

May 25, 2006

Via Overnight Delivery

Ms. Patricia Van Gerpen

Capitol Building, 1st Floor

South Dakota Public Utilities Commission

MAY 2 6 2006

**UTILITIES COMMISSION** 

SOUTH DAKOTA PUBLIC

210 N. Park Ave.

Winter Park, FL

32789

P.O. Drawer 200

Winter Park, FL

32790-0200

Tel: 407-740-8575

Fax: 407-740-0613 tmi@tminc.com

Dear Ms. Van Gerpen:

500 East Capitol

Pierre, SD 57501

Re:

Enclosed for filing please find one original and ten (10) copies of supplemental information filed on behalf of YMax Communications Corp. in the above-referenced docket. This information is provided in response to Staff's letter dated April 14, 2006.

Certificate of Authority to Provide Local Exchange Services in South Dakota.

Docket TC06-027; Application of YMax Communications Corp. for a

Questions regarding this filing may be directed to my attention at (407) 740-3031 or via e-mail to sthomas@tminc.com.

Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it in the self-addressed, stamped envelope enclosed for this purpose.

Thank you for your assistance.

Sincerely,

Sharon Thomas

Consultant to YMax Communications Corp.

Client:

Peter Russo, YMax

File:

YMax - SD Local

TMS:

SDL0600a

# YMax Communications Corp. Docket TC06-027 Supplement to Application/Correction of Deficiencies

#### General Deficiencies

**Section 5.** In addition to providing the list of states where Applicant has existing approval and has filed for local exchange services, please provide the dates of approval for those applicable states.

#### Response:

Please see Attachment 1, which provides the current status of YMax's local applications and approvals, including the dates of approval.

**Section 6.** Please provide the names and addresses of Applicant's affiliates, subsidiaries, and parent organizations, if any.

#### Response:

The Applicant's parent company is YMax Corporation. The applicant has no subsidiaries or affiliates.

Section 15. Please include copies of any brochures that will be used to assist in the sales of the Applicant's services.

#### Response:

The Applicant has not yet finalized its marketing materials and has no brochures at this time.

Section 21. Please include a statement regarding the number and nature of complaints filed against the Applicant with any state or federal commission regarding the act of charging customers for services that have not been ordered.

#### Response:

The Applicant has not had any complaints filed against it with any state or federal commission regarding this or any other matter.

**Section 22.** Please amend the statement regarding the collection of deposits to also include the prepayment for services and advance payment for services.

#### Response:

The Applicant will not be collecting deposits or require advanced payment or prepayment for service within South Dakota. The company will post a surety bond payable to the Consumers of the State of South Dakota should it change its policy in the future.

#### Other Requested Information:

Provide a copy of a Sales Tax License issued by the South Dakota Department of Revenue.

#### Response:

See Attachment 2.

#### **Tariff Deficiencies**

See Attachment 3 for all amended tariff pages to correct the deficiencies noted.

# Attachment 1

List of Pending and Approved Local Certifications

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GEMEN			
State	Approval Date	Docket Number	CPCN or Order No.
FCC-214	07/08/05	IB2005001237	
FCC-499	N/A	N/A	File- ID: 805404
AK	1071	U-06-027	Filer ID: 825421
AL	05/16/06	Docket 29958	
AR	00/10/00	Docket No. 06-051-U	
AZ		T-20434A-05-0900	
CA CA		A.05-12-028	
Cit	-	7U3-12-020	
CO	04/12/06	06A-111T	Decision No. C06-041
CT		Docket No. 06-03-14	
DC	04/25/06	Formal Case No. TA 06-4	TA-06-4-4
			111.00
DE		06-67	
FL - CLEC FL - IXC	09/08/05	Docket No. 050414-TX Docket No. 050413-TI	CPCN 8593; Order No PSC-05-0823-PAA-TX Consummating Orde PSC-05-0892-CO-TX
GA		Docket No. 22635	
HI			
	-	Docket No. TCU-05-15	
IA	09/20/05	Tariff: TF-05-204	Cert No. 0298
ID	03720702	Docket YMX-T-06-01	COL 140, 023
IL	03/22/06	Docket No. 05-0784	
IN	03/22/00	Docket No. 43040	
KS		06-YMXT-1026-COC	
K9		00- FMIX 1-1026-COC	37/4 37
1CV	04/15/06	TEE2006 00448	N/A - No cert or orde
KY I A	04/13/00	TFS2006-00448	issue
LA		Docket No. S-29389	
MA		N/A - Docket No. not assigned	
MD ME	02/08/06	TE 8391 2006-171	
MI		U-14826	
MN	05/16/06	Docket P6555/NA-06-464	
мо		Docket CA-2006-0373	
MS	05/11/06	2006-UA-156	
MT	03/14/06	-	
NC		P-1395, Sub 0	
ND	03/21/06	N/A - Registration only	
NE	05/16/06	C-3575	***************************************
NH	03/22/06		Auth. No. C03-002-0
NJ	03/31/06	TE05121045	
NM			
NV		Docket No. 06-03025	1,1-1
NY	02/21/06	Case No. 05-C-1529	N/A
OH	05/02/06	Case No. 06-411-TP-ACE	90-932
OK		Cause No. PUD 200686	
OR	05/03/06	CP 1319	Order No. 06-22
PA	12/15/05	A-311372 F0002	
RI	04/06/06	Docket No. 3735	
SC		Docket No. 2006-85-C	
SD		TC06-027	
TN		Docket No. 06-00067	
TX	02/02/06	Docket No. 32224	SPCOA No. 6074
UT		28696	5. CON 110, 00/4
VA VC		Case no. PUC 2006-00030	
VT	04/12/06	CPG Application No. 823-C	
WA WI	04/13/06	UT-060402	17011 77 100
	01/11/00		17011-TI-100
WY WY	05/16/06	Case No. 06-0361-T-CN	Case No. 06-0361-T-CN
rv Y	05/16/06	70121-TA-6-1	

# Attachment 2

Tax License

To SHARON Thomas 407 740 0613

ISSUE DATE:

05/12/06

**EXPIRATION DATE: NONE** 

LOCATION:

223 SUNSET AVE, SUITE 223

PALM BEACH FL 33480

LICENSE:

73-001-202895382E-ST-001 Sales Tax

YMAX COMMUNICATIONS CORP

223 SUNSET AVE

PALM BEACH FL 33480

USA

NON-TRANSFERABLE



This license entitles the business or person to whom it is issued to transact whatever business or activity is specified on this license until it expires or is cancelled.

Secretary of Revenue & Regulation

## **Attachment 3**

Amended Tariff Pages

#### SOUTH DAKOTA

#### LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES TARIFF

OF

#### YMAX COMMUNICATIONS CORP.

This tariff contains the descriptions, regulations, and rates applicable to the provision of local exchange telecommunications services provided by YMax Communications Corp. with principal offices at 223 Sunset Avenue, Suite 223, Palm Beach, Florida 33480 for services furnished within the State of South Dakota. This tariff is on file with the South Dakota Public Utilities Commission.

In accordance with SDCL 20:10:06:02, this tariff is available for public inspection during normal business hours at the main office or copies may be inspected, during normal business hours, at the Company's principal place of business located at 223 Sunset Avenue, Suite 223, Palm Beach, Florida 33480.

Issued: March 27, 2006

Effective:

Issued by:

#### **CHECK SHEET**

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

SECTION	PAGE	REVISION		SECTION	PAGE	REVISION	
	Title	Original	*	2	16	Original	*
				2	17	Original	*
Preface	1	Original	*	2	18	Original	*
Preface	2	Original	*	2	19	Original	*
Preface	3	Original	*	2	20	Original	*
Preface	4	Original	*	2	21	Original	*
Preface	5	Original	*	2	22	Original	*
Preface	6	Original	*	2	23	Original	*
				2	24 .	Original	*
1	1	Original	*	2	25	Original	*
1	2	Original	*	2	26	Original	*
1	3	Original	*	2	27	Original	*
1	4	Original	*	2	28	Original	*
				2	29	Original	*
2	1	Original	*	2	30	Original	*
2	2	Original	*	2	31	Original	*
2	3	Original	*	2	32	Original	*
2	4	Original	*	2	33	Original	*
2	5	Original	*	2	34	Original	*
2	6	Original	*	2	35	Original	*
2	7	Original	*	2	36	Original	*
2	8	Original	*	2	37	Original	*
2	9	Original	*	2	38	Original	*
2	10	Original	*	2	39	Original	*
2	11	Original	*	2	40	Original	*
2	12	Original	*	2	41	Original	*
2	13	Original	*			S	
2	14	Original	*				
2	15	Original	*				

<sup>\* -</sup> Indicates Pages included in this filing.

Issued: March 27, 2006

Effective:

Issued by:

#### 2.5 Payment Arrangements, (Cont'd.)

#### 2.5.2 Billing and Collection of Charges

The Customer is responsible for payment of all charges incurred by the Customer or other Authorized Users for services and facilities furnished to the Customer by the Company.

- (A) Nonrecurring charges are due and payable within thirty (30) days after the invoice date, unless otherwise agreed to.
- (B) All recurring charges, as well as Usage charges, if applicable, are billed monthly in arrears.
- (C) When service does not begin on the first day of the month, or end on the last day of the month, the charge for the fraction of the month in which service was furnished will be calculated on a pro rata basis. For this purpose, every month is considered to have thirty (30) days.
- Billing of the Customer by the Company will begin on the Service Commencement Date, which is the first day following the date on which the Company notifies the Customer that the service or facility is available for use, except that the Service Commencement Date may be postponed by mutual agreement of the parties, or if the service or facility does not conform to standards set forth in this tariff or the Service Order. Billing accrues through and includes the day that the service, circuit, arrangement or component is discontinued.

Issued: March 27, 2006

Effective:

#### 2.5 Payment Arrangements, (Cont'd.)

#### 2.5.2 Billing and Collection of Charges, (cont'd.)

- (E) A late payment charge of 1.5% per month, or an amount otherwise allowed by South Dakota law, whichever is less, shall be due to the Company for any billed amount for which payment has not been received by the Company within fifteen (15) days of the mailing date of the Company's invoice for service or by the due date printed on the invoice, whichever is later, or if any portion of the payment is received by the Company in funds which are not immediately available upon presentment. If the last calendar day for remittance falls on a Sunday, legal holiday or other day when the offices of the Company are closed, the date for acceptance of payments prior to assessment of any late payment fees shall be extended through to the next business day.
- (F) A service charge equal to \$25.00, or an amount otherwise allowed by South Dakota law, whichever is less, will be assessed under South Dakota law for all checks or other payment type submitted by the Customer to the Company and returned by a bank or other financial institution for: insufficient or uncollected funds, closed account, apparent tampering, missing signature or endorsement, or any other insufficiency or discrepancy necessitating return of the instrument at the discretion of the drawee bank or other financial institution.
- (G) If service is disconnected by the Company in accordance with Section 2.6 following and later restored, restoration of service will be subject to all applicable installation charges.

Issued: March 27, 2006

Effective:

## 2.5 Payment Arrangements, (Cont'd.)

#### 2.5.3 Disputed Bills

- (A) In the event that a billing dispute occurs concerning any charges billed to the Customer by the Company, the Company may require the Customer to pay the undisputed portion of the bill to avoid discontinuance of service for non-payment. The Customer must submit a documented claim for the disputed amount. The Customer will submit all documentation as may reasonably be required to support the claim. All claims must be submitted to the Company within 180 days of receipt of billing for those services. If the Customer does not submit a claim as stated above, the Customer waives all rights to filing a claim thereafter.
- (B) If the Customer and the Company are unable to resolve the dispute to their mutual satisfaction, the Customer may file a complaint with the South Dakota Public Utilities Commission in accordance with the Commission's rules of procedure. The address of the Commission is as follows:

South Dakota Public Utilities Commission
Capitol Building, 1<sup>st</sup> Floor
500 East Capitol Ave.
Pierre, South Dakota 57501-5070
Toll-Free: (800) 332-1782
TTY Through Relay South Dakota: (800) 877-1113
http://www.state.sd.us/puc

(C) If the dispute is resolved in favor of the Customer and the Customer has withheld the disputed amount, no interest, credits or penalties will apply.

Issued: March 27, 2006

Effective:

#### 2.13 Transfers and Assignments

Neither the Company nor the Customer may assign or transfer its rights or duties in connection with the services and facilities provided by the Company without the written consent of the other party, except that the Company may assign its rights and duties:

- 2.13.1 to any subsidiary, parent company or affiliate of the Company; or
- **2.13.2** pursuant to any sale or transfer of substantially all the assets of the Company within the state; or
- **2.13.3** pursuant to any financing, merger or reorganization of the Company.

Issued: March 27, 2006

Effective:

#### SECTION 4 - SERVICE CHARGES AND SURCHARGES

#### 4.1 Service Order and Change Charges

Non-recurring charges apply to processing Service Orders for new service and for changes in service.

Primary Line Connection Charge: Applies to requests for initial connection or establishment of telephone service with the Company.

Secondary Line Connection Charge: Applies to installation of a second or additional access line.

Service Order Charge: Applies to connection of new lines and to services orders associated with Customer requests for changes in service, moves, and the addition of services, including the additional of calling features.

Issued: March 27, 2006

Issued by:

Daniel Borislow, CEO and President YMax Communications Corp. 223 Sunset Avenue, Suite 223

Effective:

#### 4.1 Service Order and Change Charges, (Cont'd.)

#### **4.1.2** Rates

	Business	Residential
Line Connection Charge		
Primary Line	\$60.00	\$60.00
Secondary Line	\$60.00	\$60.00
Service Order Charge		
Moves/Adds/Changes	\$25.00	\$ 25.00

#### 4.2 Premises Visit Charge

Premises Visit charges apply when the installation of network access facilities or trouble resolution require a visit to the Customer's premises.

	Business	Residential
Installation Charge – 1 <sup>st</sup> Hour	\$120.00	\$110.00
Installation Charge – Each Add'l 1/2 Hour	\$ 46.00	\$ 46.00
Repair Charge – 1 <sup>st</sup> ½ Hour	\$ 91.00	\$ 91.00
Repair Charge – Each Add'l ½ Hour	\$ 46.00	\$ 46.00

#### 4.3 Restoral Charge

A restoration charge applies to the restoration of suspended service and facilities because of nonpayment of bills and is payable at the time that the restoration of the suspended service and facilities is arranged. The restoration charge does not apply when, after disconnection of service, service is later re-installed.

	Business	Residential
Per occasion, per line:	\$20.00	\$20.00

Issued: March 27, 2006

Effective:

Issued by:

#### 4.4 Carrier Presubscription

#### 4.4.1 General

Carrier Presubscription is a procedure whereby a Customer designates to the Company the carrier that the Customer wishes to be the carrier of choice for intraLATA and interLATA toll calls. Such calls are automatically directed to the designated carrier, without the need to use carrier access codes or additional dialing to direct the call to the designated carrier. Presubscription does not prevent a Customer who has presubscribed to an IntraLATA or InterLATA toll carrier from using carrier access codes or additional dialing to direct calls to an alternative long distance carrier on a per call basis.

- **4.4.2 Presubscription Options** Customers may select the same carrier or separate carriers for intraLATA and interLATA long distance. The following options for long distance Presubscription are available:
  - **Option A:** Customer may select the carrier other than the Company for both intraLATA and interLATA toll calls subject to presubscription
  - Option B: Customer may select two different carriers, neither being the Company for intraLATA and interLATA toll calls. One carrier to be the Customers' primary intraLATA interexchange carrier. The other carrier to be the Customer's primary interLATA interexchange carrier.
  - Option C: Customer may select a carrier other than the Company for no presubscribed carrier for intraLATA toll calls subject to presubscription which will require the Customer to dial a carrier access code to route all intraLATA toll calls to the carrier of choice for each call.

Issued: March 27, 2006 Effective:

Issued by:

#### 4.4 Carrier Presubscription, (Cont'd.)

#### 4.4.3 Rules and Regulations

Customers of record will retain their primary interexchange carrier(s) until they request that their dialing arrangements be changed.

Customers of record or new Customers may select either Options A, B, or C for intraLATA Presubscription.

Customers may change their selected Option and/or presubscribed toll carrier at any time subject to charges specified in 4.4.5 below:

Issued: March 27, 2006

Effective:

Issued by:

#### 4.4 Carrier Presubscription, (Cont'd.)

#### 4.4.5 Presubscription Charges

### (A) Application of Charges

After a Customer's initial selection for a presubscribed toll carrier and as detailed in Paragraph 4.4.4 above, for any change thereafter, an Presubscription Change Charge, as set forth below will apply. Customers who request a change in intraLATA and interLATA carriers with the same order will be assessed a single charge per line.

#### (B) Nonrecurring Charges

Per business or residence line, trunk, or port
Initial Line, or Trunk or Port \$5.00
Additional Line, Trunk or Port \$5.00

Issued: March 27, 2006

Effective:

Issued by:

#### SECTION 5 - LOCAL EXCHANGE SERVICE

#### 5.1 General

Local exchange service is offered to business and residential Customers on a presubscription basis from equal access originating end offices only. Service is provided on a term basis only. Unless otherwise specified, the minimum term is one (1) year. Rates for service may vary by call type and/or term commitment. Usage rates, per call charges and monthly fees may apply. In addition, applicable Service Order and other non-recurring charges may apply. Call timing is defined in the description for each service. Service is available 24 hours a day, 7 days a week. Service is available where technically feasible and where facilities permit.

#### 5.1.1 Application of Business and Residential Rates

- (A) The determination as to whether telephone service should be classified as Business or Residential is based on the character of the use to be made of the service. Service is classified as Business service where the use is primarily or substantially of a business, professional, institutional, or otherwise occupational nature. Where the business use, if any, is incidental and where the major use is of a personal or domestic nature at the person's dwelling, service is classified as Residential service.
- **(B)** Business rates apply at the following locations, among others:
  - (1) In offices, stores and factories, and in quarters occupied by clubs, lodges, fraternal societies, schools, colleges, libraries, hospitals, and other business establishments.
  - (2) In residence locations where the place of residence is in the immediate proximity to a place of business and it is evident that the telephone in the residence is or will be used for business purposes, and in residence locations where an extension is located at a place where business rates would apply.
  - (3) In the residence of a practicing physician, dentist, veterinary, surgeon, or other medical practitioner who has no service at business rates at another location.
  - (4) In any residence location where there is substantial business use of the service and the Customer has no service at business rates.

Issued: March 27, 2006

Effective:

Issued by:

#### SECTION 5 – LOCAL EXCHANGE SERVICE, (CONT'D.)

#### 5.1 General, (Cont'd.)

#### 5.1.1 Application of Business and Residential Rates, (cont'd.)

- (C) Residence rates apply at the following locations, among others:
  - (1) In private residences; in the residential portion of hotels, apartment houses, boarding houses, churches, or institutions when the use of the service is confined to the domestic use of the Customer and listings of a business nature are not furnished.
  - (2) In the residence of a practicing physician, dentist, veterinarian, surgeon, or other medical practitioner provided that such residence is not a part of an office building and provided the Customer has service charged for at business rates at another location.

Issued: March 27, 2006

Effective:

#### SECTION 5 – LOCAL EXCHANGE SERVICE, (CONT'D.)

#### 5.3 Basic Local Exchange Service

#### 5.3.1 General

Basic Local Exchange Service provides a Customer with a telephonic connection to, and a unique telephone number on, the Company switching network that enables the Customer to:

- (A) receive calls from other stations on the public switched telephone network;
- (B) access the Company Local Calling Services and other Services as set forth in this tariff;
- (C) access interexchange calling services of other carriers;
- (D) access (at no additional charge) to Company operators and business office for service related assistance;
- (E) access toll-free telecommunications services such as 800 NPA; and access toll-free emergency services by dialing 0 or 9-1-1 (where available);
- (F) access relay services for the hearing and/or speech impaired.

Basic Local Exchange Services cannot be used to originate calls to caller-paid information services (e.g., 900, 976) provided by other companies. Calls to those numbers and other numbers used for caller-paid information services will be blocked by the Company switch. Each Basic Local Exchange Service corresponds to one or more telephonic communications channels that can be used to place or receive one call at a time.

Individual line Residence and Business Basic Local Exchange Service is comprised of exchange access lines defined as follows:

**Exchange Access Line -** The service central office line equipment and all the Company plant facilities up to the demarcation point. These facilities are Company-provided and maintained and provide access to and from the telecommunications network for message toll service and for local calling appropriate to the tariffed use offering selected by the Customer.

Issued: March 27, 2006

Effective:

#### SECTION 5 – LOCAL EXCHANGE SERVICE, (CONT'D.)

#### 5.3 Basic Local Exchange Service, (Cont'd.)

#### 5.3.2 Flat Rate Local Exchange Service

Flat Rate Local Exchange Service provides a Customer with a single, analog, voice-grade telephonic communications channel that can be used to place or receive one call at a time. Flat Rate Local Exchange Service lines are provided for the connection of Customer-provided wiring, telephone, facsimile machines or other station equipment. Local exchange service lines and trunks are provided on a single party (individual) basis only. No multi-party lines are provided.

Recurring charges for Flat Rate Local Exchange Service are billed monthly in arrears. Non-recurring charges for installation or rearrangement of service are billed on the next month's bill immediately following work performed by the Company.

Flat Rate Local Exchange Service includes unlimited local exchange calling per month.

Monthly Rate, per line:

**Business** 

Residential

\$60.00

\$40.00

Issued: March 27, 2006

Effective:

Issued by:

#### 6.1 Optional Calling Features, (Cont'd.)

#### 6.1.1 Feature Descriptions, (cont'd.)

**Caller ID-Number Only** – Provides for the display of the calling party telephone number on Caller ID compatible Customer premises equipment.

Caller ID Name and Number—Provides for the display of the calling party name and telephone number on Caller ID compatible Customer premises equipment.

**Custom Ringing** - Allows a Customer to have up to two separate telephone numbers (one main and one additional number) associated with one local exchange access line. Each telephone number has a distinctive ring on incoming calls for identification purposes.

**Priority Call** - Allows a Customer to assign a maximum of fifteen (15) callers' telephone numbers to a special list. The customer will hear a distinctive ring at his location when calls are received from callers' telephone numbers on that list.

**Speed Calling 8 -** Allows the Customer to dial an abbreviated code to originate a call to any of 8 programmed telephone numbers.

**Three-Way Calling -** Allows the Customer to add a third party to an existing conversation.

Issued: March 27, 2006

Effective:

#### 6.4 **Busy Line Verification and Emergency Interrupt Service**

Upon request of a calling party the Company will verify a busy condition on a designated local service line. The operator will determine if the line is clear or in use and report to the calling party. At the request of the Customer, the operator will interrupt the call on the busy line. Emergency Interruption is only permitted in cases where the calling party indicates an emergency exists, requests interruption and the call has already been verified as busy.

No charge will apply when the calling party advises that the call is to or from an official public emergency agency. Busy Verification and Interrupt Service is furnished where and to the extent that facilities permit.

The Customer shall indemnify and save the Company harmless against all claims that may arise from either party to the interrupted call or any person.

#### 6.4.1 Rates

Busy Line Verification, per request: Busy Line Interrupt, per request:

\$2.50

\$5.00

Issued: March 27, 2006

Effective:

Issued by:

#### 6.5 Directory Listing Service, (Cont'd.)

#### 6.5.2 Listings, (cont'd.)

#### (B) Additional Listings

Additional listings may be the listings of individual names of those entitled to use the customer's service or, for business, Departments, Divisions, Tradenames, etc.

In connection with business and residence service, regular additional listings are available only in the names of Authorized Users of the Customer's service.

Ordinarily, all additional listings are of the same address and telephone number as the primary listings, except as provided for joint user and alternate number listings. However, when it appears necessary as an aid to the use of the directory and provided satisfactory service can be furnished, a listing will be permitted under the address of a branch exchange, Centrex or extension of an exchange service line installed on the premises of the Customer, but at an address different from that of the attendant position of main service.

Business additional listings are not permitted in connection with residence service. Residence additional listings are also permitted in connection with business service, which is located in a residence and for permanent or seasonal guests residing in a hotel or club.

A residence dual name additional listing is comprised of a surname, two first names, address and telephone number. A residence dual name additional listing may be provided for two persons who share the same surname and reside at the same address, or for a person known by two first names.

Special types of additional listings, such as Alternate, Alpha and Informational, Duplicate and Reference Listings, Foreign Listings, etc. take the same business or residence classification as the service with which such listings are furnished.

Issued: March 27, 2006 Effective:

Issued by:

#### 6.5 Directory Listing Service, (Cont'd.)

#### 6.5.2 Listings, (cont'd.)

#### (D) Nonlisted Service

Non-listed service means that the Customer's telephone number is not listed in the directory, but it does appear in the Company's Directory Assistance Records.

This service is subject to the rules and regulations for E911 service, where applicable.

The Company will only complete calls to a nonlisted number, if requested by a caller, during the course of a directory assistance call completion service.

When the Company agrees to keep a number unlisted, it does so without any obligation. Except for cases of gross negligence or willful misconduct, the Company is not liable for any damages that might arise from publishing a non-listed number in the directory or disclosing it to some. If, in error, the telephone number is listed in the directory, the Company's only obligation is to credit or refund any monthly charges the Customer paid for nonlisted service.

The subscriber indemnifies (i.e., promises to reimburse the Company for any amount the Company must pay as a result of) and save the Company harmless against any and all claims for damages caused or claimed to have been caused, directly or indirectly, by the publication of a non-listed service or the disclosing of said number to any person.

Issued: March 27, 2006 Effective:

Issued by:

#### **SECTION 7 – ACCESS SERVICES**

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[Reserved for future use.]

Issued: March 27, 2006

Effective:

Issued by:

#### SECTION 8 - SPECIAL ARRANGEMENTS

#### 8.1 Individual Case Basis (ICB) Arrangements

Arrangements will be developed on a case-by-case basis in response to a bona fide special request from a Customer or prospective Customer to develop a competitive bid for a service not generally offered under this tariff. Rates quoted in response to such competitive requests may be different than those specified for such services in this tariff. ICB rates will be offered to the Customer in writing and on a nondiscriminatory basis.

ICB will be filed with the South Dakota Public Utilities Commission.

Issued: March 27, 2006 Effective:

Issued by: