

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of	)	
Esodus Communications, Inc. d/b/a INSTATONE	)	PUC Docket No:
For a Certificate of Public Convenience	)	
and Necessity to Provide Resold	)	
Local Exchange Services in the State of Idaho	)	

**APPLICATION FOR AUTHORITY TO PROVIDE  
RESOLD LOCAL EXCHANGE SERVICES**

Esodus Communications, Inc. d/b/a INSTATONE (“Applicant”) respectfully requests that the Idaho Public Utilities Commission (“Commission”) issue a Certificate of Public Convenience and Necessity to provide resold local exchange services within the State of Idaho pursuant to *Idaho Code* §§ 61-526 through -528 and IDAPA 31.01.01.111. In support thereof, Applicant provides the following information:

**I. Proposed Services**

**Applicant proposes to provide resold local exchange services throughout the State of Idaho in the territories of Qwest and Verizon. Applicant has no plans to build facilities. Applicant will market services to primarily residential customers. The Company has not provided service in Idaho.**

**II Form of Business**

1. Name, Address and Form of Business

- a. **Applicant is not a sole proprietorship.**
- b. **Applicant is not a partnership.**
- c. **Applicant is a corporation;**

- 1. a short statement of the character of public service in which it may engage,

**Applicant intends to provide resold local exchange services to primarily residential customers.**

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 IDAHO PUBLIC UTILITIES COMMISSION

2. the name of the state in which it is incorporated,

**Applicant is incorporated under the laws of the State of Florida.**

3. its principal business address and

**Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 22786**

its principal business address within Idaho,

**Applicant will not have a business address in Idaho.**

4. a certified copy of its articles of incorporation,

**A copy of Applicant's Articles of Incorporation are attached as Exhibit A.**

5. if not incorporated in Idaho, a certificate of good standing issued by the Secretary of State, and

**Attached hereto as Exhibit B.**

6. name and address of registered agent for service in Idaho.

**CT Corporation System  
300 North 6<sup>th</sup> Street  
Boise, Idaho 83702**

2. If a corporation, the names and addresses of the ten common stockholders of applicant owning the greatest number of shares of common stock and the number of such shares owned by each, as follows:

<u>Name and Address</u>	<u>Shares Owned</u>	<u>Percentage of all Shares Issued and Outstanding</u>	<u>Percentage of Voting Control</u>
Michael Servos 1020 Spruce Drive Belleair Beach, FL 33786	500	50%	50%
Vasilios Servos 1020 Spruce Drive Belleair Beach, FL 33786	500	50%	50%

3. Names and addresses of the officers and directors of applicant.

**Applicant's Officers and Directors are attached as Exhibit C.**

4. Name and addresses of any corporation, association, or similar organization holding a 5% or greater ownership or a management interest in the applicant. As to the ownership, the amount and character of the interest must be indicated. A copy of any management agreement must be attached.

**See Number 2 above.**

5. Names and addresses of subsidiaries owned or controlled by applicant.

**Applicant does not own nor control any subsidiaries.**

- d. **Applicant is not a limited liability company.**

### **III Telecommunications Service**

1. The date on which applicant proposes to begin construction or anticipates it will begin to provide service.

**Applicant anticipates it will begin to provide service upon certification.**

2. A written description of customer classes and customer service[s] that the applicant proposes to offer to the public.

**Applicant proposes to offer all forms of intrastate telecommunications services including: Basic Residential Exchange Service (Local Exchange Flat Rate, Measured Rate Service, and operator assistance); Residential Custom Class Features (call waiting, caller ID, call forwarding, etc.); Adjunct Provider Features (voice Message, etc.) and Residential Ancillary Services (911, directory listing, directory assistance, etc.)**

### **IV Service Territory**

1. A description sufficient for determining whether service is to be offered in a particular location; and the names of all incumbent local exchange corporations with whom the proposed utility is likely to compete.

**Applicant seeks authority to resell local exchange services in the existing services areas of US WEST and GTE.**

2. Written description of the intended manner of service, for example, resold services or facilities based. A general description of the property owned or controlled by applicant.

**Applicant will provide resold local exchange services. Applicant does not own or control any property in the State of Idaho.**

3. A statement describing with whom the applicant is likely to compete.
4. A description of the property owned by the applicant clarifies the applicant's proposed services and operation.

## **V. Financial Information**

1. Current detailed balance sheets, including

**Attached hereto as Exhibit D.**

- a. a detailed income and profit and loss statements of applicant reflecting current and prior year balances for the twelve months ended as of the date of the balance sheet, or if not readily available, for the period since the close of the preceding calendar year.

**Attached hereto as Exhibit E.**

- b. If a balance sheet and income statement are not available, the applicant must submit financial data sufficient to establish it possesses adequate financial resources to provide the proposed services.

N/A

4. Latest annual report, if any.

N/A

## **VI "Illustrative" Tariff Filings**

Proposed initial tariff and price sheets setting forth rates, rules, terms, and regulations applicable to the contemplated service. .

**Attached hereto as Exhibit F, Applicant submits an illustrative tariff containing terms and conditions. Applicant has not made interconnection arrangements with the incumbent local exchange carriers, therefore the tariff contains no rates. Applicant will revise the tariff to include rates pending interconnection.**

## VII Customer contacts

1. Contact information for the applicant.
  - a. The name, address, and telephone number and electronic mailing addresses (if available) of the person(s) responsible for consumer inquiries and complaints from the public.

**Michael Servos, President**  
**Esodus Communications, Inc. d/b/a INSTATONE**  
**1020 Spruce Drive**  
**Belleair Beach, FL 33786**  
**Telephone (727) 596-1229**  
**Facsimile (727) 593-1880**  
**E-mail commercxpo@aol.com**

- b. A toll-free number for customer inquiries and complaints.

**1-800-REMINDER**

- c. The name, number and electronic mailing addresses (if available) of the person(s) designated as a contact for the Commission Staff for resolving complaints, inquiries and matters concerning rates and price lists or tariffs.

**Michael Servos, President**  
**Esodus Communications, Inc. d/b/a INSTATONE**  
**1020 Spruce Drive**  
**Belleair Beach, FL 33786**  
**Telephone (727) 596-1229**  
**Facsimile (727) 593-1880**  
**E-mail commercxpo@aol.com**

## VIII Interconnection Agreements

1. Statements of whether the applicant has initiated interconnection negotiations. If yes, then when and with whom.

**Applicant has not initiated interconnection negotiations at this time.**

## IX Compliance with Commission Rules

1. A written statement that the applicant has reviewed all of the Commission rules and agrees to comply with them, or request for waiver of those rules believed to be inapplicable.

**Applicant has reviewed all of the Commission rules and agrees to comply with them.**

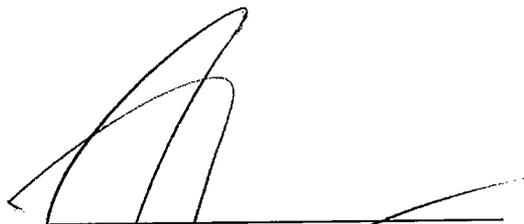
**X Escrow Account for Advance Deposits**

1. If a company requires advance deposits by its customers, the company must submit a signed copy of an escrow account with a bonded escrow agent or a security bond. The escrow or bond shall be sufficient to meet customer deposit refunds in case of company default.

**Applicant will not require deposits or prepayments.**

WHEREFORE, Esodus Communications, Inc. d/b/a INSTATONE requests that the Idaho Public Utilities Commission approve the request authority to provide resold local exchange services in Idaho.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Patrick D. Crocker', is written over a horizontal line. The signature is stylized and somewhat abstract.

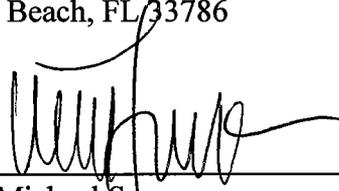
Patrick D. Crocker  
Early, Lemmon, Crocker & Bartosiewicz, P.L.C.  
900 Comerica Building  
Kalamazoo, MI 49007  
269-381-8844  
269-381-8822 (fax)

VERIFICATION

Michael Servos, President of Esodus Communications, Inc. d/b/a INSTATONE, first being duly sworn on oath, deposes and says that he has read the foregoing Application and verifies that the statements made therein are true and correct to the best of his knowledge, information and belief.

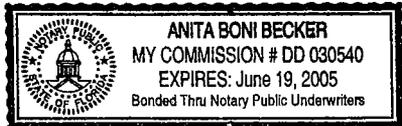
Esodus Communications, Inc.  
d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

BY: \_\_\_\_\_

  
Michael Servos  
President

The foregoing instrument was acknowledged before me this 19 day of July, 2003, by Michael Servos.

2003, by Michael Servos.





Notary Public  
County of \_\_\_\_\_  
State of \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**EXHIBIT A**

**Articles of Incorporation**



FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State

April 24, 2001

EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.  
ATTN: PATRICK D. CROCKER  
900 COAMERICA BUILDING  
KALAMAZOO, MI 49007-4752

Re: Document Number P98000094592

The Articles of Amendment to the Articles of Incorporation of EXCELINK COMMUNICATIONS INC. which changed its name to ESODUS COMMUNICATIONS, INC., a Florida corporation, were filed on April 16, 2001.

Should you have any questions regarding this matter, please telephone (850) 487-6050, the Amendment Filing Section.

Doug Spittler  
Document Specialist  
Division of Corporations

Letter Number: 801A00024156

# State of Florida



## Department of State

I certify from the records of this office that EXCELINK COMMUNICATIONS INC. is a corporation organized under the laws of the State of Florida, filed on November 9, 1998.

The document number of this corporation is P98000094592.

I further certify that said corporation has paid all fees and penalties due this office through December 31, 1998, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Ninth day of November, 1998



CR2EO22 (2-95)

*Sandra B. Northam*

Sandra B. Northam  
Secretary of State





FLORIDA DEPARTMENT OF STATE  
Katherine Harris  
Secretary of State

December 27, 2001

INSTATONE  
1020 SPRUCE DR  
BELLEAIR BEACH, FL 33786

Subject: **INSTATONE**

REGISTRATION NUMBER: **G01360900407**

This will acknowledge the filing of the above fictitious name registration which was registered on December 27, 2001. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between January 1 and December 31 of the expiration year to maintain registration. Three months prior to the expiration date a statement of renewal will be mailed.

**IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES.** Whenever corresponding please provide assigned Registration Number.

Should you have any questions regarding this matter you may contact our office at (850) 488-9000.

/rjm

Division of Corporations

Letter No. 801A00067229

Division of Corporations - P.O. BOX 6327 -Tallahassee, Florida 32314

**EXHIBIT B**

**Certificate of Good Standing**

# State of Idaho

Office of the Secretary of State

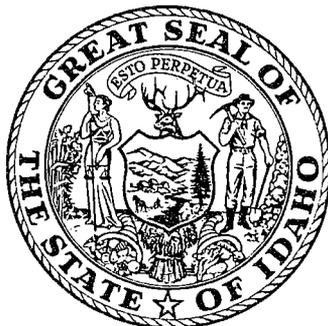
CERTIFICATE OF AUTHORITY  
OF  
ESODUS COMMUNICATIONS, INC.

File Number C 150872

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that an Application for Certificate of Authority, duly executed pursuant to the provisions of the Idaho Business Corporation Act, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to transact business in this State and attach hereto a duplicate of the application for such certificate.

Dated: 16 September 2003



*Ben Yursa*  
SECRETARY OF STATE

By

*Sally Lloyd*

227



# CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name:

Please type or print legibly.

NOTE: See instructions on reverse before filing.

SECRETARY OF STATE  
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

INSTATONE

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name	Complete Address
Esodus Communications, Inc.	1020 Spruce Drive, Belleair Beach, FL 33786
C 150872	

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SECRETARY OF STATE  
STATE OF IDAHO

3. The general type of business transacted under the assumed business name is:

- Retail Trade
- Transportation and Public Utilities
- Wholesale Trade
- Construction
- Services
- Agriculture
- Manufacturing
- Mining
- Finance, Insurance, and Real Estate

Submit Certificate of Assumed Business Name and \$20.00 fee to:

Secretary of State  
700 West Jefferson  
Basement West  
PO Box 83720  
Boise ID 83720-0080  
208 334-2301

4. The name and address to which future correspondence should be addressed:

Michael Servos  
1020 Spruce Drive, Belleair Beach, FL 33786

5. Name and address for this acknowledgment copy is (if other than # 4 above):

James A. Curran, President; Corp. Guarantee & Trust Co.; Two Greenwood Square, Suite 110  
Bensalem, PA 19020

Phone number (optional):

Signature: [Signature]

(signature required)

Printed Name: Michael Servos

Capacity/Title: President

(see instruction # 8 on back of form)

Secretary of State use only

D70764

IDAHO SECRETARY OF STATE  
11/20/2003 05:00  
CK: 4117 CT: 172978 BH: 712662  
1 @ 25.00 = 25.00 ASSUM NAME # 3

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Revised 09/2002

**EXHIBIT C**

**Officers & Directors**

## Officers & Directors

Michael Servos 1020 Spruce Drive Belleair Beach, FL 33786	President/Secretary	Director
Vasilios Servos 1020 Spruce Drive Belleair Beach, FL 33786	Vice-President/Treasurer	Director

**EXHIBIT D**

**Balance Sheet**

ESODUS COMMUNICATIONS, INC.

FINAL BALANCE SHEET

FOR THE 12 MONTHS ENDED DECEMBER 31, 2003

ASSETS

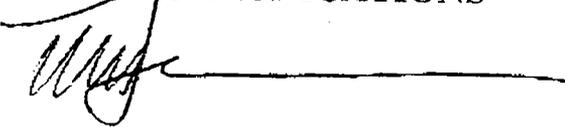
CASH ..... \$ 180,000  
ACCOUNTS RECEIVABLE ..... \$ 210,000  
LOCAL & LONG DISTANCE CERTIFICATES . \$ 1,500,000  
FURNITURE & FIXTURES ..... \$ 30,000  
TOTAL ASSETS ..... \$ 1,920,000

LIABILITIES

ACCOUNT PAYABLE ..... \$ 117,421  
TOTAL LIABILITIES ..... \$ 117,421

NETWORTH ..... \$ 1,802,479

ESODUS COMMUNICATIONS



MICHAEL SERVOS  
PRESIDENT

DEC-31-2003

**EXHIBIT E**

**Income and Profit Loss Statement**

**ESODUS COMMUNICATIONS, INC.**  
**FINAL INCOME STATEMENT**  
**FOR THE 12 MONTHS ENDED DECEMBER 31, 2003**

**INCOME**

<b>COMMUNICATION FEES</b>	<b>\$ 1,151,837</b>
<b>INHOUSE ADVERTISEMENT COMMISSION</b>	<b>\$ 9,424</b>
<b><u>TOTAL INCOME</u></b>	<b><u>\$ 1,161,261</u></b>

**EXPENSES**

<b>SALARIES</b>	<b>\$ 81,217</b>
<b>RENT</b>	<b>\$ 13,446</b>
<b>ADVERTISEMENTS</b>	<b>\$ 73,931</b>
<b>OFFICE SUPPLIES</b>	<b>\$ 8,888</b>
<b>TELEPHONE</b>	<b>\$ 18,317</b>
<b>LICENSES &amp; FILLING FEES</b>	<b>\$ 12,898</b>
<b>LEGAL</b>	<b>\$ 24,000</b>
<b>TAXES</b>	<b>\$ 17,418</b>
<b>STATE COMMISSIONS</b>	<b>\$ 4,791</b>
<b>PROCESSING &amp; FILLING</b>	<b>\$ 14,151</b>
<b>ILEC'S COMMUNICATION FEES</b>	<b>\$ 693,150</b>
<b><u>TOTAL EXPENSES</u></b>	<b><u>\$ 962,187</u></b>
<b><u>NET INCOME</u></b>	<b><u>\$ 199,074</u></b>

**ESODUS COMMUNICATIONS, INC**



**MICHAEL SERVOS**  
**PRESIDENT**

**DECEMBER 31, 2003**

**EXHIBIT F**

**Illustrative Tariff**

REGULATIONS AND SCHEDULE OF INTRASTATE CHARGES  
APPLYING TO END-USER  
COMMUNICATION SERVICES WITHIN  
THE STATE OF IDAHO

---

Issued :

Effective:

Issued By: Michael Servos, President  
Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

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Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

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Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

EXPLANATION OF SYMBOLS, REFERENCE  
MARKS, AND ABBREVIATIONS OF TECHNICAL  
TERMS USED IN THIS TARIFF

The following symbols shall be used in this tariff for the purpose indicated below:

- C To signify changed regulation.
- D To signify discontinued rate or regulation.
- I To signify increased rate.
- M To signify a move in the location of text.
- N To signify new rate or regulation.
- R To signify reduced rate.
- S To signify reissued matter.
- T To signify a change in text but no change in rate or regulation.

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Issued :

Effective:

Issued By: Michael Servos, President  
Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

APPLICATION OF TARIFF

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of intrastate end-user communications services by Esodus Communications, Inc. d/b/a INSTATONE, hereinafter referred to as the Company, to customers within the State of Idaho.

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Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

DEFINITIONS

Certain terms used generally throughout this tariff are defined below.

Account Codes: Permits Centrex Stations and attendants to dial an account code number of up to eight digits when placing calls over facilities arranged for Automatic Message Accounting (AMA) recording. The account or project number must be input prior to dialing the called number.

Advance Payment: Part or all of payment required before the start of service.

Applicant: An individual who is applying for services with the Company. Applicant refers to residential or small business services.

DID Trunk: A form of local switched access that provides the ability for an outside party to call an internal extension directly without the intervention of the company operator.

Automatic Number Identification (ANI): Allows the automatic transmission of a caller's billing account telephone number to a local exchange company, interexchange carrier or a third party subscriber. The primary purpose of ANI is to allow for billing of toll calls.

Bit: The smallest unit of information in the binary system of notation.

Call Back/Camp on: Permits a station line encountering an all-trunk-busy condition the option of being notified when a trunk becomes idle.

Call Forwarding:

Call Forwarding Station: Allows calls directed to a station line to be routed to a user defined line inside or outside the customer's telephone system.

Call Forwarding System: Permits calls attempting to terminate to a busy station line to be re-directed to a predetermined line inside or outside the customer's telephone system.

Call Forwarding Remote: This optional feature allows a user to activate/deactivate the Call Forwarding - All calls feature or change the forwarded to telephone number from a remote location.

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1020 Spruce Drive  
Belleair Beach, FL 33786

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### DEFINITIONS

Call Forwarding Busy: Allows incoming calls to a busy station to be routed to a preselected station line or attendant within the same system or outside the system. Intercom calls can be arranged to be forwarded to a number different from DID calls.

Call Forwarding Don't Answer: Allows incoming calls to be automatically routed to a preselected station line or attendant in the same system or outside the system, when the called station is not answered after a preset number of rings. Intercom calls can be arranged to be forwarded to a number different from DID calls.

Call Forwarding Variable Limited: When this feature is activated by a station line user or the attendant, incoming calls to the activated station line or attendant position will be automatically routed to any other selected station line, within the same Centrex system, or to the attendant position. The attendant may also activate this feature for a station line user.

Call Forwarding Variable Unlimited: The same as Call Forwarding Variable Limited except that incoming calls may be automatically routed to a telephone number outside the Centrex system or to station lines within the same Centrex system. The attendant may not activate this feature to a telephone number outside the Centrex system for a station line user. Calls forwarded outside the Centrex system are subject to the appropriate charges for local and toll messages.

Call Hold: Allows the user to hold one call for any length of time provided that neither party goes on-hook.

Call Park: Allows a station line to park a call against its own line number. The parked call can be retrieved from any station line by dialing a feature code and the line number against which the call is parked.

Call Pickup: Allows a station line to answer incoming calls to another station line within a defined call pickup group. Call pickup is provided on individual station lines within a customer group.

Call Transfer: Allows a station line user to transfer any established call to another station line inside or outside the customer group without the assistance of the attendant.

Call Waiting: Permits a line in the talking state to be alerted by a tone when another call is attempting to complete the line. Audible ringing is returned to the originating line. The Service also provides a hold feature that is activated by a switchhook flash.

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Issued :

Effective:

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Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

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### DEFINITIONS

Communication Services: The Company's intrastate toll and local exchange switched telephone services offered for both intraLATA and interLATA use.

Company or Esodus: Esodus Communications, Inc. d/b/a INSTATONE, the issuer of this tariff.

Customer or Subscriber: The person, firm or corporation that orders service and is responsible for the payment of charges and compliance with the Company's regulations.

Dial Pulse (or "DP"): The pulse type employed by rotary dial station sets.

Direct Inward Dial (or "DID"): A service attribute that routes incoming calls directly to stations, by-passing a central answering point.

Direct Outward Dial(or "DOD"): A service attribute that allows individual station users to access and dial outside numbers directly.

Do Not Disturb: Permits the attendant to cut off a single station line and selected groups of station lines from receiving incoming and station-to-station calls.

DSX-1 Panel: Distribution equipment used to terminate and administer DSI (1.544 Mbps) circuits.

Dual Tone Multi-Frequency (or "DTMF"): The pulse type employed by tone dial station sets.

Duplex Service: Service that provides for simultaneous transmission in both directions.

Fiber Optic Cable: A thin filament of glass with a protective outer coating through which a light beam carrying communications signals may be transmitted by means of multiple internal reflections to a receiver, which translates the message.

Hunting: Routes a call to an idle station line in a prearranged group when the called station line is busy.

In-Only: A service attribute that restricts outward dial access and routes incoming calls to a designated answer point.

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Issued :

Effective:

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Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

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DEFINITIONS

Joint User: A person, firm or corporation that is designated by the Customer as a user of services furnished to the Customer by Atlas and to whom a portion of the charges for the service will be billed under a joint user arrangement as specified herein.

Kbps: Kilobits per second, denotes thousands of bits per second.

Last Number Redial: Enables a station line user to redial the last called number by use of an access code rather than dialing the entire number.

LATA: A Local Access and Transport Area established pursuant to the Modification of Final Judgment entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192; or any other geographic area designated as a LATA in the National Exchange Carrier Association, Inc. Tariff F.C.C. No. 4.

Local Exchange Carrier or ("LEC"): Denotes any individual, partnership, association, joint-stock company, trust or corporation engaged in providing switched communication within an exchange.

Mbps: Megabits, denotes millions of bits per second.

Multi-Frequency or ("MF"): An inter-machine plus-type used for signaling between telephone switches, or between telephone switches and PBX/key systems.

Recurring Charges: The monthly charges to the Customer for services, facilities and equipment, that continue for the agreed upon duration of the service.

Service Commencement Date: The first day following the date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service that does not conform to standards set forth in the Service Order or this tariff, in which case the Service Commencement Date is the date of the Customer's acceptance. The Company and Customer may mutually agree on a substitute Service Commencement Date.

Service Order: The written request for Network Services executed by the Customer and the Company in the format devised by the Company. The signing of a Service Order by the Customer and acceptance by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

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Issued :

Effective:

Issued By: Michael Servos, President  
Esodus Communications, Inc. d/b/a INSTATONE  
1020 Spruce Drive  
Belleair Beach, FL 33786

DEFINITIONS

Shared: A facility or equipment system or subsystem that can be used simultaneously by several Customers.

Speed Calling: Permits a station line user to dial selected numbers by using fewer digits than normally accomplished through the assignment of abbreviated codes to frequently called numbers. The speed calling list is customer-changeable.

System: Allows shared use of speed calling list. A control station will add, change or delete telephone numbers from the list for the group.

Station: Allows a station line user to add, change or delete telephone numbers from a speed calling list. The list is dedicated to the individual station line user.

Three-Way Calling: Allows a station line user to add a third party to an existing conversation.

Two Way: A service attribute that includes outward dial capabilities for outbound calls and can also be used to carry inbound calls to a central point for further processing.

User or End User: A customer, Joint User, or any other person authorized by a Customer to use service provided under this tariff.

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REGULATIONS

2.1 Undertaking of the Company

2.1.1 Scope

The Company undertakes to furnish communications service pursuant to the terms of this tariff in connection with one-way and/or two-way information transmission between points within the State of Idaho.

Customers and users may use services and facilities provided under this tariff to obtain access to services offered by other service providers. The Company is responsible under this tariff only for the services and facilities provided hereunder, and it assumes no responsibility for any service provided by any other entity that purchases access to the Company network in order to originate or terminate its own services, or to communicate with its own customers.

2.1.2 Shortage of Equipment or Facilities

- (A) The Company reserves the right to limit or allocate the use of existing facilities, or of additional facilities offered by the Company, when necessary because of lack of facilities, or due to some other cause beyond the Company's control.
- (B) The furnishing of service under this tariff is subject to the availability on a continuing basis of all the necessary facilities and is limited to the capacity of the Company's facilities as well as facilities the Company may obtain from other carriers to furnish service from time to time as required at the sole discretion of the Company.

2.1.3 Terms and Conditions

- (A) Service is provided on the basis of a minimum period of at least one month, 24-hours per day. For the purpose of computing charges in this tariff, a month is considered to have 30 days.

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REGULATIONS

2.1 Undertaking of the Company (Continued)

2.1.3. Terms and Conditions (Continued)

- (B) Customers may be required to enter into written service orders which shall contain or reference a specific description of the service ordered, the rates to be charged, the duration of the services, and the terms and conditions in this tariff. Customers will also be required to execute any other documents as may be reasonably requested by the Company.
- (C) At the expiration of the initial term specified in each Service Order, or in any extension thereof, service shall continue on a month-to-month basis at the then current rates unless terminated by either party upon 30 days' written notice. Any termination shall not relieve the Customer of its obligation to pay any charges incurred under the service order and this tariff prior to termination. The rights and obligations which by their nature extend beyond the termination of the term of the service order shall survive such termination.
- (D) In any action between the parties to enforce any provision of this tariff, the prevailing party shall be entitled to recover its legal fees and court costs from the non-prevailing party in addition to other relief a court may award.
- (E) Service may be terminated upon written notice to the Customer if:
- 1) the Customer is using the service in violation of this tariff; or
  - 2) the Customer is using the service in violation of the law.
- (F) This tariff shall be interpreted and governed by the laws of the State of Idaho.
- (G) (Reserved for future use).
- (H) (Reserved for future use).

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