

TC98-185

TC98-185

DOCKET NO.

In the Matter of

IN THE MATTER OF THE
APPLICATION OF EQUALITY INC. FOR
A CERTIFICATE OF AUTHORITY TO
PROVIDE TELECOMMUNICATIONS
SERVICES IN SOUTH DAKOTA

Public Utilities Commission of the State of South Dakota

DATE

MEMORANDA

DATE	MEMORANDA
10/19/98	Filed andocketed;
11/22/98	Certificate of Authority from Sec. of State;
10/22/98	Weekly Filing;
11/4/98	Revised Tariffs and Pamphlet
11/15/99	Order Granting COA;
1/15/99	Recket Cases

AMREG

6635 West Commercial Boulevard • Suite 220
Ft. Lauderdale, Florida 33319-2100

TC 98-185

October 14, 1998

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

Attn: Mr. Harlan Best, Deputy Director
Fixed Utilities Division

Re: EQuality Inc.

Dear Mr. Best:

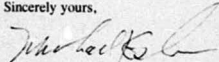
Enclosed herewith please find an original and nine (9) copies of an Application, Exhibits and Tariff for Authority to Provide Interexchange Telecommunications Services in the State of South Dakota which we are filing on behalf of our client, EQuality Inc.

Also enclosed is a check in the amount of Two Hundred Fifty (\$250.00) Dollars to cover the cost of filing.

For purposes of verification of receipt, I have provided an additional copy of this cover letter. Please date stamp and return it to me in the self-addressed stamped envelope provided.

Should you have any questions or comments regarding the above referenced filing, kindly contact me at (954) 718-0056.

Sincerely yours,



Michael Koslen
Director of Regulatory Affairs

MSK/mm
Enclosures

RECEIVED
OCT 19 1998
SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

TC98-185

Before the Public Service Commission of
the State of South Dakota

RECEIVED

OCT 19 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

In re:)
)
Application of EQuality Inc. to Operate)
as a Reseller of Interexchange)
Telecommunications Services within)
the State of South Dakota)

Application No. ____

Application and Request for Authority

EQuality Inc., hereby files this verified application before the Public Service Commission of South Dakota pursuant to its requirement for a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services within the State of South Dakota and in support thereof would state as follows:

1. Applicant's legal name is EQuality Inc., with offices at 14 Signal Hill Road Wallingford, Ct. 06492, telephone 203/284-1511.
2. The name under which applicant will do business is the same.
3. Applicant is a privately held corporation incorporated within the State of Delaware on October 4, 1991 and has received a Certificate of Authority from the State of South Dakota Office of the Secretary of State dated October 26, 1993, a copy of which is annexed hereto.
4. Applicant's designated agent in the State of South Dakota is:

The Prentice-Hall Corporation System, Inc.
503 South Pierre Street
Pierre, SD 57501.

Applicant does not currently maintain another office in the State of South Dakota.

5. Richard Minervino holds 100% of the issued and outstanding shares of EQuality, Inc.
6. No subsidiaries are owned or controlled by EQuality Inc.
7. Applicant is a reseller of interexchange telecommunications services, reselling the service of Frontier Communications. A specific description of the telecommunications services the applicant intends to offer is set forth in its South Dakota Tariff.
8. Applicant intends to offer its services throughout the State of South Dakota.
9. A current balance sheet and income statements and a copy of applicant's tariff with the terms and conditions of service have been submitted with this application.
10. Complaints and regulatory matter should be directed to:

Marie Marcarelli, V. President
EQuality Inc.
14 Signal Hill Road
Wallingford, Ct. 06492
Tel: 203/284-1511

Customer service and billing matters should be directed to:

Marie Marcarelli, V. President
EQuality Inc.
14 Signal Hill Road
Wallingford, Ct. 06492
Tel: 203/284-1511

11. EQuality Inc. has applied for approval in North Carolina and in Minnesota and is currently certificated in Connecticut, Delaware, Florida, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Washington and Georgia.
12. Applicant intends to market its services by telephone personal solicitation. A copy of EQuality's brochure has been submitted in connection with the EQuality Inc. application.
13. By this application and Exhibits attached, EQuality Inc., demonstrates that it has the technical and managerial ability to conduct its business.
14. Applicant hereby requests that this Commission consider this application on an ex-parte basis.

15. Upon commission request, applicant is prepared to answer questions or present additional testimony or other evidence about its services to telephone users within the state.

Wherefore, EQuality Inc., hereby prays that the Public Service Commission of South Dakota grant its authority to provide competitive telecommunication resale services within the State of South Dakota.

Respectfully submitted this 14 day of October, 1998, at Ft. Lauderdale, Florida. Signed on behalf of Richard Minervino, Sr. President of EQuality Inc.

American Regulatory Services Corp.

By Michael Koslen

Michael Koslen
Director of Regulatory Affairs

I, Carol M. Oke, a Notary Public, do hereby certify that Michael Koslen personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 14 day of October, 1998.



Carol M. Oke
MY COMMISSION # 00322480 EXPIRES
January 8, 2000
NOTARY PUBLIC - SOUTH DAKOTA

Carol M. Oke
Notary Public

My Commission expires _____

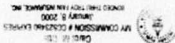


Exhibit A

**Articles of Incorporation
&
Certificate of Authority**

State of Delaware

PAGE 1



Office of Secretary of State

I, MICHAEL HARRIS, SECRETARY OF STATE OF THE STATE OF
DELAWARE DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT
COPY OF THE CERTIFICATE OF INCORPORATION OF EQUALITY, INC. FILED
IN THIS OFFICE ON THE FOURTH DAY OF OCTOBER, A.D. 1991, AT 1
O'CLOCK P.M.



231277011


Michael Harris, Secretary of State

AUTHENTICATION: 231277011

DATE: 10/04/1991

NEXT

DOCUMENT (S)

BEST IMAGE

POSSIBLE

CERTIFICATE OF INCORPORATION

OF

EQUALITY, INC.

1. The name of the corporation is:

EQUALITY, INC.

2. The address of its registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.

3. The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

4. The total number of shares of stock which the corporation shall have authority to issue is One Thousand Five Hundred (1,500); all of such shares shall be without par value.

5. The board of directors is authorized to make, alter or repeal the by-laws of the corporation. Election of directors need not be by written ballot.

6. The name and mailing address of the incorporator is:

T. L. Ford
Corporation Trust Center
1209 Orange Street
Wilmington, Delaware 19801

I, THE UNDERSIGNED, being the incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of Delaware, do make this certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and accordingly have hereunto set my hand this 4th day of October, 1991.

T. L. Ford

T. L. Ford

CERTIFICATE OF INCORPORATION
OF
EQUALITY, INC.

* * * * *

1. The name of the corporation is:

EQUALITY, INC.

2. The address of its registered office in the State of Delaware is Corporation Trust Center, 1209 Orange Street, in the City of Wilmington, County of New Castle. The name of its registered agent at such address is The Corporation Trust Company.

3. The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware.

4. The total number of shares of stock which the corporation shall have authority to issue is One Thousand Five Hundred (1,500) all of such shares shall be without par value.

5. The board of directors is authorized to make, alter or repeal the by-laws of the corporation. Election of directors need not be by written ballot.

6. The name and mailing address of the incorporator is:

T. L. Ford
Corporation Trust Center
1709 Orange Street
Wilmington, Delaware 19801

I, THE UNDERSIGNED, being the incorporator hereinbefore named, for the purpose of forming a corporation pursuant to the General Corporation Law of Delaware, do make this certificate, hereby declaring and certifying that this is my act and deed and the facts herein stated are true, and

accordingly have hereunto set my hand this 4th day of
October, 1991.

T. L. Ford

T. L. Ford

Received for Record

October 8th, A. D. 1991.

Paulette Sullivan-Moore, Recorder.

STATE OF DELAWARE :
: SS.:
NEW CASTLE COUNTY :

Recorded in the Recorder's Office at
Wilmington, Vol. Page &c., the
8th day of October, A. D. 1991.

Witness my hand and official seal.

Paulette Sullivan-Moore
Recorder.

.....
* Recorders Office *
* New Castle Co. Del. *
* Mercy Justice *
.....

Secretary of State

State Capitol, Ste 204
500 East Capitol Avenue
Pierre, South Dakota
57501-5070
sdscc@scs.state.sd.us



JOYCE HAZELTINE
Secretary of State

TOM LECKEY
Deputy

FROM: Joyce Hazeltine, Secretary of State
Corporations

RE: FOREIGN CORPORATION

The application for certificate of authority has been received and filed on behalf of the name enclosed.

Enclosed is the Certificate attached to the duplicate application along with a receipt for the filing fee.

SDCL: 47-9-3 requires the filing of a corporate annual report with our office between the anniversary date of qualification and prior to the first day of the second month following. The report is due the year following qualification. An annual report form will be mailed to the corporate address listed in number five on the application for timely filing. Please contact our office if the corporate address changes or if the form is not received.

Thank you.

<http://www.state.sd.us/wsls/secretive/soe/soe.htm>

ADP/WEB/2000
(800) 773-2637
Fax (605) 773-2625
TDD (605) 773-2610

Corporations
(800) 773-4646
Fax (605) 773-4660

Uniform Commercial Code
(605) 773-4422
Fax (605) 773-4660

SECRETARY OF STATE
STATE CAPITOL
800 E. CAPITOL
PIERRE, S.D. 57501-5077 LE
605-773-4845
FAX (605) 773-4650

FORM 2241 (REV. 10/93) 14195-71141.0 P. 06-06

FILE NO. _____
RECEIPT NO. _____

APPLICATION FOR CERTIFICATE OF AUTHORITY

RECEIVED

SEP 3 1999

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

RECEIVED

AUG 17 1999

(1) The name of the corporation is Equality, Inc (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 Delaware Federal Taxpayer ID# 00-1328786

(4) The date of its incorporation is October 4, 1991 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 Corporate Trust Center, 1309 Orange St, Wilmington, Delaware Zip Code 19801
mailing address if different from above is: 200A Barnes Park North
Wallingford, CT Zip Code 06492

(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 505 S. Pierre St., Pierre, SD Zip 57501
and the name of its proposed registered agent in the State of South Dakota at that address is Practice-Hall Corp System Inc., 505 S. Pierre St., Pierre, SD 57501

D. Statute
Register

(7) The purposes which it proposes to pursue in the transaction of business in the State of South Dakota are: (state specific purposes)
Retailer of long distance services

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

Name	Officer Title	Street Address	City	State	Zip
<u>Richard Husemann</u>	<u>President</u>	<u>14 Signal Hill</u>	<u>Wallingford</u>	<u>CT</u>	<u>06492</u>
<u>Marie Husemann</u>	<u>Secretary</u>	<u>29 North Main Street</u>	<u>Wallingford</u>	<u>CT</u>	<u>06493</u>
<u>Richard Husemann</u>	<u>Director</u>	<u>14 Signal Hill</u>	<u>Wallingford</u>	<u>CT</u>	<u>06492</u>
<u>Marie Husemann</u>	<u>Director</u>	<u>29 North Main Street</u>	<u>Wallingford</u>	<u>CT</u>	<u>06493</u>

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

Number of shares	Class	Series	Per value per share or statement that shares are without par value
<u>1,000</u>			<u>No Par Value</u>

SEP 09 1998 14:06 PM 00
per value, and series, if any, within a class, is:

900622417700 TO 9711741954710020 P. 06-06

Number of shares	Class	Series	Per value per share or statement that shares are without par value
------------------	-------	--------	--

of shares	Class	Series	without par value
100			NO PAR VALUE

(11) The amount of its stated capital is \$ 4000
 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 partnership 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 July 22 1998

[Signature]
 (Signature)
President
 (Title)

State of Connecticut
 County of New Haven

On this 22nd day of July 1998, before me Lawrence J. LaCombe personally appeared Ronald Muehlenberg known to me, or proved to me, to be the President of the corporation that is described in and that executed the within instrument and acknowledged to me that such corporation executed same.

My Commission Expires: November [Signature]
 (Notary Public)

Acquittal Fee:

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

CONSENT OF APPOINTMENT BY THE REGISTERED AGENT	
I, <u>CORPORATION SERVICE COMPANY</u>	hereby give my consent to serve as the
(name of registered agent)	
registered agent for <u>EQUALITY INC.</u>	
(corporate name)	
Dated <u>August 4</u> 19 <u>98</u>	<u>[Signature]</u> (signature of registered agent)

Exhibit B

**Balance Sheet
&
Profit and Loss Statement**

Equality, Inc.
Financial Statements
5 Months Ended August 31, 1997

15	EQUALITY, INCORPORATED	
15	Balance Sheet	
15	August 31, 1997	
15	Assets	
15	-----	
15	15Current Assets:	
15	15 Cash	139,020.16
15	15 Accounts Receivable	562,561.99
15	15 Other Receivables	173,204.43
15		-----
15	15 Total Current Assets	864,606.54
15	15Other Assets:	
15	15 Organizational Costs	1,100.00
15	15 Less Accumulated Amortization	933.00
15	15 Total Other Assets	167.00
15		-----
15	15Total Assets	864,773.54
15		=====
15	15 Liabilities	
15	-----	
15	15Current Liabilities:	
15	15 Notes & Loans Payable	59,679.22
15	15 Trade Accounts Payable	258,965.99
15	15 Other Payables	51,175.23
15	15 Accrued Liabilities	93,073.14
15		-----
15	15 Total Current Liabilities	462,933.78
15	15 Stockholders' Equity	
15	-----	
15	15 Common Stock	100.00
15	15 Retained Earnings	60,074.60
15	15 Profit or (Loss) For the period	61,423.16
15		-----
15	15 Total Shareholders' Equity	149,597.76
15		-----
15	15Total Liabilities & Stockholders' Equity	864,773.54
15		=====

August 31, 1967

10	Assets	
11	-----	
12	Current Assets:	
13	Cash	106,620.14
14	Accounts Receivable	542,561.95
15	Other Receivables	175,624.43
16	Total Current Assets	824,806.52
17	Other Assets:	
18	Organizational Costs	1,000.00
19	Less Accumulated Amortization	(433.00)
20	Total Other Assets	567.00
21	Total Assets	825,373.52
22	-----	
23	Liabilities	
24	-----	
25	Current Liabilities:	
26	Notes & Loans Payable	39,679.60
27	Trade Accounts Payable	332,945.99
28	Other Payables	31,678.25
29	Accrued Liabilities	23,078.14
30	Total Current Liabilities	695,172.78
31	-----	
32	Stockholders' Equity	
33	-----	
34	Common Stock	100.00
35	Retained Earnings	58,074.60
36	Profits or (Losses) for the period	81,422.16
37	Total Shareholders' Equity	149,597.76
38	Total Liabilities & Stockholders' Equity	844,770.54
39	-----	

EQUALITY, INCORPORATED
 Statement of Income
 9 Months Ended August 31, 1997

	Current	Year-to-
	Month	Date
	-----	-----
Revenue		
Long Distance Revenue	219,046.51	1,223,237.15
Miscellaneous Income	4,469.63	19,729.92
Total Revenue	223,516.14	1,242,967.07
Operating Expenses		
Commissions	20,962.88	99,147.14
Data Processing	17,666.26	46,824.87
Selling, General and Administrative	150,675.72	1,004,985.87
Total Operating Expenses	189,304.86	1,150,957.88
Operating Income	34,211.28	88,009.19
Interest Expense	0.00	0.00
Income Before Taxes		
and Extraordinary Items	34,211.28	88,009.19
Provision for Income Taxes	(9.95)	6,686.01
Extraordinary Item		
Net Income or (Loss) for the period	34,201.33	81,323.18

Title Sheet

South Dakota Telecommunications Tariff

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by EQuality, Inc., hereinafter in the text of this tariff referred to as "EQuality" with principal offices at 14 Signal Hill Road, Wallingford, Connecticut 06492. This tariff applies for services furnished within the state of South Dakota. This tariff is on file with the South Dakota Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

Check Sheet

Sheets 1 through 17 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

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

Issued:

Effective:

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Table of Contents

Title Page	1
Check Sheet	2
Table of Contents	3
Symbols	4
Tariff Format	5
Section 1 - Technical Terms and Abbreviations	7
Section 2 - Rules and Regulations	8
Section 3 - Description of Service	12
Section 4 - Rates	14

Issued:

Effective:

Issued By:

Richard Minervino, Sr., President
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14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Symbols

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

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

Issued:

Effective:

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Tariff Format

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

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

Issued:

Effective:

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel. (203) 284-1511

Tariff Format (Cont'd.)

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

Issued

Effective

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Section 1 - Technical Terms and Abbreviations

Access Line - An arrangement which connects the customer's location to an EQuality, Inc. switching center.

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

Company or Carrier - EQuality, Inc. or "EQuality".

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

Day - From 8:00 AM up to but not including 5:00 PM local time Monday through Friday hereinafter referred to as "Peak".

Evening - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday hereinafter referred to as "Off Peak".

Holidays - EQuality, Inc.'s recognized holidays are New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.

Night/Weekend - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday hereinafter referred to as "Off Peak".

Issued:

Effective:

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Section 2 - Rules and Regulations

2.1 Undertaking of EQuality

EQuality's services and facilities are furnished for communications originating at specified points within the State of South Dakota under terms of this Tariff.

EQuality installs, operates, and maintains the communication services provided herein under in accordance with the terms and conditions set forth under this Tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities, as legally defined in the rules and regulations of the South Dakota Public Service Commission, when authorized by the customer to allow connection of a customer's location to the EQuality's service. The customer shall be responsible for all charges due for such service arrangement.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of facilities and the provisions of this Tariff.
- 2.2.2 EQuality reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control or when the customer is using service in violation of the law or the provisions of this Tariff.
- 2.2.3 All facilities provided under this Tariff are directly controlled by EQuality and the Customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 Prior written permission from EQuality is required for assignment or transfer. All Tariff regulations and conditions apply to all such permitted assignees or transferees, as well as all conditions for service.

Issued:

Effective:

Issued By: Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Section 2 - Rules and Regulations (Cont'd.)

2.3 Liabilities of the Company

2.3.1 EQuality's liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in transmissions which are not caused by the negligence of its employees or agents, in no event shall exceed the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur.

2.3.2 EQuality shall be indemnified and held harmless by the customer against:

- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
- (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by EQuality.

2.4 Customer Inquiries and Complaints

Customer inquiries or complaints regarding service or billings may be made in writing or by phone to EQuality at:

14 Signal Hill Road
Wallingford, Connecticut 06492
203/284-1511 or 800/221-9300

EQuality will respond within 72 hours of receipt of an inquiry. If the customer is dissatisfied with EQuality's response to a complaint or inquiry, he or she may file with the South Dakota Public Utilities Commission ("SDPUC") for resolution of the conflict. The SDPUC at:

500 East Capitol
Pierre, South Dakota 57501-5070
605/773-3201 or 800/332-1782.

Issued:

Effective

Issued By: Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel. (203) 284-1511

Section 2 - Rules and Regulations (Cont'd)

2.5 Interruption of Service

- 2.5.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in 2.3.1 herein. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer with his control, or is not in wiring or equipment, if any, furnished by the customer and connected to the Company's facilities. The Company's service and facilities are provided on a monthly basis, unless ordered on a longer basis and are provided 24 hours per day, 7 days per week.
- 2.5.2 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.5.3 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.5.4 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

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

"A" - outage time in hours.

"B" - total monthly charge for affected facility.

Issued:

Effective:

Issued By: Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel (203) 284-1511

Section 2 - Rules and Regulations (Cont'd.)

2.6 Restoration of Service

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

2.6.1 Returned Checks

If Company receives a check from a Customer in payment for service rendered or for any other reason of indebtedness and which is returned from the bank due to insufficient or uncollected funds, closed account, apparent tampering, missing signature or endorsement, or for any other reason, the Company shall apply a service charge of \$10.00.

The charge shall be applied to Customer's monthly billing in addition to any other charges which may apply under this Tariff. Payment rendered by check, which is subsequently dishonored shall not constitute payment until such time as repayment is made by valid means.

The requirements of this paragraph shall be applicable only to new Customers who apply for service after the effective date of this Tariff.

2.7 Deposits

The Company does not require a deposit from the customer.

2.8 Taxes

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

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Section 3 - Description of Service

3.1 EQuality Flat Rate One Plus Business and Residential Service Plans

Pre-subscribed one plus flat rate business and residential service with no monthly minimum. The rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.2 EQuality Flat Rate 800 IntraLATA Business and Residential Service Plans

Pre-subscribed 800 intraLATA business and residential service with no monthly minimum. The rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.3 EQuality Flat Rate 800 InterLATA Business and Residential Service Plans

Pre-subscribed 800 intraLATA business and residential service with no monthly minimum. The rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.4 EQuality Universal One Plus 800 InterLATA Business and Residential Service Plans

Pre-subscribed one plus, 800 intraLATA and 800 InterLATA business and residential service with no monthly minimum. All three service offerings bear the same rate and the rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

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Section 3 - Description of Service (Cont'd.)

3.5 EQuality Select Inbound and Outbound Business and Residential Service Plans

Pre-subscribed one plus inbound and outbound flat business and residential service with no monthly minimum. Calls are billed at either "Peak" or "Off-Peak" rates. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.6 EQuality Travel Card Service

Travel Card Service is a card issued to Customers which allows them to use EQuality's telecommunications service when they are away from their home or office telephones. There are non per call surcharges and the rates are set forth in Section 4.

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Section 4 - Rates

- 4.1 **EQuality Flat Rate One Plus business and Residential Service Plans**
\$0 120 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.2 **EQuality Flat Rate One Plus business and Residential Service Plans II**
\$0 190 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.3 **EQuality Flat Rate 800 IntraLATA Business and Residential Service Plans**
\$0 145 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.4 **EQuality Universal One Plus, 800 IntraLATA and 800 InterLATA Business and Residential Service Plan Rates**
\$0 084 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.5 **EQuality Discount Intrastate One Plus Business and Residential Service Plan**
\$0 077 per minute
Monthly Service Charge: \$2.50
Six (6) second billing

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Section 4 - Rates (Cont'd.)

4.6 EQuality Select Outbound and Inbound Business and Residential Service Plan Rates

4.6.1 Peak Business and Residential Service Plan Rate

Outbound	Inbound
\$0.167 per minute	\$0.152 per minute
Monthly Service Charge: \$2.50	Monthly Service Charge: \$2.50
Six (6) second billing	Six (6) second billing

4.6.2 Off-Peak Business and Residential Service Plan Rate

Outbound	Inbound
\$0.160 per minute	\$0.152 per minute
Monthly Service Charge: \$2.50	Monthly Service Charge: \$2.50
Six (6) second billing	Six (6) second billing

4.7 EQuality Travel Card Service Rates

Travel Card Service	Per Minute
<i>Flat Rate Plan</i> <i>One Plus</i> <i>800 IntraLATA</i> <i>800 InterLATA</i>	<i>\$0.195</i>
<i>Universal Plan</i>	<i>\$0.155</i>
<i>Select Plan Outbound and Inbound</i> <i>Peak and Off-Peak</i>	<i>\$0.199</i>

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Section 4 - Rates (Cont'd.)

4.8 Time of Day Rate Periods

Calls are billed based on the rate in effect for the actual time period(s) during which the call occurs. Calls that cross rate period boundaries are billed the rates in effect from each portion of the call.

4.9 Special Promotions and Discounts

The Company will, from time to time, offer special promotions to its customers, waiving certain charges. These promotions, will be for the purposes of bettering the overall service to the customer. These promotions will be filed with the Iowa Utilities Board, will require Board approval, and will not run longer than 90 days per individual customer in any twelve (12) month period.

4.9.1 Exemptions and Special Rates

4.9.2 Discounts for Hearing Impaired Customers

Intrastate toll message rates for TDD users, which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons, shall be evening rates for daytime calls and night rates for evening and night calls. These discounts shall be offered by all interexchange carriers and LECs.

4.9.3 Directory assistance for the Handicapped

The company will not charge for directory assistance calls made by verified handicapped persons.

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Section 4 Rates (Cont'd.)

4.9.4 Operation of Telecommunications Relay Service

For intrastate toll calls received from the relay service the local exchange and the company shall discount relay service calls by 50 percent off the otherwise applicable rate for a voice nonrelay call except that where either the calling or the called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge. In the case of a tariff which includes either a discount based on number of minutes or the purchase of minutes in blocks, the discount shall be calculated by discounting the minutes of relay use before the tariffed rate is applied.

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Issued By:

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Tel: (203) 284-1511

AMREG
AMERICAN REGULATORY SERVICES CORP.
P.O. BOX 710784
CORAL SPRINGS, FL 33077

REPUBLIC NATIONAL BANK OF MIAMI
TAMPA, FL
63 219 660

2120

10/14/98

PAY TO THE
ORDER OF South Carolina Public Utilities Commissio

\$**250.00

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

South Carolina Public Utilities Commissio
State Capitol Building
500 East Capitol Avenue
Pierre, SD 57501-5070

MEMO

For EQuality, Inc.

AUTHORIZED SIGNATURE

⑈002⑆20⑈ ⑆066002⑆94⑆ ⑆045⑆0004⑆0⑆

SECURITY FEATURES INCLUDED. DETAILS ON BACK. U

AMREG/AMERICAN REGULATORY SERVICES CORP.

South Carolina Public Utilities Commissio
10/14/98 Bill #

10/14/98

2120

250.00

TC98-185

Cash in Bank/RNB For EQuality, Inc.

250.00

RECEIVED

TC 98-185

OCT 22 1998

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION

State of South Dakota



OFFICE OF THE SECRETARY OF STATE

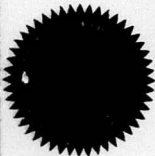
CERTIFICATE OF AUTHORITY

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this September 3, 1998.


JOYCE HAZELTINE
Secretary of State



SECRETARY OF STATE
STATE CAPITOL
800 E. CAPITOL
P.O. BOX 100
PIERRE, S.D. 57501-8077
605-773-4848
FAX (605) 773-4860

9009290.0506
9/15/98

FILE NO. _____
RECEIPT NO. _____

RECEIVED

APPLICATION FOR CERTIFICATE OF AUTHORITY SEP 3 1998

S.D. DEPT. OF STATE

Pursuant to the provisions of S.D.C.L. 47-27 and undersigned corporation hereby applies for a Certificate of Authority to conduct business in the State of South Dakota and for that purpose submits the following statement:

RECEIVED

(1) The name of the corporation is Equality, Inc.
(Exact corporate name) AUG 17 1998

S.D. DEPT. OF STATE

(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 Delaware Federal Taxpayer ID# 06-1928796

(4) The date of its incorporation is October 4, 1991 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 Capitulum Towers, 1309 Ave of St. Paul, Wilmington, Delaware Zip Code 19801
mailing address if different from above is 204A Pierre Park North
Wallingford, CT Zip Code 06492

(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 503 S. Pierre St., Pierre SD Zip 57501
and the name of its proposed registered agent in the State of South Dakota at that address is Practice-Hall Corp. System Inc., 508 S. Pierre St., Pierre, SD 57501

(7) The purpose which it proposes to pursue in the transaction of business in the State of South Dakota are: (state specific purposes)
Reseller of long distance services

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

Name	Officer Title	Street Address	City	State	Zip
<u>Richard Minervino</u>	<u>President</u>	<u>14 Signal Hill</u>	<u>Wallingford, CT</u>	<u>06492</u>	
<u>Marie Maczareth</u>	<u>Secretary</u>	<u>20 No. Huntington Ave</u>	<u>Wallingford, CT</u>	<u>06492</u>	
<u>Richard Masonno</u>	<u>Director</u>	<u>14 Signal Hill</u>	<u>Wallingford, CT</u>	<u>06492</u>	
<u>Marie Maczareth</u>	<u>Director</u>	<u>20 No. Huntington Ave</u>	<u>Wallingford, CT</u>	<u>06492</u>	

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

Number of shares	Class	Series	Per value per share or statement that shares are without per value
<u>1500</u>			<u>No Par value</u>

\$30
2007176

State of Delaware
Office of the Secretary of State

PAGE 1

RECEIVED
AUG 17 1998
S.A. SEC. OF STATE

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "EQUALITY, INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE FOURTH DAY OF AUGUST, A. D. 1998.

RECEIVED
SEP 3 1998
S.A. SEC. OF STATE



Edward J. Freel
Edward J. Freel, Secretary of State

2275384 8300
981298699

AUTHENTICATION: _____
DATE: 9234112
08-04-98

(10) The aggregate number of its issued shares, grouped by classes, per 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
100			NO P. value

(11) The amount of its stated capital is \$ 4000
Shares issued times par value equals stated capital. In the case of no par value stock, stated capital is the (paid-in) amount received for the issued shares.

(12) This application is accompanied by a CERTIFICATE OF FACT or a CERTIFICATE OF GOOD STANDING duly authenticated 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 partnership or association of persons, or in any manner whatsoever 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 July 22 1998

[Signature]
(Signature)

President
(Title)

State of Connecticut
County of New Haven

On this 22nd day of July, 1998, before me Laura J. LaCombe personally appeared Richard Blaszczak known to me, or proved to me, to be the President of the corporation that is described in and that executed the within instrument and acknowledged to me that such corporation executed same.

My Commission Expires: 4/26/2000

[Signature]
(Notary Public)

Notarical Fee:

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

CONSENT OF APPOINTMENT BY THE REGISTERED AGENT

I, CORPORATION SERVICE COMPANY, hereby give my consent to serve as the (name of registered agent)

registered agent for ROYALTY INC. (corporate name)

Dated August 4 1998

[Signature]
(signature of registered agent)

Receipt No.: 730204

9804290 0506
9/15/98

File Number: FB021742

CERT OF AUTHORITY

For

EQUALITY, INC. (DE)

File at the request of:

EQUALITY INC.
26A BARNES PARK NORTH
WALLINGFORD CT 06492

STATE OF SOUTH DAKOTA

SS.

OFFICE OF THE SECRETARY OF STATE

Filed in the office of Secretary of State on

Date September 3, 1998

Joyce Hazeltine
Secretary of State

Fee Received \$130 1,500 @ NO PAR

SOS CRP 491 10/93

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of October 16, 1998 through October 22, 1998

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

GAS AND ELECTRIC

GE98-003 In the Matter of Application of Northwestern Public Service for approval of Revisions to its Natural Gas and Electric Tariff concerning modification of its customer bill

Application by Northwestern Public Service to revise its natural gas and electric tariff to incorporate changes to its customer bill. Northwestern Public Service has proposed to replace the logo on their customer bills with the new logo recently adopted. Minor wording changes on the bills have also been proposed in order to facilitate customer understanding of the bill.

Staff Attorney: Karen Cremer
Staff Analyst: Dave Jacobson
Date Filed: 10/22/98
Intervention Deadline: NA

TELECOMMUNICATIONS

TC98-183 In the Matter of the Complaint filed by Sheryl L. Klein, Valentine, Nebraska, against U S West Communications, Inc. Regarding Poor Service and Request To Have Lines Updated

Complaint by Sheryl L. Klein vs. U S West Communications, Inc. The Complainant outlines a series of service outages, repair difficulties, outdated service and staffing issues. The Complainant seeks the following relief: "We want the line fixed completely and permanently, so it functions at a 100% reliable level. We want this done now, before another winter sets in. We have been told several possible problems by U S West repairmen including aging lines and old systems. We do not know what the solution is, but want it found and implemented now. We ask that U S West be required to make whatever investment is necessary to fully remedy the problem. We also want to be reimbursed for a reasonable amount for the loss of phone service and the associated stress and hassles. We request \$500.00.

Staff Attorney: Camron Hoseck
Consumer Affairs: Leni Healy
Date Filed: 10-08-98
Intervention Deadline: N/A

TC98-184 In the Matter of the Complaint filed by JoAnn C. Klein, Valentine, Nebraska, against U S West Communications, Inc. Regarding Poor Service and Request To Have Lines Updated

Complaint by JoAnn C. Klein vs. U S West Communications, Inc. The Complainant outlines a series of service outages, repair difficulties, outdated service, phantom calls, and staffing issues. The Complainant seeks the following relief: "contact U S West and insist that our long continuation of poor service and outages be corrected. Also reimbursement or credit for days when phone lines have been out." Mrs. Klein also requests that her billing for 24 directory assistance calls and long distance calls which were not made by the Kleins be credited from their billing.

Staff Attorney: Camron Hoseck
Consumer Affairs: Leni Healy
Date Filed: 10-08-98
Intervention Deadline: N/A

TC98-185 In the Matter of the Application of EQuality, Inc. for a Certificate of Authority to Provide Telecommunications Services in South Dakota

Application of EQuality Inc. for a certificate of authority to provide intrastate telecommunications services in the state of South Dakota. EQuality proposes to offer 1+, 800 and travel card service.

Staff Attorney: Karen Cremer
Staff Analyst: Harlan Best
Date Filed: 10/19/98
Intervention Deadline: 11/06/98

You may receive this listing and other PUC publications via our website or via internet e-mail. You may subscribe to the PUC mailing list at <http://www.state.sd.us/state/executive/puc/puc.htm>

EQUALITY DELIVERS THE GOODS; FLEXIBILL DELIVERS THE PROOF

- Ⓞ VERY COMPETITIVE RATE
- Ⓞ PATENTED FLEXIBILL ANALYSIS
- Ⓞ FIBER OPTIC NETWORK
- Ⓞ EXTENSIVE MANAGEMENT REPORTING
- Ⓞ RESPONSIVE CUSTOMER SERVICE STAFF
- Ⓞ 800 NUMBERS
- Ⓞ CALLING CARDS
- Ⓞ PRE-PAID CALLING CARDS
- Ⓞ ACCESS-A-BILL™ INTERACTIVE SOFTWARE
- Ⓞ ACCOUNT CODES CAPABILITY

MONTHLY MANAGEMENT REPORTS

AN EXAMPLE OF OUR EXTENSIVE MONTHLY REPORTING INCLUDES:



26A Barnes Park North • Wallingford, CT 06492
(203) 284-1511 • Fax (203) 949-0097

Monthly Savings Analysis
Daytime Interstate Traffic

EQ	PLUS	SPRINT	AT&T	MCI
40.44	40.44	40.44	40.44	40.44
72.08	72.08	72.08	72.08	72.08
17.9	17.9	17.9	17.9	17.9
16.28	16.28	16.28	16.28	16.28
12.19	12.19	12.19	12.19	12.19
0.50	0.50	0.50	0.50	0.50
28.82	28.82	28.82	28.82	28.82
0.91	0.91	0.91	0.91	0.91
0.0	0.0	0.0	0.0	0.0
143.26	143.26	143.26	143.26	143.26
53.78	53.78	53.78	53.78	53.78
112.22	112.22	112.22	112.22	112.22
108.55	108.55	108.55	108.55	108.55
115.74	115.74	115.74	115.74	115.74
25.8	25.8	25.8	25.8	25.8
2.90	2.90	2.90	2.90	2.90
19.80	19.80	19.80	19.80	19.80
81.8	81.8	81.8	81.8	81.8
0.0	0.0	0.0	0.0	0.0
207.07	207.07	207.07	207.07	207.07
223.08	223.08	223.08	223.08	223.08
909.8	909.8	909.8	909.8	909.8
1910	1910	1910	1910	1910
1000	1000	1000	1000	1000
9999	9999	9999	9999	9999

Your Equality Monthly Savings Summary

Over MCI	Over AT&T	Over Sprint	Over MCI
587.25	587.25	587.25	587.25
565.81	565.81	565.81	565.81
11.44	11.44	11.44	11.44

Major Carriers Discouraged Plans

Over MCI	Over AT&T
579.87	579.87
565.81	565.81
11.44	11.44

FLEXIBILL ADVANTAGE

With Equality, you see the savings every month. The patented Flexibill system shows you how your Equality service cost stacks up against the competitor's current discounted rates. If the Equality rate is not the lowest, the price shown as lower becomes the price you pay - guaranteed.

FLEXIBILL long distance

YOU SEE THE SAVINGS EVERY MONTH!

Equality Plus Telecommunications Corporation provides an array of telecommunications services in addition to long distance services which reduce clients' operational expenses while boosting productivity and profitability. Equality Plus markets its services through a nationwide network of independent business owners whose first priority is customer satisfaction.

For further information
CALL 1-800-221-1511

To inquire about becoming
an Equality Plus associate
call 1-800-YES-EPME

Title Sheet

South Dakota Telecommunications Tariff

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by EQuality, Inc., hereinafter in the text of this tariff referred to as "EQuality" with principal offices at 14 Signal Hill Road, Wallingford, Connecticut 06492. This tariff applies for services furnished within the state of South Dakota. This tariff is on file with the South Dakota Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

Check Sheet

Sheets 1 through 17 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

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

Issued:

Effective:

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Table of Contents

Title Page	1
Check Sheet	2
Table of Contents	3
Symbols	4
Tariff Format	5
Section 1 - Technical Terms and Abbreviations	7
Section 2 - Rules and Regulations	8
Section 3 - Description of Service	12
Section 4 - Rates	14

Issued:

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Richard Minervino, Sr., President
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Wallingford, Connecticut 06492
Tel: (203) 284-1511

Symbols

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

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

Issued:

Effective:

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Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Tariff Format

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

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

Issued:

Effective:

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Tariff Format (Cont'd.)

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

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Effective:

Issued By:

Richard Minervino, Sr., President
EQuality, Inc.
14 Signal Park Road
Wallingford, Connecticut 06492
Tel: (203) 284-1511

Section 1 - Technical Terms and Abbreviations

Access Line - An arrangement which connects the customer's location to an EQuality, Inc. switching center.

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

Company or Carrier - EQuality, Inc. or "EQuality".

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

Day - From 8:00 AM up to but not including 5:00 PM local time Monday through Friday hereinafter referred to as "Peak".

Evening - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday hereinafter referred to as "Off Peak".

Holidays - EQuality, Inc.'s recognized holidays are New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day and Christmas Day.

Night/Weekend - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday hereinafter referred to as "Off Peak".

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Section 2 - Rules and Regulations

2.1 Undertaking of EQuality

EQuality's services and facilities are furnished for communications originating at specified points within the State of South Dakota under terms of this Tariff.

EQuality installs, operates, and maintains the communication services provided herein under in accordance with the terms and conditions set forth under this Tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities, as legally defined in the rules and regulations of the South Dakota Public Service Commission, when authorized by the customer to allow connection of a customer's location to the EQuality's service. The customer shall be responsible for all charges due for such service arrangement.

2.2 Limitations

- 2.2.1 Service is offered subject to the availability of facilities and the provisions of this Tariff.
- 2.2.2 EQuality reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control or when the customer is using service in violation of the law or the provisions of this Tariff.
- 2.2.3 All facilities provided under this Tariff are directly controlled by EQuality and the Customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 Prior written permission from EQuality is required for assignment or transfer. All Tariff regulations and conditions apply to all such permitted assignees or transferees, as well as all conditions for service.

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Section 2 - Rules and Regulations (Cont'd.)

2.4 Customer Inquiries and Complaints

Customer inquiries or complaints regarding service or billings may be made in writing or by phone to EQuality at:

14 Signal Hill Road
Wallingford, Connecticut 06492
203/284-1511 or 800/221-9300

Equality will respond within 72 hours of receipt of an inquiry. If the customer is dissatisfied with EQuality's response to a complaint or inquiry, he or she may file with the South Dakota Public Utilities Commission ("SDPUC") for resolution of the conflict. The SDPUC at:

500 East Capitol
Pierre, South Dakota 57501-5070
605/773-3201 or 800/332-1782.

Section 2 - Rules and Regulations (Cont'd.)

2.5 Interruption of Service

- 2.5.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in 2.3.1 herein. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer with his control, or is not in wiring or equipment, if any, furnished by the customer and connected to the Company's facilities. The Company's service and facilities are provided on a monthly basis, unless ordered on a longer basis and are provided 24 hours per day, 7 days per week.

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- 2.5.2 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.5.3 No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.5.4 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

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

"A" - outage time in hours.

"B" - total monthly charge for affected facility.

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Section 2 - Rules and Regulations (Cont'd.)

2.6 Restoration of Service

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

2.6.1 Returned Checks

If Company receives a check from a Customer in payment for service rendered or for any other reason of indebtedness and which is returned from the bank due to insufficient or uncollected funds, closed account, apparent tampering, missing signature or endorsement, or for any other reason, the Company shall apply a service charge of \$10.00.

The charge shall be applied to Customer's monthly billing in addition to any other charges which may apply under this Tariff. Payment rendered by check, which is subsequently dishonored shall not constitute payment until such time as repayment is made by valid means.

The requirements of this paragraph shall be applicable only to new Customers who apply for service after the effective date of this Tariff.

2.7 Deposits

The Company does not require a deposit from the customer.

2.8 Taxes

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

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Section 3 - Description of Service

3.1 EQuality Flat Rate One Plus Business and Residential Service Plans

Pre-subscribed one plus flat rate business and residential service with no monthly minimum. The rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.2 EQuality Flat Rate 800 IntraLATA Business and Residential Service Plans

Pre-subscribed 800 intraLATA business and residential service with no monthly minimum. The rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.3 EQuality Flat Rate 800 InterLATA Business and Residential Service Plans

Pre-subscribed 800 intraLATA business and residential service with no monthly minimum. The rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.4 EQuality Universal One Plus 800 InterLATA Business and Residential Service Plans

Pre-subscribed one plus, 800 intraLATA and 800 InterLATA business and residential service with no monthly minimum. All three service offerings bear the same rate and the rate is constant irrespective of the time of day in which the call is placed. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

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Section 3 - Description of Service (Cont'd.)

3.5 EQuality Select Inbound and Outbound Business and Residential Service Plans

Pre-subscribed one plus inbound and outbound flat business and residential service with no monthly minimum. Calls are billed at either "Peak" or "Off-Peak" rates. All calls are billed in six (6) second increments. All accounts are subject to a \$2.50 monthly service charge.

3.6 EQuality Travel Card Service

Travel Card Service is a card issued to Customers which allows them to use EQuality's telecommunications service when they are away from their home or office telephones. There are non per call surcharges and the rates are set forth in Section 4.

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Section 4 - Rates

- 4.1 **EQuality Flat Rate One Plus business and Residential Service Plans**
\$0.120 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.2 **EQuality Flat Rate One Plus business and Residential Service Plans II**
\$0.190 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.3 **EQuality Flat Rate 800 IntraLATA Business and Residential Service Plans**
\$0.145 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.4 **EQuality Universal One Plus, 800 IntraLATA and 800 InterLATA Business and Residential Service Plan Rates**
\$0.084 per minute
Monthly Service Charge: \$2.50
Six (6) second billing
- 4.5 **EQuality Discount Intrastate One Plus Business and Residential Service Plan**
\$0.077 per minute
Monthly Service Charge: \$2.50
Six (6) second billing

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Section 4 - Rates (Cont'd.)

4.6 EQuality Select Outbound and Inbound Business and Residential Service Plan Rates

4.6.1 Peak Business and Residential Service Plan Rate

<u>Outbound</u>	<u>Inbound</u>
\$0.167 per minute	\$0.152 per minute
Monthly Service Charge: \$2.50	Monthly Service Charge: \$2.50
Six (6) second billing	Six (6) second billing

4.6.2 Off-Peak Business and Residential Service Plan Rate

<u>Outbound</u>	<u>Inbound</u>
\$0.160 per minute	\$0.152 per minute
Monthly Service Charge: \$2.50	Monthly Service Charge: \$2.50
Six (6) second billing	Six (6) second billing

4.7 EQuality Travel Card Service Rates

Travel Card Service	Per Minute
<i>Flat Rate Plan</i>	<i>\$0.195</i>
<i>One Plus</i>	
<i>800 IntraLATA</i>	
<i>800 InterLATA</i>	
<i>Universal Plan</i>	<i>\$0.155</i>
<i>Select Plan Outbound and Inbound</i>	<i>\$0.199</i>
<i>Peak and Off-Peak</i>	

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Section 4 - Rates (Cont'd.)

4.8 Time of Day Rate Periods

Calls are billed based on the rate in effect for the actual time period(s) during which the call occurs. Calls that cross rate period boundaries are billed the rates in effect from each portion of the call.

4.9 Special Promotions and Discounts

The Company will, from time to time, offer special promotions to its customers, waiving certain charges. These promotions, will be for the purposes of bettering the overall service to the customer. These promotions will be filed with the South Dakota Public Utilities Commission, and will not run longer than 90 days per individual customer in any twelve (12) month period.

4.9.1 Exemptions and Special Rates

4.9.2 Discounts for Hearing Impaired Customers

Intrastate toll message rates for TDD users, which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons, shall be evening rates for daytime calls and night rates for evening and night calls. These discounts shall be offered by all interexchange carriers and LECs.

4.9.3 Directory assistance for the Handicapped

The company will not charge for directory assistance calls made by verified handicapped persons.

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Section 4 Rates (Cont'd.)

4.9.4 Operation of Telecommunications Relay Service

For intrastate toll calls received from the relay service the local exchange and the company shall discount relay service calls by 50 percent off the otherwise applicable rate for a voice nonrelay call except that where either the calling or the called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge. In the case of a tariff which includes either a discount based on number of minutes or the purchase of minutes in blocks, the discount shall be calculated by discounting the minutes of relay use before the tariffed rate is applied.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE APPLICATION OF)	ORDER GRANTING
EQUALITY INC. FOR A CERTIFICATE OF)	CERTIFICATE OF
AUTHORITY TO PROVIDE)	AUTHORITY
TELECOMMUNICATIONS SERVICES IN)	
SOUTH DAKOTA)	TC98-185

On October 19, 1998, 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 EQuality Inc. (EQuality).

EQuality proposes to provide interexchange telecommunications services such as 1+ 800 and travel card service. A proposed tariff was filed by EQuality. The Commission has classified long distance service as fully competitive.

On October 22, 1998, the Commission electronically transmitted notice of the filing and the intervention deadline of November 6, 1998, to interested individuals and entities. No petitions to intervene or comments were filed and at its regularly scheduled January 6, 1999, meeting, the Commission considered EQuality's request for a certificate of authority. Commission Staff recommended granting a certificate of authority.

The Commission finds that it has jurisdiction over this matter pursuant to Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24.02 and 20:10:24.03. The Commission finds that EQuality has met the legal requirements established for the granting of a certificate of authority. EQuality 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 EQuality's application for a certificate of authority. As the Commission's final decision in this matter, it is therefore

ORDERED, that EQuality's application for a certificate of authority is hereby granted. It is

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

Dated at Pierre, South Dakota, this 15th day of January, 1999.

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>Melaine Kalbo</u>
Date	<u>1/19/99</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

James A. Burg
JAMES A. BURG, Chairman

Pam Nelson
PAM NELSON, Commissioner

Laska Schoenfelder
LASKA SCHOENFELDER, Commissioner

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

CERTIFICATE OF AUTHORITY

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

Authority was Granted January 6, 1999
Docket No. TC98-185

This is to certify that

EQUALITY INC.

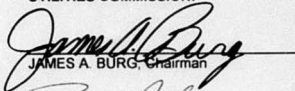
is authorized to provide telecommunications services in South Dakota.

This certificate is issued in accordance with SDCL 49-31-3 and ARSD 20:10:24.02, and is subject to all of the conditions and limitations contained in the rules and statutes governing its conduct of offering telecommunications services.

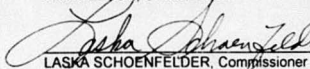
Dated at Pierre, South Dakota, this 15th day of January, 1999.

SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION:




JAMES A. BURG, Chairman


PAM NELSON, Commissioner


LASKA SCHOENFELDER, Commissioner