

**DIVISION OF COMMUNICATIONS**  
**BUREAU OF SERVICE EVALUATION**

**APPLICATION FORM**  
**for**  
**AUTHORITY TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE**  
**WITHIN THE STATE OF FLORIDA**

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Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee (See Appendix A).
- B. Respond to each item requested in the application and appendices.  
If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:

**Florida Public Service Commission  
Division of Communications  
Bureau of Service Evaluation  
2540 Shumard Oak Blvd.  
Gunter Building  
Tallahassee, Florida 32399-0850  
(904) 413-6600**

- E. Once completed, submit the original and six (6) Copies of this form along with a non-refundable application fee of \$250.00 to:

**Florida Public Service Commission  
Division of Administration  
2540 Shumard Oak Blvd.  
Gunter Building  
Tallahassee, Florida 32399-0850  
(904) 413-6251**

1. This is an application for (check one):

- Original Authority (New company).
- Approval of Transfer (To another certificated company).
- Approval of Assignment of existing certificate (To an uncertificated company).
- Approval for transfer of control (To another certificated company).

2. Select what type of business your company will be conducting (check all that apply):

- Facilities based carrier - company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.
- Operator Service Provider - company provides or plans to provide alternative operator services for IXCS; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
- Reseller - company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
- Switchless Rebiller - company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
- Multi-Location Discount, Aggregator company contracts with unaffiliated entities to obtain bulk/volume discounts under multi-location discount plans from certain underlying carriers. Then offers the resold service by enrolling unaffiliated customers.

3. Name of corporation, partnership, cooperative, joint venture or sole proprietorship:

**Atlas Equity, Inc., d/b/a Performance Telecom**

4. Name under which the applicant will do business (fictitious name, etc.):

**Performance Telecom**

5. National address (including street name & number, post office box, city, state and zip code).

**4100 Newport Place, Suite 400, Newport Beach, CA 92660**

6. Florida address (including street name & number, post office box, city, state and zip code):

**1201 Hays Street, Tallahassee, Florida 32301**

7. Structure of organization:

- ( ) Individual                       Corporation  
( ) Foreign Corporation    ( ) Foreign Partnership  
( ) General Partnership    ( ) Limited Partnership  
( ) Other, \_\_\_\_\_

8. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.

(a) Provide proof of compliance with the foreign limited partnership statute (Chapter 620.169 FS), if applicable.

(b) Indicate if the individual or any of the partners have previously been:

- (1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings.
- (2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

9. If incorporated, please give:

- (a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.

**Attachment 1**

Corporate charter number:     **F96000005511**    

- (b) Name and address of the company's Florida registered agent.

**Corporation Services Co., 1201 Hays St., Tallahassee, FL**

- (c) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.  
**Not applicable; Applicant does not have fictitious name.**  
Fictitious name registration number: \_\_\_\_\_

- (d) Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

- (1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. **No.**
- (2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not. **No.**

10. Who will serve as liaison with the Commission in regard to (please give name, title, address and telephone number):

- (a) The application; **Michael W. Mlinar, 1374 Danielson Road, Montecito, CA 93108 (805) 565-3338**
- (b) Official Point of Contact for the ongoing operations of the company; **Same as a.**
- (c) Tariff; **Same as a.**

(d) Complaints/inquiries from customers; **See as a.**

11. List the states in which the applicant:

(a) Has operated as an interexchange carrier. **None**

(b) Has applications pending to be certificated as an interexchange carrier. **See Attached Exhibit 2.**

(c) Is certificated to operate as an interexchange carrier. **Texas**

(d) Has been denied authority to operate as an interexchange carrier and the circumstances involved. **None**

(e) Has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved. **None**

(f) Has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved. **None**

12. What services will the applicant offer to other certificated telephone companies: **None**

- |  |                                     |
|--|-------------------------------------|
| <input type="checkbox"/> Facilities.             | <input type="checkbox"/> Operators. |
| <input type="checkbox"/> Billing and Collection. | <input type="checkbox"/> Sales.     |
| <input type="checkbox"/> Maintenance.            |                                     |
| <input type="checkbox"/> Other:                  |                                     |

13. Do you have a marketing program?

**Yes**

14. Will your marketing program:
- Pay commissions?
  - Offer sales franchises?
  - Offer multi-level sales incentives?
  - Offer other sales incentives?

15. Explain any of the offers checked in question 14 (To whom, what amount, type of franchise, etc.).

**See Attachment 3.**

16. Who will receive the bills for your service (Check all that apply)?

- Residential customers.  Business customers.
- PATS providers.  PATS station end-users.
- Hotels & motels.  Hotel & motel guests.
- Universities.  Univ. dormitory residents.
- Other: (specify) \_\_\_\_\_

17. Please provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services, and if not who will the billed party contact to ask questions about the bill (provide name and phone number) and how is this information provided? **Yes**

(b) Name and address of the firm who will bill for your service. **Atlas Equity, Inc., 4100 Newport Place, Suite 400, Newport Beach, CA 92660**

18. Please provide all available documentation demonstrating that the applicant has the following capabilities to provide interexchange telecommunications service in Florida.

A. Financial capability. **Attachment 4**

Regarding the showing of financial capability, the following applies:

The application should contain the applicant's financial statements for the most recent 3 years, including:

1. the balance sheet
2. income statement
3. statement of retained earnings.

Further, a written explanation, which can include supporting documentation, regarding the following should be provided to show financial capability.

1. Please provide documentation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
2. Please provide documentation that the applicant has sufficient financial capability to maintain the requested service.
3. Please provide documentation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

NOTE: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

If available, the financial statements should be audited financial statements. **Applicant does not have audited financial statements.**

If the applicant does not have audited financial statements, it shall be so stated. The unaudited financial statements should then be signed by the applicant's chief executive officer and chief financial officer. The signatures should affirm that the financial statements are true and correct.

B. Managerial capability. **Attachment 5**

C. Technical capability. **Attachment 6**

19. Please submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed). **Attachment 7**

20. The applicant will provide the following interexchange carrier services (Check all that apply):

MTS with distance sensitive per minute rates  
 Method of access is FGA  
 Method of access is FGB  
 Method of access is FGD  
 Method of access is 800

MTS with route specific rates per minute  
 Method of access is FGA  
 Method of access is FGB  
 Method of access is FGD  
 Method of access is 800

MTS With statewide flat rates per minute (i.e. Not Distance sensitive)  
 Method of access is FGA  
 Method of access is FGB  
 Method of access is FGD  
 Method of access is 800

MTS for pay telephone service providers

Block-of-time calling plan (Reach out Florida, Ring America, etc.).

800 Service (Toll free)

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473,  
and 2524.480(2).



- WATS type service (Bulk or volume discount)
- Method of access is via dedicated facilities
- Method of access is via switched facilities

- Private Line services (Channel Services)  
(For ex. 1.544 mbs., DS-3, etc.)

- Travel Service
- Method of access is 950
- Method of access is 800 (and 888)

- 900 service

- Operator Services
- Available to presubscribed customers
- Available to non presubscribed customers (for example to patrons of hotels, students in universities, patients in hospitals.
- Available to inmates

Services included are:

- Station assistance
- Person to Person assistance
- Directory assistance
- Operator verify and interrupt
- Conference Calling

21. What does the end user dial for each of the interexchange carrier services that were checked in services included (above).

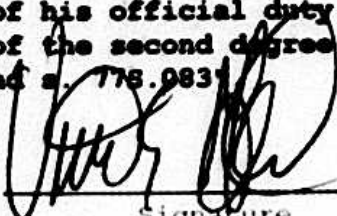
22. Other:

**\*\* APPLICANT ACKNOWLEDGEMENT STATEMENT \*\***

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** A non-refundable application fee of \$250.00 must be submitted with the application.
5. **RECEIPT AND UNDERSTANDING OF RULES:** I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and orders relating to my provision of interexchange telephone service in Florida. I also understand that it is my responsibility to comply with all current and future commission requirements regarding interexchange service.
6. **ACCURACY OF APPLICATION:** By My signature below, I the undersigned owner or officer of the named utility in the application, attest to the accuracy of the information contained in this application and associated attachments. I have read the foregoing and declare that to the best of my knowledge and belief, the information is a true and correct statement.

**Further, I am aware that pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 778.083"**

UTILITY OFFICIAL:



Signature

Vincent E. Galewick

President

Title

11/13/96

Date

(714) 752-3500

Telephone No.

**\*\* APPENDIX A \*\***

CERTIFICATE TRANSFER STATEMENT

I, (TYPE NAME) \_\_\_\_\_  
(TITLE) \_\_\_\_\_ of (NAME OF COMPANY)  
\_\_\_\_\_, and current  
holder of certificate number \_\_\_\_\_ have reviewed  
this application and join in the petitioner's request for a  
transfer of the above-mention certificate.

**UTILITY OFFICIAL:** \_\_\_\_\_

Signature

\_\_\_\_\_ Date

Vincent E. Galewick

President

Title

(714) 752-3500

Telephone No.

**NOT APPLICABLE TO CURRENT APPLICANT: NO CERTIFICATE IS BEING TRANSFERRED.**



INTRASTATE NETWORK

1. **POP:** Addresses where located, and indicate if owned or leased. **See MCI-Florida tariff for POP addresses.**

1) 2)

3) 4)

2. **SWITCHES:** Address where located, by type of switch, and indicate if owned or leased.

**See MCI-Florida tariff for switch addresses.**

**Applicant leases facility from MCI.**

1) 2)

3) 4)

3. **TRANSMISSION FACILITIES:** Pop-to-Pop facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.

**See MCI-Florida tariff for POP addresses.**

1) POP-to-POP                      TYPE                      OWNERSHIP

2)

4. **ORIGINATING SERVICE:** Please provide the list of exchanges where you are proposing to provide originating service within thirty (30) days after the effective date of the certificate (Appendix D). **Statewide**

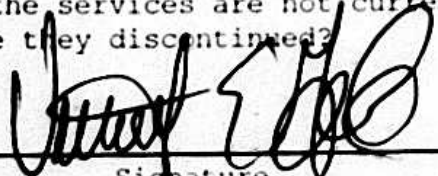
5. **TRAFFIC RESTRICTIONS:** Please explain how the applicant will comply with the EAEA requirements contained in Commission Rule 25-24.471(4) (a) (copy enclosed).

6. **CURRENT FLORIDA INTRASTATE SERVICES:** Applicant has ( ) or has not ( ) previously provided intrastate telecommunications in Florida. If the answer is has, fully describe the following:

a) What services have been provided and when did these services begin?

b) If the services are not currently offered, when were they discontinued?

UTILITY OFFICIAL:

  
Signature

11/13/96  
Date

Vincent E. Galewick

President

Title

(714) 752-3500

Telephone No.

FLORIDA TELEPHONE EXCHANGES

AND

EAS ROUTES

Describe the service area in which you hold yourself out to provide service by telephone company exchange. If all services listed in your tariff are not offered at all locations, so indicate. **Statewide.**

In an effort to assist you, attached is a list of major exchanges in Florida showing the small exchanges with which each has extended area service (EAS).

\*\* FLORIDA EAS FOR MAJOR EXCHANGES \*\*

<u>Extended Service</u> <u>Area</u>	<u>with</u>	<u>These Exchanges</u>
PENSACOLA:		Cantonment, Gulf Breeze Pace, Milton Holley-Navarre.
PANAMA CITY:		Lynn Haven, Panama City Beach, Youngstown-Fountain and Tyndall AFB.
TALLAHASSEE:		Crawfordville, Havana, Monticello, Panacea, Sopchoppy and St. Marks.
JACKSONVILLE:		Baldwin, Ft. George, Jacksonville Beach, Callahan, Maxville, Middleburg Orange Park, Ponte Vedra and Julington.
GAINESVILLE:		Alachua, Archer, Brooker, Hawthorne, High Springs, Melrose, Micanopy, Newberry and Waldo.

OCALA:

Belleview, Citra, Dunnellon,  
Forest Lady Lake (B21),  
McIntosh, Oklawaha,  
Orange Springs, Salt Springs  
and Silver Springs Shores.

DAYTONA BEACH:

New Smyrna Beach.

TAMPA:

Central	None
East	Plant City
North	Zephyrhills
South	Palmetto
West	Clearwater

CLEARWATER:

St. Petersburg, Tampa-West and  
Tarpon Springs.

ST. PETERSBURG:

Clearwater.

LAKELAND:

Bartow, Mulberry, Plant City,  
Polk City and Winter Haven.

ORLANDO:

Apopka, East Orange, Lake  
Buena Vista, Oviedo,  
Windermere, Winter Garden,  
Winter Park, Montverde, Reedy  
Creek, and Oviedo-Winter  
Springs.

WINTER PARK:

Apopka, East Orange, Lake Buena Vista,  
Orlando, Oviedo, Sanford, Windermere,  
Winter Garden, Oviedo-Winter Springs Reedy  
Creek, Geneva and Montverde.

TITUSVILLE:

Cocoa and Cocoa Beach.

COCOA:

Cocoa Beach, Eau Gallie,  
Melbourne and Titusville.

MELBOURNE:

Cocoa, Cocoa Beach, Eau Gallie  
and Sebastian.

SARASOTA:

Bradenton, Myakka and Venice.



FT. MYERS

Cape Coral, Ft. Myers Beach,  
North Cape Coral, North Ft.  
Myers, Pine Island, Lehigh  
Acres and Sanibel-Captiva  
Islands.

NAPLES:

Marco Island and North Naples.

WEST PALM BEACH:

Boynton Beach and Jupiter.

POMPANO BEACH:

Boca Raton, Coral Springs,  
Deerfield Beach and  
Ft. Lauderdale.

FT. LAUDERDALE:

Coral Springs, Deerfield  
Beach, Hollywood and Pompano  
Beach.

HOLLYWOOD:

Ft. Lauderdale and North Dade.

NORTH DADE:

Hollywood, Miami and Perrine.

MIAMI:

Homestead, North Dade and  
Perrine

## **APPENDIX E**

### **GLOSSARY**

**ACCESS CODE:** The term denotes a uniform four or seven digit code assigned to an individual IXC. The five digit code has the form 1OXXX and the seven digit code has the form 950-XXXX.

**BYPASS:** Transmission facilities that go direct from the local exchange end user to an IXC point of presence, thus bypassing the local exchange company.

**CARRIERS CARRIER:** An IXC that provides telecommunications service, mainly bulk transmission service, to other IXC only.

**CENTRAL OFFICE:** A local operating unit by means of which connections are established between subscribers' lines and trunk or toll lines to other central offices within the same exchange or other exchanges. Each three (3) digit central office code (NXX) used shall be considered a separate central office unit.

**CENTRAL OFFICE CODE:** The term denotes the first three digits (NXX) of the seven (7) digit telephone number assigned to a customer's telephone exchange service.

**COMMISSION:** The Florida Public Service Commission.

**COMPANY, TELEPHONE COMPANY, UTILITY:** These terms may be used interchangeably herein and shall mean any person, firm, partnership or corporation engaged in the business of furnishing communication service to the public under the jurisdiction of the Commission.

**DEDICATED FACILITY:** The term denotes a transmission circuit which is permanently for the exclusive use of a customer or a pair of customers.

**END USER:** The term denotes any individual, partnership, association, corporation, governmental agency or any other entity which (A) obtains a common line, uses a pay telephone or obtains interstate service arrangements in the operating territory of the company or (B) subscribes to interstate services provided by an ixc or uses the services of the IXC when the IXC provides interstate service for its own use.

**EQUAL ACCESS EXCHANGE AREAS: EAEA** means a geographic area, configured based on 1987 planned toll center/access tandem areas, in which local exchange companies are responsible for providing equal access to both carriers and customers of carriers in the most economically efficient manner.

**EXCHANGE:** The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

**EXCHANGE (SERVICE) AREA:** The territory, including the base rate suburban and rural areas served by an exchange, within which local telephone service is furnished at the exchange rates applicable within that area.

**EXTENDED AREA SERVICE:** A type of telephone service furnished under tariff provision whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other contiguous exchanges without toll charges, or complete calls to one or more other exchanges without toll message charges.

**FACILITIES BASED:** An IXC that has its own transmission and/or switching equipment or other elements of equipment and does not rely on others to provide this service.

**FOREIGN EXCHANGE SERVICES:** A classification of exchange service furnished under tariff provisions whereby a subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.

**FEATURE GROUPS:** General categories of unbundled tariffs to stipulate related services.

**Feature Group A:** Line side connections presently serving specialized common carriers.

**Feature Group B:** Trunk side connections without equal digit or code dialing.

**Feature Group C:** Trunk side connections presently serving AT&T-C.

**Feature Group D:** Equal trunk access with subscription.

**INTEREXCHANGE COMPANY:** means any telephone company, as defined in Section 364.02(4), F.S. (excluding Payphone Providers), which provides telecommunication service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.

**INTER-OFFICE CALL:** A telephone call originating in one central office unit or entity but terminating in another central office unit or entity both of which are in the same designated exchange area.

**INTRA-OFFICE CALL:** A telephone call originating and terminating within the same central office unit or entity.

**INTRASTATE COMMUNICATIONS:** The term denotes any communications in Florida subject to oversight by the Florida Public Service Commission as provided by the laws of the State.

**INTRA-STATE TOLL MESSAGE:** Those toll messages which originate and terminate within the same state.

**LOCAL ACCESS AND TRANSPORT AREA:** LATA means the geographic area established for the administration of communications service. It encompasses designated exchanges, which are grouped to serve common social, economic and other purposes.

**LOCAL EXCHANGE COMPANY (LEC)\*** Means any telephone company, as defined in Section 364.02(4), F.S., which, in addition to any other telephonic communication service, provides telecommunication service within exchange areas as those areas are described in the approved tariffs of the telephone company.

**OPTIONAL CALLING PLAN:** An optional service furnished under tariff provisions which recognizes a need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

**900 SERVICE:** A service similar to 800 service, except this service is charged back to the customer based on first minute plus additional minute usage.

**PIN NUMBER:** A group of numbers used by a company to identify their customers.

**PAY TELEPHONE SERVICE COMPANY:** Means any telephone company, other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(4), F.S.

**POINT OF PRESENCE (POP):** Bell-coined term which designates the actual (physical) location of an IXC's facility. Replaces some applications of the term "demarcation point."

**PRIMARY SERVICE:** individual line service or party line service.

**RESELLER:** An IXC that does not have certain facilities but purchases telecommunications service from an IXC and then resells that service to others.

**STATION:** A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.

**SUBSCRIBER, CUSTOMER:** These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.

**SUBSCRIBER LINE:** The circuit or channel used to connect the subscriber station with the central office equipment.

**SWITCHING CENTER\*** Location at which telephone traffic, either local or toll, is switched or connected from one circuit or line to another. A local switching center may be comprised of several central office units.

**TRUNK:** A communication channel between central office units or entities, or private branch exchanges.

**ATTACHMENTS:**

- |   |                          |
|---|--------------------------|
| <b>A - CERTIFICATE TRANSFER STATEMENT</b>             | <b>- Not applicable.</b> |
| <b>B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS</b>     | <b>- Completed</b>       |
| <b>C - INTRASTATE NETWORK</b>                         | <b>- Completed</b>       |
| <b>D - FLORIDA TELEPHONE EXCHANGES and EAS ROUTES</b> | <b>- Completed</b>       |
| <b>E - GLOSSARY</b>                                   | <b>- Attached</b>        |

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473,  
and 2524.480(2).

**ATTACHMENT 1**



**FLORIDA DEPARTMENT OF STATE**  
**Sandra B. Mortham**  
Secretary of State

**October 23, 1996**

**CSC NETWORKS**

Qualification documents for **ATLAS EQUITY, INC.** were filed on October 23, 1996 and assigned document number **F96000005511**. Please refer to this number whenever corresponding with this office.

Your corporation is now qualified and authorized to transact business in Florida as of the file date.

A corporation annual report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI) number will be required before this report can be filed. If you do not already have an FEI number, please apply NOW with the Internal Revenue by calling 1-800-829-3676 and requesting form SS-4.

Please be aware if the corporate address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please telephone (904) 487-6091, the Foreign Qualification/Tax Lien Section.

**Michael Mays**  
Document Specialist  
Division of Corporations

Letter Number: 496A00048977

Account number: 072100000032

Account charged: 70.00



**ATTACHMENT 2**

**Arizona  
Colorado  
Florida  
Georgia  
Hawaii  
Illinois  
Louisiana  
Michigan  
Nevada  
New Jersey  
New York  
Ohio  
Oregon  
Texas  
Utah  
Washington**

**ATTACHMENT 3**

Applicant markets products via the agent channel. Agents are compensated based on targeted monthly volume of usage by customers. Commission is variable, based on type and levels of agent commitment, tenure, and contractual term of both the agent and customers obtained by the agent.

**ATTACHMENT 4**

**ATLAS EQUITY, INC.**  
**Balance Sheet**  
**For Atlas Equity and Affiliates**  
**MARCH 31, 1996**

**ASSETS**

<b>Current Assets</b>		
Cash and cash equivalents	151,330	
Due from Affiliates	156,591	
Loans to shareholder	88,000	
Loan receivable	261,214	
Advances	3,900	
	.....	
<b>Total Current Assets</b>		<b>640,635</b>
<b>Other Assets</b>		
Security deposits	1,500	
Other assets	14,007	
	.....	
<b>Total Other Assets</b>		<b>15,507</b>
		.....
<b>Total Assets</b>		<b>656,142</b>
		.....

**LIABILITIES AND SHAREHOLDER'S EQUITY**

<b>Current Liabilities</b>		
Accounts payable	964	
	.....	
<b>Total Liabilities</b>		<b>964</b>
<b>Shareholder's Equity</b>		
Common stock	2,550	
Treasury stock	(300)	
Retained earnings	652,920	
	.....	
<b>Total Shareholder's Equity</b>		<b>655,170</b>
		.....
<b>Total Liabilities And Equity</b>		<b>656,142</b>
		.....

**ATLAS EQUITY, INC.**  
**Income Statement**  
**For Atlas Equity and Related Affiliates**  
**FOR THE 10 PERIODS ENDED MARCH 31, 1996**

**Revenue**

Collection Revenue	1,382
Marketing Revenue	825,250
Sales Revenue	28,575
Interest Income	1,887
Other Income	1,880
	.....
<b>Gross Revenue</b>	<b>858,144</b>

**General & Administrative Expenses**

Payroll and Related	283
Legal and Professional	78,283
Insurance Expense	9,144
Marketing and Advertising	21,685
Travel & Lodging	365
Automobile Expense	676
Office Supplies	25
Dues & Subscription	(1,495)
Printing Expense	2,111
Postage Expense	88
Telephone Expense	5,541
Facility Maintenance	1,292
Equipment Repair/Maint	(582)
Miscellaneous	227
Bank Service Charges	49
License Fee	105,080
	.....

**Total General & Admin** **214,527**

**Net Income Before Taxes** **643,617**

**Taxes and Extraordinary**

Loss on Sale of Assets	3,799
	.....
<b>Total Taxes and Extraordinary</b>	<b>3,799</b>
	.....
<b>Net Income (Loss)</b>	<b>639,818</b>
	*****

**ATTACHMENT 5**



**Vincent E. Galewick, age 36, is the President, Secretary and Chief Financial Officer of the General Partner. Mr. Galewick is also the sole director and shareholder of the General Partner. Mr. Galewick has been successfully involved in the securities industry for over 9 years focusing on the investment banking aspects of the industry.**

**As the President and original shareholder of the General Partner, Mr. Galewick has been instrumental in the selection, negotiation and acquisition of 58 individual consumer loan portfolios with face values in excess of \$985,000,000.00. Those loan portfolios are collectively owned and managed by Performance Asset Management Fund, Ltd., A California Limited Partnership; Performance Asset Management Fund II, Ltd., A California Limited Partnership; Performance Asset Management Fund III, Ltd., A California Limited Partnership; Performance Asset Management Fund IV, Ltd., A California Limited Partnership; and Performance Asset Management Fund V, Ltd., A California Limited Partnership.**

**In January, 1989, Mr. Galewick became affiliated with Income Network Company, working as a Registered Principal. Mr. Galewick was soon promoted to a managing Registered Principal of Income Network Company. In March of 1992, Mr. Galewick purchased Income Network Company. Income Network Company is a member Broker/Dealer of the National Association of Securities Dealers, Inc. ("NASD") and has been such a member since March 14, 1988. Income Network Company is an Affiliate of the General Partner, Participating Broker/Dealer and is the Placement Manager for the Offering. Income Network Company specializes in direct participation programs. Mr. Galewick is the President and sole shareholder of Income Network Company. Additionally, Mr. Galewick is a Registered Principal of Income Network Company and holds Series 6, 22, 39 and 63 securities licenses. Since the acquisition of Income Network Company, Mr. Galewick has increased the number of Registered Representatives from 6 to, presently, more than 30.**

**During the period from 1978 to 1987, Mr. Galewick was active in all phases of the construction industry ranging from job site foreman to field superintendent. From February 1987, through January 1989, Mr. Galewick served as a Registered Representative in the securities industry, marketing numerous real estate and oil and gas direct participation programs.**

**The General Partner has purchased and maintains a \$2,000,000.00 Key-Man life insurance policy on Mr. Galewick.**

**Michael Cushing, age 38, is the Chief Financial Officer of Performance Telecom. Mr. Cushing has been affiliated with Performance Telecom since 1991. Mr. Cushing graduated from the University of California at Santa Barbara with a Bachelor of Arts in Business Economics. Mr. Cushing became licensed as a Certified Public Accountant in the State of California while employed by the accounting firm of Coopers and Lybrand. His clients, while at Coopers and Lybrand, included real estate, manufacturing, banking, service, and retail businesses.**

**From January of 1989 to November of 1991, Mr. Cushing served as Vice President of Real Estate and corporate Secretary for the Bay Plaza Company, a master developer of a planned 1.4 million square foot, \$240 million downtown redevelopment project for the city of St. Petersburg, Florida ("Downtown Redevelopment Project"). This company, also, was Facility Manager of a 1/4 mile retail and entertainment pier complex with a 42,000 seat domed stadium, 8,500 seat arena and 2,000 seat fine arts theater for the city of St. Petersburg, Florida. Mr. Cushing was responsible for all aspects of real estate operations including asset and property management, investment analysis, financing, acquisitions, dispositions, planning, and risk management. As corporate Secretary, Mr. Cushing was responsible for the maintenance of the company's books and records.**

**From September of 1985 to January of 1988, Mr. Cushing was Senior Vice President of the Eicor Companies, a national commercial real estate company. This company served as an advisor and management company for Wespec Investors Trust, a publicly traded Over-The-Counter real estate investment trust (R.E.I.T.) with total assets in excess of \$180,000,000 and approximately 8,000 shareholders. In addition to servicing the R.E.I.T., the company acquired, owned and managed properties for its own accounts as well as other third parties. The company, also, owned 50% of the Downtown Redevelopment Project. Mr. Cushing's responsibilities included overseeing all property and corporate operations; performing all aspects of the disposition of R.E.I.T. assets; placing, negotiating, and closing all property financing and workouts; and overseeing the recovery of assets by bankruptcy and foreclosure proceedings.**

**From October of 1984 to September of 1985, Mr. Cushing was part of the real estate acquisition team of Wespec Advisors, a national real estate syndicator. His responsibilities included completion of acquisition and due diligence documentation, negotiation of acquisition terms, and research of markets and properties throughout the nation. This company provided the property management and acquisition services for 3 publicly traded real estate investment trusts with total assets in excess of \$300,000,000.**

**Michael D. Metcalf**  
**32002 Lomita Drive, Rancho Cielo, CA 92679**  
**Vice President, Performance Telecom**

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**Business Experience**

**3/86 - current - Vice President, Performance Telecom**

Responsible for technology development, business development and management of day to day operations including switching platform, sales, service, human resources and customer support.

**1989-1996 - President, Telwest Communications, Inc.**

Responsible for business development and management of day to day operations including sales and service of telecommunications hardware, software and long distance services.

**1986 - 1988 - President MZI Information Systems, Inc.**

Responsible for new business development, installation, sales and service of telecommunication's hardware and network design. Also responsible for system integration projects.

**1984 - 1986 - Sales Manager American General Communications, Inc.**

Created new telemarketing and direct sales departments for telecommunications hardware and network design. Directed marketing strategy and implementation. Responsible for 3.5 million in annual sales.

**1983- 1984- Telemarketing Manager Selectronics STD, Inc.**

Responsible for the development of marketing strategy and lead generation operation. Managed 6 telemarketing staff and 3 outside salespeople.

**1981 - 1982 - Telemarketing Manager Energy Products Direct**

Management of 40 telemarketers. Responsible for scripting, appointment setting, confirmations and distribution of leads to qualified salespeople.

**Education**

**1983 - 1984 University of Irvine California**

Major Studies in Computer Science and Minor Studies in Business Administration

**1981 - 1982 - Saddleback College**

General education and emphasis on computer science and business administration.

**1978 - 1981 - Part Time Ski Instructor Mammoth Mountain - Full Time Student**

Attended Mammoth High and participated in all sports activities offered. Captain of the downhill race team. President of senior class.

### **Special Training**

Certified technician on: Mitel SX200, Telrad Digital, Compass Technologies, Active Voice. Computer programming skills in C, C++, Visual Basic, Visual Voice, Novell Netware, SQL, FoxPro and Clipper. Dale Carnegie sales training. Saddleback Church Training for the purpose driven life.

**Other work related experience:** Personally sold over 10 Million dollars of telephone equipment during three period. Personally sold over \$600,000 in monthly long distance service. Developed the 3-step telecom and office automation program. Consulted with over 2,000 businesses on organization and communications. Sold several hundred businesses on the 3-step telecom and office automation program. An expert in office automation and human resource efficiency. Dedicated to honesty, ethics and excellence.

**ATTACHMENT 6**

As a nonfacilities based reseller, Applicant relies on the expertise of its underlying carrier for basic transport and switching functions. Applicant maintains a highly qualified customer service center in Long Beach, California, accessible by customers via toll free long distance (800-736-8200). Applicant also maintains highly qualified technical individuals to maintain the enhanced services soft- and hardware necessary to provide the described products and services.

**ATTACHMENT 7**

# COMMUNICATIONS CONSULTING SERVICES

ORIGINAL  
FILE COPY

November 15, 1996

Florida Public Service Commission  
101 East Gaines Street  
Fletcher Building  
Tallahassee, Florida 82399-0850

96-1367-TI

Re: Application of Atlas Equity, Inc., d/b/a Performance Telecom

To The Commissioner:

Subject to the rules and regulations of the Commission, I hereby submit the above-referenced Application for certification as a non-facilities based, non-dominant telecommunications interexchange carrier.

Atlas Equity, Inc., d/b/a Performance Telecom (Performance) is a California corporation that offers inter- and intrastate interexchange telecommunications services. Performance has obtained foreign corporation status in Florida.

Performance will be providing both inter- and intraLATA services, as allowed by state law and regulation, but does not intend to provide operator services (hotels/motels, payphones, airports, prisons, etc.) to the public market in Florida.

Attached to this letter are the original and seven copies of the Application. Please return a file-stamped copy to me in the enclosed return envelope

Should there be any questions regarding the filing, please do not hesitate to contact the undersigned at your convenience.

Sincerely,

Michael W. Mlinar  
Consultant to Atlas Equity, Inc., d/b/a Performance Telecom

Phone and fax: (805) 565-3338

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward a copy of check to RPL with proof of deposit.  
Initials of person who forwarded check:  
A.D.

Edwin Bowles  
Billing Analysis

Timothy Chandler  
Systems Analysis

Denise Grace  
Customer Service

Michael W. Mlinar  
Legal & Regulatory Affairs  
Managing Partner

Allen Sciarillo  
Accounting & Finance

Robyn Shamblin  
Carrier Relations

- ACK Bill Thompson
- APX Technical Applications
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CI Timo P. Voorn
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG \_\_\_\_\_
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

PROACTIVE  
83 8 11 81 NOV 96

1374 Danielson Road, Montecito, California 93108  
Phone & Fax: (805) 565-3338  
DOCUMENT NUMBER-DATE  
12225 NOV 18 96  
FPSC-RECORDS/REPORTING



TITLE SHEET

FLORIDA TELECOMMUNICATIONS TARIFF

This tariff contains all descriptions, regulations and effective rates, together with information relating and applicable to the furnishing of services and facilities for telecommunications services provided by Atlas Equity, Inc., d/b/a Performance Telecom ("Performance"). The principal offices for Performance are located at 4100 Newport Place, Suite 400, Newport Beach, CA 92660. This tariff applies to services furnished within the state of Florida. This tariff is on file with the Florida Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

---

**CHECK SHEET**

The sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date at the bottom of this page.

<u>SHEET</u>	<u>REVISION</u>	<u>SHEET</u>	<u>REVISION</u>
1	Original	16	Original
2	Original	17	Original
3	Original	18	Original
4	Original	19	Original
5	Original	20	Original
6	Original	21	Original
7	Original	22	Original
8	Original	23	Original
9	Original	24	Original
10	Original	25	Original
11	Original		
12	Original		
13	Original		
14	Original		
15	Original		

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Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

By:

Vincent E. Galewick  
President

Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

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**TABLE OF CONTENTS**

	<u>Sheet No.</u>
Title Sheet	1
Check Sheet	2
Table of Contents	3
Symbols Sheet	4
Tariff Format Sheets	5
Section 1 - Technical Terms and Abbreviations	6
Section 2 - Rules and Regulations	8
Section 3 - Descriptions of Service	19
Section 4 - Rates	22

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

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**SYMBOLS USED IN THIS TARIFF**

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

- (D) Delete or Discontinue
- (I) Change related to an increase to a customer's bill
- (M) Moved from another tariff location
- (N) New
- (R) Change resulting in a reduction to a customer's bill
- (T) Change in text or regulation but no change in rate or charge

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

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**TARIFF FORMAT SHEETS**

A. **Sheet Numbering** - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be Sheet 14.1.

B. **Sheet Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc., the FPSC follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.

C. **Paragraph Numbering Sequence** - there are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

- 2.
- 2.1.
- 2.1.1
- 2.1.1.A
- 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).

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

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

**Accounting Code:** A multi-digit code which enables a customer to allocate long distance charges to its internal accounts.

**Authorization Code** A multi-digit code which enables a customer to access Performance network and enables Performance to identify the customer's use for proper billing.

**Business Hours:** The phrase "business hours" means the time after 8:00 A.M. and before 5:00 P.M., Monday through Friday, excluding holidays.

**Carrier:** The term "Carrier" means Performance.

**Company:** The term "Company" means Performance.

**Customer:** See definition under "subscriber".

**Day:** The term "day" means 8:00 A.M. to, but not including, 5:00 P.M. local time at the originating city, Monday through Friday, excluding Company-specific holidays.

**Delinquent or Delinquency:** The terms "delinquent" and "delinquency" mean an account for which payment has not been paid in full on or before the last day for timely payment.

**Exchange Area:** The term "exchange area" means a geographically defined area wherein the telephone industry, through the use of maps or legal descriptions, sets down specified areas where individual telephone exchange companies hold themselves out to provide communication services.

**Holiday:** The term "holiday" means all of the following Company- specific holidays:

- a. New Years Day;
- b. Memorial Day;
- c. Independence Day;
- d. Labor Day;
- e. Thanksgiving Day;
- f. Friday after Thanksgiving Day; and,
- g. Christmas Day.

**Local Access Transport Area ("LATA"):** The phrase "Local Access Transport Area" means a geographical area established by the U.S. District Court for the District of Columbia In Civil Action No. 17-49.

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Issued: \_\_\_\_\_

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By:

Vincent E. Galewick  
President

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Newport Beach, CA 92660

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS (continued)**

**Local Exchange Carrier/Local Exchange:** This term means a company exclusively providing telecommunications service within a local exchange or LATA.

**Night/Weekend:** The words "night/weekend" mean 11:00 P.M. to, but not including, 8:00 A.M. local time in the originating city, all day on Saturday, and all day Sunday, except from 5:00 P.M. to, but not including 11:00 P.M.

**Nonbusiness Hours:** The phrase "nonbusiness hours" means the time period after 5:00 P.M. and before 8:00 A.M., Monday through Friday, all day Saturday, Sunday, and on holidays.

**Non-day:** The term "non-day" means 5:00 P.M. to, but not including, 11:00 P.M. local time at the originating city, Sunday through Friday and on company-specified holidays except when a lower rate would normally apply.

**Regular Billing:** The words "regular billing" means standard bill sent in the normal Performance billing cycle. This billing consists of one bill for each account assigned to a subscriber.

**Residential Service:** The phrase "residential service" means telecommunication services used primarily as nonbusiness service.

**Subscriber:** The term "subscriber" means the firm, company, corporation, or other entity which contracts for service under this tariff and which is responsible for the payment of charges as well as compliance with Company's regulations pursuant to this tariff. The term "customer" is synonymous with the term "subscriber."

**Switch:** The term "switch" means an electronic device which is used to provide circuit routing and control.

**Timely Payment:** The term "timely payment" means a payment on a customer's account made on or before the due date.

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

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**SECTION 2 - RULES AND REGULATIONS**

**2.1 Undertaking of Performance**

**2.1.1 Performance provides 24-hour interLATA and IntraLATA telephone services between points in Florida.**

**2.1.2 Businesses or residential households wishing to obtain service are required to sign a completed service order. On Carrier's receipt of the signed form, under normal circumstances, Carrier will accept or reject the order within three business days. The customer will be provided with service, under normal circumstances, within fourteen (14) business days of Carrier's acceptance.**

**2.1.2 Any changes affecting how services provided in this tariff prescribed by the Florida Public Utilities Commission modifies the terms and regulations of service orders to the extent of such change.**

**2.2 Establishment and Reestablishment of Credit**

**2.2.1 Performance reserves the right to examine the credit record and check the references of all applicants and customers.**

**2.2.1.A Performance is a member of the "National Telecommunications Data Exchange, Inc." ("NTDE") and sends reports to the NTDE on each client that is discontinued because of non-payment. NTDE is used by all major carriers to check for non-paying clients and "skips" prior to providing new services.**

**2.2.2 Negotiations of customer's advance payment shall not itself obligate the Carrier to provide services or continue to provide service, if a later check of applicant's credit record is, in the opinion of the carrier, contrary to the best interest of the Carrier.**

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By: \_\_\_\_\_

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Vincent E. Galewick  
President  
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4100 Newport Place, Suite 400  
Newport Beach, CA 92660



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**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.3 Advance Payments, Deposits, and Guarantors**

**2.3.1 Advance Payments -** At the time an application for service is made, an applicant may be required to pay an amount equal to one month's service charges and/or the service connection charges, as may be applicable. The amount of the first month's service is credited to the customer's account on the first bill rendered.

**2.3.2 Deposits**

or

**2.3.2.A Requirements:** Where quantifiable evidence exists that applicant customer payment of valid bills has been less than timely by industry standards, Performance may require, as a condition precedent to Performance providing new service or additional services, an applicant or existing customer to provide a deposit as security for payment of charges. Performance reserves the right to review applicant or customer credit history at anytime to determine if a deposit is required.

**2.3.2.B. Nondiscrimination:** Deposits will not be required by Performance based on race, sex, creed, national origin, marital status, age, number of dependents, condition of physical handicap, source of income, or geographical area of business.

**2.3.2.C. Amount:** The amount of deposit shall not exceed the charges for one month of service based on the customer's average bills during the previous twelve months. The amount of the deposit may be estimated from past toll usage, customer-estimated anticipated usage, or Performance network average toll usage considering the type and nature of the customer's service. The carrier will compute interest on deposits as prescribed by state law, rule or regulation, except no interest will be paid if deposit is held less than a full month.

**2.3.2.D. Refund or Credit Upon Discontinuance:** Upon discontinuance or termination of the service, Performance will credit the deposit to the charges stated on the final bill. The balance, if any, will be returned to the customer within 21 days of rendition of such final

bill.

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Issued: \_\_\_\_\_

Effective: \_\_\_\_\_

By:

Vincent E. Galewick  
President

Atlas Equity, Inc., d/b/a Performance Telecom  
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Newport Beach, CA 92660

---

**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.3.2.E. Refund or credit After Satisfactory Payment: After prompt and timely payment of all charges for twelve consecutive billing periods, within 30 days, Performance will credit the deposit against charges stated on subsequent bills and refund any balance. Payment of a charge is satisfactory if received prior to the date that the charge becomes delinquent, provided that it is not returned for insufficient funds or closed account. Performance may withhold a refund of a deposit pending resolution of any dispute with respect to charges secured by such deposit.**

**2.4. Method of Service of Notices**

**2.4.1. Unless otherwise provided by these Rules, any notice by the Carrier to the customer may be given either verbally to the customer or to the customer's authorized representative, or by written notice mailed to the customer's last known address.**

**2.4.2. Unless otherwise provided by these Rules, any notice by the customer or Performance authorized representative may be given verbally to the Carrier at the Carrier's business office or by written notice mailed to the Carrier's Business office. Cancellation of service must be by written notice.**

**2.5. Rendering and Payment of Bills**

**2.5.1. Customer bills are issued monthly. The customer will receive its bill on or about the same day of each month. Months are presumed to have 30 days. The billing date is dependent on the billing cycle assigned to the customer. Each bill contains monthly recurring charges billed in advance, usage charges billed in arrears, and the last date for timely payment.**

**2.5.2. Bills are due and payable as specified on the bill. Bills may be paid by mail or in person at the business office of the Carrier or an agency authorized to receive such payment. All charges for service are payable only in United States currency. Payment may be made by cash, check, money order, or cashier's check.**

**2.5.3. Customer payments are considered prompt when received by Performance or its agent by the due date on the bill. The due date is 21 days after the bill is rendered and is designated by the due date on the customer's bill. The customer shall have at least 21 days from the rendition of a bill to timely pay the charges stated.**

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

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President  
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4100 Newport Place, Suite 400  
Newport Beach, CA 92660

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**SECTION 2 - RULES AND REGULATIONS (continued)**

- 2.5.4. If a customer's service has been discontinued within the past 12 months or if the customer incurs usage charges during a billing period which are equal to at least 200% of the amount of the customer's deposit or guarantee, payment may be demanded for the usage charges by a telephone call to the customer followed by written notification of such demand sent by first class mail. If the usage charges remain unpaid for five days from the rendition of written notification or a mutually established late payment arrangement date or 30 days from the date of the bill, the usage charge will be deemed delinquent. Charges deemed delinquent may be subject to the lesser of either a late payment charge of 1-1/2% per month or such other amount allowed by law. This amount will be assessed from the date payment was due.
- 2.5.5. The Carrier is not responsible for local telephone charges incurred by the customer in gaining access to the carrier's network.
- 2.5.6. A bill shall not include any previously unbilled charge for service furnished prior to three months immediately preceding the date of the bill, except charges for collect calls, credit card calls, third party calls and "Error file" calls (those which cannot be billed, due to the unavailability of complete billing information to the company) which shall have a six (6) month backbilling period. In cases of toll fraud, a backbilling period of no more than three years is applicable.
- 2.5.7. Late payment charge - Interest charges of 1 1/2% per month may be assessed on all unpaid balances more than thirty days old.
- 2.5.8. Return check charges - A minimum return check charge of \$10.00, plus 5% of the amount of the check, said total return check charges not to exceed \$20.00, shall be assessed for checks returned unpaid for any reason.
- 2.5.9. Restoration of service following payment related disconnection - Company may charge disconnected customers a \$25.00 reconnection fee per occurrence, plus company may flow through to customer any related fees assessed on Company associated with reestablishing customer's service. (e.g., local exchange carrier fees for reestablishing dedicated access.)

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

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**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.6 Disputed Bills**

- 2.6.1. Any disputed charge must be brought promptly to the attention of Performance by written notification. If such notification is received within thirty (30) days of the customer's receipt of the bill upon which the disputed charge appears, Performance will apply a conditional credit to customer's bill in the amount of the dispute, with the conditional credit continuing pending resolution of the dispute and bearing no late fees. Disputes received beyond 30 days of the bill upon which the disputed charge appears will continue as amounts due and continue to accrue late fees as provided herein. Any disputed amount determined valid will not be assessed late fees.
- 2.6.2. In the case of a billing dispute between the customer and the carrier which cannot be settled to the mutual satisfaction of the parties, the undisputed portion and subsequent bills must be paid on a timely basis, as described in Rule 9, or the service may be subject to disconnection.
- 2.6.3. The customer may request an in-depth investigation into the disputed amount and a review by an Performance manager within 30 days of the disputed bill's billing date.
- 2.6.4. If, after the procedures discussed above, the customer and Performance continue in disagreement about the disputed amount, the customer may appeal to the Florida Public Service Commission for its investigation and decision. If a customer initiates such an investigation, the customer must submit the disputed portion to the Commission pending the completion of the Commission's investigation. The address of the Florida Public Service Commission:

Florida Public Service Commission  
101 East Gaines St., Fletcher Building  
Tallahassee, Florida 32399-0850  
Phone: (904) 488-3464

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

---

**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.7 Discontinuance and Restoration of Service**

**2.7.1. Discontinuance by Customer**

- 2.7.1.A.** A customer may have service discontinued upon ten (10) days written notice to the Carrier. Notices will be deemed received upon actual receipt by the Carrier. Customer remains responsible for payment of all bills for services furnished.
- 2.7.1.B.** If a customer cancels his order for service before the service begins, a charge will be levied upon the customer for the nonrecoverable portions of expenditures or liabilities incurred expressly on behalf of the customer by the Carrier.
- 2.7.1.C.** No minimum or termination charge will apply if service is terminated because of condemnation, destruction, or damage to the property by fire or other causes beyond the control of the customer.
- 2.7.1.D.** Upon termination, pre-subscribed customers may be held responsible for charges thereafter if the customer has not selected an alternative long distance carrier, or the local exchange carrier has not transferred service to the alternative carrier because such customer may continue to receive service from Performance.

**2.7.2. Discontinuance by Performance - Performance may discontinue service under the following circumstances:**

- 2.7.2.A.** Nonpayment of any sum due to Performance for service more than 30 days beyond the date of the invoice for such service. In the event Performance terminates service for nonpayment, the customer will be liable for all reasonable costs of collection, including, without limitation, court costs, expenses, and actual attorney fees. Additionally, Performance will charge a \$10.00 per account disconnect fee.

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

Vincent E. Galewick  
President  
Atlas Equity, Inc., d/b/a Performance Telecom  
4100 Newport Place, Suite 400  
Newport Beach, CA 92660

---

**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.7 Discontinuance and Restoration of Service (continued)**

**2.7.2. Discontinuance by Performance (continued)**

- 2.7.2.B. A violation of, or failure to comply with, any regulation governing the furnishing of service.
- 2.7.2.C. An order from a court or from another government authority having jurisdiction which prohibits Performance from furnishing service.
- 2.7.2.D. Failure to post a required deposit or guarantee.
- 2.7.2.E. In the event that the customer supplied false or inaccurate information of a material nature in order to obtain service.
- 2.7.2.F. Incurring charges not covered by a deposit or guarantee, and evidencing an intent not to pay such charges when due.
- 2.7.2.G. Any violation of the conditions governing the furnishing of service.
- 2.7.2.H. For lack of use by the customer for three (3) full billing cycles .
- 2.7.2.I. Service may be refused or disconnected in the event of illegal use. Performance may disconnect service for this reason after sending written notice by certified mail, return receipt requested, to the customer's last known mailing address.

**2.7.3. Notice for Disconnection - Written notice of the pending disconnection by Performance will be rendered not less than 5 days prior to the disconnection. Notice shall be deemed given upon deposit, first class postage prepaid, in the U.S mail to the customer's last known address. Service may be discontinued during business hours on or after the date specified in the notice of discontinuance. Service will not be discontinued on a day when the offices of Performance are not available to facilitate reconnection of service or on a day immediately preceding such a day.**

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Issued: \_\_\_\_\_  
By: \_\_\_\_\_

Effective: \_\_\_\_\_

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President  
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Newport Beach, CA 92660

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**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.7 Discontinuance and Restoration of Service (continued)**

**2.7.4. Restoration of Service -** The customer may restore service by full payment in any reasonable manner, including by personal check. However, Performance may refuse to accept a personal check if a customer's check for payment of service has been dishonored, excepting bank error, within the last twelve months. There is a charge for restoration of service after disconnection. If any equipment has been removed or disconnected the customer will be responsible for a new installation charge to restore service.

**2.8 Limitation of Liability**

**2.8.1. Indemnification -** The customer indemnifies and saves Performance harmless against all claims arising out of, including but not limited to, (a) acts or omissions of other companies when their facilities are used in connection with Performance' facilities to provide service; and, (b) claims for libel, slander, or infringement of copyright arising from the material claims for infringement of patents arising from, combining with, or using in connection with, facilities of the Company, apparatus and systems of the customer; and all other claims arising out of any act or omission of the customer in connection with facilities provided by the Company.

**2.8.2. Furnishing of Services**

**2.8.2.A.** The Company's obligation to furnish service is dependent upon its ability to secure and retain suitable facilities and rights for the provision of the service without unreasonable expense.

**2.8.2.B.** Service is furnished only as "Business Service." No "Residential Service" will be furnished by the Company. However, any customer, whether business or residential, may obtain service from the Company subject to the terms and conditions stated in the Company's tariffs.

**2.8.3. Transmitting Messages -** The Company does not undertake to transmit messages but offers the use of its facilities, where available, for communication between parties subject to the terms and conditions specified in this tariff.

**2.8.4. Maintenance and Repair -** All costs associated with the maintenance and repair of services furnished by the company will be borne by the Company, except as specified elsewhere in this tariff.

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**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.8 Limitation of Liability (continued)**

**2.8.5. Liability of Carrier**

- 2.8.5.A.** The liability of the Carrier, if any, for damages arising out of mistake, omission, interruptions, delays, errors, or defects in transmission during the course of furnishing service shall, in no event, exceed an amount equivalent to the charge to the customer for the service during which such mistake, omission, interruption, delay, error, or defect in transmission occurred in excess of 48 hours after notification has been made. The Carrier will not be responsible for any lost profits, consequential damages, or incidental damages of the subscriber or any other party, or for any claim of damage by the subscriber or against the subscriber by any other party. Any mistake, omission, interruption, delay, error, or defect in transmission or service which are caused by or contributed to by the negligence or willful act of the customer, or which arise from facilities or equipment used by the customer, shall not result in the imposition of any liability upon the Carrier.
- 2.8.5.B.** Performance shall not be liable for any act, omissions to act, negligence, or the quality of service of any local exchange carrier or other provider whose facilities are used in furnishing any portion of the service received by the customer.
- 2.8.5.C.** Performance shall not be liable for any failure of performance due to causes beyond its control, including but not limited to cable dig-up by third party, acts of God, civil disorder, actions of governmental authorities, actions of civil or military authority, labor problems, national emergency, insurrection, riot, war, fire, flood, and atmospheric conditions or other phenomena of nature, such as radiation. In addition, the Carrier shall not be liable for any failure of performance due to necessary network reconfiguration, system modifications for technical upgrades, or regulations established by or actions taken by any court or government agency having jurisdiction over the Carrier.

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**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.8 Limitation of Liability (continued)**

**2.8.5. Liability of Carrier (continued)**

- 2.8.5.D.** Performance shall not be liable for any failure of performance caused by or the result of, but not limited to, any act or omission by a customer or any entity other than Performance that is furnishing services, facilities, and equipment used in connection with Performance' services or facilities.
- 2.8.5.E.** In no event shall the customer have any claims against the Carrier for any fraudulent usage over customer's PBX or other CPE equipment with Direct Inward System Access ("DISA") capability, by an outside caller or employees of the customer.
- 2.8.5.F.** Overpayment - The carrier shall not be obligated to refund any overpayment by a customer unless a written claim for such overpayment, together with substantiating evidence which will allow the Carrier to verify such claim, is submitted within one year of the alleged overpayment.
- 2.8.5.G.** Disclaimer of Warranties - Except as expressly provided in this tariff, the Carrier makes no expressed or implied understandings, agreements, representations or warranties, including any warranties regarding the merchantability or fitness for a particular purpose.

**2.9 Use of Service for Unlawful Purposes** - The services tariffed are furnished subject to the condition that they will not be used for any unlawful purposes. Service will not be furnished if any law enforcement agency, acting within its jurisdiction, advises that such services are being used or are likely to be used in violation of the law. If Performance receives other evidence giving reasonable cause to believe that such services are being or are likely to be so used, it will either discontinue or deny the service or refer the matter to the appropriate law enforcement agency.

**2.10 Unauthorized Use** - Any individual who uses or receives Performance service, other than under the provisions of an accepted application for service and a current customer relationship, shall be liable for both the tariffed cost of the service received and Performance' cost of investigation and collection.

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**SECTION 2 - RULES AND REGULATIONS (continued)**

**2.11 Interruption of Service**

- 2.11.1. Credit allowance for interruption of service not due to the Company's testing, adjusting or negligence of the Company, or due to customer acts and/or omissions or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth herein. It shall be the obligation of the customer to notify the company immediately of any interruption in service; particularly for an interruption for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within the customer's control, or due to customer-provided facilities and/or equipment.
- 2.11.2. For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.11.3. No credit shall be allowed for an interruption of a continuous duration of less than two hours.
- 2.11.4. The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

**Credit Formula:**

$$\text{Credit} = A/720 \times B$$

"A" - outage time in hours

"B" - total monthly charge for affected facility

2.12 Information to be Provided to the Public - A copy of this tariff schedule and advice letters will be available for public inspection in the Carrier's business office during regular business hours. For a nominal cost to cover postage and copying fees, upon written request a copy of this tariff will be provided by Carrier's business office.

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**SECTION 3 - DESCRIPTION OF SERVICE**

**3.1 Timing of Calls**

**3.1.1 When Billing Charges Begin and Terminate for Phone Calls**

The customer's long distance usage charge is based on the actual usage of Performance' network. Usage begins when the called party picks up the receiver (i.e., when 2-way communication is possible). When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

**3.1.2 Billing Increments**

Unless otherwise specified in this tariff, the minimum call duration for billing purposes is 18 seconds for a connected call. Calls are thereafter billed in 6 second increments.

**3.1.3 Per Call Billing Charges**

Billing will be rounded up to the nearest penny for each call.

**3.1.4 Uncompleted Calls**

There shall be no charges for uncompleted calls.

**3.2 Calculation of Distance**

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

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers that are produced by Bell Communications research in the NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

Formula:

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

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**SECTION 3 - DESCRIPTION OF SERVICE (continued)**

**3.2 Calculation of Distance (Continued)**

**Example: Distance between Miami and Tallahassee:**

**Where:**

Miami	V1=8,354	H1= 546
Tallahassee	V2=7,871	H2=1,720

$$\sqrt{\frac{(8,345-7,871)^2 + (546-1,720)^2}{10}} =$$

$$\sqrt{\frac{233,289 + 1,378,276}{10}} =$$

$$\sqrt{161,157} =$$

**Distance = 402 miles (401.44)**

**3.3 Minimum Call Completion Rate**

A customer can expect a call completion rate (number of calls completed/number of calls attempted) of not less than 90% during peak use periods for all Feature Group D services ("1+" dialing).

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**SECTION 3 - DESCRIPTION OF SERVICE (continued)**

**3.4 Description of Services**

Company is an interexchange telecommunications provider of resold interexchange telecommunications services.

**3.4.1 Prepaid Telecard Service** is a discretionary switched access service available to subscribers via a toll free number from any dual tone multifrequency telephone in the United States. Performance Telecom's subscribers purchase the Company's Prepaid Telecard which immediately enables the user to place calls for a specified amount of calling time. The user's account is credited for the amount of calling purchased and is debited as the subscriber places calls pursuant to the Company's tariffed rates, until the account balance is depleted. Subscribers are informed of the amount of calling time remaining on the card at the time they access the Company's equipment and enter a card identification number and are reminded to replenish the account prior to its depletion. Subscribers may immediately replenish the account at any time by contacting the Company's Customer Service Department and charging the desired amount to a valid credit card or by mailing a check to the Company. If the account is not replenished, access to the Company's underlying carrier network is blocked.

**3.4.2 Preauthorized Telecard Service** is a prepaid calling card service offered to valid credit card holders who preauthorize the Company to automatically charge a presubscribed, specified amount to a credit card or checking account for calling time.

**3.4.3 Virtual Office Calling Card Services** are calling card services sold to business customers on a prepaid or preauthorized basis. These calling cards, either prepaid or preauthorized, include, along with the ability to send and receive calls, value-added features such as facsimile message transmission, reception, storage and retrieval; conference calling, call handling, voice mail, and call forwarding. A separate monthly recurring charge for the various feature packages as may be selected by the customer is applicable in addition to the tariffed per minute rates.

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**SECTION 4 - RATES AND CHARGES**

**4.1 Rates and Charges**

**4.1.1 Prepaid Telecard Services**

Calling capability only; no enhanced services.

Monthly recurring charge	None
Initial and additional minute	\$0.39
Renewal per minute rate, initial and additional minute	\$0.33

**4.1.2 Preauthorized Telecard Services**

Calling capability only; no enhanced services.

Monthly recurring charge	None
Initial and additional minute	\$0.25

**4.1.3 Virtual Office Card Services**

Sold to customers on a prepaid or preauthorized basis.

This service allows the customer to make calls, use voice messaging, retrieve facsimile messages, listen to information services and send paging messages.

Monthly Recurring Charge	\$10.00
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Initial and additional minute

When accessed from presubscribed location	\$0.18
Accessed by calling card	\$0.25
Accessed from cellular phone	\$0.33

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**SECTION 4 - RATES AND CHARGES (continued)**

**4.1 Rates and Charges (continued)**

**4.1.4 Virtual Office Card Plus Services**

This service allows the customer to make calls, receive calls, use voice messaging, retrieve facsimile messages, listen to information services and send paging messages.

Monthly Recurring Charge **\$20.00**

Initial and additional minute

When accessed from presubscribed location	<b>\$0.18</b>
Accessed by calling card	<b>\$0.25</b>
Accessed from cellular phone	<b>\$0.33</b>

**4.1.5 Virtual Corporation Card Services**

This service allows the customer to make calls, receive calls, direct calls through an automated attendant, route calls through a specific department (Virtual Extension), use voice messaging, retrieve facsimile messages, listen to information services and send paging messages.

Monthly Recurring Charge **\$50.00**

Initial and additional minute

When accessed from presubscribed location	<b>\$0.18</b>
When accessed from home (not presubscribed)	<b>\$0.22</b>
Accessed by calling card	<b>\$0.25</b>
Accessed from cellular phone	<b>\$0.33</b>

Virtual Extension - \$5.00 per extension per month.

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**SECTION 4 - RATES AND CHARGES (continued)**

**4.1 Rates and Charges (continued)**

**4.1.6 Virtual Corporation Card Plus Services**

Virtual Corporation Card Plus Service offers all that is offered for Virtual Corporation Card, PLUS: Virtual Office Assistant; Universal Messaging Service; Appointment Reminder; Conference Room; access to Purchasing, Gift, Legal, Accounting, and Travel Departments; Talking Yellow Pages; Interpretation Service; News Service, and Group Mail.

Monthly Recurring Charge \$250.00

Initial and additional minute

When accessed from presubscribed location	\$0.18
When accessed from home (not presubscribed)	\$0.22
Accessed by calling card	\$0.25
Accessed from cellular phone	\$0.33
Virtual Extension - \$5.00 per extension per month.	

**4.1.7 Performance Travel Services**

The Performance Travel Card is offered only to customers who subscribe to other services with Performance. If a customer wishes to only subscribe to the Travel Card, each such request will be reviewed independently.

Usage Rate Per Minute: \$0.18

Calls are billed in six (6) second increments with an eighteen (18) second minimum.

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**SECTION 4 - RATES AND CHARGES (Continued)**

**4.2 TAXES AND SURCHARGES**

In addition to the charges specifically pertaining to Performance services, certain federal, state, and municipal surcharges, taxes, and fees will be applied as separate line items on the customer's bill. These surcharges, taxes and fees are calculated based upon the amount billed to the end user for Performance' intrastate services.

**4.3 SPECIAL RATES FOR THE HANDICAPPED**

**4.3.1 Directory Assistance** - there shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. The Company shall charge the prevailing tariff rates for every call in excess of 50 within a billing cycle.

**4.3.2 Hearing and speech impaired persons** - Intrastate toll message rates for TDD users shall be non-day rates for all calls.

**4.3.3 Telecommunications Relay Service** - For intrastate toll calls received from the relay service, the Company will, when billing relay calls, discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the other wise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge.

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# COMMUNICATIONS CONSULTING SERVICES

November 15, 1996

Florida Public Service Commission  
101 East Gaines Street  
Fletcher Building  
Tallahassee, Florida 82399-0850

DEPOSIT

D404

NOV 19 '96

no postmark  
#F1128  
4250 CC  
JAF  
11/19/96

Re: Application of Atlas Equity, Inc., d/b/a Performance Telecom

To The Commissioner:

Subject to the rules and regulations of the Commission, I hereby submit the above-referenced Application for certification as a non-facilities based, non-dominant telecommunications interexchange carrier.

Atlas Equity, Inc., d/b/a Performance Telecom (Performance) is a California corporation that offers inter- and intrastate interexchange telecommunications services. Performance has obtained foreign corporation status in Florida.

Performance will be providing both inter- and intraLATA services, as allowed by state law and regulation, but does not intend to provide operator services (hotels/motels, payphones, airports, prisons, etc.) to the public market in Florida.

Attached to this letter are the original and seven copies of the Application. Please return a file-stamped copy to me in the enclosed return envelope

Should there be any questions regarding the filing, please do not hesitate to contact the undersigned at your convenience.

Sincerely,



Michael W. Mlinar  
Consultant to Atlas Equity, Inc., d/b/a Performance Telecom

Phone and fax: (805) 565-3338

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SERIALIZED FILED  
NOV 19 1996  
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Edwin Bowles  
Billing Analyst

Timothy Chandler  
Systems Analyst

Denise Grace  
Customer Service

Michael W. Mlinar  
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Robyn Shamblin  
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International Advisor

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