

Heartline Communications, Inc.

Heartline Communications, Inc.

KY P.S.C. - Tariff No. 1

Original Title Sheet

Title Sheet

Kentucky Telecommunications Tariff

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Heartline Communications, Inc., sometimes hereinafter in the text of this tariff referred to as "Heartline" with principal offices at 16416 Northchase, Suite 90, Houston, Texas, 77060. This tariff applies for services furnished within the state of Kentucky. This tariff is on file with the Kentucky Public Service Commission, and copies may be inspected during normal business hours at the Company's principal place of business.

PUBLIC SERVICE COMMISSION
OF KENTUCKY
EFFECTIVE

JUN 09 1995

PURSUANT TO 807 KAR 5.011,
SECTION 9(1)

BY: Jordan C. Neal
FOR THE PUBLIC SERVICE COMMISSION

Issued: June 9, 1995

Effective: June 9, 1995

Issued by: Joseph R. Harrott, President
Heartline Communications, Inc.
16416 Northchase
Suite 290
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Original Sheet 1

Check Sheet

Sheets 1 through 15 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of this page.

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

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Symbols

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

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

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Tariff Format (Cont'd.)

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

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Section 2 - Rules and Regulations

2.1 Undertaking of Heartline

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

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

2.2 Limitations

2.2.1 Service is offered subject to the availability of facilities and the provisions of this Tariff.

2.2.2 Heartline reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control or when the customer is using service in violation of the law or the provisions of this Tariff.

2.2.3 All facilities provided under this Tariff are directly controlled by and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.

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

2.2 Limitations (Cont'd.)

2.2.4 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this Tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

2.3 Liabilities of the Company

2.3.1 Heartline's liability for damages arising out of mistakes, interruptions, omissions, delays, errors or defects in the transmissions occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur.

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

(A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.

(B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by Heartline.

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

2.4 Interruption of Service

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

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The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

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

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"A" - outage time in hours.
"B" - total monthly charge for affected facility.

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

2.5 Restoration of Service

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

2.5.1 Returned Checks

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

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

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

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2.6 Deposits

The Company does not require a deposit from the customer.

2.7 Taxes

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

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Section 3 - Description of Service

3.1 Heartline One Plus Service

Flat rate business service that is pre-subscribed to business customers or residential service.

3.2 Travel Service

Allows customer to gain access to their long distance service from anywhere nationally to anywhere nationally via discount service billed back to users office account.

3.3 Inbound 800 Wats

Permits called party to have a toll free number for customer use and billed to the called party.

3.4 Timing of Calls

The customer's long distance usage charge is based on the actual usage of Heartline's network. Usage begins when the called party picks up the receiver. When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling party hangs up.

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

3.5 Calculation of Distance

Usage charges for all 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 center involved. The Company uses the rate centers and associated vertical and horizontal coordinates that are produced by Bell Communications Research in their NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

FORMULA:

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

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Section 4 - Rates

4.1 Heartline One Plus Service

Usage Charge:

Day	\$.2500
Evening	.2500
Night/Weekend	.2500

Installation Charge: \$10.00

Recurring monthly charge per account: \$10.00

4.2 Travel Service

Usage Charge:

Day	\$.2500
Evening	.2500
Night/Weekend	.2500

Per Call Charge .5000

4.3 Inbound 800 Wats

Usage Charge:

Day	\$.2500
Evening	.2500
Night/Weekend	.2500

Installation charge: \$50.00

Recurring monthly charge per account: \$10.00

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Section 4 - Rates (Cont'd.)

4.4 Special Promotions and Discounts

The Company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions, will for the purpose of bettering the overall service to the customer, requires KYPSC approval and will not run longer than 90 days in any 12 month period.

4.5 Exemptions and Special Rates

4.5.1 Discounts for Hearing Impaired Customers

A telephone toll message which is communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will receive, upon request, credit on charges for certain intrastate toll calls placed between TDDs. The credit to be given on a subsequent bill for such calls placed between TDDs will be equal to applying the evening rate during business day hours and the night/weekend rate during the evening rate period. Discounts do not apply to surcharges or per call add on charges for operator services when the call is placed by a method that would normally incur the surcharge.

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