

**\*\* FLORIDA PUBLIC SERVICE COMMISSION \*\***

**DIVISION OF REGULATORY OVERSIGHT**  
**CERTIFICATION SECTION**

Application Form for Authority to Provide  
Interexchange Telecommunications Service  
Between Points Within the State of Florida

011361-TI

Instructions

- ◆ This form is used as an application for an original certificate and for approval of assignment or transfer of an existing certificate. In the case of an assignment or transfer, the information provided shall be for the assignee or transferee (See Page 16).
- ◆ Print or Type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- ◆ Use a separate sheet for each answer which will not fit the allotted space.
- ◆ 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 Records and Reporting**  
**2540 Shumard Oak Blvd.**  
**Tallahassee, Florida 32399-0850**  
**(850) 413-6770**

JLBM

Note: **No filing fee is required** for an assignment or transfer of an existing certificate to another company.

- ◆ If you have questions about completing the form, contact:

**Florida Public Service Commission**  
**Division of Regulatory Oversight**  
**Certification Section**  
**2540 Shumard Oak Blvd.**  
**Tallahassee, Florida 32399-0850**  
**(850) 413-6480**

DISTRIBUTION CENTER  
01 OCT 15 AM 11:59

1. This is an application for  (check one):
- Original certificate** (new company).
  - Approval of transfer of existing certificate:** Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.
  - Approval of assignment of existing certificate:** Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
  - Approval of transfer of control:** Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

@cess, LLC

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

Same

4. Official mailing address (including street name & number, post office box, city, state, zip code):

3959 Van Dyke Road

Suite 202

Lutz, FLORIDA 33549

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

same as above.

6.

Select 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 resold service by enrolling unaffiliated customers.
- ( ) **Prepaid Debit Card Provider** - any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

7. Structure of organization;

- ( ) Individual
- ( ) Foreign Corporation
- ( ) General Partnership
- ( ) Corporation
- ( ) Foreign Partnership
- ( ) Limited Partnership
- ( ✓ ) Other LIMITED LIABILITY CORPORATION

8. **If individual**, provide:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
Internet E-Mail Address: \_\_\_\_\_  
Internet Website Address: \_\_\_\_\_

9. **If incorporated in Florida**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

\_\_\_\_\_

10. **If foreign corporation**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

\_\_\_\_\_

11. **If using fictitious name-d/b/a**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida:

(a) **The Florida Secretary of State fictitious name registration number:**

\_\_\_\_\_

12. **If a limited liability partnership**, provide proof of registration to operate in Florida:

(a) **The Florida Secretary of State registration number:** M 01000001401

13. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

14. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

(a) **The Florida registration number:** \_\_\_\_\_

15. Provide **F.E.I. Number** (if applicable): 59-3720239

16. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?  
 Yes ( ) No

(b) If not, who will bill for your services?

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

(c) How is this information provided?

\_\_\_\_\_  
\_\_\_\_\_

17. Who will receive the bills for your service?

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

18. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: DEREK T. SHERRILL

Title: PRESIDENT

Address: 3959 Van Dyke Road, Suite 202

City/State/Zip: Lutz, FL 33549

Telephone No.: 813-307-9632      Fax No.: 813-307-9721

Internet E-Mail Address: ~~tyandgins@ij.net~~ accessce@tampabay.fl.com

Internet Website Address: N/A

(b) Official point of contact for the ongoing operations of the company:

Name: same

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

(c) Complaints/Inquiries from customers:

Name: SAME

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

19. List the states in which the applicant:

(a) has operated as an interexchange telecommunications company.

FLORIDA (PER THIS REQUEST)

(b) has applications pending to be certificated as an interexchange telecommunications company.

N/A

(c) is certificated to operate as an interexchange telecommunications company.

N/A  
\_\_\_\_\_  
\_\_\_\_\_

(d) has been denied authority to operate as an interexchange telecommunications company and the circumstances involved.

N/A  
\_\_\_\_\_  
\_\_\_\_\_

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

N/A  
\_\_\_\_\_  
\_\_\_\_\_

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

N/A  
\_\_\_\_\_  
\_\_\_\_\_

20. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) an 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.

N/A  
\_\_\_\_\_  
\_\_\_\_\_

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

a. \_\_\_\_\_ **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

b. \_\_\_\_\_ **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

c.  **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

d. N/A MTS for pay telephone service providers

e. N/A Block-of-time calling plan (Reach Out Florida, Ring America, etc.).

f.  800 service (toll free)

g. N/A WATS type service (bulk or volume discount)

- Method of access is via dedicated facilities
- Method of access is via switched facilities

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

i.  Travel service

- Method of access is 950
- Method of access is 800

j. N/A 900 service

k. N/A 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

1. **Services included are:**

- Station assistance
- Person-to-person assistance
- Directory assistance
- Operator verify and interrupt
- Conference calling

22. Submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed).

23. Submit the following:

**A. Managerial capability;** give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

**B. Technical capability;** give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

**C. Financial capability.**

The application **should contain** the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet;
  2. income statement; and
  3. statement of retained earnings.
- NEW BUSINESS - CAPITAL CONTRIBUTION OF \$500.00  
P:L = 0, RATIO GREATER THAN 1 AND POSITIVE EQUITY.*

**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.*

Further, the following (which includes supporting documentation) should be provided:

1. A written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served. **NEW BUSINESS, CAPITAL CONTRIBUTION OF \$500<sup>00</sup>, P/L = 0**
2. A written explanation that the applicant has sufficient financial capability to maintain the requested service. **NEW BUSINESS** **RATIO GREATER THAN POSITIVE EQUITY.**
3. A written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations. **NEW BUSINESS**

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**APPLICANT ACKNOWLEDGMENT 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:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

**UTILITY OFFICIAL:**

DEREK T. SHERRILL  
Print Name



Signature

PRESIDENT  
Title

10/1/01  
Date

813-307-9632      813-307-9721  
Telephone No.      Fax No.

Address: 3959 Van Dyke Road, Suite 202  
Lutz, FL 33549

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**CUSTOMER DEPOSITS AND ADVANCE PAYMENTS**

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be provided in one of the following ways (applicant, please  check one):

- (  ) The applicant will **not** collect deposits nor will it collect payments for service more than one month in advance.
- (  ) The applicant intends to collect deposits and/or advance payments for more than one month's service and will file and maintain a surety bond with the Commission in an amount equal to the current balance of deposits and advance payments in excess of one month.  
(The bond must accompany the application.)

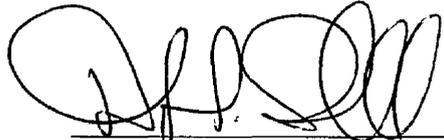
UTILITY OFFICIAL:

DEREK T. SHERRILL  
Print Name

PRESIDENT  
Title

813-307-9632  
Telephone No.

Address: 3959 Van Dyke Road, Suite 202  
Lutz, FL 33549

  
Signature

10/1/01  
Date

813-307-9721  
Fax No.

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**AFFIDAVIT**

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide interexchange telecommunications service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

**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. 775.083."**

UTILITY OFFICIAL:

DEREK T. SHEPHERD

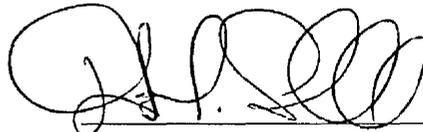
Print Name

PRESIDENT

Title

813-307-9632

Telephone No.



Signature

10/1/01

Date

813-307-9721

Fax No.

Address:

3959 Van Dyke Road, Suite 202

Wt2, FL 33549

**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?

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

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**UTILITY OFFICIAL:**

DEREK T. SHERRILL

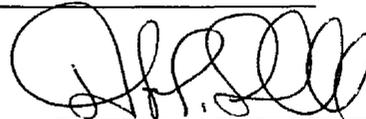
Print Name

PRESIDENT

Title

813-307-9632

Telephone No.



Signature

10/1/01

Date

813-307-9721

Fax No.

Address: 3959 Van Dyke Road, Suite 202

Lutz, FL 33549

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**CERTIFICATE TRANSFER, OR ASSIGNMENT STATEMENT**

I, (Name) DEREK T. SHERKILL,  
(Title) PRESIDENT of  
@ACCESS, LLC (Name of Company)

and current holder of Florida Public Service Commission Certificate Number

# New, have reviewed this application and join in the petitioner's request for a:

( ) transfer

(  ) assignment

of the above-mentioned certificate.

**UTILITY OFFICIAL:**

DEREK T. SHERKILL

**Print Name**

PRESIDENT

**Title**

813-307-9632

**Telephone No.**



**Signature**

10/1/01

**Date**

813-307-9721

**Fax No.**

**Address:**

3959 Van Dyke Road, Suite 202

Lutz, FL 33549

**TITLE SHEET**

**FLORIDA TELECOMMUNICATIONS TARIFF**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of services and facilities for telecommunications services provided by @ccess, LLC with principal offices at 3959 Van Dyke Road, Suite 202, Lutz, Florida 33549. This tariff applies for 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.

ISSUED:

EFFECTIVE:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

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**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 sheets(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date of the bottom of this page.

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

ISSUED:

EFFECTIVE:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

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Section 3 - Description of Service.....12  
Section 4 - Rates.....16

ISSUED:

EFFECTIVE:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

**SYMBOLS SHEET**

**D** - Delete Or Discontinue

**I** - Change Resulting In An Increase To A Customer's Bill

**M** - Moved From Another Tariff Location

**N** - New

**R** - Change Resulting In A Reduction To A Customer's Bill

**T** - Change In Text Or Regulation But No Change In Rate Or Charge

ISSUED:

EFFECTIVE:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

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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 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 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. An asterisk designates all revisions made in a given filing (\*). 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.

Original Sheet 6

ISSUED:

EFFECTIVE:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

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**SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS**

Access Line - An arrangement that connects the customer's location to the Company's network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - @ccess, LLC

Customer - the person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 am up to but not including 5:00 pm local time Sunday through Friday.

Evening - From 5:00 pm up to but not including 11:00 pm local time Sunday through Friday.

Holidays - The Company's recognized holidays are New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day.

Night/Weekend - From 11:00 pm up to but not including 8:00 am Sunday through Friday, and 8:00 am Saturday up to but not including 5:00 pm Sunday.

ISSUED:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

Original Sheet 7

EFFECTIVE:

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**SECTION 2 - RULES AND REGULATIONS**

**2.1 Undertaking of the Company**

The Company's services and facilities are furnished for communications originating at specified points within the state of Florida under terms of this tariff.

The Company's installs, operates and maintains the communications services provided herein in accordance with the terms and conditions set forth under this tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or a customer's location to the Company's network. The customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless ordered on a longer-term basis, and are available twenty-four hours per day, seven days per week.

**2.2 Limitations**

- 2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.
- 2.2.2 The Company's reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control: or when the customer is using service in violation of the law or the provisions of this tariff.
- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.

Original Sheet 8

ISSUED:

EFFECTIVE:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

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**SECTION 2 - RULES AND REGULATIONS continued**

**2.2 Limitations (Con't.)**

2.2.5 Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

**2.3 Liabilities of the Company**

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

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

- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
- (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by the Company.

ISSUED:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

Original Sheet 9

EFFECTIVE:

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**SECTION 2 - RULES AND REGULATIONS continued**

**2.4 Interruption of Service**

2.4.1 Credit allowances for the interruption of services which is not due to the Company's testing or adjusting, negligence of the customer, or due to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in Subsection 2.3.1. It shall be the customer's obligation to notify the Company immediately of any service 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 and connected to the Company's facilities. No refund or credit will be made for the time that the Company stands ready to repair the service and the subscriber does not provide access to the Company for such restoration work.

2.4.2 No credit shall be allowed for an interruption of a continuous duration of less than twenty-four hours after the subscriber notifies the Company.

2.4.3 The customer shall be credited for an interruption of more than twenty-four as follows:

Credit Formula:

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

"A" - outage time in hours

"B" - each month is considered to have 720 hours

"C" - total monthly charge for affected facility

Original Sheet 10

ISSUED:

EFFECTIVE:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

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**SECTION 2 - RULES AND REGULATIONS continued**

**2.5 Disconnection of Service by Carrier**

The Company (@ccess), upon 5 working days written notice to the customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- 2.5.1 Non-payment of any sum due to carrier for regulated service for more than thirty days beyond the date of service.
- 2.5.2 A violation of any regulation governing the service under this tariff.
- 2.5.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.5.4 The company has given the customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.
- 2.5.5 Service may be disconnected without notice for tampering with company equipment, for interfering with the service to other customers, for fraud, or in the event of a hazardous condition.

ISSUED:

By:

Derek T. Sherrill, President  
3959 Van Dyke Road, Suite 202  
Lutz, Florida 33558-8025

Original Sheet 11

EFFECTIVE:

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**SECTION 2 - RULES AND REGULATIONS continued**

**2.6 Deposits**

The Company does not require a deposit from the customer.

**2.7 Advance Payments**

For customers whom the Company feels an advance payment is necessary, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and if necessary a new advance payment will be collected for the next month.

**2.8 Taxes**

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

**2.9 Billing of Calls**

All charges due by the Subscriber are payable at any agency duly authorized to receive such payments. Any objection to billed charges authorized should be promptly reported to the Company. Adjustments to customer bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

ISSUED:

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**SECTION 3 - DESCRIPTION OF SERVICE**

**3.1 Timing of Calls**

3.1.1 When Billing Charges Begin and End For Phone Calls

The customer's long distance usage charge is based on the actual usage of the Company's network. Usage begins when the called party picks up the receiver, (i.e. when two way communication, often referred to as "conversation time" 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

The minimum call duration for billing purposes is six seconds for a connected call and calls beyond six seconds are billed in six-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.

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**SECTION 3 - DESCRIPTION OF SERVICE continued**

**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:**

The square root of:

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

**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 Service Offerings**

3.4.1 @ccess Long Distance Service

@ccess Long Distance Service is offered to residential and business customers. The service permits direct dialed outbound calling at a single per minute rate. Service is provided from pre-subscribed, dedicated or shared use access lines. Calls are billed in one-minute increments. No monthly recurring charges or minimum monthly billing requirements apply.

3.4.2 @ccess Toll Free (Inbound) Long Distance Service

@ccess Toll Free (Inbound) Long Distance Service is offered to residential and business customers. The service permits inbound toll free calling at a single per minute rate. Service is provided from pre-subscribed, dedicated or shared use access lines. Calls are billed in six- second increments, with a six-second minimum call duration. No monthly recurring charges or minimum monthly billing requirements apply.

3.4.3 @ccess Calling Card Service

@ccess Calling Card Service is a calling card service offered to residential and business customers who subscribe to the @ccess Long Distance Service calling plan. Customers using the Carrier's calling card service access the service by dialing toll free number followed by an account identification number and the being called. This service permits subscribers utilizing the Carrier's calling card to make calls at a single per minute rate. Calls are billed in one-minute increments after the initial minimum period of one minute. There are no non-recurring or monthly recurring charges.

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**SECTION 3 - DESCRIPTION OF SERVICE continued**

3.4.4 Operator Services

Do not plan to provide operator services.

3.4.4.A Operator Dialed Surcharge

Not applicable

Original Sheet 16

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**SECTION 4 - RATES**

**4.1 @ccess Long Distance Service**

Rate Per Minute - \$0.08  
Plan is billed in six-second increments with a six-second minimum.

**4.2 @ccess Toll Free (Inbound) Long Distance Service**

Rate per minute - \$0.14  
Plan is billed in six-second increments with a six-second minimum.

**4.3 @ccess Calling Card Service**

Rate per minute - \$0.23  
Plan is billed in full minute increments.

**4.4 Operator Services (For pre-subscribed customers)**

4.4.1 Usage Rates:

Not Applicable

4.4.2 Operator Charges:

Collect Station-to-Station	\$ Not Applicable
Collect Person-to-Person	\$ Not Applicable
Person-to-Person	\$ Not Applicable
Station-to-Station	\$ Not Applicable
Customer Dialed Calling Card	\$ Not Applicable
Operator Dialed Calling Card	\$ Not Applicable
Operator Dialed Surcharge	\$ Not Applicable

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**SECTION 4 - RATES continued**

**4.5 Determining Applicable Rate in Effect**

Rates are not "Time of Day" sensitive. That is, all rates are "Flat" rated.

**4.6 Payment of Calls**

**4.6.1 Late Payment Charges**

A late payment fee of \$29 per month will be assessed on all payments postmarked after the due date.

A 2% interest charge will be applied to all unpaid balances past the due date.

**4.6.2 Return Check Charges**

A return check charge of \$50.00 will be assessed for checks returned for insufficient funds.

**4.7 Restoration of Service**

A reconnection fee of \$50.00 per occurrence is charged when service is re-established for customers who had been disconnected for non-payment.

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**SECTION 4 - RATES continued**

**4.8 Special Promotions**

The Company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the FPSC with specific starting and ending dates, and be made part of this tariff.

**4.9 Special Rates For The Handicapped**

**4.9.1 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.

**4.9.2 Hearing and Speech Impaired Persons**

Intrastate toll message rates for TDD users shall be a "Flat" rate.

**4.9.3 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% off of the otherwise applicable rate for a voice non-relay 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% off of the otherwise applicable rate for a voice non-relay 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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## **WORK HISTORY**

**Adelphia Business Solutions**, October 1999 to Present., Sales Manager. Our 2000 achievement was 336% of target objective. My initial goal was to build the number one sales team in the Southern Region, which I have done. My long-range goal is to build the number one sales team in the nation. I am currently ranked fifth. In addition to the duties and responsibilities of sales manager, I have also taken on the role of acting General Manager. I provided leadership to Operations during the absence of their Ops Manager as well. My responsibilities were originally to build a local sales team of eight professional sales people, one communications consultant and one technical consultant to market local, long distance and data services on the West Coast of Florida from Tampa to Naples. I then was tasked with folding both sales teams, 16 account executives, into one while turning up our switch. I took on some of the management responsibilities of customer service by managing the efforts of our project management team for scrubbing and provisioning new service orders. I provide on-going sales training to my sales office. I am the link between my sales team's efforts and those of the customer support staff ensuring quality solutions are provided to our customers all the way through the implementation process to the retention phase. I also work with the community to increase local market awareness, which includes champion to many local charities.

**AT&T Local Services**, January 1997 to October 1999, Regional Sales Manager. During my tenure my responsibilities were to build and train a Global Markets team of professional telecommunications sales people, technical consultants, project managers and support staff for the Florida market. I managed 2 sales people, 1 technical consultant and 1 project manager in Jacksonville. I managed 1 sales manager, 9 sales people, 2 technical consultants, 2 project managers and an administrative assistant in Tampa. I managed 2 sales people, 2 project managers and 1 technical consultant in Orlando. I managed 1 sales manager, 9 sales people, 2 technical consultants, 2 project managers, 1 operations manager and an administrative assistant in Ft. Lauderdale. My sales teams targeted global accounts that were headquartered in Florida. They also provided remote sales support for global accounts that were headquartered outside of Florida but had a large presence within the state. I was ranked number one among the seven sales managers in the southern region with an overall attainment of 168% of my \$132M YTD quota for 1999 until my departure. I was hired by Adelphia Business Solutions.

**E.spire Communications**, November 1995 to January 1997, Sales Director of Advanced Data Services for North Carolina. The core of my responsibilities was to build a sales team to sell advanced data services in the North Carolina market. Such services included dedicated Internet Service, ATM, Frame Relay and point to point dedicated services for LAN to LAN connectivity. My quota was \$3M in annualized data services revenue. TCG hired me prior to their merger with AT&T.

**MFS Intelenet**, May 1995 to November 1995, Senior Account Executive. Responsibilities included territory management, maintaining a churn rate of less than 2% and selling products and services such as ATM, Frame Relay, Internet Services, Data Services, Switched Voice Services and Dedicated Voice Services. My target account was \$2500 to \$25000 in the Tampa Bay area. I moved back to North Carolina due to a family illness however MFS Intelenet had closed their office in Charlotte. I was then hired away by E.spire.

**MCI Business Services**, February 1990 to May 1995, Senior Account Executive. Responsibilities included acquiring and servicing small to mid-sized business accounts. As a senior account executive, I assisted the manager of a team of twelve salespeople as an assistant sales manager. I assisted by developing training, sales presentations and implementation schedules. I was recognized twice as a member of the Master's Club and was chosen to be one of only two salespeople in the company to attend and be recognized at the National Sales Manager's Conference. I was also selected to participate in a program that was designed to create a model of the ideal salesperson by which all sales managers could hire quality salespeople. I was hired away by MFS Intelenet for the Tampa market.

**Micro Mart Inc.**, August 1984 to February 1990, Account Executive. Responsibilities included corporate sales in the North Carolina market. My personal sales rose from \$100K in monthly revenue to over \$300K. After my first year I was inducted in to the Million-Dollar Club. In 1990 the company was sold and later that year filed bankruptcy.

### **MILITARY**

**US Army**, 1980-1985, Sergeant. I completed Basic Infantry Training, Advanced Infantry Training, Jump School, Scuba School, Ranger School, Special Forces Training, SEER Training, POW School, Pathfinder School and was a member of the First Multinational Peacekeeping Force and Observers stationed in the Israeli occupied Sinai Desert for a six month tour. Medals included a Meritorious Service Medal, Good Conduct Medal, Expert Rifleman Medal, Expert Infantryman's Badge, and Multinational Service Medal. I received an Honorable Discharge at the rank of sergeant in 1985.

### **EDUCATION**

**University of South Florida**, 1999 – Present, BS Degree in Business Management.

**University of North Carolina at Charlotte**, 1983-1984, BS Degree in Economics. Could not complete because of a lack of college funding.

### **ACTIVITIES**

**Deacon**, Alabama Road Baptist Church in 1993. Now a member at Idlewild Baptist Church in Tampa, Florida.

### **HOBBIES**

Golf, coaching kid's sports and spending quality time with my wife and two daughters.