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TC01-007

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#### BEFORE THE PUBLIC UTILITIES COMMISSION

IAN 18 2001

OF THE STATE OF SOUTH DAKOTA

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

IN THE **MATTER** OF THE APPLICATION **MIDSTATE** OF TELECOM, INC. FOR A CERTIFICATE OF **AUTHORITY** TO **PROVIDE TELECOMMUNICATIONS SERVICES** IN SOUTH DAKOTA

APPLICATION FOR
CERTIFICATE OF AUTHORITY TO
PROVIDE TELECOMMUNICATIONS
SERVICES IN SOUTH DAKOTA

Docket No.

Midstate Telecom, Inc. ("Midstate") is requesting a Certificate of Authority to provide telecommunications services in those areas in South Dakota where Qwest Corporation (formerly US West Communications) is the incumbent local exchange carrier.

The following information is provided pursuant to ARSD 20:10:24:02:

1. The name, address, and telephone number of the applicant is as follows:

Midstate Telecom, Inc. 120 East 1<sup>st</sup> Street Kimball, South Dakota 57355 (605) 778-6221

- 2. The applicant will provide these services under the name shown in No. 1 above.
- 3. The applicant is a corporation:
  - (a) The applicant is incorporated in the state of South Dakota. It received its Certificate of Incorporation on November 6, 2000, and a copy of the Certificate is attached.
  - (b) The location of applicant's principal office in the state is at the Midstate Communications, Inc. headquarters in Kimball, South Dakota, and the name and address of its current registered agent is Mark D. Benton, 120 East 1st Street, Kimball, South Dakota 57355.
  - (c) Midstate Communications, Inc., 120 East 1st Street, Kimball, South Dakota 57355, owns 100% of Midstate Telecom, Inc.
  - (d) There are no subsidiaries owned or controlled by the applicant.

- 4. Midstate will provide telecommunications services, including local exchange services, intraLATA services and interLATA services, through a combination of unbundled network elements, resale, and facilities-based provisioning. Midstate will enter into agreements with Qwest for the interconnection and resale of telecommunications services, and lease of unbundled network elements.
- 5. Local switching will be provided utilizing digital switch technology. Transmission facilities will include combinations of copper twisted pair, fiber optic cable, and potentially, wireless services. Services may be provided by reassembling unbundled network elements purchased from the incumbent local exchange carrier or from alternative providers. Midstate Communications, Inc., the parent of Midstate, has decades of experience in providing consistently high quality telecommunications services to its customers, which expertise will be utilized by Midstate to serve Midstate customers.
- 6. Initially, Midstate will provide services in Chamberlain, South Dakota. Midstate is applying for authority to provide service in all of those areas in South Dakota where Qwest Corporation is the incumbent local exchange carrier ("ILEC"). Midstate concurs in the ILEC's exchange boundaries and map currently on file with the Commission.
- 7. As Midstate is a new entity, it does not have financial statements, including a balance sheet, income statement, and cash flow statement; it also does not have an annual report, report to stockholders, or an access tariff with the terms and conditions of service. Midstate hereby requests a waiver of the filing requirements of ARSD 20:10:24:02(8).
- 8. The names, addresses, telephone number, fax number, Email address, and toll-free number of the applicant's representatives to whom all inquiries must be made regarding complaints and regulatory matters are as follows:

Mark D. Benton Midstate Communications, Inc. 120 East 1<sup>st</sup> St.; P. O. Box 48

Kimball, SD 57355

Telephone (605) 778-6221

Fax: (605) 778-8080

Email: mbenton@midstatesd.net Toll-Free: 1-800-214-1431

Fay Jandreau

Midstate Communications, Inc. 120 East 1st St.; P. O. Box 48

Kimball, SD 57355

Telephone (605) 778-6221

Fax: (605) 778-8080

Email: fayj@midstatesd.net Toll-Free: 1-800-214-1431

Midstate will maintain a 24-hour toll-free number for handling customer complaints. Service and repairs will be handled by technicians located in Kimball, in answer to the toll-free calls, 24 hours per day, 7 days per week.

- 9. The applicant is not registered or certified to do business in any other state, and has not been denied registration or certification in any state.
- 10. The applicant intends to market its services initially under contract with its owner, a cooperative that has provided telecommunications and CATV services to the region for years. The initial target market is residential, commercial and industrial businesses located in Chamberlain, South Dakota, where Midstate Communications, Inc. recently purchased a CATV system. The applicant does not expect to engage in multilevel marketing.
- The cost to provide local exchange service cannot be estimated until interconnection agreements between the parties have been reached and contracts executed. On the basis of these agreements, the extent to which construction of new facilities may be required will be determined. A waiver of the cost support and access tariff required in ARSD 20:10:24:02(12) is therefore requested.
- 12. Applicant requests that the Commission set Midstate's initial switched access rates at the LECA Tariff No. 1 rates, which process is consistent with ARSD 20:10:27:12, and which is also consistent with the Commission's treatment of other similar CLEC applications. (See Northern Valley Communication's Intrastate Switched Access Tariff in Docket TC 99-092).
- 13. Midstate's federal tax identification number is 46-0459319.
- 14. Midstate has no complaints filed against it regarding the unauthorized switching of a customer's telecommunications provider and charging customers for services that have not been ordered.

It is therefore requested that the application be granted, and that the requirements of ARSD 20:10:24:02(8) and (12) be waived in considering this application.

| Dated this             | day of January, | 2001. |         |
|------------------------|-----------------|-------|---------|
| Midstate Telecom, Inc. |                 |       |         |
| ву                     | )               | Its   | MANAGER |
| Mark D. Benton         |                 |       |         |

# State of South Pakota



# OFFICE OF THE SECRETARY OF STATE Certificate of Incorporation Business Corporation

I, JOYCE HAZELTINE, Secretary of State of the State of South Dakota, hereby certify that the Articles of Incorporation of MIDSTATE TELECOM, INC. duly signed and verified, pursuant to the provisions of the South Dakota Business Corporation Act, 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 Incorporation and attach hereto a duplicate of the Articles of Incorporation.

IN TESTIMONY WHERFOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this November 6, 2000.

Joyce Hazeltine Secretary of State

# South Dakota Public Utilities Commission WEEKLY FILINGS

For the Period of January 18, 2001 through January 24, 2001

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

#### CONSUMER COMPLAINTS

CT01-003

In the Matter of the Complaint filed by Walfrido and Debra Paez, Rapid City, South Dakota, against AT&T Communications of the Midwest, Inc. Regarding Unauthorized Billing for Services.

The Complainants claim that they received a billing which included international toll charges to a foreign country which they did not authorize. AT&T claims that the charges were generated through the Complainants' computer modem. The Complainants claim that "we do not have a modem on our computer connected to the phone lines." The Complainants request removal of charges and reimbursement for all expenses related to the cost of attending a hearing.

Staff Analyst: Leni Healy Staff Attorney Kelly Frazier Date Docketed: 01/19/01 Intervention Deadline: N/A

#### **TELECOMMUNICATIONS**

TC01-007

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

Midstate Telecom, Inc. filed an application requesting a Certificate of Authority to provide local exchange telecommunication services in South Dakota. Applicant is also requesting it be exempted from filing company-specific cost-based switched access rates.

Staff Analyst: Keith Senger Staff Attorney: Karen Cremer Date Docketed: 01/18/01 Intervention Deadline: 02/09/01

TC01-008

In the Matter of the Filing for Approval of First and Second Amendments to an Interconnection Agreement between Qwest Corporation and @link Networks, Inc.

On January 22, 2001 amendment nos. 1 and 2 to the Interconnection Agreement between Qwest Corporation ("Qwest") and @link Networks, Inc. ("@link") were filed with the Commission for approval. Amendment No. 1 adds terms, conditions and rates for Unbundled Dedicated Interoffice Transport ("UDIT"). Amendment No. 2 replaces the Line Sharing Interim Agreement entered into between @link and Qwest on April 24th, 2000 with the terms, conditions and rates for Line Sharing as set forth in Attachment 1 to Amendment 2. Any party wishing to comment on the agreement may do so by the agreement with the Commission and the parties to the agreement no later than February 12, 2001. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier Oate Docketed: 01/22/01 Indial Comments Due: 02/12/01

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

# Meyer & Rogers

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學學 經路 \$\$\$7 \* \$20 EAST CAPITOL • PIERRE, SOUTH DAKOTA 57501-1117 • TELEPHONE 605-224-7889 • FACSIMILE 605-224-9060

BRIAN B MEYER BARLA POLLMAN ROGERS

March 14, 2001

Keith Senger
Public Utilities Commission
500 East Capitol Avenue
Pierre, South Dakota 57501

Re-

SDPUC Docket TC01-007

Application of Midstate Telecom, Inc. for a Certificate of Authority

Dear Keith:

This letter is written in response to the requests for information contained in your letter dated January 22, 2001, and the clarifications to those requests contained in your letter of January 25, 2001.

Request #4. In order to protect South Dakota consumers, the South Dakota Public Utilities Commission requires applicants with unknown or marginal financial capabilities to submit a bond naming the SDPUC and the consumers of South Dakota as beneficiaries.

Response #4. Midstate Telecom, Inc. has applied for a \$25,000.00 surety bond in support of this application.

Request #5. Please provide the information required by ARSD 20:10:32.

Response #5. Midstate Telecom, Inc. hereby provides the following information to supplement its current application for a Certificate of Authority, as required by ARSD 20:10:32. (The responses below are numbered to correspond with the numbers of the requirements under 20:10:32:03.)

- Applicant's Fax Number: (605) 778-8080
  Applicant's E-mail Address: mbenton@midstatesd.net
- (6) The Parent Organization is:

Midstate Communications, Inc. 120 East 1<sup>st</sup> Street P. O. Box 48 Kimball, South Dakota 57355

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## (7) Description of Services:

#### (a) Classes of Customers:

Applicant will provide services to business and residential customers, initially in Chamberlain, South Dakota.

#### (b) Extent and Time-frame:

Applicant will provide service through the use of its own facilities, the purchase of unbundled network elements, and resale. Applicant plans to begin offering services in the fourth quarter of 2001, dependent upon progress of construction throughout the summer.

#### (c) Description of Facilities:

Local switching will be provided utilizing digital switch technology. Transmission facilities will include combinations of copper twisted pair, fiber optic cable, and potentially, wireless services. Services may be provided by reassembling unbundled network elements purchased from Qwest or from alternate providers.

## (d) Types of Services:

Services will include local exchange service, long distance and internet access, and may expand to include cellular, paging, and personal communications services.

## (%) Technical Competence of Applicant:

## (a) Education and Experience of Management Personnel:

- (1) Mark Benton, General Manager, is a graduate of Oklahoma State University. He has 12 years of experience in the industry in the field of engineering and management.
- (2) <u>Peggy Reinesch, Office Manager</u>, is a graduate of Mitchell Technical Institute. She has 23 years of experience at Midstate Communications in the areas of billing, accounting and management.
- (3) Fay Jandreau, Plant Manager, is a graduate of Mitchell Technical Institute with an AS degree in telecommunications. He has 10 years of experience in the industry as department head of the telecommunications department at MTI and in the area of management in the telephone industry.

(10) Emergency Services, Operator Services, Interexchange Services, Directory Assistance, and Telecommunications Relay Services:

Applicant will offer all of the above services, via the following systems:

- (a) Emergency services through the county PSAPS:
- (b) Operator Services through contract with McLeod:
- (c) Interexchange Services through South Dakota Network;
- (d) Directory Assistance through McLeod or Qwest;
- (e) Telecommunications Relay Services through SD Relay Services for the Deaf.
- (11) For the reasons stated in its initial application, Applicant requests a waiver of ARSD 20:10:32:03(11)(a).
- (12) Interconnection to Provide Proposed Local Exchange Services:
  - (a) Applicant plans to interconnect with Qwest;
  - (b) Applicant plans to initiate interconnection negotiations upon receipt of Certificate:
  - (c) N/A
- (13) Price Listing or Tariff for each local service offering:

Local Service Tariff will be filed.

(14) Cost Support for Tariff or Price List:

For the reasons stated in its Application, Applicant requests a warver of ARSD 20:10:32:03(14).

- (16) Applicant is not seeking authority to provide Local Exchange Service in a rural telephone company service area.
- (19) Billing and Collecting Charges from Customers:

Customers will receive their bills monthly in the mail. Applicant will maintain an office in Chamberlain as well as a drop box for payments. Customers may also remit payment to Applicant's address in Kimball, South Dakota.

(20) Policies Concerning Solicitation of New Customers:

Keith Senger March 14, 2001 Page 4

Applicant abides by the letter and spirit of all applicable state and federal statutes and does not engage in slamming. As Applicant is an incumbent local exchange carrier, this issue is unlikely to arise.

(22) Applicant requests waivers of any inapplicable rules pertaining to its application.

Request #6. Please submit a proposed local exchange and switched access tariff for Staff review. If the rates are undetermined at this point, the applicant may submit a tariff with the rates left blank.

Response #6. These tariffs are being prepared and will be submitted within the next few days.

Request #7.A. Is Midstate asking for an exemption of developing company-specific cost-based switched access rates in accordance with ARSD 20:10:27.11 and for what period of time?

Response #7.A. Yes, until the company has a minimum of at least one year of data upon which to base a cost study.

Request #7.B. Does Midstate want to run that process within this CoA docket or do they wish to run it on its own schedule (a different docketed issue)?

Response #7.B. Within this docket.

Request #7.C. Does Midstate wish to request the adoption of LECA rates as stated in the filing or rates based on the costs of all the telecommunications companies with less than 100,000 access lines as allowed for in ARSD 20:10:27:12?

Response #7.C. Applicant will file a one-page concurrence to the terms and conditions of the LECA Tariff, plus Applicant's own rate pages based on the costs of all the telecommunications companies with less than 100,000 access lines. This tariff will be submitted within the same time frame as the local exchange tariff.

Sincerely yours, Fall Polynen Pegges

Darla Pollman Rogers

Attorney at Law

DPR/ph

CC: Mark D. Benton

#### SCHEDULE OF

#### GENERAL RULES, REGULATIONS, RATES, CHARGES AND CONDITIONS

# APPLYING TO THE INTRASTATE SERVICES AND FACILITIES OF

THE

#### MIDSTATE TELECOM, INC.

14

#### SOUTH DANGTA

#### FAPLANATION OF STAINGES

- (C) Change in Regulation of Condation Which Affects a flate of Change
- (D) Discontinued Regulation, Condition, Rate of Charge
- (I) Increase in Rate of Charge
- (N) New Regulation, Condition, Rate of Charge
- (R) Reduction in Rate of Charge
- (T) Change in Text Only No Change in Regulation, Condition, Rate of Change

| ISSUED: | March 19, 2001<br>Date | EFFECTIVE: |                   |
|---------|------------------------|------------|-------------------|
| -Bv:    | Robert D. Folan        | Tresser.   | Kimbak, Ale Alles |

Y: \_\_\_\_\_\_Name

Leselest XIII Title

Addition

PART VII

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| Nv:     | Robert D. Folan . | President  | , Kimball, SD 57355 |

Title

Address

Name

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|---------|-----------------|------------|---------------------|--|
|         | Date            |            | Date                |  |
| Tv:     | Robert D. Folan | President  | . Kimball, SD 57355 |  |

Robert D. Folan , <u>President , Kimball, SD 57355</u>

Name Title Address

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| ISSUED: | March 19, 2001<br>Date | EFFECTIVE: | April 23, 2001<br>Date |
|---------|------------------------|------------|------------------------|
| By:     | Robert D. Folan        | President  | Virghall CD STARS      |

Title

Address

Name

#### GENERAL RULES AND REGULATIONS

#### APPLICATION A.

#### 1. General

- The Rules and Regulations specified herein apply to the intrastate service and facilities a. furnished by the Midstate Telecom, Inc., hereinafter referred to as the Telephone Company, or Company. Failure on the part of the customers to observe these Rules and Regulations of the Telephone Company, after due notice of such failure, automatically gives the Telephone Company the privilege to discontinue the furnishing of service.
- In the event of a conflict between these General Rules and Regulations and any h. conditions contained in the General Exchange Tariffs and the Local Exchange Tariffs, the rate and condition contained in the specific tariff shall prevail.
- ε. These Tariffs cancel and supersede all other Tariffs of the Telephone Company issued and effective prior to the effective date shown on individual sheets of this tariff.

| ISSUED: | March 19, 2001<br>Date   | EFFECTIVE:               | April 23, 2001 Date |
|---------|--------------------------|--------------------------|---------------------|
| By:     | Robert D. Folan,<br>Name | <u>President</u> , Title | Kimball, SD 57355   |

#### GENERAL RULES AND REGULATIONS

#### B. OBLIGATION AND LIABILITY OF TELEPHONE COMPANY

#### 1. Availability of Facilities

a. The Telephone Company's obligation to furnish exchange and access telephone service is dependent upon its ability to secure and retain, without unreasonable expense, suitable facilities and rights for such facilities.

#### 2. Allowance for Failure of Service

a. The Telephone Company does not guarantee uninterrupted service. In case service is interrupted other than by the negligence or willful act of the customer, an adjustment will be made upon request of the customer in the amount of the charges for that portion of the service rendered inoperable. Any adjustment shall apply only if the interruption continues beyond twenty-four (24) hours after first noted by the Telephone Company. No other liability shall in any case attach to the Telephone Company.

#### 3. Directory Errors and Omissions

- a. Claims for damages due to errors or omissions in directory listings will be limited to one-half the local service charges for the customer service during the affected period.
- b. In the cases of extra listings in the alphabetical section of the directory for which a charge is made, the Telephone Company's liability shall be limited to an amount not to exceed the established rate for such listing for the directory period in which the error or omission occurs.

#### 4. Transmitting Messages

a. The Telephone Company does not transmit messages, but offers the use of its facilities, where available, for communications between parties, subject to the rules, regulations, and conditions specified in this Tariff.

| ISSUED: | March 19, 2001<br>Date | EFFECTIVE: | April 23, 2001 Date |
|---------|------------------------|------------|---------------------|
| Ву:     | Robert D. Folan ,      | President, | Kimball, SD 57355   |

#### GENERAL RULES AND REGULATIONS

#### B. OBLIGATION AND LIABILITY OF TELEPHONE COMPANY (Continued)

#### 5. Use of Connecting Company Lines

a. Facilities of other companies may be used in establishing connections to points not reached by this Company's lines. In establishing connections with the facilities of other companies, the Telephone Company does not assume any liability for any action of the connecting company.

#### 6. Defacement of Premises

a. The Telephone Company shall exercise care in all work done on a customer's premises. No liability shall attach to the Telephone Company by reason of any defacement or damage to the customer's premises resulting from the existence of the Telephone Company's instruments, apparatus and associated wiring on such premises, or by the installation or removal thereof, unless such defacement or damage is the result of the negligence of the Telephone Company, or its employees.

#### 7. Adjustment of Charges

a. In the adjustment of charges for overbilling by the Telephone Company, a refund will be made of the full amount of excess charges when such amount can be determined; when the period or amount for which overbilling cannot be fixed from available records, the maximum refund will not exceed an estimated amount equal to such overbilling for a three year period.

| ISSUED: _ | March 19, 2001<br>Date | EFFECTIVE:    | April 23, 2001<br>Date |
|-----------|------------------------|---------------|------------------------|
| Ву;       | Robert D. Folan        | , President , | Kimball, SD 57355      |
|           | Name                   | Title         | Address                |

#### GENERAL RULES AND REGULATIONS

#### C. USE OF SERVICE AND FACILITIES

#### 1. Ownership and Use of Equipment

- a. All equipment and facilities furnished by the Telephone Company, on the premises of a customer are the property of the Telephone Company. The Company's agents and employees shall have the right to enter said premises at any reasonable hour for the purpose of installing, inspecting, maintaining or repairing the equipment, facilities of for the purpose of making collections, or upon termination of the service, for the purpose of removing such equipment and facilities.
- b. If installation and maintenance of service is requested at locations which are dangerous to the Telephone Company's employees, or to the public, the Telephone Company may refuse to provide such service. If such service is furnished, the Company may require the customer to install and maintain such service and may also require the customer to indemnify and hold the Telephone Company harmless from any claims, loss or damage from such facilities or equipment.

#### 2. Unauthorized Attachments or Connections

a. The Telephone Company shall not be required to attach its equipment or facilities to facilities not owned and installed by it, nor shall facilities not facilities by the Telephone Company be attached to or connected with facilities facilit

| ISSUED: | March 19, 2001<br>Date | EFFECTIVE:  | APTILE 2001<br>1946 |
|---------|------------------------|-------------|---------------------|
| Rv:     | Robert D. Folan        | President . | Kimball SD 57355    |

By: Robert D. Folan , President , Kimball, SD 57355

Name Title Address

#### GENERAL RULES AND REGULATIONS

#### C. USE OF SERVICE AND FACILITIES (Continued)

#### 3. Use of Customer Service

a. Customer telephone service, as distinguished from public and semi-public telephone service, is furnished only for use by the customer, his family, employees or business associates, or persons residing in the customer's household, except as the use of the service may be extended to joint users or to persons temporarily subleasing a customer's residential premises.

#### 4. Tampering with Equipment

a. The Telephone Company may deny telephone service to any person(s) whose telephone equipment owned by the Telephone Company shows evidence of tampering, or use of any devices whatsoever, for the purpose of obtaining telephone service without payment of the charges for the service rendered.

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#### CENERAL RULES AND REGULATIONS

## A ESTABLISIDIENT AND FURNISHING OF SERVICE

#### to Application for Service

- Applications for service shall be made in writing. These applications become contracts upon the establishment of service. Applicants for service are responsible for payment of an amount equal to one months exchange and installation charges (if any). The terms and conditions specified for such contracts are subject to these General Rules and Regulations, the General Exchange Service Tariffs and the Local Exchange Service Tariffs for the exchange from which service is to be furnished. Any change in rates, rules or regulations shall act as a modification of the contract to that extent, without further notice.
- Requests from customers for additional service, equipment, etc., may be made orally.

  A move from one geographic location to another (outside move) within the system is not considered to terminate the contract; orders for such moves may be made orally.
- Except as specified elsewhere in this tariff, the minimum contract period is one month from the date service, or additions to service, is established, and the minimum authorized rate for one month. For purposes of rate administration, each month is considered to have 30 days.

#### Telephone Numbers

The customer has no property right in the telephone number or any right to continuance of service from any specific central office, and the Telephone Company may assign or change the telephone number, the central office designation, or both, as accessary in the conduct of its business.

#### i alterations

The customer agrees to notify the Company promptly whenever alterations or new construction on premises owned or leased by him necessitate changes in the Company's waring or equipment; the customer agrees to pay the Company's current changes for such changes.

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#### GENERAL RULES AND REGULATIONS

#### ESTABLISHMENT AND FURNISHING OF SERVICE (Continued)

- 囊. Parament for Service
  - The control is required to pay all charges for exchange, access services and facilities.
- Maintanance and Repairs
  - All expense of maintenance and repair, of services or facilities provided by the Telephone Company will be borne by the Company. The customer will be held restantion or replacement costs in case of loss of, damage to, or desiration of any of the Company's instruments, or accessories, not due to normal use.
- Luggasi Installation Costs
  - Where special requirements of the customer involve unusual construction or the sustomer may be required to pay additional costs as provided elembers in this Tanff.

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#### GENERAL RULES AND REGULATIONS

#### ESTABLISHMENT AND FURNISHING OF SERVICES (Continued) 11

#### , mg Service Interruption

- In event of a service interruption, restoration of service, to the extent practical, will be made in the following sequence:
  - Emergency Services To: Toll, Medical, Fire, Law Enforcement, Highway (1) Maintenance, Civil Defense and other Utility Companies.
  - Town Business (2)
  - (3)Pay Stations
  - Rural Business (4)
  - Rural Residence (5)
  - Town Residence (6)
  - (7) EAS
  - All other facilities not effecting main station service.
- If necessary to maintain working Central Office Equipment in event of an emergency, b. service will be disconnected in the reverse of the above restoral sequence.

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#### GENERAL RULES AND REGULATIONS

#### E. TELEPHONE DIRECTORIES

#### 1. Distribution

a. The Telephone Company may furnish one directory containing the serving exchange listings for each company provided access line without charge. Additional directories may be furnished at the discretion of the company. Directories containing listings for other areas may be provided at a nominal charge.

#### 2. Ownership and Use

a. Directories furnished to customers remain the property of the Telephone Company, and are provided to customers as an aid in the use of the telephone service. The Telephone Company reserves the right to charge for directories issued in replacement of directories.

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Robert D. Folan , <u>President</u> , <u>Kimball, SD 57355</u>

Name Title Address

## GENERAL RULES AND REGULATIONS

## IN REFERENCE TO CREDIT, DEPOSITS,

#### CONNECTION AND DISCONNECTION

| Subsection F | Definitions for General Telephone Company Rules |
|--------------|---|
| Subsection G | Records review and Public Information Rules     |
| Subsection H | Customer Billing Rules                          |
| Subsection I | Rules for Establishment of Credit               |
| Subsection J | Rules for Refusal of Service                    |
| Subsection K | Rules for Disconnection of Service              |

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PART II

Original Sheet 11

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#### GENERAL RULES AND REGULATIONS

#### F. DEFINITIONS FOR GENERAL TELEPHONE COMPANY RULES

- 1. **DEFINITIONS.** Terms used in Subsection F to Subsection K, inclusive, unless the context otherwise plainly requires, shall mean:
  - a. "Advance payment", any payment made upon application for service which is applied toward the first telephone bills;
  - b. "Applicant", one who is applying for telephone service:
  - c. "Billing transmittal date", the date upon which the Telephone Company sends out or mails a bill;
  - d. "Class of service", refers to either business or residential service;
  - e. "Commission", the South Dakota Public Utilities Commission:
  - f. "Deposit", any payment made upon application for or during service which is held by the Telephone Company until the subscriber establishes his credit or ends his service:
  - g. "Disconnection", the withdrawal or termination of current telephone service from a main station, as distinguished from an extension;
  - h. "Due date", the date no less than fifteen days after billing transmittal date by which bills should be paid and before which no disconnection notice should be sent, except as provided in Subsection K, No. 7;
  - i. "Early payments list", a list containing the names of subscribers who have not established credit with the Telephone Company, which may be used by Telephone Company in lieu of deposits. Subscribers on such a list generally must pay their bills in a shorter period of time than other subscribers who have established good credit. The regular time period for paying bills is fifteen days;

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#### GENERAL RULES AND REGULATIONS

#### F. DEFINITIONS FOR GENERAL TELEPHONE COMPANY RULES (Continued)

#### 1. **DEFINITIONS.** (Continued)

- "Household", a family or a group of people who live together: j.
- k. "Indebted household", consists of a group of people living together among whom there is one who is indebted to the Telephone Company for service rendered previously to any residence for which service is now sought;
- "Refusal", the act of refusing to extend telephone service to an applicant. 1.
- "Residential", includes those receiving non-business service; m.
- "Short period", the less than fifteen day payment period allotted to those on an early n. payments list;
- 0. "Special services", shall not include charges for telephone installations or moves or other acts performed in accordance with tariff filings;
- "Subscriber", one who is currently receiving telephone service: p.
- "Telephone Company", refers to Midstate Telecom, Inc.; q.
- "Telephone Company tariff", a published schedule of rates and charges for services r. and equipment furnished with associated rules and regulations issued by Midstate Telecom, Inc.;
- "Toll bills", bills for long distance calls; s.

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#### GENERAL RULES AND REGULATIONS

#### G. RECORDS REVIEW AND PUBLIC INFORMATION RULES

- 1. PUBLIC INFORMATION. The rules of Subsection F to Subsection K, inclusive as well as utility tariffs, shall be available in all Telephone Company business offices for public inspection. A copy of the rules of Subsection F to Subsection K, inclusive, shall be furnished upon request to any applicant for service or to any subscriber undergoing disconnection proceedings.
- 2. KNOWLEDGE OF CREDIT RATING. In conformance with the Federal Fair Credit Reporting Act, the Telephone Company will make available to applicants and subscribers upon demand the basis for credit, deposit, disconnect, and refusal decisions.
- 3. UTILITY MAINTENANCE OF RECORDS. In providing further compliance to rules of Subsection F to Subsection K, inclusive, and in accordance with Federal law, the Telephone Company shall maintain records of past subscribers for a period of six months after termination. The Telephone Company shall make these records available to other utilities engaged in credit checks in accordance with Federal laws.

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#### GENERAL RULES AND REGULATIONS

#### H. CUSTOMER BILLING RULES

#### 1. GENERAL

- a. Generally all customers shall pay for services and facilities monthly in advance and shall pay for Long Distance Charges and Nonrecurring Charges in arrears. Municipal. State, or Governmental Agencies may be exceptions to this rule.
- b. Billing to customers shall be scheduled monthly.
- c. All bills for local, long distance, or miscellaneous services are due not less than 20 days after the bill is rendered. If payment has not been received within the 20 day period and an Early Payment Agreement is not in effect, a late payment charge shall apply. If payment is not received by the 10th of the following month, a Disconnect Notice will be sent giving a 10 day Notice of Disconnection.
- d. When warranted, in the judgment of the Company, special toll bills may be rendered.
- e. Failure to receive a bill does not relieve the customer of the responsibility for payment.
- CUSTOMER LIABILITY. The subscriber is responsible for payment of all charges for service rendered including charges for local messages and long distance messages sent from the subscriber's access line and for messages charged to such access line on which the charges have been reversed.

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#### GENERAL RULES AND REGULATIONS

#### H. CUSTOMER BILLING RULES (Continued)

- 3. TRANSMITTAL OF BILLS. Bills to customers shall be clearly legible, rendered regularly, and shall contain a listing of all charges. Customer billing sent through the United States mail shall be sent in envelopes and shall include a return envelope for payment of the customer's bills.
- 4. **DISPUTES.** In the event of a dispute between the customer and the telephone company, the Telephone Company may require the customer to pay the undisputed portion of the bill to avoid disconnection of service for nonpayment. The Telephone Company shall make such investigation as may be appropriate to the particular case, and shall report the result thereof to the customer.
- other than by the negligence or willful act of the customer and such service is interrupted order for more than twenty-four hours after being reported or found to be out of order, appropriate adjustments or refunds shall be made to the customer upon request. The refund to the customer shall be the pro rated part of that month's charge for the period of days and that portion of the service and facilities is rendered useless or inoperative. The refund may be accomplished by a credit on subsequent bills for telephone service.

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#### GENERAL RULES AND REGULATIONS

#### I. RULES FOR ESTABLISHMENT OF CREDIT

- 1. NONDISCRIMINATORY CREDIT POLICY REQUIRED. The Telephone Company shall fairly, and without discrimination, administer a credit policy that is easily understandable and that extends telephone service to as many applicants as possible. Such deposit policy shall be predicated upon the credit risk of the individual as evidenced by has past experience with telephone companies without regard to the collective credit reputation of the area in which he lives.
- 2. ESTABLISHMENT OR RE-ESTABLISHMENT OF CREDIT FOR A PRESENT SUBSCRIBER. The Telephone Company may request a subscriber to make a cash deposit or to increase his/her deposit to establish credit or it may place a subscriber on an Early Payments list. Upon disconnection, the customer has five business days to submit the deposit amount or be placed on an Early Payment policy.
- 3. ESTABLISHMENT OF CREDIT FOR APPLICANTS FOR A NEW SERVICE OR RETURN OF SERVICE. The Telephone Company shall determine the credit standing of an applicant for service by referring to information about the applicant's prior telephone bulk paying habits if he has had service before. Such prior telephone experience and information shall be the major factor in decisions of good or bad credit and in decisions about deposit amounts. The Telephone Company may also use employment information to virify names used past addresses of service applicants. If credit information isn't available, the customer will be required to pay a deposit or be placed on an Early Payment Policy.

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#### GENERAL RULES AND REGULATIONS

#### I. RULES FOR ESTABLISHMENT OF CREDIT (Continued)

- 4. TYPES OF CREDIT EXPLAINED. Following are the categories of credit, their definitions and resultant deposits:
  - a. "Good credit" shall be defined for the purpose of these rules as no disconnections for nonpayment in the most recent years of service and less than three disconnections notices in the most recent year of service. No deposit shall be required by the Telephone Company should an applicant for service exhibit good credit as become defined:
  - b. "Bad credit" shall be defined as one or more disconnections in the most recent year of service, three or more disconnection notices in the most recent year of service, or an outstanding debt with the telephone company. The deposit for one with bad credit shall be an estimated two month's bills, such an estimate being formed from past telephone bill information, computed by multiplying the average monthly bill over the past six months times two, if the last six months' bills are available.
- 5. DEPOSIT POLICY FOR APPLICANTS WITH NO PAST SERVICE. If an applicant claims no past service and if the utility uncovers no information to dispute this claim, the Telephone Company may require a \$50.00 deposit or no deposit. In her of a deposit, the utility may accept an Early Payment Agreement.
- 6. DEPOSIT IF APPLICANT HAS PAST EXPERIENCE WITHOUT LIABILITY. In setting a deposit, the Telephone Company may consider the toll experience of one to whom toll expenses have been reasonably traced but who has not been liable. In this case, the utility may move from no deposit or the \$50.00 deposit to a charge that might more reasonably reflect two months' estimated billing. Again an average monthly usage will be considered. In lieu of a deposit, the Utility may accept an Early Payment Agreement.
- 7. EARLY PAYMENT AGREEMENT. Early Payment Agreement is an agreement in lices of a deposit wherein the customer has agreed to make full and total payment of all charges by the 15th of each month following bill rendering.

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#### GENERAL RULES AND REGULATIONS

#### I. RULES FOR ESTABLISHMENT OF CREDIT (Continued)

- 8. SPECIAL TREATMENT FOR UNESTABLISHED CREDIT. Special treatment such as requirement of an early payment of bills may be a legitimate measure to be applied in lieu of a deposit. Further, early disconnection after early billing shall also be legitimate when an applicant from whom a deposit has not been required, fails to pay in this shorter time. However, such special treatment shall only apply to those from whom a utility may, in accordance with these rules, require a deposit, and such treatment shall end when an applicant or subscriber establishes credit that would under Subsection I, No. 12, result in the return of a deposit.
- 9. **DEPOSIT RECEIPT.** After receiving a cash deposit, the Telephone Company upon request shall furnish to the applicant an appropriate receipt.
- 10. INTEREST TO BE PAID BY UTILITY. The Telephone Company shall pay interest on a deposit at the rate of 3% per annum. Interest shall accrue from the day of acceptance of the deposit and shall be available annually upon demand of the subscriber. The Telephone Company shall not be required to pay interest on a deposit for the period following ninety days after disconnection of service, if during such period the utility has made a reasonable effort to refund the deposit. Thereafter, an unclaimed deposit, plus accrued interest, shall be credited to an appropriate account.
- 11. **REFUND UPON DISCONNECTION.** After disconnection of service and receipt of the final payment, the Telephone Company will promptly and automatically refund the subscriber's deposit plus accrued interest, or the balance, if any, in excess of the unpaid bills for service furnished by the utility. A transfer of service from one premise to another within the service area of the utility shall not be deemed a disconnection within the meaning of these rules, and shall not necessitate the requirement of a payment of a second deposit, unless a final bill has been issued at the first address.

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#### GENERAL RULES AND REGULATIONS

#### I. RULES FOR ESTABLISHMENT OF CREDIT (Continued)

- REFUND DURING SERVICE. When the subscriber has paid bills for service for twelve 12. consecutive billings without having service disconnected for nonpayment of bill and without having more than two occasions in which a bill was not paid within the period prescribed by the reasonable regulations of the Telephone Company specified herein by the commission, and when the customer was not delinquent in the payment of his bills, the Telephone Company will promptly and automatically refund the deposit plus accrued interest to the customer in the form of cash or credit to a customer's bill.
- 13. RECORD OF DEPOSIT. The Telephone Company will keep a record of each cash deposit until the deposit is refunded. The record will show:
  - The name and current billing address of each depositor: Ť.
  - b. The amount and date of the deposit;
  - Each transaction concerning the deposit. Ĉ.

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#### GENERAL RULES AND REGULATIONS

#### J. RULES FOR REFUSAL OF SERVICE

- 1. WHEN SERVICE MAY BE REFUSED. Refusal of service by the Telephone Company shall occur only when persons who are indebted to the Telephone Company wish to regain service from the Telephone Company again without agreeing to pay the back bills from the same service, or when persons refuse to pay reasonably required deposits, advance payments, and installation charges or to give correct information, or to abide by government or telephone company rules.
- 2. REASONS FOR REFUSAL. Following is a list of the reasons, each of which is sufficient to provoke refusal of service:
  - a. An applicant is indebted to this Telephone Company for past bills incurred by usage, purchases, or as a guarantor and refuses to liquidate the debt;
  - b. An applicant does not agree to pay reasonable deposit, advance payment, or installation charges;
  - c. An applicant, although he is not personally liable to the Telephone Company, is attempting to return service to an indebted household and no attempts are forthcoming to liquidate the debt of that household;
  - d. An applicant is unwilling to provide correct information about any or all of the following: past telephone service, last employment, or previous address;
  - e. An applicant is in violation of governmental or telephone company rules concerning evasion of payment, use of service for unlawful purposes, annoyance of other patrons, interference with or destruction of service facilities, or violation of service regulations.

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#### GENERAL RULES AND REGULATIONS

- J. RULES FOR REFUSAL OF SERVICE (Continued)
  - 3. INSUFFICIENT REASONS FOR REFUSAL. The Telephone Company will not refuse service to one who will not liquidate a debt to another telephone company or a debt for another class of service or a debt for other bills not based on filed rates or charges. The Telephone Company will not refuse one requesting service for a dwelling at which the former occupant was delinquent. Finally, the Telephone Company will not refuse service to one current in their payments when someone indebted to the Telephone Company begins living in that same household in an attempt to force payment of that indebtedness, except in the same household instance mentioned in Subsection J, No. 2. In any of these situations, however, when the Telephone Company has a telephone bill paying history to measure or a clearly traced toll experience to consider, it may exact a deposit reflecting this knowledge in conformance with Subsection I, No. 3.

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#### GENERAL RULES AND REGULATIONS

## K. RULES FOR DISCONNECTION OF SERVICE

- 1. INDISCRIMINATE DISCONNECTION OR RECONNECTION PROHIBITED. The telephone Company will not make indiscriminatory disconnection or reconnections.
- 2. NONPAYMENT OF PAST DUE BILLS AS REASON FOR DISCONNECTION. Following is a list of conditions all of which must occur before one may be disconnected for nonpayment of bill:
  - a. A subscriber is liable on a contract basis for the class and place of service that is past due in payment and is about to be disconnected unless the Telephone Company is disconnecting two classes at the same location or the same class at several locations, in which case the Telephone Company may disconnect more than one service;
  - b. The subscriber has received a period of not less than fifteen days from billing transmittal to due date and an additional notice period of not less than five days during which the particular bill has been owing. This time period may be shortened if the subscriber has been legitimately placed on early payments list and may also be waived in cases of fraud or illegal use or when it is clearly indicated that the customer is preparing to leave;
  - c. The subscriber has been submitted written notice of the Telephone Company's intention to disconnect, which notice has been either mailed or delivered at either the address to which bills are customarily sent or at the address where the service is provided. In some cases, such as abandonment, notice, practically speaking is not possible, but the utility will make every reasonable effort to comply with this section;
  - d. The subscriber, especially if he or she claims inability to pay or extenuating circumstances, has been unwilling to enter into a reasonable agreement with the Telephone Company to begin liquidating his debt;
  - e. There is no bonafide and just dispute surrounding the bill. A dispute shall not be defined as bonafide and just if a subscriber does not pay the undisputed portion.

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#### GENERAL RULES AND REGULATIONS

## K. RULES FOR DISCONNECTION OF SERVICE (Continued)

- 3. OTHER REASONS FOR DISCONNECTION. The Telephone Company may disconnect a subscriber after reasonable notice for:
  - a. Violation of governmental or telephone company rules mentioned in Subsection K, No. 2;
  - b. Failure to keep an agreement to liquidate a continuing debt as described in Subsection K, No. 2;
  - c. Failure to pay an increased deposit as described in Subsection I, No. 2;
- 4. THE NOTICE OF DISCONNECTION. The notice given to the customer shall contain a direct and specific explanation of the following:
  - a. The particular ground upon which the proposed disconnection is based;
  - b. The Telephone Company's intention to discontinue service unless the customer corrects or adjusts the particular grounds;
  - c. The corrective action which the customer must take to avoid disconnection.
- 5. THE DISCONNECTING ACT. Whenever possible, service shall not be disconnected on any Saturday, Sunday or legal holiday, or at any time when the Telephone Company's business offices are not open to the public.
- 6. LAST MINUTE PAYMENTS. The subscriber shall have the right to tender payment of any delinquent bill at any time prior to disconnection in order to preserve service uninterrupted.

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#### GENERAL RULES AND REGULATIONS

## K. RULES FOR DISCONNECTION OF SERVICE (Continued)

- 7. EARLY DISCONNECTION. In the case of any subscriber who has mounted an extraordinarily high telephone bill for which his deposit would not furnish security as required by Subsection K, No. 2 of these rules, the Telephone Company may disconnect service before the regular fifteen day payment period after giving the subscriber due notice and an opportunity to provide proper payment of the bill.
- 8. RECORD TO BE KEPT. A record of all service disconnections which continue to have bad credit with the Telephone Company made under the provisions of Subsection K, No. 7 shall be kept by the Telephone Company for a period of not less than six months.
- 9. INSUFFICIENT REASONS FOR DISCONNECTION. The Telephone Company will not disconnect service to any subscriber solely upon the incidence of any of the following events:
  - a. Subscriber's failure to pay for a different class of Telephone Company service received at a different location.
- 10. EMERGENCY MEDICAL CONDITIONS. Not withstanding any other provision of these rules, the Telephone Company shall postpone the disconnection of service to a residential customer for a reasonable time, not in excess of thirty days, if the customer produces verification from a physician, or a public health or social services official, which states that telephone service is essential due to an existing medical emergency of the customer, a member of the customer's family or any permanent resident of the premises where service is rendered. This written verification shall identify the medical emergency and specify the circumstances. Initial verification may be by telephone if written verification is forwarded to the Telephone Company within five days. If the written verification is not received within five days, service may be disconnected prior to the expiration of the thirty day period for postponement.

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## GENERAL RULES AND REGULATIONS

## K. RULES FOR DISCONNECTION OF SERVICE (Continued)

## 11. AT CUSTOMER'S REQUEST

- a. Contracts for service may be terminated prior to the expiration of the contract period provided advance notice is given to the Company and upon agreement to pay all charges due for the service furnished, plus any termination charges which might be applicable.
- b. Where a contract for service with a one-month minimum period is cancelled before establishment of the service is completed, a charge not to exceed the service charge specified, is applied if all or a portion of the facilities have been installed.
- c. No termination charge will apply (unless otherwise stated specifically in this Tariff) where a new customer takes over the service of the former customer, provided the service is to be furnished at the same location without interruption and that the new customer assumes all unpaid charges on the original contract. Termination charges will apply for any service furnished under the original contract which is not retained by the new customer.
- d. No minimum or termination charge will apply in the event the service is terminated because of condemnation, destruction, or damage to property by fire or other cause, beyond the control of the customer.

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#### GENERAL RULES AND REGULATIONS

## K. RULES FOR DISCONNECTION OF SERVICE (Continued)

#### 12. SERVICE CHARGE FOR RECONNECTION

- a. Where service has been discontinued for nonpayment of a due bill applicable service charges as defined in Part VI of this Tariff shall apply.
- b. Where service has been discontinued for the nonpayment of a due bill, the customer may be required to re-establish credit as defined in Establishment and Maintenance of Credit.
- c. The maximum payment for restoration of service that existed prior to disconnection shall be the total past due amount, applicable nonrecurring charges, and if appropriate, an Advance Payment and Deposit as specified elsewhere in this Tariff.

#### 13. LATE PAYMENT PENALTY

- a. All bills not paid before the last date for timely payment shall be subject to a late payment charge.
- b. Late payment charges shall be one and one-half (1-1/2) percent per month of the unpaid balance with a minimum charge of two dollars (\$2.00).
- 14. OPTIONAL DISCONNECT PROCEDURE. At the discretion of the Telephone Company, restricted service will be offered in exchanges where Central Office Switching has this capability with this restricted service, consisting of outgoing local calling to 911, Emergency, and to the telephone company office; no outgoing toll service, and no incoming local or incoming toll service will be allowed. No credit card calls, collect calls, or third number calls will be charged to restricted accounts while this service is in force. Any violation of this service will result in total termination of service. This restricted service will only be allowed to stay in effect for a maximum of five (5) days following restriction. At the end of this period, service will be totally disconnected if the restricted account has not made arrangements satisfactory to the Telephone Company for settlement of the account.

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| Bv:                     | Robert D. Folan | , President , | Kimball, SD 57355 |
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#### GENERAL RULES AND REGULATIONS

## L. APPLICATION OF BUSINESS AND RESIDENCE RATES

## 1. Business Rates Apply at the Following Locations:

- a. In offices, stores, factories, mines, and all other places of a strictly business nature.
- b. In boarding houses, except as noted under L-2, offices of hotels, halls, and offices of apartment buildings; quarters occupied by clubs or lodges; public, private or parochial school or colleges, hospitals, libraries and other similar institutions.
- c. At residence locations when the customer has no regular business telephone and the use of the service either by himself, members of his household, or his guests, or parties calling him can be considered as more of a business than of a residence nature. This may be indicated by advertising either by business cards, newspapers, handbooks, billboards, circulars, motion picture screens, or other advertising media, such as on vehicles, etc. When such business use is not such as commonly arises and passes over to residence telephone during the intervals when, in compliance with the law or establish custom, business places are ordinarily closed.
- d. At residence locations, when an extension station or extension bell is located in a shop, office, or other place of business.
- e. In any location where the listing of service at that location indicates a business, trade or profession, except as specified under L-2 below.

#### 2. Residence Rates Apply at the Following Locations:

- a. In a private residence where business listings are not provided.
  - (1) Residence rates are applicable to the residential line in the instance where both business service and a separate residential service are provided at the same residential location.

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| Ву:       | Robert D. Folan<br>Name | <u>, President</u> , <u> </u> | Kimball, SD 57355<br>Address | فرقلياته |

#### GENERAL RULES AND REGULATIONS

## L. APPLICATION OF BUSINESS AND RESIDENCE RATES (Continued)

## 2. Residence Rates Apply at the Following Locations: (Continued)

- b. In private apartments of hotels, rooming houses, or boarding houses where service is confined to the customer's use, and elsewhere in rooming and boarding houses which are not advertised as a place of business or which have less than five rooms for roomers or which furnish meals to less than ten boarders, provided business listings are not furnished.
- c. Clubs, associations, churches, or fraternal organizations that meet infrequently and no attendant or staff is regularly provided.
- d. In the place of residence of a clergyman or nurse, and in the place of residence of a physician, surgeon, or other medical practitioner, dentist or veterinarian, provided the customer does not maintain an office in the residence.
- e. In college fraternity or sorority houses where individual line service is provided.

## 3. Combined Business-Residence Rates Apply at the Following Location:

- a. Where a part-time business is conducted from a residence.
  - (1) Part-time businesses from their residence is interpreted as meaning any business that operates any time of the day or night for twelve months out of the year. Seasonal part-time businesses such as snow removal, lawn mowing, gardening, etc., would not fall into the CBR rate group, but into the residence rate.
- b. Farm telephones will, in most cases, be classified as business-residence subscribers since the business of operating a farm is normally conducted from a farm residence telephone.
- c. There are some town telephones that will be classified as business-residence, such as subscribers who farm full-time, but live in town, or subscribers who operate part-time businesses from their residences.

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Title

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#### GENERAL RULES AND REGULATIONS

#### CONSTRUCTION, INSTALLATION, AND MAINTENANCE CHARGES 44

#### ş. Canaval

- The Telephone Company shall furnish adequate telephone service to the widest practicable number of users in its telephone service area on the following basis:
  - Furnish basic service to all applicants for service included in the operating boundaries as filed with the Public Utilities Commission, without payment by such applicant of any extra charge as a contribution to the cost of the construction of facilities to provide such service; and
  - Take all action that may be required to extend service to other unserved applicants for service in its Telephone service area without payment to the Telephone Company of any extra charge as a contribution to construction of facilities to provide such service. Where the cost of constructing the required here extension for such applicants will not exceed seven times the estimated armual exchange revenue from such applicant. Such service shall be furnished pursuant to terms and conditions set forth elsewhere in this tariff.
- Special charges in the form of installation charges, monthly charges, or both, are ambled in addition to the usual service connection charges and monthly rates when, because of the sporadic, temporary, or occasional nature of the service or an unusual investment or expense as for example:
  - 111 The facilities are provided in remote or undeveloped sections outside.
  - Conditions require the provision of special equipment or unusual methods of (3) plant construction, installation or maintenance.
  - (3) The customer's location requires the use of costly private right-of-way.

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#### GENERAL RULES AND REGULATIONS

## M. CONSTRUCTION, INSTALLATION, AND MAINTENANCE CHARGES (Continued)

## I. General (Continued)

- c. Title to all construction, as specified in 2. below provided wholly or partly at a eustomer's expense is vested in the Telephone Company.
- d. "Cost" is labor and materials including loading overheads.
- e. Construction charges will not include the customer's drop.

## 2. Special Type of Construction

- a. If a special type of construction is desired by a customer, or if unusual requirements of a customer make the cost of an installation higher than it would be if the usual type of construction were used, the customer is required to bear the difference in cost.
- b. Applicants may be required to make advance payments to cover all or a portion of the cost difference where in the supported opinion of the Telephone Company there is evidence of credit risk.
- e. Provision of Right-of-Way
  - Where required by the condition, applicants shall provide without expense to the Telephone Company, right-of-way; such right-of-way shall be free from tree interference and otherwise suitable.

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| -      | Rohert D. Folan<br>Name | President , | Kimball, SD 57355    |

#### GENERAL RULES AND REGULATIONS

## M. CONSTRUCTION, INSTALLATION, AND MAINTENANCE CHARGES (Continued)

## 3. Special Assemblies of Equipment

- a. Special assemblies of equipment for which provision is not otherwise made in this tariff, may be provided where practical if not detrimental to any of the services furnished by the Company.
  - (1) The charge for such facilities may be in the form of an installation charge, a monthly charge, a termination charge or another combination thereof and will include, when applicable, one or more of the following estimated expense items associated with the special equipment or service provided:
    - (a) maintenance expense
    - (b) depreciation expense including reusable and nonrecoverable items
    - (c) administration expense
    - (d) taxes including Federal Income Tax
    - (e) any other specific items of expense that may be associated with the facility provided
    - (f) a reasonable return on investment
  - (2) The estimated installation cost used in the derivation of the various expense items shall include the following:
    - (a) material
    - (b) material overhead
    - (c) installation labor
    - (d) installation labor overhead

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#### GENERAL RULES AND REGULATIONS

# N. MINIMUM CONTRACT PERIOD AND TERMINATION OF SERVICE AT CUSTOMER'S REQUEST

#### 1. Minimum Contract Period

- a. Except as specified elsewhere in this Tariff, the minimum contract period is one month from the date service or additions to service are established and the minimum charge is the authorized rate for one month. For purposes of rate administration each month is considered to have 30 days.
- b. The Company may require a contract period longer than one month at the same location in connection with special types of arrangements of equipment or for unusual construction necessary to meet specific demands for service.
- c. The Telephone Company may require a contract period longer than one month at the same location in connection with special (non-standard) types of arrangements of equipment, or for unusual construction necessary to meet special demands, and involve extra costs.

## 2. Termination of Service at Customer's Request

- a. Contracts for service may be terminated prior to the expiration of the contract period provided advance notice is given to the Company and upon agreement to pay all charges due for the service furnished, plus any termination charges which might be applicable.
- b. Where a contract for service with a one-month minimum period is cancelled before establishment of the service is completed, a charge not to exceed the service charge specified, is applied if all or a portion of the facilities have been installed.

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| Rv:     | Robert D. Folan | President  | Kimball SD 57355 |

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#### GENERAL RULES AND REGULATIONS

- N. MINIMUM CONTRACT PERIOD AND TERMINATION OF SERVICE AT CUSTOMER'S REQUEST (Continued)
  - 2. Termination of Service at Customer's Request (Continued)
    - c. No minimum or termination charge will apply unless otherwise stated specifically in this Tariff where a new customer takes over the service of the former customer, provided the service is to be furnished at the same location without interruption and that the new customer assumes all unpaid charges on the original contract. Minimum and termination charges will apply for any service furnished under the original contract which is not retained by the new customer.
    - d. No minimum or termination charge will apply in the event the service is terminated because of condemnation, destruction, or damage to property by fire or other cause, beyond the control of the customer.

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#### GENERAL RULES AND REGULATIONS

#### O. TAXES OR FEES TO BE BILLED TO CUSTOMERS

#### 1. General

a. When a municipality or political subdivision imposes upon the Company any license, occupation, franchise, permit, inspection or other similar tax, such tax, fee, or charge shall be billed to the telephone customers receiving service within the municipal or political subdivision, allocated uniformly on the basis of each such customer's monthly charges for the types of service made subject to such tax, fee or charge.

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BUSINESS SERVICE - Telephone service furnished to customers where the actual or obvious use is of a business, professional or occupational nature.

CENTRAL OFFICE - A switching unit in a telephone system which provides service to the general public, having the necessary equipment and operating arrangements for the terminating and interconnecting customer lines and trunks or trunks only. There may be more than one central office in a building or exchange.

CENTRAL OFFICE LINE - A circuit directly connecting an individual main station, private branch exchange switchboard or an intercommunicating system with a central office.

CENTREX SERVICE - See definition in General Services.

CHANNEL - A path for communication between two or more stations, or central offices, furnished in such a manner as the Company may elect, whether by wire, radio or combination thereof and whether or not by a single physical facility or route.

CIRCUIT - A channel used for the transmission of electrical energy in the furnishing of telephone and other communication services.

CLASS OF SERVICE - The various categories of service generally available to the customer, such a business, residential, public, or semi-public service.

COIN TELEPHONE SERVICE - See "Public Telephone".

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| 1100                                    | Robert D. Folan,       | President, | Kimball, SD 57355   |
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PART III Original Sheet 1

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#### DEFINITIONS

ACCESS LINE - Any circuit connecting an exchange location with the central dial office.

ADDITIONAL LISTING - Any listing of a name or other authorized information in connection with a customer's telephone number in addition to that to which he is entitled in connection with his regular service.

AUTHORIZED USER - A person, firm or corporation (other than the customer) on whose premises a telephone. Private Branch Exchange, or private line service channel is located and who may communicate over such channels in accordance with the terms of the tariff.

BASE RATE AREA - Denotes the comice area within the comparate limits of a city or town within the exchange.

PART III Original Sheet 2

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#### **DEFINITIONS**

COMMUNICATIONS SYSTEM - Channels and other facilities which are capable, when not seminated to exchange telecommunications service, of two-way communications between customer-provided terminal equipment or Telephone Company stations.

COMPANY - A corporation, association, partnership, or individual engaged in the business of furnishing telephone and other communications services to the public.

CONNECTING COMPANY - A corporation, association, partnership or individual owning or second or more exchanges and with which communications services are interchanged.

CONNECTING ARRANGEMENT - The equipment provided by the Telephone Company accomplish direct electrical connection of customer-provided facilities with the facilities of the Telephone Company or of facilities of the Telephone Company with other facilities of the Telephone Company.

CONSTRUCTION CHARGE - A separate non-recurring charge made for the construction of facilities as seems of those contemplated under the rates quoted in the exchange tariffs.

CONTINUOUS PROPERTY - The plot of ground, together with any building thereon, occupied by the missioner which is not divided by public highways or separated by property occupied by others. Where a consider occupies property on both sides of a street, alley, highway, body of water, railroad right-of-way, and the properties would otherwise be continuous, such properties are treated as continuous property provided local wire or cable facilities are used and the customer furnished all local distribution pole line facilities or underground conduit required in connection therewith.

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#### DEFINITIONS

TRACT - The agreement between a customer and the Company under which service and facilities are formulated as accordance with the applicable provisions of the Tariffs.

COMP SWITCHHOARD - See "P.B.X. Service".

COMPLESS SWITTINOARD - Sec "P.B.X. Service".

The cost of labor and materials, which includes appropriate amounts to cover the Company's estable research and administrative expenses.

The individual, partnership, association or corporation which contracts for telephone service and a responsible for the payment of charges and compliance with the rules and regulations of the Community

BATA ACCESS ARRANGEMENT - A protective connecting arrangement for use with the network was seasons with or in heu of the connecting arrangement, an arrangement to identify a central with the and protective lines or facilities and procedures to assure proper operation and protection of the inferiorementations natural.

Fig. 2 STICITING EQUIPMENT - A unit of electro-mechanical or electronic switching equipment and the Court Office or in connection with a private branch exchange system.

EXECUTIVE LISTING - A publication in the Company's Alphabetical directory of information selection and telephone number.

FISCONNECT NOTICE - The written notice sent to a customer, notifying him that his service will be described of charges are not satisfied by the date specified on the notice.

THAT WIRE - That portion of a circuit between the pole line or cable distributing box and the building as which the station or switchboard is located.

THE NOTICES - See "Desconnect Notice".

FIGURE 11 FACILITIES - Faculties extending from the point of entrance on private property to the seconde or which arrive is firmshed.

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| AND THE PERSON NAMED IN | Robert D. Folan        | <u>President</u> ,<br>Title | Kimball, SD 57355     |  |

#### DEFINITIONS

EXCHANGE - A geographical area established for the administration of telephone service in a specified area (Exchange Area) which usually embraces a city, town or village, and its environs. It may common one or more central offices together with the associated plant, equipment, and facilities used in farmshing communication service within that area.

EXCHANGE AREA - The territory served by an exchange.

EXCHANGE SERVICE - The furnishing of facilities for the telephone communication within an exchange area, in accordance with the regulations and charges specified in the local or General Exchange Taxis. Exchange facilities are used to establish and maintain connection between an exchange station and the other telephone plant and facilities in connection with long distance calls or extended area service calls.

EXTENDED AREA SERVICE - Interexchange telephone service furnished at a flat rate between one of more exchange areas. Extended Area Service (EAS) is to be utilized only for calls which both extension and terminate as voice grade traffic, without extension, within the defined extended area. The Company reserves the right to limit call duration on EAS facilities, or to impose a usage sensitive charge when the EAS service is utilized for traffic other than EAS as defined herein.

EXTENSION AND P.B.X. STATION MILEAGE - The charges made for the additional circuit required to furnish such stations beyond the allowable distance with the main station for P.B.X. westchboard.

EXTENSION BELL - A bell on the same circuit and operating in connection with the signaling device of the primary, extension or private branch exchange station.

EXTENSION LINE - A circuit connecting a primary station with an extension station or a circuit exameting a private branch exchange station with a private branch exchange switchboard. An extension lime may terminate on a key in lieu of an instrument.

EXTRA LISTING - See "Additional Listing".

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| The second secon | Robert D. Folan<br>Name | <u>President</u> ,<br>Title | Kimball, SD 57355    |

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#### **DEFINITIONS**

FLAT RATE SERVICE - Service furnished at a fixed monthly charge, including extended area service where applicable.

FOREIGN ATTACHMENT - Lines, instruments, appliances or apparatus not owned or furnished by the Company.

FOREIGN CENTRAL OFFICE - Any central office other than that which serves the area in which the

FOREIGN EXCHANGE SERVICE - Telephone exchange service furnished to a customer through a countral office of an exchange other than the exchange regularly serving the area in which the customer is located.

EXITAL SERVICE PERIOD - The minimum length of time for which a customer is obligated to pay for service, facilities and equipment, whether or not retained by the customer for such minimum length of time.

**EXSTALLATION CHARGE** - A non-recurring charge made at the time of installation of sommanications service or equipment, which may apply in place of or in addition to Service Charges and other applicable charges for service or equipment.

INSTRUMENTALITIES - The station equipment used to provide communications services to the

ISUP - Integrated Services User Part. It is a CCS7 message-based signaling protocol that acts as a managent carrier for ISDN, voice, and data services.

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| क्षा व्याप्त विश्ववस्थात्मा स्थापन | Robert D. Folan        | <u>President</u> , | Kimball, SD 57355    |  |

#### DEFINITIONS

FOINT USER SERVICE - An arrangement whereby an individual, firm or corporation whose telephone are not such as to justify the provision of separate customer service is permitted to use the service of a customer.

LIVAL CHANNEL - That portion of a channel which connects a station to an interexchanging channel of a channel connecting two or more stations within an exchange area.

LOCAL EXCHANGE SERVICE - Telephone communications within a local service area in

LINE CHARGE - A monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV, applicable to each monthly recurring charge as defined in Part IV.

LUCAL MESSAGE - A completed communication between customer's stations located within the same find a find a first station of Local Service Area.

LOCAL SERVICE AREA - The area within which telephone service is furnished under a specific state of rates without the application of specific charges for each message.

MESSAGE - A completed customer call.

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#### DEFINITIONS

MILEAGE - The measurement upon which charges are computed for Foreign Exchange, extension, we and private lines and for lines serving exchanges stations located outside the base rate area or outside the central office area of the serving central office.

MINIMUM CONTRACT PERIOD - The minimum length of time for which a customer is obligated to pay for service, facilities and equipment, whether or not retained by the customer for such minimum length of time.

MOBILE TELEPHONE SERVICE - A communication service provided by means of radio frequencies through a land radio-telephone base station. Connections may be established between a water station and a mobile or fixed unit or between two mobile or fixed units.

MOVE CHARGE - The charge a customer is required to pay when, at his request, service is continued under the same or superseding contract at a different location on the same premises.

NON-RECURRING CHARGE - A one-time charge associated with certain installations, charges of transfers of services, either in lieu of or in addition to recurring monthly charges.

NOTICE - See "Disconnect Notice".

OUTSIDE BASE RATE AREA - Denotes the service area outside the corporate limits of a city of town within the exchange.

PREMISES - The building, portion or portions of a building on continuous property used and/or occupied at one time by the customer in the conduct of his business or as a residence. Where their space in adjoining buildings is made continuous at one or more floor levels, all floor space to both buildings is considered as the same premises insofar as the customer who uses and occupies such continuous floor space is concerned, the two buildings otherwise being considered as separate buildings.

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#### **DEFINITIONS**

PRIVATE LINE - A circuit provided to furnish communication between two or more instrumentalities directly connected to it. Such instrumentalities do not have access to the general exchange and interexchange networks.

PUBLIC TELEPHONE - An exchange station, either attended or equipped with a coin collecting device, designed and placed for use by the public in general at locations chosen or accepted by the Company.

RESIDENCE SERVICE - Telephone service furnished to customers when the actual or obvious use is for domestic purposes (i.e., non-business purposes).

SEMI-PUBLIC TELEPHONE - An exchange station, equipped with a coin collecting device, designed for a combination of customer and public use at locations more or less public in character. Semi-public telephone service is considered as a form of customer service.

SERVICE CONNECTION CHARGE - The charge a customer is required to pay at the time of the establishment of telephone service or subsequent additions to that service.

STATION - See "Telephone Station".

SUBSCRIBER - See "Customer".

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TELEPHONE TARIFF

PART III Original Sheet 9

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#### DEFINITIONS

SWITCH - A unit of dial switching equipment which provides interconnection between station lines or trunks.

TELEPHONE COMPANY - See "Company".

**TERMINATION CHARGE** - A charge applied under certain conditions when a contract for service is terminated by the customer before the expiration of the minimum contract period.

TIE LINE - A circuit connecting two private branch exchange systems for the purpose of interconnection between the stations connected with such systems.

TOLL BLOCKING - A service that lets the customer elect not to allow toll calls from their telecommunications channel. With this restricted service, no outgoing toll service will be allowed. No credit card calls, collect calls or third number calls will be charged to restricted accounts while this service is in force.

TRUNK LINE - A circuit over which customers' messages are sent between two Central offices or between a central office and a private branch exchange system.

UNDERGROUND SERVICE CONNECTION - A customer's "Drop" wire which is run underground from a pole line or an underground distributing cable.

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#### LOCAL EXCHANGE SERVICE

#### A. GENERAL

Central Office Access Lines extend between the central office equipment of the Company and the demarcation point located on the premises of the customer. Rates for Central Office Access Lines and Wire Maintenance are shown in Paragraph B. below. The rates and charges contained herein are in addition to all other applicable rates and charges located in other parts of this tariff.

#### H. RATES

**EXCHANGE NAME:** Chamberlain

Extended Area Service to: Pukwana, Fort Thompson, Kimball

|  | Rate     |
|--|----------|
| BUSINESS SERVICE<br>Individual Line  | \$24.65  |
| RESIDENCE SERVICE  |          |
| Individual Line Within the Base Rate Area                                    | \$14.75  |
| TRUNK HUNTING (per trunk) each   | \$ 2.00  |
| Trunk hunting is a feature utilized in conjunction with multiline service    |          |
| which allows calls to be routed to the next available trunk in the multiline |          |
| hunt group.  |          |
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BUDGET TOLL No Charge

New or existing customers who have not yet established a satisfactory credit rating will be allotted 300 toll minutes. If the allotted toll is used before the last day of the month, toll will be restricted, unless prepayment for additional toll has been received. This rule is applicable only to customers PIC's to interexchange carriers with whom Midstate Communications has a billing and collection agreement.

## C. NETWORK ACCESS CHARGE (NAC)

| í | a. Kesidentiai   | 33.30 per line            |
|---|--|---------------------------|
| ì | b. Single Line Business  | 3.50 per line             |
| ( | c. Multiline Business  | 6.00 per line             |
|   | The NAC is a supplemental charge to the end user on a per access | line basis. The NAC is to |
| ( | offset common line access charge which might have otherwise bee  | en billed to the          |
| 1 | interexchange carrier.   |                           |
|   |  |                           |

| issued:                  | March 19, 2001 Date   | EFFECTIVE:                  | April 23, 2001<br>Date |
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| Notes Walkerson Browning | Robert D. Folan, Name | <u>President</u> ,<br>Title | Kimball, SD 57355      |

# TELEPHONE TARIFF

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# SUBJECT INDEX

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| lategrated Services Digital Network (ISDN) | V           | 8-9       |
| Temperary or Vacation Suspension           | V           | 7         |

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|                  | Name            | Title      | Address           |

TELEPHONE TARIFF

PART V Original Sheet 1

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#### GENERAL EXCHANGE SERVICE

#### CONTELETIONE SERVICE

#### PUBLIC TELEPHONE

#### A GENERAL

Public telephone service is furnished for use of the general public at the option of the Company and as and a substitute for business service.

## R RATES

## C CONDITIONS

- Standard booths may be furnished for public telephone service at the discretion of the Company.
- 2. Directory listings are not provided in conjunction with public telephone service.
- 3. The Company retains the option of furnishing and placing signs as may be necessary.
- A Extension Stations are not provided with Public Telephone Service.

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Robert D. Folan , President , Kimball, SD 57355

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#### GENERAL EXCHANGE SERVICE

#### CHEST TO A PROTECT OF RVICE (Continued)

#### SERVER BLIC TELEPHONE

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Telephore service may be furnished where there is a shared use of the service by the

#### 傑 對東軍首為

- The second rates for semi-public telephone service are filed in the Local Exchange Tariff.
- 2 Sections, without dials, may be provided at the filed rate for extension station without dials, may be provided at the filed rate for extension station are provided.
- \$0.25

#### C. CIMBITANS

- I Seem-Public Telephone service may be provided at the option of the Company where the use a stand by the customer and the general public and where the customer permits signs to be about as the Company deems necessary.
- 2 One directory listing per semi-public telephone may be provided without additional charge.
- Any additional signals required in the provision of this service may be provided at the rates and charges set forth in this Part.
- Arrangements may be made with the Company whereby the customer shall collect the secure from the semi-public telephone, in such cases, the customer shall be responsible for sequence to the Company of all toll and local service charges.
- The customer shall be held hable for any willful damage to the equipment used to provide some public telephone services.
- \* The Company will not be responsible nor held liable for any missed calls to the customer.

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#### TELEPHONE TARIFF

PART V Original Sheet 3

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#### GENERAL EXCHANGE SERVICE

## CONTROL SERVICE

#### PURE H. TELEPHONE

#### A CENTRAL

Figure service is furnished for use of the general public at the option of the Company and

## E RATES

No Charge

#### **CONDITIONS**

- Standard booths may be furnished for public telephone service at the discretion of the Company.
- I lessely listings are not provided in conjunction with public telephone service.
- The Company retains the option of furnishing and placing signs as may be necessary.
- 4 Extension Stations are not provided with Public Telephone Service.

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## GENERAL EXCHANGE SERVICE

## COINLESS TELEPHONE SERVICE (Continued)

#### SEMI-PUBLIC TELEPHONE

#### A. GENERAL

Semi-Public Telephone service may be furnished where there is a shared use of the service by the customer and the general public.

#### B. RATES

- 1. The monthly rates for semi-public telephone service are filed in the Connections with Customer Provided Equipment. (Part VII Sheet 9)
- 2. Extension stations, without dials, may be provided at the filed rate for extension stations service in the exchange where such stations are provided.

#### C. CONDITIONS

- 1. Semi-Public Telephone service may be provided at the option of the Company where the use is shared by the customer and the general public and where the customer permits signs to be placed as the Company deems necessary.
- 2. One directory listing per semi-public telephone may be provided without additional charge.
- 3. Any additional signals required in the provision of this service may be provided at the rates and charges set forth in this Part.
- 4. The customer shall be held liable for any willful damage to the equipment used to provide semi-public telephone services.
- 5. The Company will not be responsible nor held liable for any missed calls to the customer.

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## GENERAL EXCHANGE SERVICE

#### DIRECTORY LISTINGS

#### A. GENERAL

The following rates are applicable to the alphabetic section of the Telephone Devictory for business or residence customers.

#### B. RATES

- 1. Additional or Alternate Listings, Per Listings
- 2. (Deleted, See Price Guide)
- 3. (Deleted, See Price Guide)
- 4. Foreign or Non-Subscriber Service, Per Listing (See Condition 4)

學類

#### C. CONDITIONS

- 1. A primary listing, which may include the same, address and telephone research of the individual, organization, firm or corporation for whom the service has been continued will be furnished at no charge.
  - a. Listings will be limited to such information as is assertably for proper along frames.
  - b. The length of a listing may be bracked by the use of abbreviations where the classic of the listing and the identification of the customer will use be supposed.
  - c. The Company may refuse to usert any lasting which, in my pulgranes, done one facilitate the use of the directory
- 2. Additional listings may be furnished with business or transform service the persons who occupy the same premises at the rates shown above. An additional busing may make the same address and telephone number as the primary housing.

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#### GENERAL EXCHANGE SERVICE

## DIRECTORY LISTINGS (Continued)

#### C. CONDITIONS (Continued)

- An alternate call listing refers a calling party to certain other telephone numbers such as after business hours, on Sundays, holidays, or if there is no answer to the first listed number. Where the alternate call number is that of another customer, the listing will be furnished only with written approval of the other customer.
- A foreign or non-subscriber listing is furnished customers requesting that their listing be included in a directory of an exchange other than that from which service is rendered. The rate for a foreign company listing will be the rate of the company in whose directory the listing appears. The Conditions of Paragraph C 1 above shall apply.
- 5. (Deleted, See Price Guide)
- 6. (Deleted, See Price Guide)
- The charge for additional, alternate or private listings is effective the day the directory assistance record is posted.
- 8. The contract period for directory listings is:
  - For those services that appear in the directory, the directory period; unless the listing is no longer applicable because of disconnection, removal, etc., of the service with which it is associated. The directory period starts on the day the directory is distributed and concludes the day that the succeeding directory is distributed.
  - b For those services that do not appear in the directory, 30 days.

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| antina tarenta area | Robert D. Folan        | President, | Kimball, SD 57355      |  |

#### GENERAL EXCHANGE SERVICE

#### TEMPORARY OR VACATION SUSPENSION

#### A. GENERAL

Temporary Euspension of Service is available for vacation purposes at a reduced rate for customers of residence as 4 single line business service.

#### B. RATES

- The monthly rate will be 50% of the regular rate for the basic and associate additional services suspended.
- 2. No other charges will apply for the suspension and subsequent restoral of service.

#### c. CONDITIONS

The minimum period for which this service may be provided is 30 days, the maximum is 150 days during any 6-month period.

#### SEMI-PUBLIC COIN/COINLESS SERVICE

#### A GENERAL

The Telephone Company will, upon request, provide Semi-Public Coin/Coinless Service in association with Pay Telephone Service access line. This capability allows originating and terminating traffic on the Pay Telephone Service access line, and allows for a listing in the white pages of the directory.

#### B. RATES

The monthly charge for this service is the business individual line found in Section IV of this

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#### GENERAL EXCHANGE SERVICE

# ENTERBATED SERVICES DIGITAL NETWORK (ISDN)

#### 经扩充扩散成L 纖.,

Services Duptal Network is a digital service that provides an integrated voice/data to the customer premises facility, utilizing the public switched network. ISDN data, video, image and facsimile at speeds up to 64 kbit/s per channel via a Basic But Service (BRS). These are serving arrangements which conform to internationally developed, and recognized standards generated by the International Telecommunications Union CHARLETY CLITT.

#### 攤. DEFINITIONS

- 4 Basis Rate Service (BRS) - BRS consists of up to three distinct channels on one pair of were on two B (Bearer) Channels and one D (Delta) Channel. BRS ISDN Service is assistic as flat rate service.
- 104 [ (Brazer) Channel - The B Channel carries circuit-switched voice and/or data seminations at speeds up to 64 kbit/s, from the customer's premises, over the loop family, to the central office.
- D (Delta) Channel The D Channel carries signaling and/or packet data information, at 1 speeds up to 16 kbit/s on BRS, from the customer's premises to the central office. The D Charact has both data and signaling functionality; it does not have voice capability.
- Subscriber Loop (DSL) The ISDN BRS loop from the CO to the customer's 龘 型的影響的計畫的基。

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Robert D. Folun

President .

Kimhall SN 57286

Fig. 4 with thirt I

#### GENERAL EXCHANGE SERVICE

#### STEERATED SERVICES DIGITAL NETWORK (ISDN) (Continued)

#### C. TERMS AND CONDITIONS

- The customer will be responsible for the procurement of associated customer premises equipment (CPE) and will ensure compatibility with the ISDN digital switch serving the
- 2 Service includes a comprehensive 2B+D package. Contained in the standard package are numerous voice and data features. The standard features and functions support to be standard package there is limited flexibility for contained and various optional features can be added. BRS ISDN Service does not offer to Change packet service capabilities.
- The rates and charges specified for BRS ISDN Service are applicable only to customers across across central office has been identified by the Company as having ISDN available.
- An all compatible terminal is a requirement for operation. It is the customer's requirement to obtain and power such equipment. If a power failure occurs at the service location and the terminal equipment used by the customer does not have a battery backup, the apparent will not operate and contact with emergency services, such as 911, may not be providing ISDN service is contingent upon customers understanding that contact to will may be lost in the event of both power failure and battery failure. Analog devices cannot be used on an ISDN line to contact 911.
- Sequency directory listing will be furnished with ISDN service. Additional listings may be provided at the charges and in accordance with the regulations, terms, rates and conditions set with in other sections of this tariff.

#### PARTER AND CHARGES

|   |   |   | Non-Recurring <u>Charge</u> | Monthly<br>Rate |
|---|---|---|-----------------------------|-----------------|
| 等 |   | ne Rate Service<br>Subing Standard Features and Functions |                             |                 |
|   | 弘 | Month-to-Month Flat Rate                                  | \$100.00                    | \$45.00         |

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#### SERVICE CONNECTION CHARGES

#### A. GENERAL

- 1. The Term "Service Connection Charges" is used to define the assertionable charge that for establishment of a class of telephone service or subsequent subsequent of customer.
- 2. Service Connection Charges are in addition to any other schedules with and the common normally applying under the tariffs. They apply a addition to any other the tariffs. They apply a addition to any other the tariffs. They apply a addition to any other than the tariffs are the controlled to the
- 3. Service Connection Charges may be payable at the time application of made for the parameters service or facility, and prior to the establishment of service. Service may be established to advance of payment in the case of Service Connection Charges for additions to the service of existing subscribers and in the case of any service to Departments. Advanced the service of the Federal, State, Courty Township, or Managed Congruences.
- 4. The Charges specified above anticipate work being performed during the normal working hours. If the customer requests that everture be performed as asserting work once to an additional charge based on additional costs analysis apply.

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#### SERVICE CONNECTION CHARGES

#### B. SERVICE CHARGES AND APPLICATION

## 1. Service Ordering Charge

Applies to work involved in receiving, recording, transmitting and acting upon information to connect, move or change telephone service and equipment underly arrangement for directory listing service, checking telephone compatibility with the roll activate, and the accounting records, and completing the associated plant records.

## Exceptions:

- a. Disconnects and Removes:
- b. Vacation rates, in and out;
- c. Temporary service re-established after the destruction or parties destruction of the subscriber's premises by means beyond the control of the subscriber.

(Deleted)

e. Dual directory listings.

## 2. Central Office Access Charge

Applies to the wiring work necessary within the serving control office and for the wares work necessary from the premises protector to the central office to control, move, or charge a new or existing subscriber.

#### **Exceptions:**

- a. Disconnects and removes:
- b. Vacation rate, in or out;
- c. Change from rotary to pushbutton services.

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## SERVICE CONNECTION CHARGES

## SERVICE CHARGES AND APPLICATION (Continued)

## Premises Visit Charges

Company employee is dispatched to the customers premises to connect, as a service or equipment at the request of the customer.

## Lersphans:

- When a second trip is necessary because customer ordered equipment was not available at the time the work was being done;
- When work is being done at the option of the company;

## 4. Equipment Connection Charge

Applies for matalling, connecting, moving or changing a non-key telephone and/or other terminal equipment and services.

## Nate

No charge is applicable if the instrument or other terminal equipment is in place at the tiese service is established and no move or change is requested by the customer.

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## SERVICE CONNECTION CHARGES

## SERVICE CHARGES AND APPLICATION (Continued)

## Essential of Service Charge

restorated suspension of the Telephone Company as described under "General Rules and Restaurants", a restoral charge, in addition to charges due for service connections and service shall apply. If payment has been made or violation has been corrected within five they of date of suspension or violation, a charge of \$20.00 shall apply. After five (5) as \$30.00 charge shall apply plus any applicable new customer connection charges.

## Maintenance of Service Charge

A somewring maintenance of service charge will apply for each repair visit to a customer's security of connection with a service difficulty when it is determined that the difficulty was to a condition in customer-provided terminal equipment connected to Telephone Company Facilities.

## t. VSF Check Charge

A charge of \$20.00 will be made if a check is presented in payment of services and is subsequently returned by the bank for insufficient funds.

|                | March 19, 2001<br>Date | EFFECTIVE: | April 23, 2001  Date | -            |
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| and the second | Robert D. Folan        | President, | Kimball, SD 57355    | <del>-</del> |

## SERVICE CONNECTION CHARGES

Service Order Charge

| New Customer<br>Other            | \$ 6.00<br>3.00 |
|----------------------------------|-----------------|
| Omital Office Access Charge      | 6.00            |
| Promise Visit Charge (Per Visit) | 5.00            |
| Manutemance Service Charge (CPE) | 20.00           |

Special Charges - Line Extensions

Temporary sites such as construction sites, gravel pits, etc.

Actual Labor, Vehicle and Material Costs

**EXCEPTIONS:** Charges do not apply to vacation disconnects and reconnects. Charges do not apply to name changes caused by death.

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By: <u>Robert D. Folan</u>, <u>President</u>, <u>Kimball, SD 57355</u> Name Title Address

## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## A. GENERAL

- 1. Connections of Customer-Provided Registered Protective Circuitry or Registered Terminal Telephone Equipment under Part 68 of the Federal Communications Commission's Rules and Regulations.
  - a. Customer-Provided Protective Circuitry or Terminal Equipment may be connected at the customer's premises to services furnished by the Telephone Company subject to the provisions of Part 68 of the Federal Communications Commission's Rules and Regulations and the following.
  - b. The use of customer-provided equipment shall not require change in, or alternation of the equipment or other services of the Telephone Company.
  - c. The Telephone Company may make changes in its communications services, operations or procedures, where such action is not inconsistent with Part 68 of the Federal Communications Commission's Rules and Regulations.
  - d. All the combinations of customer-provided registered terminal equipment, registered protective circuitry, and associated nonregistered terminal equipment (including but not limited to wiring), shall be installed, operated and maintained so that the requirements of Subpart D of Part 68 of the Federal Communications Commission's Rules and Regulations are continually satisfied.
  - e. No combinations of customer-provided registered terminal equipment, repaired protective circuitry, and associated nonregistered terminal equipment (including but not limited to wiring), shall cause electrical hazards to Telephone Company personnel, damage to Telephone Company equipment, malfunction of Telephone Company billing equipment, or degradation of service to persons other than the user of the subject terminal equipment, his calling or called party. The Telephone Company may discontinue service for failure to comply with these provisions.

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Robert D. Folan

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## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## A. GENERAL (Continued)

- (Continued)
  - f. The customer shall notify the Telephone Company of each line to which protective circuitry of terminal equipment is to be connected in advance of such connection and shall notify the Telephone Company when such protective circuitry or terminal equipment is permanently disconnected. The customer shall provide the Telephone Company the Registration Number and Ringer Equivalence Number for the protective circuitry to terminal equipment.
  - g. The customer shall not connect protective circuitry or terminal equipment to a Telephone Company line if: (1) the Ringer Equivalence of such equipment in combination with the total Ringer Equivalence of other equipment connected to the same line exceeds the allowable maximum for that line as determined by the Telephone Company, or (2) the ringer type is not a ringer type designated by the Telephone Company as suited for that particular line.
  - h. All connections of protective circuitry or terminal equipment to services furnished by the Telephone Company shall be made through Telephone Company provided standard jacks, except that registered terminal equipment or protective circuitry furnished by the customer which involves hazardous or inaccessible locations, where authorized to be connected to local exchange service under these tariffs filed with appropriate regulatory agencies, may be connected with Long Distance Telecommunications. Service furnished by the Telephone Company.

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## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## B. VIOLATION OF REGULATIONS

1. Where any customer-provided equipment is used in violation of any of the growth of the tariff, the Telephone Company will take such mentionals account to the protection of the network, and will promptly notify the customer of the violation and customer shall discontinue such use of the equipment of correct the violation has been confirm in writing to the Company within 10 days, following the receipt of units of the customer to discontinue such use or to correct the violation has been confirmation to the Telephone Company within the time state of the sustained and suspension of the customer's service until such time as the sustained complete.

## C. CONNECTIONS OF CUSTOMER-PROVIDED PRY AND KEY TELEPHONE SYSTEMS

- 1. Customer-provided PBX or key telephone systems may be connected at the customer's premises as follows:
  - a. As set forth in A 1, preceding when the customer provided PRX or key with the system is registered in accordance with Par. 68 of the Pederal Commission's Rules.
  - b. As set forth in A 1, preceding when the customer-prevaled PMX as key satisficant system is connected through customer-provided registered protective customer accordance with Part 68 of the Federal Communications Communications Rules.
  - c. Through customer-provided protective energy which is of a past directly communication of May 1, 1975, in providence with Part 45 of the Fudicial Communications Communications Rules
  - d. Through acoustic or industrive consecutions appeared under the requirement of the Federal Communications Communications Section.

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## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## PUBLIC AND SEMI-PUBLIC SERVICE

## PRIME RECEIVE LINE SERVICE (PAL)

## A GENERAL

- Pale Access Line Service will apply for use with customer-provided coin-operated or security appropriated telephones at locations accessible to the public, e.g., stores, business places, metading bearing or rooming houses and school or college buildings, where desired by the premises.
- In examples where neither measuring or metering capabilities exist, service will be offered as that take basis with no usage. A customer shall be required to convert to the measured metered tariff when the Central Office is converted to accommodate measured metered service, if requested to do so by the telephone company.
- Descript listings may be provided under the regulations governing the furnishing of listings for human line subscribers. However, listings (not indicating a business or provided in connection with Public Access Line Service furnished at boarding or formula houses or at other locations where the party desiring the additional listings resides, are furnished under the regulations covering the furnishing of listings in connection with residence main line service.

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| Robert D. Folan     | President , | Kimball, SD 57355      |

## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## PUBLIC AND SEMI-PUBLIC SERVICE

## PUBLIC ACCESS LINE SERVICE (PAL) (Continued)

## B. RESPONSIBILITY OF THE CUSTOMER

- 1. The customer shall be responsible for the installation, operation, and manufacture of any customer-provided coin-operated or noncoin-operated telephones used in connection with this service.
- 2. The customer shall be responsible for the payment of a Trouble Isolation Charge for visits by a Telephone Company employee to the customer's premises when a service difficulty of trouble report results from the use of customer-provided com-operated or noncompanied telephones. The Owner of the pay station or responsible party will be contacted prior to sending an employee out to find the problem.
- 3. The customer shall be responsible for payment of charges for all tell messages organized from or accepted at this type of service.
- 4. Customer-provided coin-operated telephones and noncom-operated telephones must be registered in compliance with Part 68 of the FCC's Registration Program or consisted behave on FCC registered coupler and have the following operational characteristics
  - a. Must be able to access the Telephone Company Operator at no charge and welfare using a coin.
  - b. Must be able to access 911 Emergency Service, where available, at the charge and without using a coin.
  - c. When access to long distance is provided, must be able to access all interestiblings carriers.
  - d. Must comply with all applicable federal, state, and local laws and segulations concerning the use of these telephones by disabled persons.
  - e. The owner of a customer-owned pay station may restrict his pay phone to local dely calls if he so chooses. That is, the owner may block the long distance call paid for by cash (1+).

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## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## PUBLIC AND SEMI-PUBLIC SERVICE

## PUBLIC ACCESS LINE SERVICE (PAL) (Continued)

## B. RESPONSIBILITY OF THE CUSTOMER (Continued)

Each customer-owned pay telephone must prominently display the name of the owner of such instrument, the procedure for reporting service difficulties and obtaining customer refunds, and the percentage or range of percentages by which the cost of long distance service is increased to the user of such equipment.

## C. VIOLATION OF REGULATIONS

- 1. Where any customer-provided coin-operated or noncom-operated telephone is in violence of this Tariff, the Telephone Company will promptly notify the customer of the violence and will take immediate action, including the disconnection of service, as is necessary for the protection of the telecommunications network and Telephone Company employees.
- 2. The customer shall discontinue use of the customer-provided com-operated or management operated telephone or correct the violation and notify the Telephone Company in writing within 5 days after receipt of such notice that the violation has been corrected.
- 3. Failure of the customer to discontinue such use or to correct the violation will result in the suspension of the customer's service until such time as the customer complies with the provisions of this tariff.

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## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## PUBLIC AND SEMI-PUBLIC SERVICE

## PUBLIC ACCESS LINE SERVICE (PAL) (Continued)

#### D. RATES

- Service Charges apply in addition to other charges specified for Public Access Line Service. 1.
- 2. The "local message" from Public Access Line Service served by a given exchange is a completed local call, originating at such service and terminating at any service which may be called, without toll charge, from all other service served by the exchange concerned
- The subscriber to Public Access Line Service may charge users of their telephones for sail is 3. Directory Assistance.

#### E. COIN SUPERVISION SERVICE

Name

The Telephone Company will provide Com Supervision Service in communication with FAL Service to Payphone Service Providers (PSPs) who order local exchange service lines for the providers of pay telephone service and where the pay telephone equipment connected to the local exclusive service lines requires central office coin supervision capability. The local exchange service base used for the provision of pay telephone service are obtained from and subject to the terms and conditions under the Telephone Company's general and/or local tantils.

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| By:     | Robert D. Folan        | President . |  |

MIDSTATE TELECOM, INC.

TELEPHONE TARIFF

PART VII Original Sheet 8

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## CONNECTIONS WITH CUSTOMER-PROVIDED EQUIPMENT

## PUBLIC AND SEMI-PUBLIC SERVICE

PUBLIC ACCESS LINE SERVICE (PAL)

MONTHLY RATES

Public Access Line Service

Rate

Group

All

\$32.00

COIN SUPERVISION SERVICE

Monthly Recurring Charge

Per Line Equipped

\$ 2.21

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## LOW INCOME ASSISTANCE PROGRAM

### A. LIFELINE SERVICE

1. Lifeline service is a program that assists qualified low-income applicants with reduced their monthly local exchange service rate. Lifeline service includes where grade across the public switched network, local usage, dual-tone multi-frequency signaling of functional equivalent, single party service or its functional equivalent, access to enterexchange services, access to operator services, access to interexchange service, access to discuss assistance, and toll limitation (except to the extent a warver from having to provide the limitation has been granted by the South Dakota Public Utilities Commission.

The assistance provided through the Lifeline program applies to a sagic telephone line of the applicant's principal place of residence. Qualified applicants shall have their monthly local exchange service rate reduced by \$1.75, thus allowing the federal support of \$1.75, and addition to the \$3.50 of baseline federal support used to reduce the Lifeline construction residential rate. The total monthly credit provided is \$5.25

## 2. ELIGIBILITY REQUIREMENTS

To be eligible for assistance, an applicant that participate in one of the following.

- a. Medicaid (e.g. Title XIX/Medicai, state supplemental assistance)
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LIEAP)

The Lifeline customer is responsible for notifying the Company of the outsides to participate in any of the public assistance programs toxed above

## 3. APPLICATION FOR ASSISTANCE

Robert D. Folan

In applying for Lifeline service, the qualified customer must certify under penalty of penalty that they are currently participating in at least one of the above tested qualified assistance programs. An applicant shall request telephone assistance through company.

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President .

## LOW INCOME ASSISTANCE PROGRAM

## A. LIFELINE SERVICE (Continued)

## 4. RATES

| a. | Lifeline Service | • | Waiver of Federal End-User Comme |                                       |
|----|------------------|---|----------------------------------|---------------------------------------|
|    | Total            | • | Additional Federal Suppost       | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 |

- b. Toll blocking shall be included with this service offering without charge. We service deposit is required if applicant voluntarily elects toll blocking with the constant of Lifeline Service. However, one month's local service charges may be required to be paid in advance.
- c. LEC will not disconnect Lifetime service for non-payment of this charges.
- d. Any Lifeline partial payments will be applied first to local service charges than to talk charges.

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By: Robert D. Folan President Links II 1

## LOW INCOME ASSISTANCE PROGRAM

#### Ħ. LINK UP ASSISTANCE

- The Link Up Program is a plan which assists qualified low-income applicants with reduced service connection charges. The assistance applies for a single telephone line at the applicant's principal place of residence. A reduction of fifty percent of all service connection charges, or \$30.00, whichever is less, will be provided to qualified applicants.
- 2. The consumer shall receive the benefit of the Link Up Program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which Link Up assistance was provided previously.

#### **ELIGIBILITY REQUIREMENTS** 3.

To be eligible for assistance, an applicant must participate in one of the following:

- Medicaid (e.g. Title XIX/Medical, state supplemental assistance) a.
- Food Stamps b.
- Supplemental Security Income (SSI) C.
- Federal Public Housing Assistance d.
- Low-Income Home Energy Assistance Program (LHEAP) e.

#### APPLICATION FOR ASSISTANCE 4.

An applicant shall request telephone connection assistance through completion of a form provided by the Company.

#### CHARGES AND DEFERRED PAYMENTS 5.

- a. All customary service connection charges for installing basic residential telephone service, except security deposits, shall be reduced by 50% or \$30.00, whichever is less. The assistance does not extend to inside wiring.
- An applicant may defer payment of the service connection charges. Payments may be b. deferred up to 12 months for connection charges up to \$200.00. Interest will not be charged on deferred payments.

| ISSUED: | March 19, 2001<br>Date | EFFECTIVE:  | April 23, 2001 Date |
|---------|------------------------|-------------|---------------------|
| Ву:     | Robert D. Folan, Name  | President . | Kimball, SD 57358   |

Address

## LOW INCOME ASSISTANCE PROGRAM ON TRIBAL LAND

## A. LIFELINE SERVICE ON TRIBAL LAND

1. Lifeline Service on Tribal Land is a program that assists qualified low-income applicants with reductions in their monthly local exchange service rate. Lifeline Service on Tribal Land includes: voice grade access to the public switched network, local usage, dual-tone multifrequency signaling or its functional equivalent, single party service or its functional equivalent, access to emergency services, access to operator services, access to interexchange service, access to directory assistance, and toll limitation (except to the extent a waiver from having to provide toll limitation has been granted by the South Dakota Public Utilities Commission "SDPUC").

The assistance provided through the Lifeline Program on Tribal Land applies to a single telephone line at the applicant's principal place of residence. Qualified applicants shall have their monthly local exchange service rate reduced by \$1.75, thus allowing the federal support of \$1.75, in addition to the \$3.50 of baseline federal support used to reduce the Lifeline Service on Tribal Land customer's residential rate. The total monthly credit provided is \$5.25. In addition, a qualified applicant's Local Service on Tribal Land may be discounted up to a total of \$25.00 per month requiring the applicant to pay a minimum monthly Lifeline Service on Tribal Land rate of \$1.00.

## 2. ELIGIBILITY REQUIREMENTS

To be eligible for assistance, an applicant must participate in one of the following:

- a Medicaid (e.g. Title XIX/Medical, state supplemental assistance)
- b. Food Stamps
- e. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e Low-Income Home Energy Assistance Program (LHEAP)
- f. Bureau of Indian Affairs (BIA) General Assistance Program
- g Tribally-administered Temporary Assistance for Needy Families
- h. Head Start (meeting income qualifying standards)
- National School Lunch Program's Free Lunch Program

The Lifeline Service on Tribal Land customer is responsible for notifying the Company if the customer ceases to participate in any of the public assistance programs listed above.

## 3. APPLICATION FOR ASSISTANCE

In applying for Lifeline Service on Tribal Land, the qualified customer must certify under penalty of perjury that they are currently participating in at least one of the above listed qualifying public assistance programs. An applicant shall request telephone assistance through completion of a form provided by the Company.

| ISSUED: | March 19, 2001  Date | EFFECTIVE: | April 23, 2001  Date |
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| Har-    | Robert D. Folan      | President  | Kimball SD 57355     |

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## LOW INCOME ASSISTANCE PROGRAM ON TRIBAL LAND

## A LIFELINE SERVICE ON TRIBAL LAND (Continued)

## 4. RATES

|    |                   |   | Monuny Creme   |
|----|-------------------|---|----------------|
| 益. | Lifeline Service  | - Waiver of Federal End-User Common Line Charge     | \$ 3.50        |
|    |                   | - Additional Federal Support                        | 1.75           |
|    |                   | - Additional Lifeline on Tribal Lands Local Service |                |
|    |                   | Rate Reduction - Maximum                            | <u>25.00</u> * |
|    | Total Potential C | Credit  | \$30.25        |

- b. Toll blocking shall be included with this service offering without charge. No service deposit is required if applicant voluntarily elects toll blocking with the initiation of Lifeline Service on Tribal Land. However, one month's local service charges may be required to be paid in advance.
- e. LEC will not disconnect Lifeline Service on Tribal Land for non-payment of toll charges.
- d. Any Lifeline Service on Tribal Land partial payments will be applied first to local service charges then to toll charges.
- \* Additional Lifeline on Tribal Land local service reduction per qualified applicant up to \$25.00 per month requiring a minimum monthly Lifeline rate of \$1.00 for local service on Tribal Land.

| issued:  | March 19, 2001<br>Date | EFFECTIVE:                  | April 23, 2001<br>Date    |
|--|------------------------|-----------------------------|---------------------------|
| The second secon | Robert D. Folan,       | <u>President</u> ,<br>Title | Kimball, SD 57355 Address |

## LOW INCOME ASSISTANCE PROGRAM ON TRIBAL LAND

## ILINK UP ASSISTANCE ON TRIBAL LAND

- 1. The Link Up Program on Tribal Land is a plan which assists qualified low-income applicants with reduced service connection charges. The assistance applies for a single telephone line at the applicant's principal place of residence. A reduction of fifty percent of all service connection charges, or \$30.00, whichever is less, will be provided to qualified applicants.
- 2. The consumer shall receive the benefit of the Link Up Program on Tribal Land for a second or subsequent time only for a principal place of residence with an address different from the residence address at which Link Up Assistance on Tribal Land was provided previously.

## 3. ELIGIBILITY REQUIREMENTS

To be eligible for assistance, an applicant must participate in one of the following:

- a. Medicaid (e.g. Title XIX/Medical, state supplemental assistance)
- b. Food Stamps
- c. Supplemental Security Income (SSI)
- d. Federal Public Housing Assistance
- e. Low-Income Home Energy Assistance Program (LHEAP)
- f. Bureau of Indian Affairs (BIA) General Assistance Program
- g. Tribally-administered Temporary Assistance for Needy Families
- h. Head Start (meeting income qualifying standards)
- National School Lunch Program's Free Lunch Program

## 4. APPLICATION FOR ASSISTANCE

An applicant shall request telephone connection assistance through completion of a form provided by the Company.

## 5. CHARGES AND DEFERRED PAYMENTS

a. All customary service connection charges for installing basic residential telephone service, except security deposits, shall be initiated by paying up to half of the first \$60.00. The assistance does not extend to inside wiring.

An additional \$70.00 will be provided to cover 100 percent of remaining charges associated with installing basic residential service (between \$60.00 and \$130.00) for a maximum support amount of \$100.00 for initiating service on Tribal Land for qualifying local subscribers.

b. An applicant may defer payment of the service connection charges. Payments may be deferred up to 12 months for connection charges up to \$200.00. Interest will not be charged on deferred payments.

| ISSUED: March 19, 2001 |      | EFFECTIVE: | April 23, 2001 |
|------------------------|------|------------|----------------|
|                        | Date |            | Date           |

## SOUTH DAKOTA SWITCHED ACCESS SERVICES

- A. CONCURRENCE IN RATES, TERMS AND CONDITIONS OF LOCAL EXCHANGE CARRIER ASSOCIATION, INC. TARIFF NO. 1
  - 1. Midstate Telecom, Inc. concurs in the rates, terms and conditions, except as noted below of Local Exchange Carrier Association, Inc. Tariff No. 1 governing intrastate Access Service as filed by the Local Exchange Carrier Association, Inc. in the State of South Dakota. Midstate Telecom, Inc. concurs in the current Local Exchange Carrier Association, Inc. Tariff No. 1 as of March 19, 2001 as shown by the attached TARIFF CHECKLIST pages. The only exceptions to this concurrence are the attached pages 17-1 and 17-4, which replace the current Local Exchange Carrier Association, Inc. Tariff No. 1 pages 17-1 and 17-4.
  - 2. Midstate Telecom, Inc. hereby expressly reserves the right to cancel or void this statement of concurrence at any time consistent with state law and the best inverses of Midstate Telecom, Inc. by filing a replacement tariff with the South Dekota Public Utilities Commission.

## SOUTH DAKOTA SWITCHED ACCESS SERVICES

## 17. Rates and Charges

## 17.1 Common Line Access Service

## 17.1.1 Carrier Common Line Access Service

Bail:

Regulations concerning Carrier Common Line Access are set forth in Section 3. Preceding

Per Access Minute

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## 17.1.2 Reserved for Future Use

## SOUTH DAKOTA SWITCHED ACCESS SHRVE IS

| 17. Rates and Charges (Cont't)   |   |  |  |  |
|--|---|--|--|--|
| 17.2 Switched Access Service   |   |  |  |  |
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# TARIFF CHECKLIST All Pages Are Original Union Otherwise Name

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Issued: November 30, 1998

Effective: January L. 1999

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\* New This Issue

Issued: January 16, 2001

Effective: February 1, 2001

By: Dean Anderson President P.O. Box 920 Clear Lake, SD 57226

## RECEIVED

## INDEMNITY BOND

APR 9 6 2001

to the

## PEOPLE OF THE STATE OF SOUTH DAKOTA

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

Bond Number 37 S 103319694 RCV

| We, MIDSTATE TELECOM, INC.                | , the principal and applicant                   |
|---|---|
|   | CAL EXCHANGE CARRIER telecommunications         |
|   | kota and TRAVELERS CASUALTY AND SURETY CO.      |
| OF AMERICA , as an admitted surety in     |   |
|   | South Dakota and the consumers of South         |
| Dakota as Obligee, in the sum of \$25,    | 000.00.   |
| The conditions of the obligation          | are such that the principal, having been        |
| granted such CERTIFICATE OF AUTHORITY     | subject to the provision that said              |
| principal purchase this Indemnity Bon     | d, and if said principal shall in all           |
| respects fully and faithfully comply      | with all applicable provisions of South         |
| Dakota State Law, and reimburse custo     | omers of <u>MIDSTATE TELECOM., INC.</u>         |
| for any prepayment or deposits they h     | ave made which may be unable or unwilling       |
| to return to said customers as a resu     | ilt of insolvency or other business failure,    |
| then this obligation shall be void, d     | lischarges and forever exonerated, otherwise    |
| to remain in full force and effect.       |   |
| This bond shall take effect as o          | of the date hereon and shall remain in          |
| force and effect until the surety is      | released from liability by the written          |
| order of the Public Utilities Commiss     | sion, provided that the surety may cancel       |
| this Bond and be relieved of further      | liability hereunder by delivering thirty        |
| (30) days written notice to the Publi     | le Utilities Commission. Such cancellation      |
| shall not affect any liability incurr     | red or accrued hereunder prior to the           |
| termination of said thirty (30) day p     | period.   |
| Dated this <u>14th</u> day of <u>Marc</u> | h , 20 OI                                       |
| To Be Effective this <u>lst</u> day       | of February . 2001                              |
| 1 . 11.0.                                 |   |
| Original bond is                          | MIDSTATE TELECOM, INC.                          |
| in Allaines bollom                        | Principal                                       |
| Nach Rasiner                              | Talent O Delen                                  |
| Countersigned this 14th day of            | Ву  |
| <u>March</u> , 2001                       |   |
| William MVa angl                          | TRAVELERS CASUALTY AND SURETY COMPANT OF AMERIC |
| South Dakota Resident Agent               | By Deanua D. Renson Attorney-in-fact            |

# TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA TRAVELERS CASUALTY AND SURETY COMPANY FARMINGTON CASUALTY COMPANY

Hartford, Connecticut 68483-9062

## POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY (S) AND ACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the Cay of distinct, County of Hartford, State of Connecticut, (hereinafter the "Companies") both made, constitute and appoint. Deanna D. Hanson, James E. Van Camp, William M. Van Camp, of Pierre, South Dakota, their true and lawful Attorney(s)-in-Fact, with full power and authority bereby conferred to sign, execute and extraordises, at any place within the United States, the following instrument(s) by his/her sele signature and set, any and all hondare recognizances, contracts of indemnity, and other writings obligatory in the entere of a bond, recognizance, or companies undertaking and any and all consents incident thereto and to bind the Companies, thereby as faily and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Amorney(s)-in-Fact, presented to the authority herein given, are hereby ratified and confirmed

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Season Vice President, any Vice President, any Vice President, any Second Vice President, any Vice President, any Second Vice President, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appear Attentional fines and Agents to act for and on behalf of the company and may give such appearance such authority as his or her continue of authority may appearance to sign with the Company's name and seal with the Company's seal broads, recogniseness, continues of authority and affects of the freed of December at any time may appear to the nature of a bond, recognizance, or conditional undertaking, and are of seal officers or the freed of December at any time may further appointee and revoke the power given him or her

VOTED: That the Chairman, the President, any Vice Chairman, are 5 vecutive Vas President, are Some Vice President in any delegate all or any part of the foregoing authority to one or more officers as completents of this Company, provided that much study delegated in writing and a copy thereof is filed in the office of the Secretary

VOTED: That any bond, recognizance, contract of indepenty, or writing obligatory is the native of a bond, recognizance, or indifficulty undertaking shall be valid and binding upon the Company when (a) signed by the Precident, one Vine Charmens, one Leagueste Vine President, any Second Vine President, the Treatment, one Assessment Treatment, the Company is any Assistant Secretary and duly attested and scaled with the Company's scale by a Southern or Assessment Southern, or the daily remarked purplet scale, if required) by one or more Attorneys-in-like and Agents pursuant to the prove presentation in the or for containing or their containing of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and scaled by faccionic inectionical or pointed) under and by authority of the following Standing Resolution voted by the Beards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers. President, any Examine. Visit Provident, are Seese Visit Provident, any Visit President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the soul of the Company may be afford by Secretary power of attorney or to any certificate relating thereto appointing fessions. Providents, Resident Assistant Secretaries of Allertage Part for purposes only of executing and attesting bonds and undertakings and other writings addingstery to the nation flowers, and any much provide a discount or certificate bearing such facsimile signature or facsimile seal shall be valid and building upon the Company on the faces with respect to any limit or undertaking to which it is attached

WITNESS WHEREOF, TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY have caused this instrument to be sized by their Senior Vice President and their corporate seals to be hereto affixed this 15th day of December 2000.

STATE OF CONNECTICUT

ISS. Hartford

COUNTY OF HARTFORD







TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY

George W. Thompson Senior Vice President

On this 15th day of December, 2000 before me personally came GEORGE W. THOMPSON to me known, who, being by me duly swam, did depose and say: that he/she is Senior Vice President of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA. TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, the corporations described in and which executed the above instrument; that he/she knows the scals of said corporations; that the seals affixed to the said instrument are such corporate scals; and that he/she executed the said instrument on behalf of the corporations by authority of his/her office under the Standing Resolutions thereof.



Marie C Letreault

My commission expires June 30, 2001 Notary Public Marie C. Tetreault

## CERTIFICATE

In the undersigned, Assistant Secretary of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, stock corporations of the Same of Connecticut, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney and Certificate of Authority remains in full force and has not been revoked; and furthermore, that the Standing Resolutions of the Boards of Directors, as set forth in the Certificate of Authority, are now in force.

Signed and Scaled at the Home Office of the Company, in the City of Hartford, State of Connecticut. Dated this 14th day of March 2001.







Kori M. Johanson

Assistant Secretary, Bond

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

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|-----|------|-----|------|----|-----|--------|-------|-------|
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| Da  | KOT. | 4   |      |    |     |        |       |       |

ORDER GRANTING
CERTIFICATE OF
AUTHORITY AND ORDER
GRANTING PETITION FOR
WAIVER
TC01-007

On January 18, 2001, the Public Utilities Commission (Commission) received an application for a certificate of authority from Midstate Telecom, Inc. (Midstate) and for a certificate switched access tariff no. 1 which is concurrent with the rates, and conditions of the current LECA tariff no. 1, with the exception of the switched access rates which are based upon a statewide average. Additionally, Midstate requested access rates based on application from the requirement to develop intrastate switched access rates based on application from the requirement to develop intrastate switched access rates based on application from the requirement to develop intrastate switched access rates based on application from the requirement to develop intrastate switched access rates based on application from the requirement to develop intrastate switched access rates based on application from the requirement to develop intrastate switched access rates based on a state of the current LECA tariff no. 1 which is concurrent with the rates, and conditions of the current LECA tariff no. 1, with the exception of the switched access rates are considered access.

Midstate proposes to offer local exchange telecommunications services in South A proposed tariff was filed by Midstate.

On January 25, 2001, the Commission electronically transmitted notice of the filing and the intervention deadline of February 9, 2001, to interested individuals and entities. No patitions to intervene or comments were filed and at its regularly scheduled April 17, meeting, the Commission considered Midstate's request for a certificate of authority, and its intrastate switched access tariff no. 1 and a waiver from establishing switched access rates based on company specific costs. Commission Staff recommended granting accordance of authority, subject to a continuous \$25,000 surety bond, and subject to rural categories. Commission Staff further recommended a waiver of ARSD 20:10:32:03(11) and (14) Staff recommended approving the switched access tariff no. 1 and granting the exception for one year

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 45-31. specifically 49-31-18, 49-31-19, 49-31-69 and ARSD 20:10:27:11 and ARSD 20:10:32:03. The Commission finds that Midstate has met the legal requirements extension for the granting of a certificate of authority. Midstate has, in accordance with SDCL 49-31-71, demonstrated sufficient technical, financial and managerial capabilities after telecommunications services in South Dakota. Further, the Commission finds that a good cause to waive subparagraphs (11) and (14) of ARSD 20:10:32:03 and grant petition for exemption from developing company specific cost-based switched access parsuant to ARSD 20:10:27:11 for one year and approve Midstate's intrastate access tariff no 1 pursuant to ARSD 20:10:27:12.

The Commission approves Midstate's application for a certificate of authority, when to a continuous \$25,000 surety bond, and subject to rural safeguards, and grants to accomption from developing company specific cost-based switched access pursuant to ARSD 20 10 27 11 for one year and approves Midstate's intrastate

witched access tariff no. 1 pursuant to ARSD 20:10:27:12. The certificate of authority for bid state shall authorize it to offer local exchange services in South Dakota, except in those areas served by a rural telephone company. In the future, should Midstate choose provide local exchange services statewide, with respect to rural telephone companies, Midstate will have to come before the Commission in another proceeding before being able to provide local service in that rural service area pursuant to 47 U.S.C. § 253(f) which allows the Commission to require a company that seeks to provide service in a rural service area to meet the requirements in 47 U.S.C. § 214(e)(1) for designation as an aligned telecommunications carrier. In addition, the granting of statewide certification will not affect the exemptions, suspensions, and modifications for rural telephone companies found in 47 U.S.C. § 251(f). It is therefore

ORDERED, that Midstate's application for a certificate of authority to provide local acchange services is granted, subject to a continuous \$25,000 surety bond; and it is

FURTHER ORDERED, that Midstate shall file informational copies of tariff changes with the Commission as the changes occur; and it is

FURTHER ORDERED, that the Commission shall authorize Midstate to offer its local exchange services in South Dakota, except in those areas served by a rural telephone company; and it is

FURTHER ORDERED, that the Commission finds good cause to waive subparagraphs (11) and (14) of ARSD 20:10:32:03; and it is

FURTHER ORDERED, that Midstate's petition to be exempt from establishing company specific cost-based switched access rates is granted for one year and its intrastate switched access tariff no. 1 is approved.

Dated at Pierre, South Dakota, this 4th day of April, 2001.

The undersigned hereby certifies that this excepted has been served today upon all parties of recept in this docket, as listed on the docket service list, by facsimile or by first class mail, in preparty addressed envelopes, with charges crepted thereon.

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

S A. BURG. Chairman

PAM NELSON, Commissioner

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

## CERTIFICATE OF AUTHORITY

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

Authority was Granted as of the date of the Order Granting Certificate of Authority Docket No. TC01-007

This is to certify that

MIDSTATE TELECOM, INC.

is authorized to provide local exchange services in nonrural areas in South Dakota.

This certificate is issued in accordance with SDCL 49-31-69 and ARSD 20 12 03, and is subject to all of the conditions and limitations contained in the rules and statutes governing its conduct of offering telecommunications

Dated at Pierre, South Dakota, this 34th day of april, 2001.

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION:

UTILITIES COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner

- ATTOMMENT AT LAW-

泰羅 義雄素 計程: \* 建設 卷AST CAPITOL \* PIERRE. SOUTH DAKOTA 57501-1117 \* TELEPHONE 605-224-7889 \* FACSIMILE 605-224-9060

BRIAN B. MEYER DARLA POLLMAN ROGERS

April 23, 2001

Keith Senger Public Utilities Commission 500 East Capitol Avenue Pierre, South Dakota 57501

Re

SDPUC Docket TC01-007

Application of Midstate Telecom, Inc. for a Certificate of Authority

Dear Keith:

At the April 17, 2001, hearing on Midstate Telecom, Inc.'s CLEC Application, we agreed to revise the liability language on one page of the tariff. You will find the revised page enclosed herein.

Please substitute the current page in the tariff (Part II, Original Sheet 2) with this page.

Thank you for your cooperation. Please call me should you have any questions.

Sincerely yours,

Darla Poliman Rogers

Attorney at Law

DPR/ph

CC: Karen Cremer

Mark Benton

Don Lee

HECEVED

APR 2.5 2001

SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

## GENERAL RULES AND REGULATIONS

## B. OBLIGATION AND LIABILITY OF TELEPHONE COMPANY

## 1. Availability of Facilities

a. The Telephone Company's obligation to furnish exchange and access telephone service is dependent upon its ability to secure and retain, without unreasonable expense, suitable facilities and rights for such facilities.

## 2. Allowance for Failure of Service

a. The Telephone Company does not guarantee uninterrupted service. In case service is interrupted other than by the negligence or willful act of the customer, an adjustment will be made upon request of the customer in the amount of the charges for that portion of the service rendered inoperable. Any adjustment shall apply only if the interruption continues beyond twenty-four (24) hours after first noted by the Telephone Company. Any other liability shall be determined in accordance with SDCL 49-13-1 and 49-13-1.1.

## 3. Directory Errors and Omissions

- a. Claims for damages due to errors or omissions in directory listings will be limited to one-half the local service charges for the customer service during the affected period.
- b. In the cases of extra listings in the alphabetical section of the directory for which a charge is made, the Telephone Company's liability shall be limited to an amount not to exceed the established rate for such listing for the directory period in which the error or omission occurs.

## 4. Transmitting Messages

Name

a. The Telephone Company does not transmit messages, but offers the use of its facilities, where available, for communications between parties, subject to the rules, regulations, and conditions specified in this Tariff.

| ISSUED:     | March 19, 2001  Date | EFFECTIVE:  | April 23, 2001  Date |  |
|-------------|----------------------|-------------|----------------------|--|
| <b>A</b> us | Robert D. Folan      | President . | Kimball SD 57355     |  |

Title

Address