will need, including the following: Cabling, Hubs, Patch panels, Network cards, software, and custom PCs
- * Installing and configuring hardware components on both servers and workstation such as: hard drives, network cards, motherboards, modems, video cards, sound cards, hubs, routers, cd-roms, cdrw, multiplexers, and others.

EDUCATION

CompTIA
Montgomery, Alabama
A+ Certified Technician

Athens Computer Learning Center, Inc.
Birmingham, Alabama
Installing and Configuring Windows 2000

ExecuTrain of Montgomery
Birmingham, Alabama
Windows NT Workstation 4.0
Windows NT Server 4.0
Windows NT Server 4.0 Enterprise
Networking Essentials
TCP/IP
Exchange Server 5.0

SKILLS

Skill Name	Skill Level	Experience
Management	Intermediate	2 years
Network Administration	Intermediate	3 years
Troubleshooting	Advanced	5 years

References Available Upon Request

EXHIBIT F
INITIAL TARIFF

SOUTH DAKOTA TELECOMMUNICATIONS TARIFF

OF

Optical Telephone Corporation

600 Blvd. South, Suite 104
Huntsville, AL 35802

RESALE INTEREXCHANGE TELECOMMUNICATIONS SERVICE

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of telecommunications services provided by Optical Telephone Corporation within the State of South Dakota. This tariff is on file with the South Dakota Public Utilities Commission ("Commission"). Copies may be inspected during normal business hours at the Company's principal place of business; 600 Blvd. South, Suite 104, Huntsville, AL 35802

Optical Telephone Corporation is a provider of interexchange telecommunications services on a 24-hour basis. Service is provided for the direct transmission and reception of voice and data communications between points within the State of South Dakota as an adjunct to Optical Telephone Corporation's interstate service.

Issued:

Effective Date:

Issued By:

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Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802
(256) 705-3522

CHECK SHEET

The Title Sheet and Sheets 1 through 34 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s).

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

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Effective Date:

CHECK SHEET (CONT'D.)

<u>SHEET</u>	<u>REVISION</u>
18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original
26	Original
27	Original
28	Original
29	Original
30	Original
31	Original
32	Original
33	Original
34	Original

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Effective Date:

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Section 4 - Rates	

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CONCURRING CARRIERS

None

CONNECTING CARRIERS

None

OTHER PARTICIPATING CARRIERS

None

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EXPLANATION OF SYMBOLS

- (C) To signify a **changed** condition or regulation.
- (D) To signify a **deleted or discontinued** rate, regulation or condition
- (I) To signify a change resulting in an **increase** to a customer's bill.
- (M) To signify that material has been **moved from** another tariff location.
- (N) To signify a **new** rate, regulation, condition or sheet.
- (R) To signify a change resulting in a **reduction** to a customer's bill
- (T) To signify a change in **text** but no change to rate or charge.

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TARIFF FORMAT

- A. **Sheet Numbering** - Sheet numbers appear in the upper right corner of the sheet. Sheets are numbered sequentially. However, occasionally, 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 sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd Revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in their tariff approval process, the most current sheet number on file with the Commission is not always the sheet in effect. Consult the Check Sheet for the sheet currently in effect.

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TARIFF FORMAT (CONT'D.)

- C. **Paragraph Numbering Sequence** - There are four levels of paragraph coding. Each level of code is subservient to its next higher level:
- 2.
 - 2.1.
 - 2.1.1.
 - 2.1.1.1.
- 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 if a particular sheet is the most current on file with the Commission.

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APPLICATION OF TARIFF

This tariff contains the rates applicable to the provision of specialized intrastate resale common carrier telecommunications services by Optical Telephone Corporation between various locations within the State of South Dakota. All services are interstate offerings. Intrastate service is an add on service available only if the Customer subscribes to the Company's interstate offerings.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Account Code:

A numerical code, one or more of which are available to a customer to enable identification of individual users or groups of users on an account and to allocate costs of service accordingly.

Called Station:

The terminating point of a call (i.e., the called number).

Calling Card:

A card issued by Company containing such account numbers assigned to its Customer which enables the charges for calls made to be properly billed on a pre-arranged basis.

Commission:

The South Dakota Public Utilities Commission.

Company:

Optical Telephone Corporation.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (CONT'D.)

Customer

The person, firm, corporation or other entity which orders or uses service and is responsible for payment of charges and compliance with tariff regulation.

Disconnect or Disconnection:

The termination of a circuit connection between the Originating Station and the Called Station or the Company's operator.

Measured Service:

The provision of long distance measured time communications telephone service to customers who access the Company's service at its contracted interexchange carriers' switching and call processing equipment by means of access facilities obtained from local exchange common carrier(s). Company contracted interexchange carrier is responsible for arranging the access lines.

Originating Station:

The originating point of a call.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (CONT'D.)

Point of Presence:

The point of physical interconnection between the local exchange company's local network and the interexchange carrier's network ("POP").

Postpaid Service:

Presubscribed service where subscribers are billed for and remit payment subsequent to the provision of service.

Subscriber:

See "Customer" definition.

Travel Card:

See "Calling Card" definition.

V & H Coordinates:

Geographic Points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage is used for the purpose of rating calls.

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

- 2.1.1. Company's services are furnished for telecommunications originating and/or terminating in any area within the State of South Dakota.
- 2.1.2. Company is a non-facilities based provider of interexchange telecommunications to Customers for their direct transmission and reception of voice, data, and other types of communications.
- 2.1.3. Company resells access, switching, transport and termination services provided by interexchange carriers.
- 2.1.4. Customer's monthly charges for Company's service are based on the total time Customer actually uses the service. For billing purposes, the duration of each call will be rounded up in sixty (60) second increments unless otherwise specified.
- 2.1.5. Subject to availability, the customer may use authorization codes to identify the users or user groups on an account. The numerical composition of the codes shall be set by Company to assure compatibility with the Company's accounting and billing systems and to avoid the duplication of codes.
- 2.1.6. The Company's services are provided on a monthly basis unless otherwise provided, and are available twenty-four (24) hours per day, seven (7) days per week.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)**2.2. Limitations**

- 2.2.1. Service is offered subject to availability of the necessary facilities and/or equipment and subject to the provisions of this tariff. Company reserves the right not to provide service to or from a location where the necessary facilities or equipment are not available.
- 2.2.2. Company reserves the right to immediately disconnect service upon its written notice when necessitated by conditions beyond the Company's control, or when the Customer is using the service in violation of either the provisions of this tariff, or in violation of the law pursuant to Section 2.3.
- 2.2.3. The Company does not undertake to transmit messages, but offers the use of its facilities when available.
- 2.2.4. Title to all facilities provided by Company under these regulations remains in Company's name.
- 2.2.5. Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions of service.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.3. Use

- 2.3.1 Service may be used for the transmission of communications by the customer.
- 2.3.2 Service may not be used for any unlawful purpose or for any purpose for which any payment or other compensation is received by the Customer, except when the Customer is a duly authorized and regulated common carrier. This provision does not prohibit an arrangement between the Customer, authorized user or joint user to share the cost of service.
- 2.3.3 The Company strictly prohibits use of the Company's services without payment or an avoidance of payment by the Customer by fraudulent means or devices including providing falsified calling card numbers or invalid calling card numbers to the Company, providing falsified or invalid credit card numbers to the Company or in any way misrepresenting the identity of the Customer.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)**2.4. Liabilities of the Company**

- 2.4.1. The liability of the Company for damages arising out of the furnishing of its services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other defects, representations, or use of these services or arising out of the failure to furnish the service, whether caused by acts or omission, shall be determined in accordance with South Dakota law. The Company shall not be liable for any kind or nature whatsoever arising out of any defects or any other cause.
- 2.4.2. Company shall be indemnified and held harmless by the customer against
- A. Claims for libel, slander, infringement of copyright or unauthorized use of any trademark, trade name or service mark arising out of the material, data, information or other content transmitted over company's facilities; and
 - B. Claims for patent infringement arising from combining or connecting Company's facilities with apparatus and systems of the Customer; and
 - C. All other claims arising out of any act or omission of the Customer in connection with any service provided by Company.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.4. Liabilities of the Company (Cont'd.)

2.4.3 The Company is not liable for any defacement of, or damage to, the equipment or premises of a customer resulting from the furnishing of services when such defacement or damage is not the result of the Company's negligence.

No agents or employees of connecting, concurring or other participating carriers or companies shall be deemed to be agents or employees of the Company without written authorization.

2.4.4 Company shall not be liable for and the Customer indemnifies and holds harmless from any and all loss claims, demands, suits, or other actions or liabilities whatsoever, whether suffered, made, instituted or asserted by the Customer or by any other party or person, for any personal injury to, death of any person or persons, and for any loss, damage, defacement or destruction of the premises of the customer or any other property, whether owned by the Customer or by others, caused or claimed to have been caused directly or indirectly by the installation, operation, failure to operate, maintenance, removal, presence, condition, location or use of equipment or wiring provided by Company where such installation, operation, failure to operate, maintenance, condition, location or use is not the direct result of the Company's negligence.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.4. Liabilities of the Company (Cont'd.)

2.4.5 The Company is not liable for any failure of performance hereunder due to causes beyond its control, including, but not limited to, unavoidable interruption in the working of its circuits or those of another common carrier, acts of God, storms, fire, floods, or other catastrophes, any law, order, regulation, direction, action, or request of the United States Government, or any other governmental entity having jurisdiction over the Company or of any department, agency, commission, bureau, corporation, or other instrumentality or any one or more of such instrumentality or any one or more of such governmental entities, or of any civil or military authority; national emergencies, insurrections, riots, rebellions, wars, strikes, lockouts, work stoppages, or other labor difficulties; or notwithstanding anything in this tariff to the contrary, the unlawful acts of the Company's agents and employees, if committed beyond the scope of their employment

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)**2.4. Liabilities of the Company (Cont'd.)**

- 2.4.6 The Company shall not be liable for damages or adjustments, refunds, or cancellation of charges unless the Customer has notified the Company, in writing, of any dispute concerning charges, or the basis of any claim for damages, after the invoice is rendered by the Company for the call giving rise to such dispute or claim, unless ordered by the Commission pursuant to South Dakota law. Any such notice must set forth sufficient facts to provide the Company with a reasonable basis upon which to evaluate the Customer's claims or demands.
- 2.4.7 The Company shall not be liable for any damages, including usage charges, that the Customer may incur as a result of the unauthorized use of its communications equipment. The unauthorized use of the Customer's communications equipment includes, but is not limited to, the placement of calls from the Customer's premises and the placement of calls through Customer-controlled or Customer-provisioned equipment that are transmitted or carried over the Company's network services without the authorization of the Customer. The Customer shall be fully liable for all such charges.

2.5. Prepaid Subscriber Responsibilities

(Reserved for Future Use)

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.6. Interruption of Service

- 2.6.1. Credit allowance for interruptions of service which are not due to Company's testing or adjusting, to the negligence of the Customer, or to the failure of channels, equipment and/or communications equipment provided by the Customer, are subject to the general liability provisions set forth in Section 2.4, herein. It shall be the obligation of the Customer to notify Company of any interruptions of service. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission of the Customer, not within the Customer's control.
- 2.6.2. No credit allowances will be allowed for an interruption of services for continuous duration of less than two hours.
- 2.6.3. The subscriber shall be credited for an interruption of two hours or more at the rate of 1/160th for each hour over two (2) such hours of interruption up to a maximum of 6/160th multiplied by the average monthly usage bill of the Customer. If service is activated for less than one (1) month, the monthly usage amount shall be determined by extending the actual usage for the days of service to thirty (30) days.
- 2.6.4. In the event of foreknowledge of an interruption in service for a period exceeding two hours, the subscriber will be notified in writing, by mail, at least one week in advance.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.7. Restoration of Service

The use and restoration of service in emergencies shall be in accordance with part 64, Subpart D of the Federal Communications Commission's Rules and Regulations which specifies the priority system for such activities.

2.8. Minimum Service Period

The minimum service period is one month (30 days).

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)**2.9. Payments and Billing for Postpaid Services**

- 2.9.1. Charges for service are applied on a recurring and nonrecurring basis. Service is provided and billed on a monthly (30 day) basis. The billing date is dependent on the billing cycle assigned to the subscriber. Service continues to be provided until canceled by the Customer with no less than 30 days notice.
- 2.9.2. The Customer is responsible for the payment of all charges for services furnished to the Customer. Charges are based on actual usage and are billed monthly in arrears.
- 2.9.3. Billing will be payable upon receipt and deemed past due ten (10) days after issuance and posting of invoice. Bills not paid within thirty (30) days after the date of posting are subject to a 1.5% late payment charge for the unpaid balance, or the maximum allowable under state law. Each account shall be granted not less than one complete forgiveness of late payment charge, pursuant to Commission rules. Customers shall be notified by letter when eligibility for forgiveness of late payment charge has been utilized.
- 2.9.4. The name(s) of the Customer(s) desiring to use the service must be set forth in the application for service.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)**2.10. Billing Disputes**

- 2.10.1. Billing disputes should be addressed to Company's Customer Service Organization via telephone to (866) 318-5480. Customer Service is available twenty-four hours per day, seven days per week. The Customer has 180 days from the date the bill was issued to dispute the charges on the bill.
- 2.10.2. In the case of a dispute between the Customer and the Company for service furnished to the Customer, which cannot be settled with mutual satisfaction, the Customer can take the following course of action:
- 2.10.2.1. First, the Customer may request the Company perform an in-depth review of the disputed amount (The undisputed portion and subsequent bills must be paid on a timely basis or the service may be subject to disconnection)

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.10. Billing Disputes (Cont'd.)

2.10.2.2. Second, if there is still a disagreement about the disputed amount after the investigation and review by a manager of the Company, the Customer may appeal to the Commission for its investigation and decision. The address of the Commission is:

South Dakota Public Utilities Commission
500 East Capitol Avenue
Pierre, SD 57501-5070

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)**2.11. Cancellation by Customer**

- 2.11.1. Customer may cancel service by providing written notice to Company 30 days prior to cancellation.
- 2.11.2. Customer is responsible for usage charges while still connected to the Company's service and the payment of associated local exchange company charges, if any, for service charges.
- 2.11.3 Any non-recoverable cost of Company expenditures shall be borne by the customer if:
- A. The Customer orders service requiring special facilities dedicated to the Customer's use and then cancels the order before such service begins, before completion of the minimum period or before completion of some period mutually agreed with the Customer for the non-recoverable portions of expenditures; or
 - B. Liabilities are incurred expressly on behalf of the Customer by Company and not fully reimbursed by installation and monthly charges; and
 - C. Based on an order for service and construction has either begun or has been completed, but no service provided.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)**2.12. Cancellation by Company**

2.12.1. Company reserves the right to immediately discontinue furnishing the service to customers without incurring liability:

- A. In the event of a condition determined to be hazardous to the Customer, to other customers of the utility, to the utilities equipment, to the public or to employees of the utility; or
- B. By reason of any order or decision of a court or any other governmental authority which prohibits the Company from furnishing such service; or
- C. If the Company deems such refusal necessary to protect itself or third parties against fraud or to otherwise protect its personnel, agents, facilities or services without notice; or
- D. For unlawful use of the service or use of the service for unlawful purposes, or
- E. If the Customer provides false information to the Company regarding the Customer's identity, address, credit-worthiness, past, current or planned use of Company's services.

Issued
Issued By

Mark Frost
Optical Telephone Corporation
600 Blvd. South, Suite 104
Huntsville, AL 35802
(256) 705-3522

Effective Date:

SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.12. Cancellation by Company (Cont'd.)

2.12.2 Company may discontinue service according to the following conditions upon ten (10) days written notice:

- A For violation of Company's filed tariff.
- B For the non-payment of any proper charge as provided by Company's tariff.
- C For Customer's breach of the contract for service between the utility and Customer.
- D When necessary for the Company to comply with any order or request of any governmental authority having jurisdiction.

2.12.3 The discontinuance of Service(s) by the Company pursuant to this section does not relieve the Customer of any obligations to pay the Company for charges due and owing for Service(s) furnished up to the time of discontinuance. The remedies set forth herein shall not be exclusive and the company shall at all times be entitled to all the rights available to it under law or equity.

2.12.4 The Company may refuse to permit collect calling, calling card, third number billing which it determines to be fraudulent and/or may limit the use of these billing options or services.

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SECTION 2 - RULES AND REGULATIONS (CONT'D.)

2.13. Interconnection

2.13.1 Service furnished by Company may be interconnected with services or facilities of other authorized communications common carriers and with private systems, subject to the technical limitations established by Company. Any special interface of facilities necessary to achieve compatibility between the facilities of Company and other participating carriers shall be provided at the Customer's expense.

2.13.2 Interconnection between the facilities or services of other carriers shall be under the applicable terms and conditions of the other carriers' tariffs. The Customer is responsible for taking all necessary legal steps for interconnecting Customer provided terminal equipment or communications equipment with Company's facilities. The Customer shall secure all licenses, permits, rights-of-way, and other such arrangements necessary for interconnection.

2.14. Deposits

The Company does not require a deposit from the Customer.

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SECTION 2 – RULES AND REGULATIONS (CONT'D.)

2.15. Taxes and Surcharges

2.15.1. Taxes

Taxes are not included in the tariffed rates.

2.15.2. Public Payphone Surcharge

In order to recover the Company's expenses and to comply with the FCC's pay telephone compensation plan (FCC CC Dkt. No. 96-128), a non-discountable per call charge is applicable to all completed dial-around calls which originate from public pay telephones. This surcharge is in addition to standard tariffed usage charges and any applicable service charges and surcharges. The Public Pay Telephone Surcharge will, whenever possible, appear as a separate line item on monthly bills to customers.

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SECTION 3 - DESCRIPTION OF SERVICE**3.1. Timing of Calls**

- 3 1 1 The subscriber's long distance usage charge is based on the actual usage of Company's service. Usage begins when the receiver of the called number is answered. The moment of the called party's answer is determined by hardware supervision in which the local telephone company sends a signal to the underlying carrier's switch or the software utilizing audio tone detection. The timing of the call occurs when called party answers and terminates when either party hangs up.
- 3 1 2 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is sixty (60) seconds with sixty (60) second billing increments thereafter.
- 3 1 3 Any portion of an applicable increment, after the appropriate minimum time for the call, will be rounded upward to the next increment. Calls less than the minimum length will be rounded to the minimum length.
- 3 1 4 There is no billing for incomplete calls.

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SECTION 3 - DESCRIPTION OF SERVICE (CONT'D.)**3.2. Calculation of Distance**

Usage charges for all mileage sensitive products are based on the airline distance between the serving wire center locations associated with the originating and terminating points of the call. The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers and associated vertical and horizontal coordinates that are produced by Bell Communications Research in the V & H Coordinates Tape and appear in National Exchange Carriers Association Tariff No.4.

FORMULA:

$$\frac{\sqrt{(V1 - V2)^2 + (H1 - H2)^2}}{10}$$

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SECTION 3 - DESCRIPTION OF SERVICE (CONT'D.)**3.2. Calculation of Distance (Cont'd.)**

EXAMPLE: Distance between Miami and New York City:

	<u>V</u>	<u>H</u>
Miami	8,351	529
New York	<u>4,997</u>	<u>1,406</u>
Difference	3,354	(877)

Square and add: $11,249,316 + 769,129 = 12,018,445$ Divide by 10 and round: $12,018,445/10 = 1,201,844.5$
1,201,844Take the square root and round: $1,201,844 = 1,096.2$
1,096 miles

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SECTION 3 - DESCRIPTION OF SERVICE (CONT'D.)**3.3. Optical Telephone Corporation's Telecommunications Services**

- 3.3.1. One Plus Service – enables a caller to complete calls within the State of South Dakota. The Customer may access the service by dialing “1”, plus the Numbering Plan Area (“NPA”) code and telephone number (Central Office (“CO”) code and station line).
- 3.3.2. Calling Card Service – is offered either alone or in conjunction with the One Plus Service as an optional feature. Remote Access to One Plus Service is utilized by Customers when off the network by dialing a toll-free number and entering an authorization code and dialing the number to which the Customers desire to be connected.

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Effective Date

SECTION 4 - RATES

4.1. Service Charges

4.1.1. One Plus Service

	TIMING	
	Initial 60 Sec.	Add'l 60 Sec.
Intrastate	\$0.12	\$0.12

4.1.2. Calling Card Service

Rate per minute: \$0.18

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SECTION 4 - RATES (CONT'D.)**4.2. Surcharges****4.2.1. Public Pay Telephone Surcharge**

The following charge is assessed on a per-completed call basis \$0.85

4.2.2. Return Check Fee

The following charge is assessed for each returned check: \$20.00

4.2.3. Directory Assistance

The following charge is assessed for each directory assistance call \$0.85

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(256) 705-3522

08/22/2001

PAY TO THE ORDER OF South Dakota Public Utilities Commission

\$ **250.00

Two Hundred Fifty and 00/100*****

DOLLAR

South Dakota Public Utilities Commission

MEMO Filing Fees

Neil Riat

⑈001110⑈ ⑆061101375⑆ 65 5654 6293⑈

OPTICAL TELEPHONE CORP.

South Dakota Public Utilities Commission
SD

08/22/2001

1
250

TC01-155

Regions Bank

Filing Fees

250

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of September 27, 2001 through October 3, 2001

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER AFFAIRS

CT01-044 In the Matter of the Complaint filed by Suzanne Drake, Sioux Falls, South Dakota, against McLeod USA Telecommunications Services, Inc. Regarding Poor Quality of Customer Service.

Complainant alleged that written notice was sent to McLeod for changes and the company response and resolution did not occur within 30 days. Complainant requests that the agreement/contract between both parties be terminated 30 days from date of written notification.

Staff Analyst: Charlene Lund
Staff Attorney: Kelly Frazier
Date Docketed: 09/27/01
Intervention Deadline: N/A

CT01-045 In the Matter of the Complaint filed by Shannon Thornburg, Rapid City, South Dakota, against McLeodUSA Telecommunications Services, Inc. Regarding Failure to Switch Long Distance Service.

Complainant states that he requested McLeodUSA to switch his service to Sprint. Some long distance calls were billed through Sprint but not all calls. Complainant is requesting that McLeod refund all long distance charges from July 31 forward. He is also requesting that a \$1000 penalty be assessed against McLeod for putting them back on McLeod's network after partially completing the switch on August 23, 2001.

Staff Analyst: Charlene Lund
Staff Attorney: Karen E. Cremer
Date Docketed: 10/03/01
Intervention Deadline: N/A

TELECOMMUNICATIONS

TC01-153 In the Matter of the Application of TalkNow, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications services in South Dakota.

TalkNow, Inc. is seeking a Certificate of Authority to provide interexchange telecommunication services in South Dakota. The applicant is a reseller which intends to offer interexchange services, including 1+ and 101XXXX outbound dialing, toll-free inbound dialing, directory assistance, data services, and travel card services.

Staff Analyst: Keith Senger
Staff Attorney: Kelly Frazier
Date Docketed: 9/27/01
Intervention Deadline: 10/19/01

TC01-154 In the Matter of the Application of VarTec Telecom, Inc. for a Certificate of Authority to Provide Local Exchange Services in South Dakota.

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

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
OPTICAL TELEPHONE CORPORATION FOR)	CERTIFICATE OF
A CERTIFICATE OF AUTHORITY TO PROVIDE)	AUTHORITY
INTEREXCHANGE TELECOMMUNICATIONS)	
SERVICES IN SOUTH DAKOTA)	TC01-155

On October 3, 2001, 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 Optical Telephone Corporation (Optical).

Optical proposes to offer resold 1+ and post-paid calling card services. A proposed tariff was filed by Optical. The Commission has classified long distance service as fully competitive.

On October 4, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of October 19, 2001, to interested individuals and entities. No petitions to intervene or comments were filed and at its November 8, 2001, meeting, the Commission considered Optical's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Optical 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 SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that Optical has met the legal requirements established for the granting of a certificate of authority. Optical has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. The Commission approves Optical's application for a certificate of authority, subject to the condition that Optical not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that Optical's application for a certificate of authority is hereby granted effective December 3, 2001, subject to the condition that Optical not offer a prepaid calling card or require deposits or advance payments without prior approval of the Commission. It is

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

Dated at Pierre, South Dakota, this 13th day of November, 2001.

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 first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By	<u>Alaine Kaels</u>
Date:	<u>11/13/01</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

CERTIFICATE OF AUTHORITY

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

Authority was Granted effective as of December 3, 2001
Docket No. TC01-155

This is to certify that

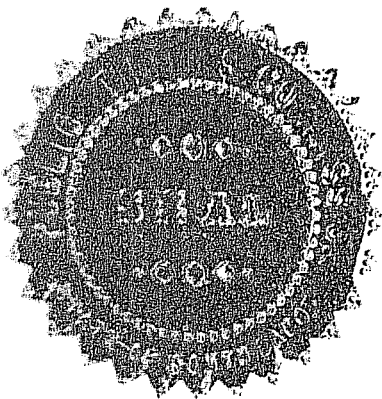
OPTICAL TELEPHONE CORPORATION

is authorized to provide interexchange telecommunications services in
South Dakota, subject to the condition that it not offer a prepaid calling
card or require deposits or advance payments without prior approval of the
Commission.

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 13th day of November, 2001.

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:**



James A. Burg

JAMES A. BURG, Chairman

Pam Nelson

PAM NELSON, Commissioner