



TC03-072

NOWALSKY, BRONSTON & GOTHARD

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Monica Borne Haab  
EllenAnn G. Sands  
Bruce C. Betzer  
Philip R. Adams, Jr.

April 21, 2003

**RECEIVED**

APR 23 2003

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

*Via Express Delivery*

Executive Secretary  
South Dakota Public Utilities Commission  
500 E. Capitol Avenue  
Pierre, SD 57501-5070

RE: Horizon Telecom, Inc.

Dear Sir:

Enclosed herewith for filing please find an original and ten (10) copies of the Application of Horizon Telecom, Inc. for authority to provide interexchange telecommunications services in South Dakota. The requisite \$250.00 filing fee is enclosed.

Please date stamp and return the attached copy of this letter as acknowledgment of your receipt of these documents. A self-addressed, stamped envelope has been provided for this purpose.

If you should have any questions regarding this filing, please do not hesitate to call.

Sincerely,



Monica Borne Haab

Enclosure

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA

RECEIVED

APR 23 2003

SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION

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

Docket No. \_\_\_\_\_

APPLICATION

Horizon Telecom, Inc. ("Horizon" or "Applicant") hereby submits this application for certificate of authority to provide interexchange intrastate telecommunications service within the State of South Dakota on a resale basis. In support of its application, Applicant provides the following information:

**§20:10:24:02. Certificate of authority for interexchange service.**

1. The Applicant is a corporation whose legal name, principal address and telephone number, facsimile number, website and E-Mail address are as follows:

Horizon Telecom, Inc.  
2323 S. Washington Ave.  
Suite 210  
Titusville, Florida 32780  
Phone: (321) 268-3497  
Fax: (321) 268-8667  
Website: None  
Customer Service E-Mail: longdis@bellsouth.net

2. The Applicant will provide interexchange services under its legal name Horizon Telecom, Inc.

3. (a) The Applicant is a Nevada corporation established on September 14, 2000. The Certificate of Authority from the South Dakota Secretary of State is attached as Exhibits A.

(b) The Company will not have any offices in South Dakota. The Company's registered agent in South Dakota is:

National Registered Agents, Inc.  
300 South Phillips Ave., Suite 300  
Sioux Falls, SD 57104

(c) The name and address of each individual owning a 20% or greater ownership interest in Horizon Telecom, Inc. is as follows:

Deborah Secret President/Director 2323 S. Washington Ave. Suite 210 Titusville, FL32780	100%
---	------

4. The Applicant is not a partnership.

5. The Applicant intends to provide resold interexchange long distance services to residential and business customers.

6. The Company will provide its interexchange services on a resale basis utilizing the underlying facilities of Global Crossing.

7. The Applicant will offer interexchange services on a statewide basis in South Dakota.
8. Current Financial statements for the Applicant including balance sheet and income statements are attached as Exhibit B.

As a privately held company, the Applicant does not have annual reports or reports to stockholders.

A copy of the Company's tariff containing the terms and conditions of service is attached as Exhibit C.

9. The name, address, telephone number, fax number, e-mail address, and toll free number of the Applicant's representative to whom all inquiries must be made regarding complaints and regulatory matters:

Deborah Secret, President  
2323 S. Washington Ave.  
Suite 210  
Titusville, FL 32780  
Ph. (321) 268-3947  
Fx. (321) 268-8667

The Applicant's customer billing procedure is handled by its billing agent Integretel.

The Applicant's customer service matters are handled in-house by its Customer Service representatives. Each customer service representative is trained and authorized to resolve customer service issues.

10. The Applicant is authorized to provide interexchange service in Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming, and is in the process of initiating services in these states. The Applicant has not been denied authority to operate in any state. The company is in good standing with the regulatory agencies of all states where it is registered.
11. The Applicant will market its services to residential and business customers by using print advertising. The Applicant does not engage in multilevel marketing. The Applicant has no sample brochures used to assist in the sale of services.
12. The Applicant's emerging competitive long distance services will be offered at rates which are above the Applicant's costs to the underlying carrier. No more specific cost support is available for the Company's tariffed rates.
13. The Applicant's federal tax identification number is 88-0478450.
14. No complaints have been made against the Applicant with any state or federal commission regarding the unauthorized switching of a customer's telecommunications provider or for charging of customers for services that have not been ordered.

15. The Applicant requests that it be granted a waiver of Section 20:10:24:04.05. requiring performance bonds for consumer protection. The Applicant will not collect any advanced payments, deposits or otherwise offer prepaid services in South Dakota.

16. Other information:

The Applicant's representative to whom all correspondence regarding this application should be addressed is:

Monica Borne Haab, Attorney  
Nowalsky, Bronston & Gothard  
3500 N. Causeway Blvd., Suite 1442  
Metairie, Louisiana 70002  
Phone: (504) 832-1984  
Fax: (504) 831-0892  
E-Mail: mhaab@nbglaw.com

Additional information will be provided to Staff, upon request.

17. The Applicant's representative for ongoing regulatory and Customer Service matters is:

Deborah Secrest, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave.  
Suite 210  
Titusville, FL 32780  
Ph. (321) 268-3497  
Fx. (321) 268-8667  
E-Mail: longdis@bellsouth.net

WHEREFORE, Horizon Telecom, Inc. respectfully requests that the Commission Grant Applicant a Certificate of Public Convenience and Necessity, giving Applicant authority to provide resold interexchange public telecommunications service, effective upon approval of this Application.

Respectfully submitted this 17<sup>th</sup> day of April, 2003.

By:   
Monica Borne Haab, Attorney  
Nowalsky, Bronston & Gothard  
3500 N. Causeway Blvd., Suite 1442  
Metairie, Louisiana 70002  
Phone: (504) 832-1984  
E-Mail: [mhaab@nbglaw.com](mailto:mhaab@nbglaw.com)



**Verification of Application**

I, Deborah Secrest, President of Horizon Telecom, Inc., Applicant in the foregoing application, do hereby attest that I have reviewed the information contained in the application and Exhibits and all information is true and correct to the best of my knowledge and belief.

Dated this 17<sup>th</sup> day of April 2003.

Horizon Telecom, Inc.

By:



Deborah Secrest, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave., Suite 210  
Titusville, FL 32780

Sworn to and subscribed before  
me this 17<sup>th</sup> day of April,  
2003

  
Notary Public

**MONICA BORNE HAAB**  
Notary Public, State of Louisiana  
My Commission is for Life.

# **EXHIBIT A**

CERTIFICATE OF AUTHORITY

# State of South Dakota



## OFFICE OF THE SECRETARY OF STATE

### Certificate of Authority

ORGANIZATIONAL ID #: FB026395

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

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of South Dakota, at Pierre, the Capital, this July 1, 2002.



**Joyce Hazeltine**  
Secretary of State



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

FILE NO. \_\_\_\_\_

RECEIPT NO. \_\_\_\_\_

RECEIVED  
 JUN 17 '02

### Application for Certificate of Authority

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

(1) The name of the corporation is Horizon Telecom, Inc.  
 (exact corporate name)

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

(3) State where incorporated Nevada Federal Taxpayer ID# 88-0478450

(4) The date of its incorporation is 9/14/00 and the period of its duration, which may be perpetual, is perpetual

(5) The address of its principal office in the state or country under the laws of which it is incorporated is  
1100 East William Street, Suite 207, Carson City, NV 89701 Zip Code \_\_\_\_\_  
 mailing address if different from above is: 2323 S. Washington Ave, Suite 210, Titusville, FL 32780  
 Zip Code \_\_\_\_\_

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

(7) The purposes which it proposes to pursue in the transaction of business in the State of South Dakota are: (state specific purpose)  
the sale of telecommunications services and products

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

Name	Officer Title	Street Address	City	State	Zip
Deborah A. Secrest	President/Director	2323 S Washington Ste. 210,	Titusville, FL		32780
Michael Secrest	Secretary	2323 S Washington Ste. 210,	Titusville, FL		32780

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

Number of shares	Class	Series	Par value per share or statement that shares are without par value
3000	common		\$1.00

*Filed this 15th day of July 2002*  
*[Signature]*  
 SECRETARY OF STATE

*72026395*

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

Number of shares	Class	Series	Par value per share or statement that shares are without par value
3000	common		\$1.00

(11) The amount of its stated capital is \$ 3,000  
Shares issued times par value equals stated capital. In the case of no par value stock, stated capital is the consideration received for the issued shares.

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

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

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

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

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

Dated 6/21/02

Deborah A. Secret  
(Signature)  
President  
(Title)

STATE OF LOUISIANA  
COUNTY OF ORLEANS

I, LEON L. NOWALSKY, a notary public, do hereby certify that on this 21<sup>ST</sup> day of JUNE 2002, personally appeared before me DEBORAH A. SECRET who, being by me first duly sworn, declared that he/she is the PRESIDENT of HORIZON TELCOM, that he/she signed the foregoing document as officer of the corporation, and the statements therein contained are true.

AT DATH  
My Commission Expires

[Signature]  
(Notary Public)

Notarial Seal

\*\*\*\*\*

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

<b>Consent of Appointment by the Registered Agent</b>	
I, <u>see attached</u>	hereby give my consent to serve as the registered agent for _____
<small>(name of registered agent)</small>	<small>(corporate name)</small>
Dated _____ 20 _____	_____ <small>(signature of registered agent)</small>

## Consent of Appointment by the Registered Agent

I, National Registered Agents, Inc., hereby give my consent to serve as the registered agent for Horizon Telecom, Inc.

(name of registered agent)  
(corporate name)

National Registered Agents, Inc.

Dated 6/21/02

Charles A. Coyle  
Charles A. Coyle (signature of registered agent) Asst Secy

The proper filing fee must accompany the application. Make checks payable to the Secretary of State.

### FEE SCHEDULE

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

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

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

### FILING INSTRUCTIONS:

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

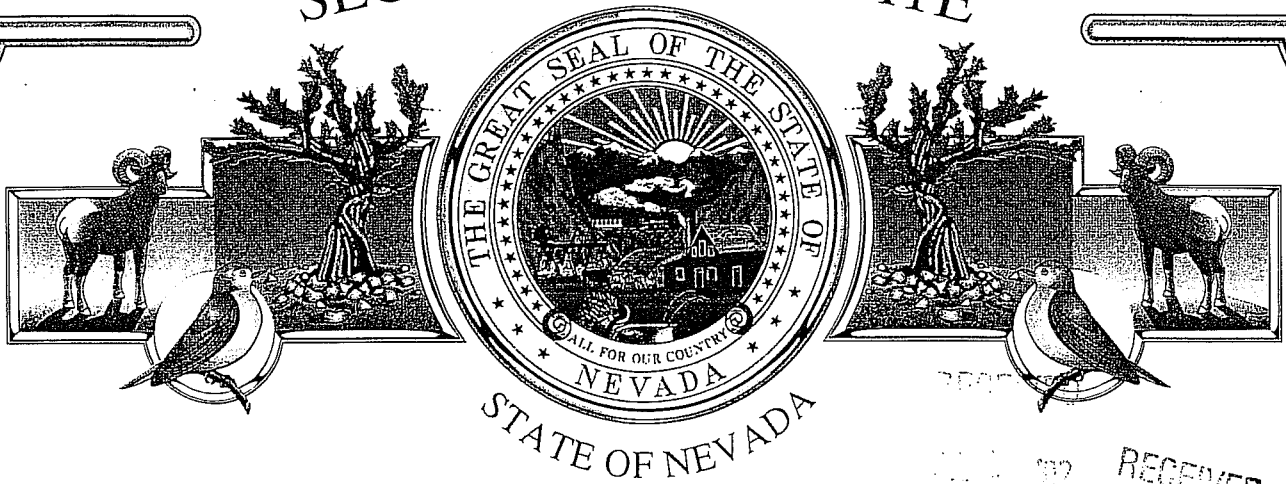
The application must be accompanied by an original, currently dated, **CERTIFICATE OF FACT** or a **CERTIFICATE OF GOOD STANDING** from the Secretary of State in the state where incorporated. A photocopy of a certificate is not acceptable. It should be dated within ninety (90) days of submitting it to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

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

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

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

# SECRETARY OF STATE



RECEIVED  
JUN 17 '02  
S.D. SEC. OF STATE

## CERTIFICATE OF EXISTENCE WITH STATUS IN GOOD STANDING

I, DEAN HELLER, the duly elected and qualified Nevada Secretary of State, do hereby certify that I am, by the laws of said State, the custodian of the records relating to filings by corporations, limited-liability companies, limited partnerships, and limited-liability partnerships pursuant to Title 7 of the Nevada Revised Statutes which are either presently in a status of good standing or were in good standing for a time period subsequent of 1976 and am the proper officer to execute this certificate.

I further certify that the records of the Nevada Secretary of State, at the date of this certificate, evidence, **HORIZON TELECOM, INC.**, as a corporation organized under the laws of Nevada and existing under and by virtue of the laws of the State of Nevada since September 14, 2000, and is in good standing in this state.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office, in Carson City, Nevada, on June 10, 2002.



*Dean Heller*

DEAN HELLER  
Secretary of State

By

*[Signature]*

Certification Clerk

# **EXHIBIT B**

FINANCIAL STATEMENTS



HORIZON TELECOM, INC.

REPORT ON COMPILATION OF  
FINANCIAL STATEMENTS  
AND ADDITIONAL INFORMATION

YEAR ENDED DECEMBER 31, 2002

**HORIZON TELECOM, INC.**

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**Altenburger Uris  
Caglioti  
& Heyman, L.L.C.**  
CERTIFIED PUBLIC ACCOUNTANTS

Frederick J. Altenburger, CPA (NJ)  
Dominic A. Caglioti, CPA (NJ) (PA)  
Benjamin Faimon, CPA (PA)\*  
Howard J. Heyman, CPA (NJ) (PA)\*  
Jack L. Uris, CPA (NJ)\*

Nancy D. Brenner, CPA (NJ)  
Ginger M. Evans, CPA (NJ)  
Elio L. Hernandez, CPA (PA)  
Susan M. Moody, CPA (NJ) (PA)  
Mitchell S. Schwartz, CPA (PA)  
Michael T. Smith, CPA (NJ)  
Nancy T. Spalding, CPA (PA)  
Benjamin J. Tartaglia, Jr., CPA (PA)

\*MS Tax

To the Stockholder  
**Horizon Telecom, Inc.**  
Las Vegas, Nevada

We have compiled the accompanying balance sheet of **Horizon Telecom, Inc.** as of December 31, 2002 and the related statement of operations and (accumulated deficit) and additional information, which is presented only for supplementary analysis purposes, for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and additional information and, accordingly, do not express an opinion or any other form of assurance on them.

Management has elected to omit substantially all of the disclosures and the statement of cash flows required by accounting principles generally accepted in the United States of America. If the omitted disclosures and the statement of cash flows were included in the financial statements, they might influence the user's conclusions about the Company's financial position, results of operations and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

  
ALTENBURGER, URIS, CAGLIOTTI & HEYMAN, L.L.C.

March 12, 2003

**HORIZON TELECOM, INC.**  
**BALANCE SHEET**  
**DECEMBER 31, 2002**

**ASSETS**

**CURRENT ASSETS:**

Cash	\$ 15,633
Due to shareholder	100
<b>TOTAL CURRENT ASSETS</b>	<u>15,733</u>
 <b>TOTAL ASSETS</b>	 <u><u>\$ 15,733</u></u>

**LIABILITIES AND STOCKHOLDER'S (DEFICIT)**

**CURRENT LIABILITIES:**

Due to Advanced Marketing Management	\$ 20,000
Accounts payable	7,323
<b>TOTAL CURRENT LIABILITIES</b>	<u>27,323</u>

**STOCKHOLDER'S (DEFICIT):**

Common stock, no par value, 100 shares authorized, issued and outstanding	100
(Accumulated deficit)	(11,690)
<b>TOTAL STOCKHOLDER'S (DEFICIT)</b>	<u>(11,590)</u>

<b>TOTAL LIABILITIES AND STOCKHOLDER'S (DEFICIT)</b>	 <u><u>\$ 15,733</u></u>
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See accountants' compilation report.

HORIZON TELECOM, INC.  
STATEMENT OF OPERATIONS AND (ACCUMULATED DEFICIT)  
YEAR ENDED DECEMBER 31, 2002

FEE INCOME	\$ 261,250
COST OF SERVICES	<u>74,183</u>
GROSS PROFIT	187,067
OPERATING EXPENSES	<u>166,796</u>
NET INCOME	<u>20,271</u>
(ACCUMULATED DEFICIT) - BEGINNING OF YEAR	<u>(31,961)</u>
(ACCUMULATED DEFICIT) - END OF YEAR	<u><u>\$ (11,690)</u></u>

See accountants' compilation report.

**ADDITIONAL INFORMATION**

**HORIZON TELECOM, INC.**  
**SCHEDULE OF OPERATING EXPENSES**  
**YEAR ENDED DECEMBER 31, 2002**

**OPERATING EXPENSES:**

Bank charges	\$ 398
Commitment fee	5,000
Contributions	800
Customer service	14,551
Interest expense	955
Licenses and fees	9,780
Office expense	2,808
Origination fee	5,000
Postage	974
Professional fees	9,860
Rent	6,201
Systems management	107,037
Telephone	<u>3,432</u>

**TOTAL OPERATING EXPENSES**

**\$ 166,796**

See accountants' compilation report.

# EXHIBIT C

TARIFF



TELECOMMUNICATIONS SERVICES TARIFF

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**TITLE SHEET**

**HORIZON TELECOM, INC.**

TARIFF NO. 1

This tariff contains the description, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by **Horizon Telecom, Inc.** with principal offices at 2323 S. Washington Ave., Suite 210, Titusville, Florida 32780. This tariff is on file with the South Dakota Public Utilities Commission, and copies may be inspected during normal business hours at the Company's principal place of business.

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**ISSUED:**

**EFFECTIVE:**

**ISSUED BY:** Deborah Secrest, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave., Suite 210  
Titusville, Florida 32780

TELECOMMUNICATIONS SERVICES TARIFF

**CHECK SHEET**

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

<u>Sheet</u>	<u>Revision</u>	<u>Sheet</u>	<u>Revision</u>
1	Original	21	Original
2	Original	22	Original
3	Original	23	Original
4	Original	24	Original
5	Original		
6	Original		
7	Original		
8	Original		
9	Original		
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11	Original		
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14	Original		
15	Original		
16	Original		
17	Original		
18	Original		
19	Original		
20	Original		

**ISSUED:**

**EFFECTIVE:**

**ISSUED BY:** Deborah Secrest, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave., Suite 210  
Titusville, Florida 32780

TELECOMMUNICATIONS SERVICES TARIFF

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**ISSUED:**

**EFFECTIVE:**

**ISSUED BY:** Deborah Secret, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave., Suite 210  
Titusville, Florida 32780

TELECOMMUNICATIONS SERVICES TARIFF

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**SYMBOLS**

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

- D - Deleted or Discontinued Material
- I - Change Resulting in a Rate Increase
- N - New Regulation, Term, Condition or Rate
- R - Change Resulting in a Rate Reduction
- T - Change In Text or Regulation, but no Change in Rates

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**ISSUED:**

**EFFECTIVE:**

**ISSUED BY:** Deborah Secrest, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave., Suite 210  
Titusville, Florida 32780

TELECOMMUNICATIONS SERVICES TARIFF

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**TARIFF FORMAT**

- A. Sheet Numbering - Sheet numbers appear in the upper-right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be Sheet 14.1.
- B. Sheet Revision Numbers - Revision numbers also appear in the upper-right corner of the sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, 4th Revised Sheet 14 cancels 3rd Revised Sheet 14.
- C. Paragraph Numbering Sequence - There are various levels of alphanumeric paragraph coding. Each level of coding is subservient to its next higher level of coding.
- 2.
  - 2.1.
  - 2.1.1.
  - 2.1.1.A.
  - 2.1.1.A.1.
  - 2.1.1.A.1.(a)
- D. Check Sheets - When a tariff filing is made with the Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new sheets are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this sheet if these are the only changes made to it (i.e., the format, etc., remains the same, just revised revision levels on some sheets). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the Commission.

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**ISSUED:**

**EFFECTIVE:**

**ISSUED BY:** Deborah Secrest, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave., Suite 210  
Titusville, Florida 32780

TELECOMMUNICATIONS SERVICES TARIFF

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**SECTION 1 - DEFINITIONS AND ABBREVIATIONS**

1.1 Definitions:

Application for Service - A standard order form which includes all pertinent billing, technical, and other descriptive information which will enable the carrier to provide the communication service as required.

Authorized User - A person, firm, corporation, or other entity authorized by the customer to receive or send communications.

Carrier - Horizon Telecom, Inc., unless stated otherwise.

Class of Service - Various categories of telephone service generally available to customers, such as business or residential.

Commission - South Dakota Public Utilities Commission.

Company - Horizon Telecom, Inc.

Completed Calls - Completed calls are calls answered on the distance end.

Customer or Subscriber - The person, firm, corporation, or other entity which orders or uses service and is responsible by law for payment for communication service from the telephone utility.

Customer Provided Equipment - Terminal equipment provided by a customer.

Delinquent Account - An account for which a bill or payment agreement for regulated services or equipment has not been paid in full on or before the last day for timely payment.

Direct Distance Dialing (DDD) - Customer dialing over the nationwide intertoll telephone network of calls to which toll charges are applicable. No operator assistance is required for DDD calls.

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**ISSUED:**

**EFFECTIVE:**

**ISSUED BY:** Deborah Secrest, President  
Horizon Telecom, Inc.  
2323 S. Washington Ave., Suite 210  
Titusville, Florida 32780

TELECOMMUNICATIONS SERVICES TARIFF

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1.1 Definitions (continued)

Due Date - The last day for payment without unpaid amounts being subject to a late payment charge or additional collection efforts.

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

Measured Use Service - The provision of long distance measured time communications telephone service to customers who access the carrier's services at its switching and call processing equipment by means of access facilities obtained from another carrier by the customer or otherwise provided at its own expense (the customer is responsible for arranging for the access line).

Message - A completed telephone call by a customer or user.

Premises - The space occupied by an individual customer in a building, in adjoining buildings occupied entirely by that customer, or on contiguous property occupied by the customer separated only by a public thoroughfare, a railroad right of way or a natural barrier.

Rates - Recurring amounts billed to customers for regulated services and/or equipment.

Terminal Equipment - All telephone instruments, including pay telephone equipment, the common equipment of large and small key and PBX systems and other devices and apparatus, and associated wiring, which are intended to be connected electrically, acoustically or inductively to the telecommunication system of the telephone utility.

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

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**EFFECTIVE:**

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Horizon Telecom, Inc.  
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Titusville, Florida 32780

TELECOMMUNICATIONS SERVICES TARIFF

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1.2 Abbreviations:

LATA - Local Access Transport Area

LEC - Local Exchange Carrier

MTS - Message Toll Service

PBX - Private Branch Exchange

SAL - Special Access Line

V&H - Vertical and Horizontal

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**SECTION 2 - RULES AND REGULATIONS**

2.1 Undertaking of Company

The Company undertakes to provide only those services as are furnished under the terms and subject to the conditions and customer payment of the applicable rates of this tariff for communications originating and terminating within the State. The Company's services are provided on a statewide basis and are not intended to be limited geographically.

Communications originate when the customer accesses network directly or through the facilities of the local service carrier via one or more access lines, equal access or on a dial-up basis. The company may act as the customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the customer, to allow connection of a customer's location to the Carrier network. The customer shall be responsible for all charges stated in this tariff.

The Company's services are provided on a monthly basis unless otherwise stated in this tariff, and are available twenty-four (24) hours per day, seven (7) days per week.

2.2 Limitations on Service

2.2.1 Service is offered subject to the provisions of this tariff.

2.2.2 Carrier reserves the right to provide services only to and from locations where the necessary facilities or equipment are available.

2.2.4 Title to any equipment provided by Carrier under these regulations remains with Carrier. Prior written permission from the company is required before any assignment or transfer. In the event an assignment or transfer is allowed, all regulations and conditions contained in this tariff shall apply to the assignee or transferee.

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2.3 Use of Service

Service may not be used for any unlawful purposes.

The minimum period for service is one month (30 days) unless otherwise noted in the service description.

2.4 Liability of Carrier

The provisions of this section are not intended to restrict or limit a customer's rights under SDCL 49-13-1 and 49-13-1.1. If any provisions of this section conflict with SDCL 49-13-1 or 49-13-1.1, then the applicable South Dakota law shall prevail.

2.4.1 Carrier, at its own expense, will indemnify the customer and hold it harmless in respect to any and all loss, damage, liability or expense asserted against the customer by a third party on account of any property damage or personal injury caused by any negligence or willful misconduct of Carrier or its agents or representatives arising out of performance by Carrier of any testing or other activities on the customer's premises pursuant to this tariff. Carrier's obligations under the immediately preceding sentence shall be subject to the customer's full performance of this tariff and subject further to the customer's duty to take reasonable precautions in the location, construction, maintenance and operation of all activities, facilities and equipment for the protection against hazard or injury and so as to not interfere with the services provided by Carrier.

2.4.2 Carrier shall be indemnified and held harmless by the customer against:

- A. Claims for libel, slander, infringement of copyright or unauthorized use of any trademark, trade name, or service mark arising out of the material, data information, or other content transmitted over the carrier's facilities; and

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2.4 Liability of Carrier

2.4.2 (continued)

- B. Claims for patent infringement of copyright or unauthorized use of any trademark, trade name, or service mark arising out of the material, data information, or other content transmitted over the carriers facilities; and
- C. All other claims arising out of any act or omission by the customer in connection with any service provided by Carrier.

2.5 Interruption of Service

- 2.5.1. Carrier shall make all reasonable efforts to prevent interruptions of service. When interruptions are reported or found by Carrier to occur, Carrier shall reestablish service as quickly as possible.
- 2.5.2. When a customer's service access line is reported to be out of order and remains out of order in excess of two (2) consecutive hours, the company shall, upon request, make appropriate adjustments to the subscriber's account. This rule does not apply if the outage occurs as a result of:
  - (1) A negligent or willful act on the part of the subscriber;
  - (2) A malfunction of subscriber-owned telephone equipment;
  - (3) Disasters or acts of God; or
  - (4) The inability of the company to gain access to the subscriber's premises after Carrier has requested that customer provide access to the premises.
  - (5) Carrier's provision of routine maintenance, testing or adjustments.
- 2.5.3. The customer shall be credited for an interruption of two (2) hours or more at the rate of 1/720th of the monthly charge for the service affected for each hour or major fraction thereof that the interruption continues. Credit for an interruption shall commence with the hour of the report or discovery of the interruption and will cease upon restoration of service. Any adjustments not in dispute shall be rendered within two billing periods after the billing period during which the interruption occurred.
- 2.5.4. Customers shall notify Carrier of interruptions in service. Before giving notice of interruption, the customer should ascertain whether the trouble is being caused by any action or omission by or within his control or in any wiring or equipment connected to the Carrier's terminal.

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2.6 Responsibility of the Customer

2.6.1 All customers assume general responsibilities in connection with the provisions and use of services stated in this tariff. All customers are responsible for the following:

- A. The customer is responsible for placing orders for service, paying all charges for service rendered by Carrier and complying with all regulations governing the service. The customer is also responsible for assuring that its users comply with regulations.
- B. When placing an order for service, the customer must provide:
  - 1. The name(s) and address(es) of the person(s) responsible for the payment of service charges.
  - 2. The name(s), telephone number(s), and address(es) of the customer contact person(s).

2.6.2 Maintenance, Testing, and Adjustment

If a customer's service must be interrupted due to maintenance, Carrier shall notify the affected customer, in advance, if possible and will perform the work in such a manner as to minimize inconvenience.

Equipment provided by Carrier shall be made available to Carrier for such tests and adjustments as may be necessary to maintain them in satisfactory condition.

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2.6.3 Deposits and Advance Payments

The Company will not require a deposit or advance payment for service.

2.6.4 Cancellation by Customer

If a customer orders services requiring special equipment and/or facilities dedicated to the customer's use and then cancels his order before the service begins, before a completion of the minimum period mutually agreed upon by the customer and Carrier, a charge will be made to the customer for the non-recoverable portions of expenditures or liabilities incurred expressly on behalf of the customer by Carrier and not fully reimbursed by installation and monthly charges. If, based on such an order, any construction has either begun or been completed, but not such services provided, the non-recoverable cost of such construction shall be borne by the customer.

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2.6.5 Payment of Charges

- A. Service is provided and billed on a monthly (30 day) basis. Charges based on actual usage during a month will be billed monthly in arrears.
- B. Bills are payable upon receipt of invoice. Customers will be charged a late payment penalty in the amount of one and one-half percent (1.5%) per month on delinquent amounts and will be responsible for any charges associated with disconnection and reconnection of service. A bill will be considered delinquent after thirty (30) days from rendition of the invoice.
- C. In the event of a dispute concerning a bill, Customer must pay a sum equal to the amount of the undisputed portion of the bill and proceed with complaint procedures set forth in this tariff. If notice of a dispute as to charges is not received in writing within 180 days after a bill has been rendered, the billing will be considered correct and binding.
- D. Customer is responsible for payment of all state and local taxes (i.e. gross receipts tax, sales tax, municipal utilities tax) which shall be listed as separate line items and which are not included in Carrier's quoted rates.
- E. Customers will be charged a fee on all checks issued to Carrier which are returned due to non-sufficient funds.

2.6.6 Application of Charges

The charges for service are those in effect for the period that service is furnished.

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2.6.7 Customer Complaint Procedure

Carrier will resolve any disputes brought to its attention as promptly and effectively as possible.

Customer inquiries, complaints or notices may be made in writing to the Company at the address stated in this tariff or via the Customer Services toll free number: 1-877-539-7915.

Any unresolved disputes may be directed to the attention of the South Dakota Public Utilities Commission at:

500 East Capitol Avenue  
Pierre, South Dakota 57501-5070  
(605) 773-3201 or  
1-800-332-1782  
1-800-877-113 (TTY through Relay South Dakota)

In the event of a dispute concerning an invoice, the customer must pay a sum equal to the amount of the undisputed portion of the bill. Service shall not be disconnected for nonpayment of the disputed portion of the bill.

2.7.1 Credit Upon Cancellation

Where Carrier cancels a service and the final service period is less than the monthly billing period, a credit will be issued for any amounts paid in advance, prorated at 1/30th of the monthly recurring charge for each day the service was not rendered. This credit will be issued to the customer or applied against the balance remaining on the customer's account.

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2.7.2 Disconnection of Service by Carrier

- A. Five (5) days prior notice of pending disconnection shall be rendered to customers setting forth the reason(s) for the notice and the final date by which the account is to be settled or specific action taken. Such notice shall be forwarded to the customer via U.S. mail and will be considered rendered when delivered to the last known address of the responsible party.
  
- B. Transmission service will be refused or disconnected, after notice as set forth below, for any of the following reasons:
  - 1. Without notice in the event of a condition on the customer's premises determined by the Carrier to be hazardous.
  - 2. Without notice in the event of customer's use in a manner which may adversely affect the Carrier's equipment or service to others.
  - 3. Without notice in the event of tampering with equipment furnished and owned by the Carrier.
  - 4. Without notice in the event of unauthorized use.
  - 5. After five (5) days written notice, for violation of or noncompliance with the Carrier's rules on file with the Commission, the requirements of municipal ordinances or law pertaining to the services.
  - 6. After five (5) days written notice for failure of the customer to permit Carrier reasonable access to its equipment.
  - 7. Upon five (5) days prior written notice for nonpayment of any regulated sum due to Carrier.

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2.7.2 Disconnection of Service by Carrier (contd.)

8. After five (5) days written notice, for failure of the customer or prospective customer to furnish any service equipment, permits, certificates or rights of way specified by Carrier to be furnished as a condition for obtaining service, or for the withdrawal of that same equipment or the termination of those permissions or rights, or for the failure of the customer or prospective customer to fulfill the contractual obligations imposed upon the customer as conditions of obtaining service.

2.7.3 Fractional Credits for Monthly Billed Services

Credits for a fractional part of a month are calculated by counting the number of days remaining in the billing period after service was discontinued. The number of days remaining in the billing period is divided by thirty and the resultant fraction is then multiplied by the monthly charge to arrive at the credit amount.

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**SECTION 3 - DESCRIPTION OF SERVICE AND RATES**

3.1 Timing of Calls

The customer's monthly usage charges for Carrier service are based upon the total number of minutes the customer uses and service options subscribed to. Chargeable time begins when the connection is established between the calling station and the called station or PBX. Chargeable time ends when either party "hangs up."

3.2 Service Period

For billing purposes, the start of service is the first day on which service is available for use by the customer. The end of service date is the last day or any portion of the last day for which service was provided by Carrier.

3.3 Interconnection

Service furnished by Carrier may be interconnected with services or facilities of other authorized communications common carriers and with private systems, subject to the technical limitations established by Carrier. Service furnished by Carrier is not part of a joint undertaking with such other carriers. Any special interface equipment shall be provided at the customer's expense.

Interconnection with the facilities or services of other carriers shall be under the applicable terms and conditions of this tariff. The customer is responsible for taking all necessary legal steps for interconnecting his customer-provided terminal equipment or communications systems with Carrier's. The customer shall secure all licenses, permits, right-of-ways, and other arrangements necessary for such interconnection.

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3.4 Terminal Equipment

3.4.1 Carrier's service may be used with or terminated in customer provided terminal equipment or customer provided communication systems, such as teleprinters, handsets, or data sets. Such terminal equipment shall be furnished and maintained at the expense of the customer. The customer is responsible for all costs at his premises, including customer personnel, wiring, electrical power, and the like incurred in his use of Carrier's service.

3.4.2 When terminal equipment is used, the equipment shall not interfere with service furnished to other customers. Additional protective equipment, if needed, shall be employed at the customer's expense.

3.5 Calculation of Distance

Usage charges for any mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The company uses the rate centers and associated vertical and horizontal coordinates generally used within the industry.

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

3.6 Minimum Call Completion Rate

The customer can expect a call completion rate of 99% of calls attempted during peak use periods for Feature Group D (1+) services.

3.7 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance marketing of services. These promotional offerings will be subject to Commission approval prior to implementation.

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3.8 Services Offerings

The company will provide the following services:

3.8.1 Message Toll Service (MTS)

"1+" Dialing is achieved by customer's telephone lines being programmed by the local telephone company (LEC) to automatically route 1+ calls to the Company's network.

3.8.2 Inbound Service (8XX)

Inbound Service is virtual banded inbound toll service which permits calls to be completed at the subscriber's location without charge to the calling party. Access to the service is gained by dialing a ten digit telephone number which terminates at the customer's location. Inbound services originate via normal shared use facilities and are terminated via the customers' local exchange service access line.

Carrier will accept a prospective inbound service customer's request for up to ten (10) telephone numbers and will reserve such number(s) on a first come first serve basis. All requests for number reservations must be made in writing, dated and signed by a responsible representative of the customer. Carrier does not guarantee the availability of number(s) until assigned. The telephone number(s) so requested, if found to be available, will be reserved for and furnished to the eligible customer.

If a customer who has received an 800/888 number does not subscribe to the Company's inbound service within 90 days, the Company reserves the right to make the assigned number available for use by another customer.

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3.8.3 Travel Card Service

Allows subscribers to place calls by gaining access to the network via a toll free number and personal identification number (PIN) issued by the Company.

3.8.4 Directory Assistance

Directory Assistance will be provided by the Carrier at the per call charge as set forth in Section 4 of this tariff.

3.8.5 Operator Services

The Company does not provide operator services. Operator assisted calls are defaulted to and billed directly by the underlying carrier.

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**SECTION 4 - RATES AND CHARGES**

4.1. Usage Charges and Billing Increments

4.1.1 Usage Charges

Usage charges are generally flat rated. However, if any usage charges are determined by the time of day rate periods and minutes of use within each rate period, the rate period is determined by the time and day of call origination at the customer's location.

4.1.2 Billing Increments

Usage is billed in accordance with the billing increments set forth in the individual product rate sections of this tariff. All partial usage will be rounded up to the next highest applicable billing increment.

4.1.3 Rounding

All calls are rounded to the next highest billing interval. Any partial cents per call will be rounded up to the next highest whole cent.

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4.2 Outbound MTS Rates

<u>Rate Plan</u>	<u>Rate per minute</u>	<u>Usage Requirement</u>
Option 1:	\$0.0990/minute	\$ 0 - \$ 49 per month
Option 2:	\$0.0890/minute	\$ 50 - \$ 74 per month
Option 3:	\$0.0790/minute	\$ 75 - \$ 99 per month
Option 4:	\$0.0690/minute	\$100 - \$149 per month
Option 5:	\$0.0590/minute	\$150 - \$199 per month
Option 6:	\$0.0490/minute	\$200 - \$299 per month
Option 7:	\$0.0350/minute	\$300 + per month

Billed in six second increments with a one minute minimum.

4.3 Inbound 8XX Rates

<u>Rate Plan</u>	<u>Rate per minute</u>	<u>Usage Requirement</u>
Option 1:	\$0.0990/minute	\$ 0 - \$ 49 per month
Option 2:	\$0.0890/minute	\$ 50 - \$ 74 per month
Option 3:	\$0.0790/minute	\$ 75 - \$ 99 per month
Option 4:	\$0.0690/minute	\$100 - \$149 per month
Option 5:	\$0.0590/minute	\$150 - \$199 per month
Option 6:	\$0.0490/minute	\$200 - \$299 per month
Option 7:	\$0.0350/minute	\$300 + per month

Billed in six second increments with a one minute minimum.

4.4 Calling Card Rates

Rate per minute: \$0.50

Billed in whole minute increments.

Per call surcharge: None.

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4.5 Directory Assistance

Directory assistance will be provided at a charge of \$0.85 per call.

4.6 Late Payment Penalty

Customers will be charged 1.5% of any amounts owed to the Company beyond the due date as set forth within this tariff.

4.7 Dishonored Check Charge

All customers issuing dishonored check(s) will be charged a fee of \$20.00 per check.

4.8 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance marketing of services. These promotional offerings will be subject to Commission approval prior to implementation.

4.9 Pay Telephone (Payphone) Surcharge

A surcharge shall be assessed for each call made from a pay telephone to an 8XX number or using a travel card and dialing the carrier prefix in the form 101XXXX.

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**South Dakota Public Utilities Commission**  
**WEEKLY FILINGS**  
For the Period of April 17, 2003 through April 23, 2003

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 report. Phone: 605-773-3705

**ELECTRIC**

**EL03-014      In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.**

On April 17, 2003, MidAmerican Energy Company filed SDPUC Electric Tariff No. 1, Section No. 6, 8th Revised Sheet No. 2 for Commission approval. MidAmerican is proposing changes to the back of its standard bill form. MidAmerican has retooled its printing operations so that it is now feasible to perform in-house printing on both sides of its bill form. Due to this operational change, MidAmerican no longer needs to retain the contact information for each regulatory agency on every bill regardless of the customer's jurisdiction.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 04/17/03  
Intervention Deadline: 05/09/03

**NATURAL GAS**

**NG03-003      In the Matter of the Filing by MidAmerican Energy Company for Approval of Tariff Revisions.**

On April 17, 2003, MidAmerican Energy Company filed SDPUC Gas Sales Tariff, Section No. VI, Eighth Revised Sheet No. 3 for Commission approval. MidAmerican is proposing changes to the back of its standard bill form. MidAmerican has retooled its printing operations so that it is now feasible to perform in-house printing on both sides of its bill form. Due to this operational change, MidAmerican no longer needs to retain the contact information for each regulatory agency on every bill regardless of the customer's jurisdiction.

Staff Analyst: Michele Farris  
Staff Attorney: Karen Cremer  
Date Docketed: 04/17/03  
Intervention Deadline: 05/09/03

**TELECOMMUNICATIONS**

**TC03-068      In the Matter of the Application of Midcontinent Communications, Inc. for Approval to Expand its Certificate of Authority to Provide Local Exchange Service in the Service Territory of Interstate Telecommunications Cooperative, Inc.**

On April 17, 2003, Midcontinent Communications filed an application to amend its certificate of authority to provide local exchange service in the Webster exchange of Interstate Telecommunications Cooperative, Inc. (ITC), a rural telecommunications carrier. In the Webster exchange Midcontinent Communications will use a combination of ITC resold services and the hybrid fiber coax of its cable plant to provide primary transport for residential telephone service. Midcontinent Communications will also

provide intrastate and interstate interexchange services for commercial and residential customers. Midcontinent Communications has requested interconnection pursuant to 47 U.S.C. Section 251(f)(1)(A) with ITC, requests confidential treatment of its financial information, and requests a waiver from providing service to the entire ITC service area to provide local exchange service in the Webster exchange of ITC.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer  
Date Docketed: 04/17/03  
Intervention Deadline: 05/02/03

**TC03-069 In the Matter of the Filing for Approval of a Wireline Adoption Agreement between Qwest Corporation and Houlton Enterprises, Inc. d/b/a Guaranteed Phone Service.**

On April 17, 2003, the Commission received for approval a Wireline Adoption Agreement between Qwest Corporation (Qwest) and Houlton Enterprises, Inc. d/b/a Guaranteed Phone Service (Houlton). According to the parties, Houlton chooses to adopt, in its entirety, the terms and conditions of the Interconnection Agreement and any associated amendments, if applicable, between AT&T Communications of the Midwest, Inc. and Qwest f/k/a U S West which was approved by the Commission on March 4, 1999, in Docket No. TC96-184. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 7, 2003. 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  
Date Docketed: 04/17/03  
Initial Comments Due: 05/07/03

**TC03-070 In the Matter of the Filing for Approval of an amendment to a Wireline Adoption Agreement between Qwest Corporation and Houlton Enterprises, Inc. d/b/a Guaranteed Phone Service.**

On April 17, 2003, the Commission received for approval an amendment to a Wireline Adoption Agreement between Qwest Corporation (Qwest) and Houlton Enterprises, Inc. d/b/a Guaranteed Phone Service (Houlton). According to the parties, the amendment to the Wireline Adoption Agreement for Voice Traffic - 251(b)(5) Reciprocal Compensation agreement is made in order to reflect the FCC Order on Remand and Report and Order in CC Docket 99-68 (Inter-carrier Compensation for ISP Bound Traffic). Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 7, 2003. 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  
Date Docketed: 04/17/03  
Initial Comments Due: 05/07/03

**TC03-071 In the Matter of the Filing for Approval of an Amendment to an Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc.**

On April 21, 2003, the Commission received for approval an amendment to an Interconnection Agreement between Qwest Corporation and McLeodUSA Telecommunications Services, Inc. According to the parties, this is an amendment to the Agreement approved by the Commission on July 23, 1999, in

Docket TC99-057. The amendment is made in order to add the terms, conditions and rates for UNEs, as set forth in Attachment 1 and Exhibits A, B, and C, attached to the filing. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than May 12, 2003. 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  
Date Docketed: 04/21/03  
Initial Comments Due: 05/12/03

**TC03-072     In the Matter of the Application of Horizon Telecom, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

Horizon Telecom, Inc. has filed an application for a Certificate of Authority to provide interexchange intrastate telecommunications services in South Dakota. The applicant intends to provide resold interexchange services, including 1+ outbound dialing, 8XX toll-free inbound dialing, directory assistance, and travel card service throughout South Dakota.

Staff Analyst: Bonnie Bjork  
Staff Attorney: Karen Cremer  
Date Docketed: 04/23/03  
Intervention Deadline: 05/09/03

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May 13, 2003

**RECEIVED**

MAY 14 2003

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

Executive Secretary  
South Dakota Public Utilities Commission  
500 E. Capitol Avenue  
Pierre, SD 57501-5070

RE: Horizon Telecom, Inc.

Dear Sir:

In response to Staff request for additional information evidencing the Applicant's technical, financial and managerial capabilities in compliance with ARSD 20:10:24:02(16), the following information/documentation is provided.

1. Statement of Technical Capability;
2. Statement of Financial Capability; and
3. Management profiles.

If you should have any questions regarding this filing, please do not hesitate to call.

Sincerely,



Monica Borne Haab

Enclosure

cc: Bonnie Bjork, Analyst

**Statement of Technical Capability:**

Horizon has been granted authority to provide resold interexchange telecommunication services in Arkansas, Colorado, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, Texas, Vermont, Washington, Wisconsin and Wyoming. The Applicant has applications pending in Kansas, Louisiana, Nebraska, New York, and West Virginia.

Additionally, as a switchless reseller, the Company's technical capability is equivalent to that of its underlying carrier(s). All underlying carriers utilized by the Applicant will be certified by this Commission as technically competent.

**Statement of Financial Capability:**

Horizon Telecom initiated operations in approximately five states in 2002, while disbursing additional funds to obtain certification on a nationwide basis. As a start-up company, Horizon expects to begin generating a profit once additional markets are opened, and its initial expenditure on certification is completed. The Applicant has access to additional funding should it become necessary.

## **Deborah A. Secrest**

Deborah Secrest has 12 years of experience in the telecommunications industry. Deborah first became involved in telecommunications utilizing her legal background. This was specifically in customer care applications and procedures.

Deborah was successful in developing and implementing initiatives which helped reduce the possibility of consumer complaints, and assuring the swift resolution of any complaints that may arise.

Deborah has experience with companies such as MCI and Qwest. Deborah has also gained valuable experience through her time spent in these positions with marketing and promotion, once again centered on various projects designed to administer and effectuate safe guards for consumer protection in current and expected marketing applications.



## **Michael E. Secrest, Sr.**

Michael's educational background in business management. Michael has gained extensive experience in business management and administration throughout his career.

Michael had successfully administered several furniture manufacturing concerns. In these positions, Michael was responsible for the day to day management of these facilities.

In 1994, Michael accepted an administration position with a telecom hardware manufacturer. As his employer shifted from a manufacturing direction to a distribution supplier, and eventually to a telecom services provider, Michael has obtained detailed knowledge in all aspects of telecom resale including operations, network provisioning and management, regulatory development, marketing aspects, customer service operations, the arrangement and ongoing interfacing with a billing and collections clearinghouse.

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

<b>IN THE MATTER OF THE APPLICATION OF )</b>	<b>ORDER GRANTING</b>
<b>HORIZON TELECOM, INC. FOR A )</b>	<b>CERTIFICATE OF</b>
<b>CERTIFICATE OF AUTHORITY TO PROVIDE )</b>	<b>AUTHORITY</b>
<b>INTEREXCHANGE TELECOMMUNICATIONS )</b>	
<b>SERVICES IN SOUTH DAKOTA )</b>	<b>TC03-072</b>

On April 23, 2003, the Public Utilities Commission (Commission), in accordance with SDCL 49-31-3 and ARSD 20:10:24:02, received an application for a certificate of authority from Horizon Telecom, Inc. (Horizon).

Horizon proposes to offer resold interexchange long distance service to residential and business customers. A proposed tariff was filed by Horizon. The Commission has classified long distance service as fully competitive.

On April 24, 2003, the Commission electronically transmitted notice of the filing and the intervention deadline of May 9, 2003, to interested individuals and entities. No petitions to intervene or comments were filed and at its June 3, 2003, meeting, the Commission considered Horizon's request for a certificate of authority. Commission Staff recommended granting a certificate of authority, subject to the condition that Horizon not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapter 49-31, specifically 49-31-3 and ARSD 20:10:24:02 and 20:10:24:03. The Commission finds that Horizon has met the legal requirements established for the granting of a certificate of authority. Horizon has, in accordance with SDCL 49-31-3, demonstrated sufficient technical, financial and managerial capabilities to offer telecommunications services in South Dakota. The Commission approves Horizon's application for a certificate of authority, subject to the condition that Horizon not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. As the Commission's final decision in this matter, it is therefore

ORDERED, that Horizon's application for a certificate of authority to provide interexchange telecommunications services is hereby granted, effective June 23, 2003, subject to the condition that Horizon not offer a prepaid calling card or require or accept deposits or advance payments without prior approval of the Commission. It is

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

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of June, 2003.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: *Deldino Kolbo*

Date: *6/11/03*

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

*Robert K. Sahr*  
ROBERT K. SAHR, Chairman *dk*

*Gary Hanson*  
GARY HANSON, Commissioner

# SOUTH DAKOTA PUBLIC UTILITIES COMMISSION

## *CERTIFICATE OF AUTHORITY*

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

Authority was Granted effective June 23, 2003  
Docket No. TC03-072

*This is to certify that*

**HORIZON TELECOM, INC.**

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

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

Dated at Pierre, South Dakota, this 10<sup>th</sup> day of June, 2003.



**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION:**

*Robert K. Sahr*  
\_\_\_\_\_  
ROBERT K. SAHR, Chairman *dk*

*Gary Hanson*  
\_\_\_\_\_  
GARY HANSON, Commissioner