

ORIGINAL  
WESTCHESTER TELECOM

030456-TI

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MAY 22 AM 11:07  
COMMISSION CLERK

VIA OVERNIGHT MAIL

Florida Public Service Commission  
Division of Records and Reporting  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

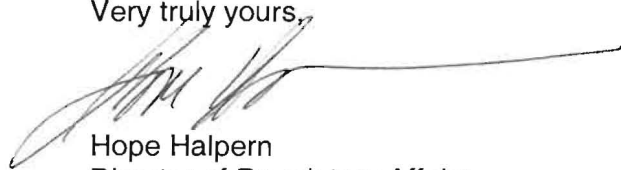
Re: Westchester Telecom, Inc. Application for Authority to Provide  
Interexchange Telecommunications Service Between Points Within  
the State of Florida

Dear Sir or Madam:

Westchester Telecom, Inc. hereby submits an original and six (6) copies of its application for authority to provide interexchange telecommunications service between points within the state of Florida. Also enclosed is a copy of Telstar's proposed tariff and a check in the amount of \$250.00.

Please date stamp the extra copy of this cover letter and return it to me in the enclosed self-addressed stamped envelope. Thank you for your attention to this matter. Should you have any questions or concerns regarding this filing, please contact me at the below number.

Very truly yours,



Hope Halpern  
Director of Regulatory Affairs  
Ph: (914) 750-8888  
Fx: (914) 750-8890  
[hope@westchestertelecom.com](mailto:hope@westchestertelecom.com)

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

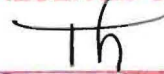
Initials of person who forwarded check



Encl.

- AUS
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DISCUSSION BUREAU OF RECORDS  
MAY 22 2003

DISTRIBUTION CENTER

DOCUMENT NUMBER-DATE

Westchester Telecom, Inc. . 1 North Broadway Suite 500, White Plains, NY 10601

Tel: 914-750-8888 Fax: 914-750-8900

04608 MAY 22 8

FPSC-COMMISSION CLERK

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:

Westchester Telecom, Inc.

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

Westchester Telecom, Inc.

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

One North Broadway, 5th Floor

~~White Plains, NY 10601~~

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

NRAI Services, Inc.

526 East Park Avenue, Tallahassee, FL 32301

6. Select type of business your company will be conducting  $\sqrt$ (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;

- |   |  |
|---|--|
| <input type="checkbox"/> Individual                     | <input type="checkbox"/> Corporation         |
| <input checked="" type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> General Partnership            | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Other _____                    |  |

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:**  
F03000002453  
\_\_\_\_\_

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:** \_\_\_\_\_

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): \_\_\_\_\_

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?

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Residential Customers                               | <input checked="" type="checkbox"/> Business Customers    |
| <input type="checkbox"/> PATs providers   | <input type="checkbox"/> PATs station end-users           |
| <input type="checkbox"/> Hotels & motels  | <input type="checkbox"/> Hotel & motel guests             |
| <input type="checkbox"/> Universities   | <input type="checkbox"/> Universities dormitory residents |
| <input checked="" type="checkbox"/> Other: (specify) <del>other service providers</del> |   |

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

(a) The application:

Name: Hope Halpern

Title: Dir. Regulatory Affairs

Address: 1 North Broadway

City/State/Zip: White Plains, NY 10601

Telephone No.: 914-750-8888 Fax No.: 914-750-8890

Internet E-Mail Address: hope@westchestertelecom.com

Internet Website Address: www.westchestertelecom.com

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

Name: Hope Halpern  
Title: Director of Regulatory Affairs  
Address: One North Broadway  
City/State/Zip: White Plains, NY 10601  
Telephone No.: 914-750-8888 Fax No.: 914-750-8890  
Internet E-Mail Address: hope@westchestertelecom.com  
Internet Website Address: www.westchestertelecom.com

(c) Complaints/Inquiries from customers:

Name: Janine Cataldo  
Title: Director, Customer Service  
Address: 1 North Broadway, 5th Floor  
City/State/Zip: White Plains, NY 10601  
Telephone No.: 914-750-8888 Fax No.: 914-750-8890  
Internet E-Mail Address: janine@westchestertelecom.com  
Internet Website Address: www.westchestertelecom.com

19. List the states in which the applicant:

(a)  has operated as an interexchange telecommunications company.

Westchester Telecom has obtained a 214 license from the FCC and operates as a telecommunications interexchange company in New York.

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

Westchester Telecom intends to file applications to provide

interexchange service in California, Texas, and New Jersey within  
the next several weeks.

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

Westchester Telecom has received authorization to operate as  
an interexchange provider in New York and by the FCC.

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

Westchester Telecom has not been denied authority to operate  
as an interexchange carrier anywhere.

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

No regulatory penalties have ever been imposed upon Westchester  
Telecom in any state or other jurisdiction.

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

None



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.

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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.

Constantin Barbulescu, a director and stockholder of Westchester Telecom is also a director and stockholder in Telstar International, Inc., a New York corporation holding a certificate to provide interexchange services in Florida. Joseph Guariglia, a director and stockholder of Westchester Telecom is also a director of Telstar International, Inc.

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

a. X **MTS with distance sensitive per minute rates**

\_\_\_\_\_ Method of access is FGA  
\_\_\_\_\_ Method of access is FGB  
X Method of access is FGD  
X Method of access is 800

b. X **MTS with route specific rates per minute**

\_\_\_\_\_ Method of access is FGA  
\_\_\_\_\_ Method of access is FGB  
X Method of access is FGD  
X Method of access is 800

c.  **MTS with statewide flat rates per minute (not distance sensitive)**

Method of access is FGA

Method of access is FGB

Method of access is FGD

Method of access is 800

d.  **MTS for pay telephone service providers**

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

f.  **800 service (toll free)**

g.  **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.  **900 service**

k.  **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

I. **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).

See attached Exhibit B

23. Submit the following:

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

See attached Exhibit C

**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.

See attached Exhibit C

**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.

Westchester Telecom, Inc. is a new corporation and as such does not have audited financial statements. 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 See Exhibit D
3. statement of retained earnings.

**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.
2. **A written explanation** that the applicant has sufficient financial capability to maintain the requested service.
3. **A written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations.


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

**UTILITY OFFICIAL:**

Joseph Guariglia  
**Print Name**

  
**Signature**

President  
**Title**

5/1/03  
**Date**

914-750-8888

914-750-8890

**Telephone No.**

**Fax No.**

**Address:** 1 North Broadway, White Plains, NY 10601 5th Floor  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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  $\sqrt$  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:**

Joseph Guariglia  
\_\_\_\_\_  
**Print Name**

  
\_\_\_\_\_  
**Signature**

President  
\_\_\_\_\_  
**Title**

5/1/03  
\_\_\_\_\_  
**Date**

914-750-8888  
\_\_\_\_\_  
**Telephone No.**

914-750-8890  
\_\_\_\_\_  
**Fax No.**

**Address:** Westchester Telecom, Inc.  
\_\_\_\_\_  
One North Broadway, White Plains, NY 10601 5th FL  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


**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:**

<u>Joseph Guariglia</u>	
<b>Print Name</b>	<b>Signature</b>
<u>President</u>	<u>5/1/03</u>
<b>Title</b>	<b>Date</b>
<u>914-750-8888</u>	<u>914-750-8890</u>
<b>Telephone No.</b>	<b>Fax No.</b>
<b>Address:</b>	<u>Westchester Telecom, Inc.</u>
	<u>One North Broadway, 5th Floor</u>
	<u>White Plains, NY 10601</u>
	<u> </u>
	<u> </u>

**CURRENT FLORIDA INTRASTATE SERVICES**

Applicant **has** ( ) or **has not** ( X ) 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:**

Joseph Guariglia

**Print Name**

President

**Title**

914-750-8888

**Telephone No.**



**Signature**

5/1/03

**Date**

914-750-8890

**Fax No.**

**Address:**

Westchester Telecom, Inc.

One North Broadway, 5th Floor

White Plains, NY 10601



EXHIBIT A

WESTCHESTER TELECOM, INC.

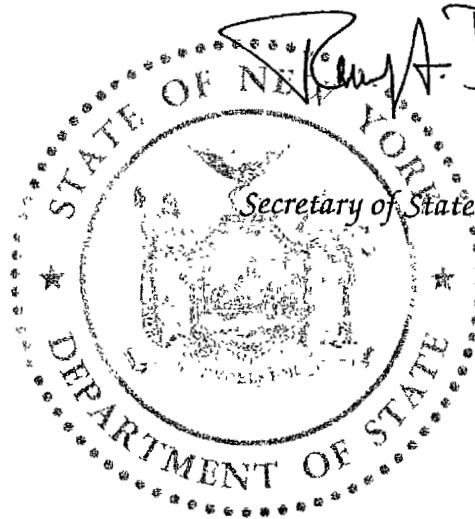
CERTIFICATE OF AUTHORITY TO DO BUSINESS IN THE STATE OF FLORIDA

State of New York } ss:  
Department of State

I hereby certify, that the Certificate of Incorporation of WESTCHESTER TELECOM, INC. was filed on 11/05/2002, with perpetual duration, and that a diligent examination has been made of the Corporate index for documents filed with this Department for a certificate, order, or record of a dissolution, and upon such examination, no such certificate, order or record has been found, and that so far as indicated by the records of this Department, such corporation is a subsisting corporation.

\*\*\*

Witness my hand and the official seal  
of the Department of State at the City  
of Albany, this 07th day of May  
two thousand and three.



200305080215 64

FILED  
2003 MAY 13 PM 1:16  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

12. Names and business addresses of officers and/or directors:

A. DIRECTORS

Chairman: Constantin Barbulescu

Address: 1 North Broadway, 5th Floor White Plains, New York 10601

Vice Chairman: Joseph Guariglia

Address: 1 North Broadway, 5th Floor White Plains, NY 10601

Director: Menachem Ash

Address: 1 North Broadway, 5th Floor White Plains, NY 10601

Director: \_\_\_\_\_

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

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2003 MAY 13 PM 1:16  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

B. OFFICERS

President: Joseph Guariglia

Address: 1 North Broadway, 5th Floor White Plains, NY 10601

Vice President: Constantin Barbulescu

Address: 1 North Broadway, 5th Floor White Plains, NY 10601


Secretary: Menachem Ash

Address: 1 North Broadway, White Plains, NY 10601

Treasurer: Louise Moses

Address: 1 North Broadway 5th Floor, White Plains, NY 10601

NOTE: If necessary, you may attach an addendum to the application listing additional officers and/or directors.

13.  \_\_\_\_\_  
(Signature of Chairman, Vice Chairman, or any officer listed in number 12 of the application)

14. Joseph Guariglia \_\_\_\_\_  
(Typed or printed name and capacity of person signing application)

### APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 607.1503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN CORPORATION TO TRANSACT BUSINESS IN THE STATE OF FLORIDA.

FILED  
2003 MAY 13 PM 1:16  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA

1. Westchester Telecom, Inc.

(Name of corporation; must include the word "INCORPORATED", "COMPANY", "CORPORATION" or words or abbreviations of like import in language as will clearly indicate that it is a corporation instead of a natural person or partnership if not so contained in the name at present.)

2. New York

(State or country under the law of which it is incorporated)

3. 30-0127176

(FEI number, if applicable)

4. 11/05/2002

(Date of incorporation)

5. perpetual

(Duration: Year corp. will cease to exist or "perpetual")

6. upon qualification

(Date first transacted business in Florida. If corporation has not transacted business in Florida, insert "upon qualification."  
(SEE SECTIONS 607.1501, 607.1502 and 817.155, F.S.)

7. One North Broadway, 5th Floor White Plains, NY 10601

(Principal office address)

Same as above

(Current mailing address)

8. Telecommunications service provider

(Purpose(s) of corporation authorized in home state or country to be carried out in state of Florida)

9. Name and street address of Florida registered agent: (P.O. Box or Mail Drop Box **NOT** acceptable)

Name: NRAI Services, Inc.

Office Address: 526 E. Park Avenue

Tallahassee

(City)

, Florida 32301

(Zip code)

10. Registered agent's acceptance:

*Having been named as registered agent and to accept service of process for the above stated corporation at the place designated in this application, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.*

NRAI Services, Inc.

Zuena M. Howarth, Asst Secy  
(Registered agent's signature)

11. Attached is a certificate of existence duly authenticated, not more than 90 days prior to delivery of this application to the Department of State, by the Secretary of State or other official having custody of corporate records in the jurisdiction under the law of which it is incorporated.

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the application by WESTCHESTER TELECOM, INC., a New York corporation, authorized to transact business within the State of Florida on May 13, 2003 as shown by the records of this office.

The document number of this corporation is F03000002453.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Fifteenth day of May, 2003



CR2EO22 (2-03)

*Glenda E. Hood*  
Glenda E. Hood  
Secretary of State



FLORIDA DEPARTMENT OF STATE

Glenda E. Hood  
Secretary of State

May 15, 2003

HOPE HALPERN  
WESTCHESTER TELECOM, INC.  
1 NORTH BROADWAY  
WHITE PLAINS, NY 10601

Qualification documents for WESTCHESTER TELECOM, INC. were filed on May 13, 2003 and assigned document number F03000002453. 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.

The certification you requested is enclosed.

A corporation annual report/uniform business 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 (850) 245-6051, the Foreign Qualification/Tax Lien Section.

Joey Bryan  
Document Specialist  
Division of Corporations

Letter Number: 403A00030074

# State of Florida



## Department of State

I certify from the records of this office that WESTCHESTER TELECOM, INC., is a corporation organized under the laws of New York, authorized to transact business in the State of Florida, qualified on May 13, 2003.

The document number of this corporation is F03000002453.

I further certify that said corporation has paid all fees due this office through December 31, 2003, and its status is active.

I further certify that said corporation has not filed a Certificate of Withdrawal.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Fifteenth day of May, 2003



CR2EO22 (2-03)

*Glenda E. Hood*  
Glenda E. Hood  
Secretary of State

EXHIBIT B

WESTCHESTER TELECOM, INC.

PROPOSED TARIFF



## TITLE SHEET

### FLORIDA INTEREXCHANGE TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service or facilities for intrastate interexchange telecommunications services provided by Westchester Telecom, Inc. ("Westchester Telecom") with principal offices at 1 North Broadway, Suite 500 White Plains, New York 10601. 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 Westchester Telecom's principal place of business.

---

Date of Issue: May 22, 2003

Date Effective:

Joseph Guariglia, President  
Westchester Telecom, Inc.  
1 North Broadway, Suite 500  
White Plains, New York 10601

CHECK SHEET

Sheets 1 through 28 inclusive of this tariff are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date on the bottom of the sheet.

<u>Sheet</u>	<u>Revision</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
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16	Original
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18	Original
19	Original
20	Original
21	Original
22	Original
23	Original
24	Original
25	Original
26	Original
27	Original
28	Original

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Date of Issue: May 22, 2003

Date Effective:

Joseph Guariglia, President  
Westchester Telecom, Inc.  
1 North Broadway, Suite 500  
White Plains, New York 10601

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Date of Issue: May 22, 2003

Date Effective:

Joseph Guariglia, President  
Westchester Telecom, Inc.  
1 North Broadway, Suite 500  
White Plains, New York 10601

EXPLANATION OF SYMBOLS

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

D – Delete or Discontinue

I – Change Resulting in an Increase to a Customer's Bill

M – Moved from another Tariff Location

N – New

R – Change Resulting in a Reduction to a Customer's Bill

T – Change in Text or Regulation but no Change in Rate or Charge

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Date of Issue: May 22, 2003

Date Effective:

Joseph Guariglia, President  
Westchester Telecom, Inc.  
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White Plains, New York 10601

TARIFF FORMAT

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 sheet where applicable. These numbers are used to indicate the most current sheet version on file with the Department. For example, 4<sup>th</sup> Revised Sheet 14 cancels 3<sup>rd</sup> 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 sheets 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).1  
2.1.1.A.1.(a).1.(i)  
2.1.1.A.1.(a).1.(l).1

D. **Check Sheets:** When a tariff filing is made with the Commission, 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 sheets 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 sheet if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some sheets). 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 Commission.

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Date of Issue: May 22, 2003

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## SECTION 1 – TECHNICAL TERMS AND ABBREVIATIONS

Access Line – An arrangement from a local exchange telephone company or other common carrier, using either dedicated or switched access, which connects a Customer's location to Westchester Telecom's location or switching center

Authorization Code – A numerical code, one or more of which may be assigned to a Customer, to enable Westchester Telecom to identify the origin of the Customer so it may rate and bill the call. Automatic number identification (ANI) is used as the authorization code wherever possible.

Company- Westchester Telecom, Inc.

Commission- Used throughout this tariff to refer to the Florida Public Service Commission.

Customer – The person, firm, corporation or other legal entity which orders the services of Westchester Telecom or purchases a Westchester Telecom Prepaid Calling Card and/or originates prepaid calls using such cards, and is responsible for the payment of charges and for compliance with the Company's tariff regulations.

LEC – Local Exchange Carrier – A company that furnishes local exchange telephone service.

PIN Personal Identification Number

Prepaid Account – An inventory of Telecom Units purchased in advance by the Customer, and associated with one and only one Authorization Code as contained in a specific Prepaid Calling Card.

Prepaid Calling Card- A card issued by the Company containing an Authorization Code, which identifies a specific Prepaid Account of Telecom Units, which enables calls to be processed, account activity to be logged, and balances to be maintained, on a prepayment basis.

Responsible Organization (RespOrg) – The company or entity responsible for managing and administering the 800 Service Management System (SMS/800) to: (a) search for and reserve 800 numbers; (b) create and maintain 800 number customer records, (c) provide a single point of contact for trouble reporting. The SMS/800 recognizes one RespOrg for each 800 number.

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SECTION 1 – TECHNICAL TERMS AND ABBREVIATIONS (CONTINUED)

Service Management System (SMS/800) The main administrative support system of 800-database service. It is used to create and update customer 800 service records that are then downloaded to Service Control Points for use by RespOrgs to reserve and assign 800 numbers.

Telecommunications – The transmission of voice communications or, subject to the transmission capabilities of the service, the transmission of data, facsimile, signaling, metering, or other similar communications.

Telecom Unit – A measurement of telecommunications service equal to one minute of usage between any two (2) points within the state of Florida.

Westchester Telecom or Company – Used throughout this tariff to mean Westchester Telecom, Inc. a New York Corporation

Underlying Carrier – The telecommunications carrier whose network facilities provide the technical capability and capacity telecommunications traffic.

Working Day – means any day on which the Company's business office is open and the U.S. Mail is delivered.

Written Notice – Used throughout this tariff to mean delivery via first class U.S. mail.

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## SECTION 2 – RULES AND REGULATIONS

### 2.1 Undertaking of the Company

This tariff contains the regulations and rates applicable to intrastate resale telecommunications services provided by Westchester Telecom for telecommunications between points within the state of Florida.

Westchester Telecom shall offer service to business and residential Customers. Services are furnished subject to the availability of facilities and subject to the terms and conditions of this tariff in compliance with limitations set forth in the Commission's rules and regulations.

Westchester Telecom's services are provided on a statewide basis and are not intended to be limited geographically. Westchester Telecom offers service to all those who desire to purchase service from the Company consistent with all of the provisions of this tariff. Customers interested in Westchester Telecom's services shall file a service application with the Company, which fully identifies the Customer, the services requested, and other information requested by the Company. Westchester Telecom may act as the Customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the Customer, to allow connection of a Customer's location to a service provided by the Company. The Customer shall be responsible for all charges due for such service arrangement. The Company does not own any switching, transmission, or other physical facilities located within the state of Florida.

2.1.1 The services provided by Westchester Telecom are not part of a joint undertaking with any other entity providing telecommunications channels, facilities, or services, but may involve the resale of Message Toll Services (MTS) and Wide Area Telecommunications Services (WATS) of underlying common carriers subject to the jurisdiction of this Commission.

2.1.2 The rates and regulations contained in this tariff apply only to the services provided by Westchester Telecom and do not apply, unless otherwise specified, to the lines, facilities, or services provided by a local exchange telephone company or other common carriers for use in accessing the services of Westchester Telecom.

2.1.3 The Company reserves the right to limit the length of communications, to discontinue furnishing communications services, or limit the use of service necessitated by conditions beyond its control, including, without limitation: lack of satellite or

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.1.4 other transmission medium capacity; the revision, alteration, or repricing of the Underlying Carrier's tariffed offerings; or when the use of service becomes or is in violation of the law or the provisions of this tariff.

2.2 Use of Services

2.2.1 Westchester Telecom's services may be used for any lawful purpose consistent with the transmission and switching parameters of the telecommunications facilities utilized in the provision of services, subject to any limitations set forth in this Section 2.2

2.2.2 The use of Westchester Telecom's services to make calls which might reasonably be expected to frighten, abuse, torment or harass another or in such a way as to unreasonably interfere with use by others is prohibited.

2.2.3 The use of Westchester Telecom's services without payment for service or attempting to avoid payment for service or attempting to avoid payment for service by fraudulent means or devices, schemes, false or invalid numbers, or false calling or credit cards is prohibited.

2.2.4 Westchester Telecom's services are available for use twenty-four (24) hours a day, seven (7) days per week.

2.2.5 Westchester Telecom does not transmit messages, but the service may be used for that purpose. Westchester Telecom will not be liable for errors in transmission or for failure to establish connections.

2.2.6 Westchester Telecom's services may be denied for nonpayment of charges or for other tariff violations.

2.2.7 Customers shall not use the services provided under this tariff for any unlawful purpose.

2.2.8 The Customer is responsible for notifying the Company immediately for any unauthorized use of service.

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.3 Liability of the Company

- 2.3.1 The Company shall not be liable for any claim, loss, expense or damage for any interruption, delay, error, omission, or defect in any service, facility or transmission provided under this tariff, if caused by the Underlying Carrier, an act of God, fire, war, explosion, civil disturbance, act of government, act of vandalism, or due to any other causes beyond the Company's direct control.
- 2.3.2 Westchester Telecom shall not be liable for, and shall be fully indemnified and held harmless by the Customer against any claim, loss, expense, or damage for defamation, libel, slander, invasion, infringement of copyright or patent, unauthorized use of trade name or service mark, proprietary or creative right, or any other injury to any person, property or entity arising out of the material, data or information transmitted.
- 2.3.3 No agent or employee of any other carrier or entity shall be deemed to be an agent or employee of the Company.
- 2.3.4 The Company's liability for damages, resulting in whole or in part from or arising in connection with the furnishing of service under this tariff, including but not limited to mistakes, omissions, interruptions, delays, errors, or other defects or misrepresentations shall not exceed an amount equal to the charges provided for under this tariff for the long distance call for the period during which the call was affected. No other liability in any event shall attach to the Company.
- 2.3.5 The Company shall not be liable for and shall be indemnified and saved harmless by any Customer or by any other entity from any and all loss, claims, demands, suits, or other action or any liability whatsoever, whether suffered, made, institute, or asserted by any Customer or any other entity for any personal injury to, or death of, any person or persons, and for any loss, damage, defacement or destruction of the premises of any customer or other entity or any other property whether owned or controlled by the Customer or others.

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

2.3.6 The Company shall not be liable for any indirect, special, incidental, or consequential damages under this tariff including, but not limited to, loss of revenue or profits, for any reason whatsoever, including the breakdown of facilities associated with the service, or for any mistakes, omissions, delays, errors, or defects in transmission occurring during the course of furnishing service.

2.3.7 The remedies set forth herein are exclusive and in lieu of all other warranties and remedies, whether express, implied, or statutory including without limitation implied warranties of merchantability and fitness for a particular purpose.

2.4 Responsibilities of the Customer

2.4.1 The Customer is responsible for placing any necessary orders and complying with tariff regulations. The Customer is also responsible for the payment of charges for services provided under this tariff.

2.4.2 The Customer is responsible for charges incurred for special construction and/or special facilities that the Customer requests and which are ordered by Westchester Telecom on the Customer's behalf.

2.4.3 If required for the provision of Westchester Telecom's services, the Customer must provide any equipment space, supporting structure, conduit and electrical power without charge to Westchester Telecom.

2.4.4 The Customer is responsible for arranging access to its premises at times mutually agreeable to Westchester Telecom and the Customer when required for Westchester Telecom personnel to install, repair, maintain, program, inspect, or remove equipment associated with the provision of Westchester Telecom's services.

2.4.5 Reserved for Future Use

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**SECTION 2 – RULES AND REGULATIONS (CONTINUED)**

- 2.4.6 The Customer shall ensure that the equipment and/or system is properly interfaced with Westchester Telecom's facilities or services, that the signals emitted into Westchester Telecom's network are of the proper mode, bandwidth, power and signal level for the intended use of the subscriber and in compliance with criteria set forth in this tariff, and that the signals do not damage equipment, injure personnel, or degrade service to other Customers. If the Federal Communications Commission or some other appropriate certifying body certifies terminal equipment as being technically acceptable for direct electrical connection with interstate communications service, Westchester Telecom will permit such equipment to be connected with its channels without the use of protective interface devices. If the Customer fails to maintain the equipment and/or the system properly, with resulting imminent harm to the Westchester Telecom equipment, personnel, or the quality of service to other Customers, Westchester Telecom may, upon written notice, require the use of protective equipment at the Customer's expense. If this fails to produce satisfactory quality and safety, Westchester Telecom may, upon written notice, terminate the Customer's service.
- 2.4.7 The Customer must pay Westchester Telecom for replacement or repair of damage to the equipment or facilities of Westchester Telecom caused by negligence or willful act of the Customer or others, by improper use of the services, or by use of equipment provided by Customer or others.
- 2.4.8 The Customer must pay for the loss through theft of any Westchester Telecom equipment installed at Customer's premises.
- 2.4.9 Reserved for Future Use
- 2.4.10 The Customer must use the services offered in this tariff in a manner consistent with the terms of this tariff and the policies and regulation of all state, federal, and local authorities having jurisdiction over the service.

**2.5 Cancellation or Interruption of Service.**

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

- 2.5.1 Without incurring liability, Westchester Telecom may upon five (5) Working Days notice, discontinue services to a Customer or may withhold the provision of ordered or contracted services:
- 2.5.1.A For nonpayment of any sum due Westchester Telecom for services that remains unpaid after the date upon which payment is due.
  - 2.5.1.B For violation of any of the provisions of this tariff,
  - 2.5.1.C For violation of any law, rule, regulation, policy of any governing authority having jurisdiction over Westchester Telecom's services,
  - 2.5.1.D 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, or
  - 2.5.1.E By reason of any order or decision of a Court, Public Service Commission, or Federal Regulatory Body or other governing authority prohibiting Westchester Telecom from furnishing its services.
  - 2.5.1.F 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.
- 2.5.2. Without incurring liability, Westchester Telecom may interrupt the provision of services at any time in order to perform tests and inspections to assure compliance with tariff regulations and the proper installation and operation of Customer and Westchester Telecom's equipment and facilities and may continue such interruption until any items of noncompliance or improper equipment operation so identified are rectified.

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

- 2.5.3. Westchester Telecom may discontinue Service without notice to the Customer, by blocking traffic to certain countries, cities, or NXX exchanges, or by blocking calls using certain Customer Authorization Codes, when Westchester Telecom deems it necessary to take such action to prevent unlawful use of its service. Westchester Telecom will restore service as soon as it can be provided without undue risk, and will, upon request by the customer affected, assign a new authorization code to replace the one that has been deactivated.
- 2.5.4. The Customer may terminate service upon thirty (30) days' written notice for the Company's standard month-to-month contract. Customer will be liable for all usage on any of the Company's service offerings until the Customer actually leaves the service. Customers will continue to have Company usage until the Customer notifies its local exchange carrier and changes its long distance carrier. Until the Customer so notifies its local exchange carrier, it shall continue to generate and be responsible for long distance usage.

2.6 Credit Allowance

- 2.6.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the Customer, or to the failure of channels or equipment provided by the Customer, are subject to the general liability provisions set forth in 2.3 herein. It shall be the obligation of the Customer to notify the Company immediately of any interruption in service for which a credit allowance is desired. Before giving such notice, the Customer shall ascertain that the trouble is not being caused by any action or omission by the Customer within his control, or is not in wiring or equipment, if any, furnished by the Customer and connected to Westchester Telecom'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.

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SECTION 2 – RULES AND REGULATIONS (CONTINUED)

- 2.6.2 No credit is allowed in the event that service must be interrupted in order to provide routine service quality or related investigations.
- 2.6.3 Credit for failure to service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company.
- 2.6.4 Credit for interruption shall commence after the Customer notifies the Company of the interruption or when the Company becomes aware thereof, and ceases when service has been restored.
- 2.6.5 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.6.6 No credit shall be allowed for an interruption of a continuous duration of less than twenty-four hours after the customer notifies the Company.
- 2.6.7 The Customer shall be credited for an interruption of more than twenty-four hours at the rate of 1/720<sup>th</sup> of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit formula:

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

“A” – outage time in hours

“B” – monthly charge for affected activity

- 2.6.8 A credit allowance for Westchester Telecom Prepaid Calling Cards, 800 Debit Cards, and Rechargeable Calling Card service is applicable to calls that are interrupted due to poor transmission, or involuntary disconnection of a call. A Customer may also be granted credit for reaching the wrong number. To receive the proper credit, the Customer must notify the Company at the designated toll-free customer service number printed on the Card and furnish the called number, the trouble experienced (e.g. cut-off,

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## SECTION 2 – RULES AND REGULATIONS (CONTINUED)

noisy circuit, reached the wrong number, etc.) and the approximate time that the call was placed.

### 2.7 Restoration of Service

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

### 2.8 Deposits

The Company does not collect deposits in Florida.

### 2.9 Advance Payments

For customers whom the Company feels an advanced 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.

### 2.10 Payment and Billing

2.10.1 Service is provided and billed on a billing cycle basis, beginning on the date that services become effective. Billing is payable upon receipt. Interest at the rate of 1.5% per billing cycle, or the amount otherwise authorized by law, whichever is lower, will accrue upon any unpaid amount commencing 30 days after rendition of bills.

2.10.2 The Customer is responsible for payment of all charges for services furnished to the Customer, as well as to all persons using the Customer's codes, exchange lines, facilities, or equipment, with or without knowledge or consent of the Customer. The security of the Customer's Authorization Codes, presubscribed exchange lines, and direct connect facilities is the responsibility of the customer. All calls placed using direct connect facilities, presubscribed exchange lines, or Authorization Codes will be

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## SECTION 2 – RULES AND REGULATIONS (CONTINUED)

billed to and must be paid by the Customer. Recurring charges and non-recurring charges are billed in advance. Charges based on actual usage during a month and any accrued interest will be billed monthly in arrears.

2.10.3 All bills are presumed accurate, and shall be binding on the Customer unless objection is received by the Company in writing within thirty (30) days after such bills are rendered. No credits, refunds, or adjustments shall be granted if demand therefore is not received by the Company in writing within such thirty (30) day period.

### 2.11 Taxes

All federal, state and local taxes, assessments, surcharges, or fees, including sales taxes, use taxes, gross receipts taxes, and municipal utilities taxes, are billed as separate line items and are not included in the rates quoted herein, except as described for prepaid calling card and rechargeable calling card services.

### 2.12 Late Charge

A late fee of 1.5% monthly or the amount otherwise authorized by law, whichever is lower, will be charged on any Company-billed past due balance. In the event that the Company incurs fees or expenses including attorney's fees collecting or attempting to collect any charges owed to the Company, the Customer shall, in addition to all amounts due for service, be liable to Westchester Telecom for all such costs reasonably incurred by Westchester Telecom including reasonable attorneys fees, collection agency fees or payments, and court costs.

### 2.13 Returned Check Charge

A fee of \$25.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written. Any applicable return check charges will be assessed according to the terms and conditions of the billing entity (i.e. LEC and/or commercial credit card company) and pursuant to Florida Law and Commission regulations.

### 2.14 Location of Service

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The Company will provide service to Customers and their end users within the State of Florida.

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## SECTION 3 – DESCRIPTION OF SERVICE

3.1 Computation of Charges

- 3.1.1 The total charge for each completed call may be a variable measured charge dependent on the duration, distance, and/or time of day of the call. The variable measured charge is specified as a rate per minute, which is applied to each minute. 1+ and 10XXX calls are measured in one (1) minute increments. All Rechargeable Calling Card and Prepaid Calling Card calls are measured in one-minute increments. All calls are rounded up to the next whole one (1) minute increment unless otherwise specified in Section 4 of this tariff.
- 3.1.2 Where mileage bands appear in a rate table, rates for all calls are based upon the airline distance between the originating and terminating points of the call, as determined by the vertical and horizontal coordinates associated with exchange (the area code and three digit central office code) associated with the originating and terminating numbers. If the Customer obtains access to the Company's network by a dedicated access circuit, that circuit will be assigned an exchange for rating purposes based upon the Customer's main telephone number at the location where the dedicated access circuit terminates. The vertical and horizontal (V&H) coordinates for each exchange and the airline distance between them will be determined according to industry standards.

**FORMULA:**

$$\sqrt{\frac{(V_1 - V_2)^2 + (H_1 - H_2)^2}{10}}$$

- 3.1.3 Timing begins when the called station is answered and two-way communication is possible. As determined by standard industry methods generally in use for ascertaining answer, including hardware answer supervision in which the LEC sends a signal to the switch or the software utilizing audio tone detection. Recognition of answer supervision is the responsibility of the

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SECTION 3 – DESCRIPTION OF SERVICE (CONTINUED)

underlying carrier. Timing for each call ends when either party hangs up. The Company will not bill for uncompleted calls.

3.2 Customer Complaints and/or Billing Disputes

Customer inquiries or complaints regarding service or accounting may be made in writing or by telephone to Westchester Telecom at:

1 North Broadway  
White Plains, New York 10601

(800) 790-3908

Any objection to billed charges should be reported promptly to the Company. Adjustments to Customers' 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. The Company will make no refund of overpayments by a customer unless the claim for such overpayment together with the proper evidence be submitted within one (1) year from the date of the alleged overpayment unless billing records prepared by the Company can be produced which would justify a credit beyond one year.

Where overbilling of a subscribed customer occurs, due either to Company or subscriber error, no liability exists which will require the Company to pay any interest, dividend or other compensation on the amount overbilled.

All Customer complaints are subject to the jurisdiction of the Commission, which may be contacted at the following address and telephone number:

Florida Public Service Commission  
Division of Consumer Affairs  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32349-0850

(800) 342-3552 and (850) 413-6100

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### SECTION 3 – DESCRIPTION OF SERVICE (CONTINUED)

If a customer accumulates more than One Hundred Dollars (\$100.00) of undisputed delinquent charges, the Westchester Telecom Resp. Org. reserves the right not to honor that Customer's request for a Resp. Org. change until such undisputed charges are paid in full.

#### 3.3 Level of Service

A Customer can expect end to end network availability of not less than 99% at all times for all services.

#### 3.4 Billing Entity Conditions

When billing functions on behalf of Westchester Telecom or its intermediary are performed by local exchange telephone companies or others, the payment of charge conditions and regulations of such companies and any regulations imposed upon those companies by regulatory bodies having jurisdiction apply. Westchester Telecom's name and toll-free telephone number will appear on the Customer's bill.

#### 3.5 Service Offerings

##### **3.5.1 1+ Dialing**

The Customer utilizes "1+" dialing, or "10XXX " dialing followed by "1+ten digits" for interLATA calls, or dials "10XXX" followed by "1+7 digits" or "1+10 digits" for intraLATA calls.

##### **3.5.2 Westchester Telecom Prepaid Calling Cards and 800 Debit Cards**

This service permits the use of Westchester Telecom Prepaid Calling Cards and 800 Debit Cards for placing interstate interexchange telephone calls. Customers may purchase Westchester Telecom Prepaid Calling Cards and 800 Debit Cards through a variety of retail outlets or through other distribution

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**SECTION 3 – DESCRIPTION OF SERVICE (CONTINUED)**

channels. These cards are available in face values of \$5.00 to \$25.00 in one dollar increments. Calls are real-time rated during call progression and are billed in one (1) minute increments and rounded up to the next full minute.

The Company's processor tracks the call duration on a real time basis to determine the cost consumed. The total consumed cost for each call, which includes the applicable taxes, is deducted from the remaining balance on the Customer's card.

All calls must be charged against a Card that has a sufficient balance. These Cards are not rechargeable, and all calls will be interrupted when the balance on the Card reaches zero. A surcharge of \$0.89 applies to all calls originating on a payphone. Cardholders may dial another telephone number while using the card by depressing the pound button twice (##) and entering in the new telephone number. Maintenance Fees, Activation Fees, and surcharges may apply as discussed in Section 4 of this tariff.

**3.5.3 Rechargeable Calling Card**

Westchester Telecom's Rechargeable Calling Card is a prepaid telephone service that allows Customers to obtain a predetermined amount of access to the Company's telecommunications services. The card is a dollar-based service, meaning that there is a fixed amount of dollars (i.e. \$25.00, \$50.00, \$75.00, or \$100.00) available to the Customer who purchases a card.

A Customer may purchase a Rechargeable Calling Card with a credit card in which the customer has the option of choosing to allow for the automatic recharge of the Rechargeable Calling Card. When automatic recharging is selected, the Rechargeable Calling Card will be recharged at fixed increments predesignated by the Customer. A Customer may also purchase Rechargeable Calling Cards, which are not automatically recharged, and calls will be interrupted when the balance on such cards reaches zero.

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**SECTION 3 – DESCRIPTION OF SERVICE (CONTINUED)**

Rechargeable Calling Card service is offered via domestic toll-free access numbers and is available to a Customer from a touch-tone phone. The Customer hears recorded messages that guide the Customer through the Platform. The Platform validates the Customer's PIN, determines whether sufficient time or value remains on the card and if so, completes the call to the called telephone number dialed by the Customer. The Customer is verbally informed of the available balance of the Rechargeable Calling Card account.

Calls are real-time rated during call progression. Rechargeable Calling Cards are billed in one (1) minute increments. Rechargeable Calling Cards are billed at the same rates twenty-four (24) hours per day, seven (7) days per week. The total price of each call, is calculated based on rate per minute applicable to the card purchased, as described in Section 4, and is deducted from the available account balance associated with each Rechargeable Calling Card. The Customer receives a warning in accordance with the rate per call destination one-minute before the balance on the card reaches zero. Calls in progress will be terminated when there is an insufficient balance to continue the call. Cards will expire twelve (12) months from the date of purchase, or the date of last recharge, whichever is later unless otherwise noted prominently on the card.

Certain calls may not be completed using Westchester Telecom's Rechargeable Calling Card service. These include operator services, busy line verification, interruption service, calls requiring time and charges, air-to-ground calls, marine/satellite calls, and calls placed via dialing a 700 or 900 NPA. A payphone surcharge of \$0.89 is applicable to all calls made from payphones. Maintenance Fees, Activation Fees, and surcharges may apply as discussed in Section 4 of this tariff.

**3.5.4 Local Calls and Directory Assistance.**

Local calls will not be accepted or completed. Westchester Telecom does not provide local directory assistance. Access to long distance directory assistance is obtained by dialing 1+555-1212 for listings within the originating area code and 1+(area code)

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Date Effective:

Joseph Guariglia, President  
Westchester Telecom, Inc.  
1 North Broadway, Suite 500  
White Plains, New York 10601

SECTION 3 – DESCRIPTION OF SERVICE (CONTINUED)

+ 555-1212. When more than one number is requested in a single call, a charge may apply for each number requested. A charge will be applicable for each number requested whether or not the number is listed or published.

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## SECTION 4 – RATES

**4.1 1+Dialing**

Westchester Telecom will charge a flat rate per minute with no time of day discounts and without regard to mileage for calls originating and terminating in Florida as follows:

24 hours a day, 7 days a week

Rate/Min.

**Calling Plan Option 1:** \$0.11

**Calling Plan Option 2:** \$0.059

A Monthly Service Charge of \$3.99 is applied to all 1+ and 10XXX Calling Plan Options.

**4.2 Westchester Telecom Prepaid Calling Cards and 800 Debit Cards**

24 hours a day, 7 days a week

All calls are billed in one (1) minute increments. All intrastate toll calls are rounded up to the next full minute.

	<u>Rate/ Min.</u>	<u>Per Call Surcharge</u>
<b>Card Program 1:</b>	\$0.05	N/A
<b>Card Program 2:</b>	\$0.019	\$0.59
<b>Card Program 3:</b>	\$0.01	\$0.59

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**SECTION 4 – RATES (CONTINUED)**

All Card Programs have an additional \$0.75 weekly maintenance fee and an additional \$0.59 activation fee applied to the first completed call.

A payphone surcharge of \$0.89 applies to all calls made from payphones.

**4.3 Rechargeable Calling Cards**

Cards are billed in one (1) minute increments and calls are rounded to the next full (1) minute.

Rechargeable Calling Cards are available in various dollar denominations.

	<u>Rate/Min</u>	<u>Per Call Surcharge</u>
Classic :	\$0.10	\$0.59

Rechargeable Calling Cards have an additional \$0.75 bi-monthly maintenance fee and a \$0.59 activation fee applied to the first completed call.

A payphone surcharge of \$0.89 applies to all calls made from payphones.

**4.4 Rate Periods**

	<u>Monday –Friday</u>	<u>Saturday</u>	<u>Sunday</u>
8 a.m. – 5p.m.*	Daytime Rate	Night/Weekend Rate	Night/Weekend
-----			
5p.m. – 11 p.m.*	Evening Rate	Night/Weekend Rate	Evening Rate
-----			
5p.m. – 11 p.m.*	Night/Weekend	Night/Weekend Rate	Night/Weekend
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\*To, but not including

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SECTION 4 – RATES (CONTINUED)

When a message spans more than one rate period, total charges for the minutes in each rate period are calculated and the results for each rate period are totaled to obtain the total message charge. If the calculation results in a fractional charge, the amount will be rounded down to the lower cent.

4.5 Directory Assistance Charges

A charge per number requested will be:

\$0.75

4.6 Returned Check Charge

\$25.00

4.7 Specialized Pricing Arrangements

Customized service packages and competitive pricing packages at negotiated rates may be furnished on a case-by-case basis in response to requests by Customers to the Company for proposals or for competitive bids. Service offered under this tariff provision will be provided to Customers pursuant to contract. Unless otherwise specified, the regulations for such arrangements are in addition to the applicable regulations and prices in other sections of the tariff. Specialized rates or charges will be made available to similarly situated Customers on a non-discriminatory basis and made part of this tariff.

4.8 Promotional Offerings

The Company may, from time to time, make promotional offerings to enhance the marketing of its services. These offerings may be limited to certain dates, times, and locations. All such promotions will be made part of this tariff. All promotional offerings are subject to Commission approval.

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SECTION 4 – RATES (CONTINUED)

4.9 Special Rates for the Handicapped

4.9.1 Operator and Directory Assistance

There shall be no charge for up to fifty calls per billing cycle for lines or trunks serving individuals with disabilities. Westchester Telecom shall charge the prevailing tariff rate for every call in excess of 50 within a billing cycle.

4.9.2 Hearing and Speech Impaired Persons

Intrastate toll rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls.

4.9.3 Telecommunications Relay Service

Intrastate toll messages which are communicated using a telecommunications device for the deaf (TDD) by properly certified hearing or speech impaired persons or properly certified business establishments or individuals equipped with TDDs for communicating with hearing or speech impaired persons will be discounted on a subsequent bill for such calls placed between TDDs by applying the evening rate during business day hours and the night/weekend rate during the evening rate period. Intrastate toll calls received from the relay services will be discounted 50% off the otherwise applicable rate for a voice non-relay call except that if either the calling or called party indicates that either party is both hearing and visually impaired, a 60% discount shall apply. Discounts do not apply to surcharges or per call add on charges for operator service when the call is placed by a method that would normally incur the surcharge.

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EXHIBIT C

WESTCHESTER TELECOM

STATEMENT OF MANAGERIAL, FINANCIAL AND TECHNICAL CAPABILITY

**MANAGERIAL AND TECHNICAL QUALIFICATIONS**  
**WESTCHESTER TELECOM, INC. MANAGEMENT PROFILES**

Constantin Barbulescu is Chief Executive Officer of Westchester Telecom, Inc. Mr. Barbulescu has 20 years of experience in the telecommunications industry. Mr. Barbulescu is a co-founder of Telstar International, Inc., a facilities based prepaid calling card provider, incorporated in 1995 in New York and holding a certificate of public convenience of necessity from the Florida Public Service Commission. Prior to founding Telstar, Mr. Barbulescu spent eleven years at MCI in various technical and commercial positions during the time period in which MCI was first launching its International Voice service and later its International Prepaid Card service. Mr. Barbulescu also held the position of Director of North America and Asia Pacific for Viatel developing the regions network and infrastructure. Mr. Barbulescu holds a BSEE with a specialty in Computer Science from Brooklyn Polytechnic Institute.

Joseph Guariglia serves as Westchester Telecom's President. Mr. Guariglia also is President of Telstar International, an interexchange company and prepaid calling card provider founded in New York in 1995, and certificated by the Florida Public Service Commission. Prior to his experience at Telstar, Mr. Guariglia spent 5 years at a telecommunications start-up serving in various Senior Management positions including Vice President of Sales/Marketing, Vice President of Network Operations and Vice President of Information Technology. Mr. Guariglia has spent his entire professional career in the Telecommunications industry beginning in the early 80s with MCI. During his 10-year stay at MCI, Mr. Guariglia served in many Sales and Technical roles including International Private Line Specialist, where he was responsible for implementing some of the initial digital voice and data networks for Fortune 500 companies.

Jack Nicholas serves as Westchester Telecom's Chief Information Officer. Prior to joining Westchester Telecom, Mr. Nicholas provided telecommunications consulting services to various start-up telecommunications companies. Mr. Nicholas also spent six years at MCI International where he served many roles, starting out as a programmer and ending up as the Manager of PC application development. Mr. Nicholas graduated from State University of New York at Albany in 1982 with a Bachelor of Arts in mathematics. Mr. Nicholas completed Columbia University's CTA program specializing in the C Programming Language. In addition, Mr. Nicholas is a Microsoft Certified Professional and working toward developing Westchester Telecom into a Microsoft Solutions Provider specializing in telecommunication solutions.

Menachem Ash is Westchester Telecom's Chief Legal Officer and is responsible for Westchester Telecom's legal activities world wide, including corporate, M&A, transactions, employment, intellectual property, litigation, tax, risk control and regulatory law. Mr. Ash is also responsible for developing agreements with partners and customers and advising the company on a wide range of legal issues. Mr. Ash received his Juris Doctorate at the Benjamin Cardozo School of Law.

Attachment D  
Financial Information

Westchester Telecom, Inc. is an S Corporation organized under the laws of the State of New York as of November 5, 2002. Westchester Telecom received its Section 214 authority from the Federal Communications Commission on December 18, 2002, and is in the process of seeking authority to provide intrastate interexchange services in a number of jurisdictions. As a new entity, WTI does not have audited or unaudited financials at this time. WTI is a privately held corporation and is and will continue to be funded by its shareholders, listed as directors in Attachment C appended to this Application. Westchester Telecom affirms that it has sufficient access to the necessary funds to assure maintain sufficient liquidity through at least its first year of operations.