# TARIFF SCHEDULE APPLICABLE TO INTEREXCHANGE TELECOMMUNICATIONS SERVICES

by

DIODE TELECOM, Inc.

Issued by: Diode Telecom Diller, NE 68342

Issue Date: March 1, 2005

Issued by:

Effective Date: May 11, 2005

Diode Telecom, Inc. Diller, NE 68342



## **CHECK SHEET**

The sheets of this tariff are effective as of the date shown at the bottom of the respective sheets. Original and revised sheet are named below comprise all changes from the original tariff that are currently in effect as of the date of the bottom of this sheet.

SHEE	T REVISION NUMBER	SHEE	T REVISION NUMBER	SHEET	REVISION NUMBER
1	Original	17	Original	32	Original
2	Original	18	Original	33	Original
3	Original	19	Original	34	Original
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## **CONCURRING CARRIERS**

None

## **CONNECTING CARRIERS**

ALLTEL QWEST

## OTHER PATICIPATING CARRIERS

None

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#### TARIFF FORMAT

<u>Page Numbering</u>. Page numbers appear in the upper right hand corner of the sheets. Pages are numbered sequentially. From time to time new pages may be added to the tariff. When a new page is added between existing pages, a decimal is added to the preceding page number. For example, a new page added between pages 5 and 6 would be numbered 5.1.

<u>Page Revision Numbers</u>. Revision numbers appear in the upper right corner of pages. These numbers are used to determine the most current page version on the file with the Commission. For example, the 4<sup>th</sup> Revised Page No. 14 cancels the 3<sup>rd</sup> Revised Page No. 14.

<u>Paragraph Numbering Sequence</u>. There are nine levels of paragraphing coding. Each level of coding is subservient to its next hirer level, as shown by the following example.

2

2.1

2.1.1

2.1.1.A

2.1.1.A.1

2.1.1.A.1

2.1.1.A.1.(a)

2.1.1.A.1.(a).I

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

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

<u>Check Sheets</u>. When a tariff filing is made with the Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the pages contained in the tariff, with a cross-reference to the current revision number. When new pages are added, the check sheet is changes to reflect the revision. All revisions made in a given filing are designed by and asterisk (\*). The tariff user should refer to the latest check sheet to find out if a particular page is the most current one of file with the Commission.

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Explanation of Symbols. When changes are made in any tariff page, a revised page will be issued replacing the tariff page affected. Changes will be identified on the revised page through the use of the following symbols:

- (C) Identifies a changed regulation
- (D) Identifies a discontinued rate or regulation
- (I) Identifies an increase in rate.
- (N) Identifies a new rate or regulation
- (R) Identifies a reduction in rate.
- (T) Identifies a change in text only.

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## 0.0 Application and Scope of Tariff

## 0.1 Application

This tariff contains the rates and regulations applicable to regulated intrastate intraLATA interexchange services and to local services provided by Diode Telecom between and among points within the State of Nebraska.

## 0.2 Scope

Diode Telecom's services are provided in Nebraska subject to the availability of facilities and subject to the terms and conditions of this tariff. All services within the jurisdiction of the Commission provided by Diode Telecom between and among points in Nebraska are governed by this tariff.

#### 0.3 Interconnection with Other Carriers

Services provided by Diode Telecom may be connected with services or facilities of other carriers or may be provided by facilities provided by carriers other than Diode Telecom. However, service provided by Diode Telecom is not a part of a joint undertaking wit any other carrier providing telecommunications channels, facilities, or services.

## 0.4 Brief Description of Basic Services

Pursuant to this tariff and as described in more detail in subsequent sections, Diode Telecom provides local service to customers via leasing of unbundled network elements and purchase of services from the incumbent local exchange carrier ("ILEC), including dial tone, emergency services (9-1-1), and CLASS features and long distance service via resale of interexchange services purchased from an underlying interexchange carrier ("IXC"). Upon completion of its network facilities, Diode Telecom may provide local service to customers via its own facilities in addition to or in the alternative to its current leasing arrangement.

## 1.0 Explanation of Terms and Abbreviations

#### 1.1 Definitions of Terms

<u>Diode Telecom</u> Diode Telecom, Inc.

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## 1.1 Definitions of Terms (cont'd)

#### Accessories

Devices which are mechanically attached to or used with, the facilities furnished by the Company and which are independent of, and not electrically, acoustically or inductively connected to, the communications path of the telecommunications system.

#### Access Line

The facility used by the exchange carrier to provide dial tone to a subscriber from the central office through and including the Network Interface on the subscriber's premises.

#### Call

A customer telecommunications message successfully or unsuccessfully attempted.

#### **Applicant**

Any person or persons, firm, partnership, corporation, municipality, cooperative, organization, governmental agency or any other entity requesting provision of service in accordance with this tariff.

#### Central Office

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

#### Charges

Monthly recurring and nonrecurring amounts billed to Customers for service.

#### Class of Service

The various categories of service generally available to the customer, such as business access line service.

#### Commission

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#### Definitions of Terms (cont'd) 1.1

#### Construction

All activities required by the Company in order to initiate, rearrange, discontinue or otherwise provide or modify services or facilities provided to the customer.

#### Cost

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

#### Customer

Any person, firm, association, corporation, agency of the federal, state, or local government, or legal entity responsible by law for payment of the rates and charges and for compliance with the regulations of Diode Telecom.

#### **Customer Contract**

A written agreement between the Customer and Diode Telecom containing or referring to the rates and regulations applicable to the service being provided.

## Customer Provided Equipment (CPE)

All terminal equipment normally used on the Customer's premises. This equipment may be Customer-owned, or may be owned by Diode Telecom or another supplier and leased to the Customer.

#### Delinquent or Delinquency

An account for which an uncontested bill or payment agreement for regulated services has not been paid in full on or before the last day for timely payment. This term nay also apply to a contested bill for which the Commission finds the Customer's complaint to be without merit.

#### Depositor

The Customer from whom a deposit is received.

#### Disconnection

Discontinuance of Company service made at the request of the customer or at the option of the Company for nonpayment of service or other valid reasons.

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## 1.1 <u>Definitions of Terms</u> (cont'd)

#### Due Date

The last day for payment of a bill without unpaid amounts being considered delinquent or subject to additional collection efforts. The due date may be designated by "due by," "pay by," "if paid by," or other such language on the Customer's bill.

#### Exchange

A unit established for the administration of local communication services.

#### Exchange Area

The exchange served by the Company

### Exchange Service

A local communications service furnished by means of local exchange plant and facilities.

#### Extended Service Area or EAS

Telephone service, offered at a flat local rate, between customers located within an exchange area and all customers in an additional exchange area or areas.

#### Indebted Household

Two or more people living together at least one of who is indebted to the Company for service previously rendered.

#### Individual Case Basis

The application of rate, charge, or condition of the tariff as determined by individual circumstances.

#### Inside Station Wiring or Inside Wiring

Wiring on the premises beyond the demarcation point.

#### Installation:

Any activity required by the Company in order to initiate, provide, rearrange, or modify services or facilities for use by the customer.

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## 1.1 <u>Definitions of Terms</u> (cont'd)

#### Installation Charge

A non-recurring charge which may apply in place of or in addition to Service Connection charges and other applicable charges.

## Interexchange Carrier

A telecommunications company that provides interexchange service.

### Interexchange Service

The provision of intrastate telecommunications services and facilities between local exchanges, excluding EAS.

#### InterLATA Service

The completion of calls between Local Access Transportation Areas.

#### IntraLATA Service

The completion of calls between points within the boundaries of a Local Access Transportation Area.

#### Local Access Transportation Area or LATA

A geographic area within which Bell Operating Companies are permitted to offer interexchange service. These areas were established as a result of the break-up of the former Bell System.

#### Local Exchange Utility or Local Utility

A telephone utility that provides local service under a tariff filed with the Commission. The utility may also provide other services and facilities

#### Local Service

Telephone service furnished between two points located within an area where there is no toll charge.

### Message

A telephone call made by the Customer

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## 1.1 <u>Definitions of Terms</u> (cont'd)

#### Month

For billing purposes, a month is considered to have thirty (30) days.

#### **Premises**

The building or the adjoining portions of a building occupied and used by the customer; or all of the buildings occupied and used by the customer; or all of the buildings occupied and used by the customer as a place of business or residence, which are located on a continuous plot of ground not intersected by a public right-of-way or property owned by another.

#### Rates

The usage amounts billed to customers for regulated services and/or equipment.

#### Service Charges

The nonrefundable charges a customer is required to pay at the time of the establishment of telephone service or subsequent additions to that service in accordance with this tariff.

#### Subscriber

The customer provided with local exchange service by the Company.

#### Suspend or Suspension

To disconnect or impair a service temporarily in order to disable either outgoing or incoming calls or both.

#### Tariff

The schedule of rates, tolls, rentals, charges, classifications, rules and regulations that are filed by telephone companies and approved by the Commission.

#### Timely Payment

A payment of the Customer's account made on or before the due date shown on a current bill for rates and charges or by an agreement between the Customer and Diode Telecom for a series of partial payments to settle a delinquent account.

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## 1.2 Explanation of Acronyms and Trade Names

AT&T = AT&T Communications of the Midwest, Inc.

BOC = Bell Operating Company

DA = Directory Assistance

EAS = Extended Area Service

FCC = Federal Communications Commission

LATA = Local Access Transport Area

MCI = MCI Telecommunications Corporation

NPA = Numbering Plan Area, more commonly known as Area Code

SNI = Standard Network Interface

Sprint = Sprint Communications Company, L.P.

## 2.0 General Rules and Regulations

## 2.1 Undertaking of Diode Telecom

## 2.1.1 General

Pursuant to this tariff, Diode Telecom undertakes to provide within the service area in which Diode Telecom has been approved for certification the regulated intrastate intraLATA interexchange service and the local service described in Section 3.0

## 2.1.2 Limitations

- (A) Service is offered subject to the availability of the necessary facilities and equipment and subject to the provisions of this tariff in compliance with limitations set forth in the Commission's rules.
- (B) Diode Telecom reserves the right to discontinue service when the Customer is using the service in violation of the provisions of this tariff, signed contract, or the law, with notice as required by the rules of the Commission.
- (C) Diode Telecom does not undertake to transmit message, but offers the use of its facilities, when available, for that purpose.

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## 2.0 General Rules and Regulations (cont'd)

#### 2.2 Use

#### 2.2.1 Lawful Purpose

Services provided under this tariff may be used for any lawful purpose for which the service is technically suited consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of the service.

## 2.2.2 <u>Use of Service for Unlawful and/or Fraudulent Purposes</u>

Diode Telecom's services are provided subject to the condition that they will not be used for any unlawful and/or fraudulent purpose. Services will not be furnished if any law enforcement agency, acting within its jurisdiction, advises Diode Telecom that such services are being used or are likely to be used in violation of the law and/or in a fraudulent manner. If Diode Telecom receives other evidence giving reasonable cause to believe that such services are being used or are likely to be used for unlawful and/or fraudulent purposes, it may either discontinue or deny the service and/or refer the matter to the appropriate law enforcement agency in accordance with law and/or Commission rules.

#### 2.2.3 Unauthorized Use

Any individual who used or receives Diode Telecom's services other than under the provisions of an accepted application for service and a current Customer relationship shall be liable for the appropriate rates and charges for the service received and for Diode Telecom's costs of investigation and collection.

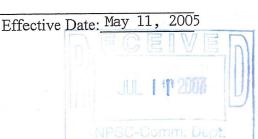
#### 2.2.4 Recording Devices

Diode Telecom's services are not designed for the use of recording devices, and customers who use such devices to record two-way telephone conversations do so at their own risk.

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## 2.0 <u>General Rules and Regulations</u> (cont'd)

#### 2.2 Use

### 2.2.5 Use of Service Mark

No customer shall use any service mark or trademark of Diode Telecom or refer to Diode Telecom with any product, equipment promotion, or publication of the Customer without the prior written consent of Diode Telecom.

#### 2.3 Liability

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Diode Telecom's liability, if any, for its willful misconduct is not limited this tariff. With respect to any other claim or suit, by a customer, or by any others, for damages associated with installation, provision, preemption, termination, maintenance, repair or restoration of service, or any other service, Diode Telecom's liability, if any, shall not exceed an amount equal to the proportionate part of the monthly recurring charge for the service for the period during which the service was affected. This liability shall be in addition to any amounts that may otherwise be due to the customer under this tariff as an allowance for interruptions.

Notwithstanding anything to the contrary in this section, if Diode Telecom's service is interrupted and remains out of service for mare than twenty-four (24) hours after the earlier of being reported to Diode Telecom or being found by Diode Telecom to be out of order, and if the interruption is not the result of a negligent or willful act by the Customer, a malfunction of Customer-owned equipment, Diode Telecom's liability to gain access to the Customer's premises, or causes beyond Diode Telecom's control as described in the first paragraph of this section, Diode Telecom will make appropriate adjustments. Such adjustments, in the form of direct payments or bill credits, will be the proportionate part of the monthly charge for all services and facilities rendered inoperative during the interruption, beginning with the hour of the report to Diode Telecom, or discovery by Diode Telecom, of the interruption.

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## 2.0 <u>General Rules and Regulations</u> (cont'd)

## 2.4 Equipment

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## 2.4.1 Inspection, Testing and Adjustment

Diode Telecom, may upon reasonable notice, make such tests and inspections as may be necessary to determine whether the requirements of this tariff are being complied with in the installation, operation, or maintenance of the Customer's equipment. Diode Telecom may interrupt the service at any time, without penalty to itself, unless interruption exceeds twenty-four (24) hours.

## 2.4.2 Interference and Hazard

The operating characteristics of Customer premises equipment or communications systems connected to Diode Telecom's services must not interfere with, or impair, any of the services offered by Diode Telecom. Additionally, connected Customer premises equipment must not endanger the safety of Diode Telecom employees of the public, damage or interfere with the proper functioning of Diode Telecom's equipment, or otherwise injure the public in its use of Diode Telecom's services.

## 2.4.3 Maintenance and Repair

## 2.4.3. A Customer Liability

The Customer shall be responsible for damages to Diode Telecom's facilities used in the provision of regulated services caused by the negligence or willful act of the Customer or those using Diode Telecom's service through the Customer. The Customer may not physically modify or intrude upon, rearrange, disconnect, remove, or attempt to repair any of Diode Telecom's facilities except upon written consent of Diode Telecom.

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#### General Rules and Regulations (cont'd) 2.0

#### 2.4 Equipment (cont'd))

## 2.4.3 Maintenance and Repair (cont'd)

#### Leased and Owned Facilities 2.4.3.B

The Customer's obligation to Diode Telecom is the same whether the facilities involved are Diode Telecom's facilities or are facilities leased by Diode Telecom from another party. If Diode Telecom incurs expenses due to the Customer's actions that result in damage or impairment of Diode Telecom's owned or leased facilities, Diode Telecom will pass on to the Customer any and all expenses to repair Diode Telecom's facilities or that the owner imposes on Diode Telecom for leased facilities.

#### Contract for Service 2.5

Diode Telecom may offer customized service packages under special arrangements on an Individual Case Basis. Service offered under this tariff provision will be provided to Customers pursuant to contract. Unless otherwise specified, the regulations for such arrangements are in addition to the applicable regulations and prices in other sections of this tariff.

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## 2.0 General Rules and Regulations (cont'd)

### 2.6 Application for Service

### 2.6.1 <u>Information Required</u>

When applying for service, each prospective Customer will be required to furnish Diode Telecom with the following information:

- (A) The name of the party who will be responsible for payment for the service provided.
- (B) The address of or exact location of the premises where service is to be provided and billed.
- (C) Any information required to make a proper determination of appropriate creditworthiness.

#### 2.6.2 <u>Initiation of Service</u>

Service shall be deemed to be initiated upon the service activation date specified in billings from the BOC to Diode Telecom.

### 2.7 Deposits

#### 2.7.1 Deposit Requirements

Diode Telecom may require from any Customer or prospective Customer a deposit to be held as a guarantee for the payment of charges. Any applicant who is either not a previous Customer having established prompt payment record or whose credit record is not satisfactory may be required to pay a deposit. In its calculation of a Customer's creditworthiness, Diode Telecom will use trading banking references, credit reports and any other information pertinent to a Customer's credit. Any deposit required shall be confirmed in writing to the Customer not later than the time of the next billing. Such confirmation shall, in separate columns, itemize deposits for abnormal toll usage and regulated services and identify deposits for other services, and shall state that no deposit other than for toll and regulated services is required to obtain basic local service.

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## 2.0 General Rules and Regulations (cont'd)

## 2.7 <u>Deposits</u> (cont'd)

## 2.7.2. Amount of Deposit

The amount of the deposit shall not be more than two (2) months for usage of Diode Telecom's service for any specific Customer. The amount of such usage may be estimated from past usage, the Customer's estimated anticipated usage or Diode Telecom's state average usage considering type and nature of service. The amount of the deposit may exceed this total when services are provided for shorter periods of time or special occasions.

## 2.7.3 New or Additional Deposit

A new or additional deposit may be required to cover the amount provided in Section 2.7.2 above when a deposit has been refunded or is found to be inadequate by virtue of abnormal toll usage, ad defined in 2.7.3.A or nonpayment. Written notice shall be mailed advising the Customer of any new or additional deposit requirement, and the Customer shall have twelve (12) calendar days from the date of mailing to comply. The new additional deposit is payable at the address specified in Section 2.7.4.

## 2.7.3.(A) Abnormal Toll Usage

For customers with at least six (6) consecutive months of service, "abnormal toll usage" is defined as at least a twenty-five percent (25%) increase in monthly usage charges amounting to at least twenty dollars (\$20). The Customer's average monthly bills for not less than three (3) prior months shall be used in determining the increase. For customer with less than six (6) consecutive months of service, "abnormal toll usage" is defined to exist when one (1) month's service exceeds the deposit attributable to the service by twenty-five percent (25%) amounting to at least twenty dollars (\$20).

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## 2.0 <u>General Rules and Regulations</u> (cont'd)

## 2.7 <u>Deposits</u> (cont'd)

#### 2.7.4 Handling of Deposits

Deposits shall be sent or delivered to: Diode Telecom, Inc., Box 300 Commercial Street, Diller, and NE 68342. Diode Telecom will maintain records that show the name and address of each depositor, the amount and date of the deposit, and each transaction concerning the deposit. The rate of interest paid will mirror the interest rated stated in the ALLTEL tariff. Interest shall be paid at least annually on deposits compounded annually from the date of the initial deposit to the date of refund or disconnection.

Deposits shall be refunded to the Customer after twelve (12) consecutive months of prompt payment of bills issued by Diode Telecom.

#### 2.7.5 Receipts

A receipt of deposit will be furnished to each Customer from whom a deposit is received. Upon request, duplicate receipts will be provided to Customers who have lost their receipts if the deposits are substantiated by Diode Telecom's records.

#### 2.7.6 Customer Obligations

The existence of a deposit in no way relieves the Customer of obligation to comply with Diode Telecom's regulations for the prompt payment of bills.

#### 2.7.7 Refund

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The deposit shall be refunded or credited to the Customer after not more than (12) consecutive months of timely payments (which may be eleven (11) timely payments and one automatic forgiveness of late payment). If the Customer does not make twelve (12) timely payments, the deposit shall be retained until a subsequent review at the end of Diode Telecom's accounting year or on the anniversary date of the account.

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## 2.0 <u>General Rules and Regulations</u> (cont'd)

#### 2.8 Billing

## 2.8.1 Monthly Billing

Bills to customers will be issued monthly unless Diode Telecom is authorized by the Commission to bill at other than monthly intervals because of unusual circumstances. Local service charges and bundled service and toll charges, including installation charges, are billed in advance. Toll charges are billed in arrears.

#### 2.9 Payment for Service

### 2.9.1 Late Penalty Charge

Each account will be granted one complete forgiveness of a late payment charge each calendar year. On one monthly bill in each period of eligibility, the net amount of such bill will be accepted as full payment for the month after expiration of the net payment period. The Customer will be notified by mailed written notice that the eligibility has been used. Such forgiveness of late payment charges will have no effect on the credit rating of the Customer.

#### 2.9.2 Partial Payment

If a Customer makes a partial payment in a timely manner and does not designate the service for which payment is made, the payment shall first be applied to the undisputed balance for local service, with the remainder applied on a <u>pro rata</u> basis to regulated utility service s and toll service. Any remainder will then be applied to deregulated and unregulated services other than toll. Any late payment penalty charge will be applied only to the outstanding balance for utility services, except interstate toll and related taxes.

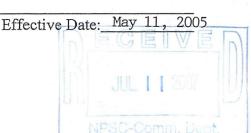
### 2.9.3 Collection

No collection efforts other than the rendering of the bill shall be undertaken until the delinquency date.

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## 2.0 General Rules and Regulations (cont'd)

## 2.9 Payment for Service (cont'd)

#### 2.9.4 Taxes and Fees

Any governmental assessments, fees, licenses, or other similar taxes or fees imposed upon Diode Telecom on a per-call basis shall be charged to Customer's receiving Diode Telecom's service within the territorial limits of the governmental authority imposing such taxes and fees. Such taxes and fees will be allocated among such Customers uniformly on the basis of Customers' monthly charges for the types of service made subject to the taxes or fees. Such taxes and fees will be separately stated on bills.

## 2.10 Disputes and Complaints

### 2.10.1 <u>Disputed Bills</u>

In the event of a dispute concerning the bill, Diode Telecom will require the Customer to pay a sum of money equal to the amount of the undisputed portion of the bill. Following payment of the undisputed amount, efforts to resolve the complaint using the complaint procedures in Section 2.10.2 shall continue, and for not less than forty-five (45) days after the rendering of the disputed bill, the service shall not be disconnected for nonpayment of the disputed amount. The 45-day period may be extended by up to sixty (60) days if requested of Diode Telecom by the Commission. Subject to regulatory requirements, Company's policy is to limit retroactive adjustments for billing errors to 90 days prior to the date the error is discovered.

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## 2.0 <u>General Rules and Regulations</u> (cont'd)

## 2.10 <u>Disputes and Complaints (cont'd)</u>

## 2.10.2 Complaint Procedures

Inquires, general questions, or complaints may be directed informally to Diode Telecom by telephone, in person, or in writing at Diode Telecom's office located at Diode Telecom, Inc., Box 300, Diller, NE 68342. Customers can reach Diode Telecom at 402-793-2532. Diode Telecom's customer service department accepts calls on a twenty-a-day basis. Complaints concerning charges, practices, facilities, or services of Diode Telecom will be investigated promptly and thoroughly. Diode Telecom will keep records of complainant, the date and nature of the complaint, its disposition, and all other pertinent facts dealing with the complaint that will enable Diode Telecom to review and analyze its procedures and actions.

The records maintained by Diode Telecom under this tariff will be available for inspection by the Commission or its staff upon request. Within thirty (30) days of receipt of a written complaint, Diode Telecom will provide written notice to the Customer of the status of the complaint. Each customer may file with the Commission for resolution of disputes. Each complainant will be mailed a statement of the complainant's right to contact the Commission at:

Nebraska Public Service Commission 1200 Street, Suite 300 Lincoln, Nebraska, 68508

#### 2.10. Bill Insert or Notices

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Diode Telecom shall notify Customers, by bill insert or notice on the bill form, of the address and telephone number where a Diode Telecom representative qualified to assist in resolving the complaint can be reached. The bill insert or notice shall also include the telephone number of the Nebraska Public Service Commission. The bill insert or notice on the bill will be provided no less annually.

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## 2.0 <u>General Rules and Regulations</u> (cont'd)

## 2.11 Service Refusal, Disconnection, and Suspension

#### 2.11.1 Notice of Pending Disconnection

Prior to the disconnection of service, Diode Telecom shall provide a written notice to the Customer setting forth the reason for disconnection and the final date by which the account is to be settled or specific action taken. Final dates shall be no less than ten (10) calendar days with respect to an unpaid bill and no less than twelve (12) days with respect to an unpaid deposit, after the notice is rendered. The notice shall be considered rendered to the Customer when deposited in the U.S. Mail with postage prepaid. If delivery is by other than U.S. Mail, the notice shall be considered rendered when delivered to the last known address of the person responsible for payment for the service.

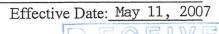
The notice will specify a number at which a Diode Telecom representative can be reached to provide additional information about the disconnection.

## 2.11.2 Reasons for Service Refusal, Disconnection, and Suspension

Service may be refused, disconnected, or suspended:

- (1) <u>Without notice</u> if a condition on the Customer's premises is determined by Diode Telecom to be hazardous.
- (2) <u>Without notice</u> if the Customer uses the service in such a manner as to adversely affect Diode Telecom's equipment or Diode Telecom's service to others.
- (3) <u>Without notice</u> if equipment furnished, leased, or owned by Diode Telecom is subject to tampering.
- (4) <u>Without notice</u> if there is unauthorized use. Unauthorized use includes, without limitation, use or attempted use for an unlawful purpose and/or use or attempted use in any fraudulent manner.

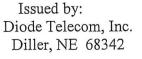
Issued by: Diode Telecom, Inc. Diller, NE 68342

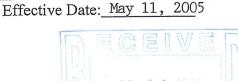


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## 2.0 General Rules and Regulations (cont'd)

- 2.11 Service Refusal, Disconnection, and Suspension (cont'd)
  - 2.11.2 Reasons for Service Refusal, Disconnection, and Suspension (cont'd)
    - (5) <u>With notice</u> if there are reasonable grounds to believe there is a violation of or noncompliance with Diode Telecom's regulations on file with the Commission, municipal ordinances, or law.
    - (6) With notice if the Customer or prospective Customer fails to furnish service equipment, permits, certificates, or rights-of-way specified to be furnished in Diode Telecom's regulations filed with the Commission as conditions for obtaining service, or withdraws such equipment or terminates those permissions or rights, or fails to fulfill the contractual obligations imposed upon the Customer as conditions of obtaining service. However, no service shall be disconnected for this reason on the day preceding or day on which Diode Telecom's office at the address specified in Section 2.7.4 is closed.
    - (7) With notice if the Customer fails to permit Diode Telecom reasonable access to its equipment. However, no service shall be disconnected for this reason on the day preceding or day on which Diode Telecom's office as the address specified in Section 2.7.4. is closed.
    - (8) With notice use of foul or profane language over the lines of the company or use of service that interferes with another customer's service or that issued for any other purpose other than communications.





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## 2.0 <u>General Rules and Regulations</u> (cont'd)

- 2.11 Service Refusal, Disconnection, and Suspension (cont'd)
  - 2.11.3 <u>Refusal, Disconnection, and Suspension of Service for Nonpayment of Bill</u> or Deposit

Except as restricted by Section 2.11.4, service may be refused, disconnected, or suspended for nonpayment of a bill or deposit if Diode Telecom has made a reasonable attempt to affect collection and:

- (1) Diode Telecom has provide the Customer with ten (10) days' prior written notice with respect to an unpaid bill and twelve (12) days' prior written notice with respect to an unpaid deposit. However, disconnection may take place prior to the expiration of the 10-day unpaid bill notice period if Diode Telecom determines from verifiable data that usage during the 10-day notice period is so abnormally high that a risk of irreparable revenue loss is created.
- (2) Diode Telecom is prepared to reconnect the same day if disconnection is scheduled for a weekend, holiday or after 2:00 p.m.
- (3) In the event of a dispute concerning the bill, Diode Telecom will require the Customer to pay a sum of money equal to the amount of the undisputed portion of the bill. Following payment of the undisputed amount, efforts to resolve the complaint using the complaint procedure in Section 2.10.2 shall continue, and for not less than forty-five (45) days after the rendering of the disputed bill, the service shall not be disconnected for nonpayment of the disputed amount. The 45-day period may be extended by up to sixty (60) days if requested of Diode Telecom by the Commission in the event the Customer files a written complaint with the Commission.

However, in no event shall service be disconnected for nonpayment of a bill or deposit on the day preceding or day on which Diode Telecom's local business office or local authorized agent is closed.

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## 2.0 General Rules and Regulations (cont'd)

## 2.11 Service Refusal, Disconnection, and Suspension (cont'd)

# 2.11.4 <u>Insufficient Reasons for Refusal, Suspension, or Discontinuance of Service.</u>

The following reasons are not sufficient cause for refusal, suspension, or discontinuance of service to a present or prospective customer;

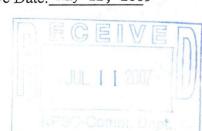
- (1) Delinquency in payment for service by a previous occupant of the premises to be served.
- (2) Failure to pay for terminal equipment, new inside station wiring, or other merchandise purchased from Diode Telecom.
- (3) Failure to pay for a different type or class of public utility service.
- (4) Failure to pay the bill of another Customer as guarantor thereof.
- (5) Permitting another occupant of the premises access to the telephone utility service when that other occupant owed an uncollectible bill for service rendered as a different location.
- (6) Failure to pay for information service not regulated by the Commission.

## 2.11.5 Medical Emergency

Notwithstanding any other provision of this tariff, Diode Telecom will postpone the disconnection of service to a residential Customer for a reasonable time, not to exceed thirty (30) days, if the Customer produces verification from a physician or a public health or social services official stating that telephone service is essential due to an existing medial emergency of the Customer, a customer of the Customer's family, or any permanent resident of the premises where service is rendered. This written verification shall identify the medical emergency and specify the circumstances. Initial verification may be by telephone if written verification is forwarded to Diode Telecom within five (5) days.

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## 2.0 General Rules and Regulations (cont'd)

## 2.11 Service Refusal, Disconnection, and Suspension (cont'd)

## 2.11.6 Temporary Service

When Diode Telecom renders temporary service to a Customer, the Customer may be required by Diode Telecom to bear the entire cost of installing and removing the service facilities in excess of any salvage realized.

#### 2.12 Cancellations and Deferments of Service

When a Customer cancels or defers an order for service before the service is activated, a charge applies that will allow Diode Telecom to recover its unrecovered costs, including but not limited to outside vendor charges, engineering, labor materials, and equipment. Charges apply as follows:

### 2.12.1 Cancellation

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In a cancellation situation, the charge is equal to the unrecoverable costs incurred prior to the request for cancellation and the costs of removal restoration, and disposal, if any, to comply with the cancellation. Those costs include, but are not limited to, costs of outside vendors, engineering, labor, nonrecoverable materials, and equipment expense.

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## 2.0 <u>General Rules and Regulations</u> (cont'd)

## 2.12 <u>Cancellations and Deferments of Service</u> (cont'd)

#### 2.12.2 <u>Deferment of Start of Service</u>

If a request for deferment of service is received by Diode Telecom prior to the date an order for equipment or service is placed with Diode Telecom's supplier, no charge shall apply. For deferments received by Diode Telecom subsequent to the date the order for equipment or service is placed with Diode Telecom's supplier, a monthly recurring charge based upon the costs incurred prior to the request for the deferment applies. This monthly rate shall be equal to the deferred investment multiplied by the interest rate established for customer deposits se forth in Section 2.7.4, plus recurring costs resulting directly from the deferral such as storage, taxes, etc. In addition, any extraordinary nonrecurring costs resulting form the deferral, such as additional engineering, labor, and transportation, shall be billed in total. Billing shall start at the beginning of the month of deferment and extend to the start of the service. Charges shall not exceed the monthly rate what would have applied had the service been established. Diode Telecom will also charge the Customer who defers any and all rates and charges incurred by Diode Telecom for any leased facilities for which Diode Telecom is held responsible. Diode Telecom will make a good faith effort to minimize those rates and charges whenever possible.

## 2.13 Special Promotions

From time to time Diode Telecom may engage in special service offering of limited duration. These promotions may be in the form of waived or reduced recurring and nonrecurring fees, lowered usage charges, or other actions designed to attract new customers or to increase existing Customer awareness of a particular service. For jurisdictional services, Diode Telecom shall seek Commission approval prior to engaging in Nebraska-specific promotions, and these shall be included in this approved tariff prior to their commencement.

## 2.14 Information Service Access Blocking

Where facilities are available, Customers have the option to block access to all "900" and "976" prefix numbers, without charge for the first block.

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## 2.0 General Rules and Regulations (cont'd)

## 2.15 Emergency Call Handling Procedures

Customer may place Emergency 911 calls by dialing the digits "911." Such calls are not routed to Diode Telecom, but are routed by ALLTEL, through the local network to the appropriate public safety answering point. ALLTEL will forward to the public safety answering point the address of the dialing station that has been provided to ALLTEL by Diode Telecom.

## 3.0 <u>Description of Services Offered</u>

#### 3.1 <u>Local Service</u>

#### 3.1.1 Nature of Service

Local Service is a telephone service that allows customers to originate non-toll local calls at locations within the service areas in which Diode Telecom has been approved for certification and terminate calls within the local calling area and EAS area of those locations, and within the LATA in which the call originates.

#### 3.1.2 Availability

Diode Telecom offers this service in the service areas in which it has been certified by the Nebraska Public Utilities Commission.

## 3.1.3 Specific Local Service Options

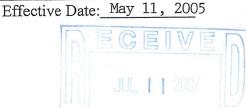
The following services comprise Local Service:

## 3.1.3. A <u>Local Line Service</u>

Local Service will allow Customers to make local calls from the Customer's telephone station. In addition to the completion of local calls, the following features will be available within certain technical limitations as to combinations of service, to equipment in certain areas, and to certain restrictions:

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## 3.1 <u>Local Service</u> (cont'd)

## 3.1.3 Specific Local Service Options (cont'd)

#### 3.1.3. A

## Local Service (cont'd)

#### 3.1.3. A.1 Call Forwarding

Permits transfer of all incoming calls automatically to any dialable number. The number can be selected by the customer each time Call Forwarding is activated. If the alternate location is not a free call, the Customer will be billed for each call forwarded.

### 3.1.3.A.2 Call Rejection

Enables Customer to establish a list of telephone numbers that will not ring the Customer's telephone when activated. Customer must establish list via the Customer's telephone.

## 3.1.3.B <u>Additional Options</u>

## 3.1.3.B.1 Call Transfer/No Answer

Permits a Customer to specify a number to which incoming calls will be transferred after a prescribed number of unanswered rings. If the location in not a free call, the customer will be billed for the call.

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## 3.1 <u>Local Service</u> (cont'd)

## 3.1.3 Specific Local Service Options (cont'd)

## 3.1.3.B <u>Additional Options (cont'd)</u>

## 3.1.3.B.2 <u>Call Waiting</u>

Call waiting is the ability of the called station to generate a tone when the called station is in use to alert the user that another call is waiting to connect with the called station.

#### 3.1.3.B.3 Caller Identification

Allows for the automatic delivery of a calling party's telephone number to the called customer, which gives the called customer an opportunity to decide whether to answer the call immediately or not. This number is displayed on customer premise equipment.

## 3.1.3.B.4 <u>Complete Blocking or Selective Blocking</u>

Allows customers, in areas where Caller – ID Number is available – to inhibit the delivery of their telephone number to an identification device, by activating blocking.

## 3.1.3.B.5 Speed Calling

Permits placing local and long distance calls to either 8 or 30 preselected telephone numbers by dialing an abbreviated code. To add a number to the calling list, the Customer uses his own telephone.

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## 3.1 <u>Local Service</u> (cont'd)

## 3.1.3 Specific Local Service Options (cont'd)

## 3.1.3.B <u>Additional Options (cont'd)</u>

## 3.1.3.B.6 Three Way Calling

Permits a telephone user to add a third party to an existing local or long distance call. It will also permit a telephone user to consult privately with a third party while holding the original calls.

## 3.1.3.B.7 <u>Line Busy Call Diversion</u>

Permits call to automatically be transferred to a predetermined alternate number whenever the primary number is busy. The alternate number can be any dialable number. If the alternative location is not a free call, the customer will be billed for each call diverted.

## 3.1.3.B.8 Warm Line

Permits call to be automatically placed to a predetermined number after a prescribed time delay period after the telephone goes off hook. If the location to which the call is automatically placed is not a free call, the customer will be billed for the call.

## 3.1.3.B.9 <u>Call Trace</u>

Allows a calling party to initiate an automatic trace of the last call received.

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## 3.1 <u>Local Service</u> (cont'd)

## 3.1.3 Specific Local Service Options (cont'd)

## 3.1.3.B Additional Options (cont'd)

#### 3.1.3.B.10 Anonymous Call Rejection

Allows a Customer to automatically reject all calls that have been marked anonymous. When Anonymous Call Rejection is active, the called party receives no alerting (ringing) for a call that has been rejected. The call is routed to a denial announcement and subsequently terminated.

## 3.1.3.B.11 <u>Call Display Blocking</u>

Enables a Customer to control the disclosure of their telephone number or the city from which the call is being placed to a subscriber of Caller Identification by temporarily changing the public/private status indicator of the telephone number.

## 3.1.3.B.12 <u>Call Trap</u>

When this feature is requested by the Customer, the Company will utilize trap software on the Customer's line in the central office for a period of two (2) weeks. The results of the trap will be furnished to law enforcement agencies or authorities upon proper request by them. The Company is not liable for damages if, for any reason, the trap attempt is not successful

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## 3.1 <u>Local Service</u> (cont'd)

## 3.1.3 Specific Local Service Options (cont'd)

### 3.1.3.C <u>Directories</u>

## 3.1.3.C.1 <u>Listing Service</u>

A residential listing is provided as a part of, and is included in the rate for, exchange telephone service. It is furnished in the directory of the serving exchange.

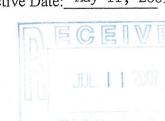
A single business listing is provided as a part of, and is included in the charge for business service. The listing must be in the name of the individual, firm, partnership, corporation, institution, etc., under which the business or work of the individual or organization is transacted.

### 3.1.3.C.2 <u>Directory Distribution</u>

Telephone directories are issued to provide an actual list of all subscribers for a particular exchange.

One local exchange directory will be provided to a Customer for each access line in service.

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## 3.2 Preferred Carrier Selection (Local Freeze)

The Company offers a free service called Preferred Carrier Selection or Local Freeze. This service is available to all customers. Preferred Carrier Selection allows customers to designate their local service provider as a permanent choice which may not be changed absent further authorization from the Customer. At the time a customer contacts the Company to establish a freeze, a representative will advise him/her on how to facilitate a change of provider on a frozen account

## 3.3 Telephone Assistance Programs

## 3.3.1 <u>Lifeline Assistance</u>

## 3.3.1.A <u>Description</u>

The Lifeline Assistance Plan (Lifeline) assists qualified low-income applicants with reductions in their monthly local exchange service rate. The assistance applies for a single telephone line at the applicant's principal place of residence.

## 3.3.1.B <u>Eligibility Requirements</u>

To be eligible for assistance, an applicant must participate in one of the following: Medicaid, Food Stamps, Supplement Security Income, Federal public housing assistance, or Low-Income Home Energy Assistance Program.

## 3.3.1.C <u>Terms and Conditions</u>

An Applicant may request telephone assistance through completion of a form provided by the Company.

## 3.3.1.D <u>Credit</u>

Lifeline Assistance Credit for qualifying customers will include waiving the federal subscriber line charge and local rates will be reduced by \$7.00 per month.

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## 3.3 <u>Telephone Assistance Programs (cont'd)</u>

#### 3.3.2 <u>Link Up</u>

## 3.3.2.A <u>Description</u>

Nebraska residents who are participating in one of the eligible programs listed below may also qualify for the FCC's Link Up Program. A 50% discount of up to \$30.00 will be applied to access line nonrecurring charges to connect service at a new address. This discount applies only on a single line at the principal place of residence for the applicant.

The consumer shall receive the benefit of the Link Up program for a second and subsequent time only for a principal place of residence with an address different from the residence address at which Link Up assistance was provided previously.

## 3.3.2.B Eligibility Requirements

To be eligible for assistance, an applicant must participate in one of the following: Medicaid, Food Stamps, Supplemental Security Income, Federal public housing assistance, or Low-Income Home Energy Assistance Program.

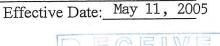
## 3.3.2.C <u>Application for Assistance</u>

An Applicant may request telephone assistance through completion of a form provided by the Company.

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## 3.3 <u>Telephone Assistance Programs (cont'd)</u>

## 3.3.2 Link Up (cont'd)

## 3.3.2.D <u>Deferred Payments</u>

An Applicant may defer payment of the service connection charges. Payments may be deferred up to 12 months with a payment schedule of equal payments of up to \$200.00 assessed for commencing service. Interest will not be charged on deferred payments.

## 3.4 Operator Services

Operator Services are obtained by dialing "0", which will be answered by an operator of ALLTEL. Calls placed dialing "00" will be answered by an operator of the designated long distance interexchange carrier. Charges for operator services provided by Diode Telecom's underlying local and long distance providers will be billed on a pass through basis on the Customer's monthly billing statement from Diode Telecom.

Customers may receive bills directly form other operator service providers whose services the customer may use.

## 3.5 <u>Special Promotions</u>

Special promotions may be offered to subscribe for a specific time period. Special promotions may waive all or part of the monthly recurring and/or nonrecurring charges for an individual service or group of services and/or the service connection charge for those particular services. Special promotions may be limited to certain classes of service and exchanges as defined in the Company's Local Exchange Tariff.

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#### 4.0 Rates and Charges

#### 4.1 Service Charges

Service charges apply to Connect, Move and Change telephone service separately according to the components of work required.

#### 4.1.1 Service Ordering Charge

A nonrecurring charge by the Customer for work involved in receiving, recording, transmitting, and acting upon requests to Connect, Move, or Change telephone service.

#### 4.1.2 Central Office Line Charge

A nonrecurring charge for work associated with the telephone line, extending from central office equipment through protector equipment, or its equivalent and the network side of the demarcation point which is the appropriate jack or its equivalent located at the Customer's premises. This includes, but is not limited to, installing or changing central office connections and Connecting, Moving, or Changing the drop, block, or buried wire.

#### 4.1.3 Wiring Charge

Applies for installing, connecting, relocating or changing the capacity of existing inside wiring between the protector or its equivalent to, but not including, the connecting block, quick-connect termination or its equivalent.

#### 4.1.4 Demarc Charge

Issue Date: March 1, 2005

Applies for installing a demarcation point at customer's request on the customer's premises. The charge applies only to existing customers. This charge will not apply to new customers or moves of existing customers when the central office Line Charge is applicable.

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### 4.0 Rates and Charges

## 4.1 <u>Service Charges (cont'd)</u>

## 4.1.5 Move Charge

A nonrecurring charge for a relocation of telephone service by the Company within a Customer's premises.

## 4.1.6 Change Charge

A nonrecurring charge paid by the customer when telephone service is changed at the subscriber's request. Such changes include, but are not limited to the following:

- (A) Adding or changing features of station lines.
- (B) Rearrangement of station circuits at the station or in the switching equipment.
- (C) Change in class or type of service.

## 4.2 <u>Application of Charges</u>

Service charges apply, as described in Rates and Charges following, to customerinitiated requests to establish telephone service except as specified in this or in other sections of the tariff.

## 4.2.1 Establishment of Service

Charges to establish business and residence service, trunks and lines consist of:

- (A) Service Ordering Charges for appropriate class of service.
- (B) Central Office Line Charges for appropriate class of service, when applicable.

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## 4.0 Rates and Charges

Issue Date: March 1, 2005

## 4.2 Application of Charges

## 4.2.2 <u>Installation Charge</u>

Nonrecurring charge for the installation of miscellaneous services subject to an Installation Charge, the following charges apply:

- (A) Service Ordering Charges for appropriate class of service.
- (B) Installation Charge as specified in the appropriate tariff sections.

## 4.2.3 Service Charges

Service charges also apply for customer-initiated requests to move telephone service on the same premises. Charges for moves of trunks, business and residence service consist of:

- (A) Service Ordering Charges for appropriate class of service.
- (B) Central Office Line Charges for appropriate class of service, where applicable.

In addition, Service Charges apply for customer-initiated requests for changes. Service Charges apply as follows unless specifically expected in other sections of this Tariff.

- (A) Apply Service Ordering Charge for appropriate class of service.
- (B) Apply Central Office Line Charge for appropriate class of service, where applicable.

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## 4.0 Rates and Charges (cont'd)

- 4.2 Application of Charges (cont'd)
  - 4.2.3 <u>Service Charges</u> (cont'd)

#### 4.2.3.A Miscellaneous

- (A) If work involving both business and residence items of service qualifies for application of one service ordering charge, the Business Service Ordering Charge applies.
- (B) One (1) Service Ordering Charge applies per customer request to suspend and restore service.
- (C) When establishing Combined Main Station Service, one (1) Service Ordering Charge and one (1) Central Office Line Charge applies.
- (D) "Amending Customer Requests" are not subject to additional Service Ordering Charges.
- (E) One (1) Service Ordering Charge applies for the service located at a premise, except no additional Service Ordering Charge applies for off-premises or secondary locations.
- (F) One (1) Service Ordering Charge applies per customer request for demark installation.

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#### 4.0 Rates and Charges (cont'd)

#### 4.3 Charges

#### 4.3.1 Returned Check Charge (NSF)

An administrative charge is applicable to the subscribers account for each occasion that a check, band draft, or an electronic funds transfer item is returned to the Company for the reason for insufficient funds or no account.

Returned Check Charge (per occasion):

\$25.00

#### 4.3.2 Late Payment Charge

If the entire amount billed is not received by the Company prior to the next billing date, a late payment charge of \$20.00 will be assessed.

#### 4.3.3 Reconnect Fee

Reconnect Fee charge (Residence): Reconnect Fee charge (Business)

\$15.00 for each line

\$25.00 for first 2 lines

\$20.00 for each additional line

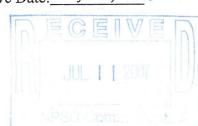
#### 4.3.4 Nebraska Universal Service Charge

Towards the ultimate goal the basic service be available and affordable to all citizens of the state, the Nebraska Legislature authorized the Public Service Commission to create a system of support mechanisms to assist the provision of such service in high-cost areas. The Commission has adopted Rules Prescribing the High Cost Support Mechanism. To insure that the mechanism is funded on a non-discriminatory, competitively neutral basis, the Rule directs that a surcharge, called the "Nebraska Universal Service Charge" will be levied on all telecommunications services purchased by end-users. The Nebraska Universal Service Charge may be changed on a quarterly basis.

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## 4.0 Rates and Charges (cont'd)

### 4.3 Charges

## 4.3.5 <u>Trouble Isolation Charge (TIC)</u>

A Trouble Isolation Charge applies when the Company dispatches either its own, contracted personnel or ILEC personnel to a customer premises to test the line from the Central Office, up to the demarcation point, and the line tests clear (no trouble found in the Company facilities). No Trouble Isolation Charge will apply if the customer subscribes to an inside wire maintenance plan with the Company.

Trouble Isolation Charge:

Business Customer:

\$95.00

Residential Customer:

\$95.00

## 4.3.6 Bill Copies

Additional and alternate bill copies will be available upon a customer's request. An additional bill copy is a secondary copy of the customer's initial bill and an alternate bill copy is an additional bill sent to a different address other than the billing address. Charges for the additional and alternate bill copies are below:

Business Customers:

\$10.00 per copy

Residential Customers:

\$ 5.00 per copy

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