

NOV. ALSKY, BRONSTON & GOTHARD

ORIGINAL

A Professional Limited Liability Company
Attorneys at Law

Leon L. Nowalsky
Benjamin W. Bronston
Edward P. Gothard

3500 North Causeway Boulevard
Suite 1442
Metairie, Louisiana 70002
Telephone: (504) 832-1984
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Monica Borne Haab
EllenAnn G. Sands
Bruce C. Betzer
Philip R. Adams, Jr.

041406-TX

December 16, 2004

Via Overnight Delivery

Florida Public Service Commission
Division of Administration
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED - FPSC
DEC 17 AM 10:33
COMMISSION
CLERK

RE: **Benchmark Communications, LLC**

Dear Sirs:

Enclosed please find an original and six (6) copies of Application Form for authority to provide Benchmark Communications, LLC Also enclosed is the requisite \$250.00 filing fee.

Please acknowledge receipt of this filing by returning a date stamped copy of this letter in the self-addressed envelope provided.

Thank you for your assistance. Please call with any questions.

Sincerely,

Monica B. Haab
Monica Borne Haab *(mb)*

Enclosure

*Original Price list forwarded
to CUP.*

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

In this of person who forwarded check:

[Signature]

04 DEC 17 AM 9:38

DISTRIBUTION CENTER

DOCUMENT NUMBER-DATE

13240 DEC 17

FPSC-COMMISSION CLERK

**** FLORIDA PUBLIC SERVICE COMMISSION ******DIVISION OF REGULATORY OVERSIGHT**
CERTIFICATION SECTION**APPLICATION FORM**
for
AUTHORITY TO PROVIDE
ALTERNATIVE LOCAL EXCHANGE SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- ◆ This form is used as an application for an original certificate and for approval of the 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 12).
- ◆ 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

- ◆ 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

APPLICATION

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:

Benchmark Communications, LLC

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

Com One

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

4001 Division Street, Suite B

Metairie, LA 70002

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

None.

6. 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 _____ | |

7. If individual, provide:

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

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

25162

9. **If foreign corporation, provide proof of authority to operate in Florida:**
Exhibit A.

(a) The Florida Secretary of State corporate registration number:

F04000005102

10. **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:

G04335900695

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

(a) The Florida Secretary of State registration number:

12. **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: _____

13. **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: _____

14. **Provide F.E.I. Number(if applicable):** 20-1304149

15. 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. Provide explanation.

No. _____

(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.

No. _____

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

(a) The application:

Name: Monica Borne Haab
Title: Attorney for Applicant
Address: 3500 N. Causeway Blvd., Suite 1442
City/State/Zip: Metairie, Louisiana 70002

Telephone No.: (504) 832-1984 Fax No.: (504) 831-0892
Internet E-Mail Address: mhaab@nbglaw.com
Internet Website Address: _____

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

Name: Mark Guidry
Title: President
Address: 4001 Division Street, Suite B
City/State/Zip: Metairie, LA 70002
Telephone No.: (504) 293-4000 Fax.: (504) 488-2429
Internet E-Mail Address: mark@theguidrys.com
Internet Website Address: _____

(c) Complaints/Inquiries from customers:

Name: Mark Guidry
Title: President
Address: 4001 Division Street, Suite B
City/State/Zip: Metairie, LA 70002
Telephone No.: (504) 293-4000 Fax No.: (504) 488-2429
Internet E-Mail Address: mark@theguidrys.com
Internet Website Address: _____

17. List the states in which the applicant:

(a) has operated as an alternative local exchange company.

None.

(b) has applications pending to be certificated as an alternative local exchange company.

Louisiana, Alabama and Mississippi.

(c) is certificated to operate as an alternative local exchange company.

None.

(d) has been denied authority to operate as an alternative local exchange company and the circumstances involved.

None.

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

None.

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

None.

18. **Submit the following:**

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

Exhibit B.

- 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.**

Exhibit C.

- C. **Financial capability.**

See Exhibit D.

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.

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. **written explanation** that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
2. **written explanation** that the applicant has sufficient financial capability to maintain the requested service.
3. **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 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:

Mark Guidry

Print Name

President

Title

(504) 293-4000

Telephone No.



Signature

October 15, 2004

Date

(504) 488-2429

Fax No.

Address: _____
4001 Division Street, Suite B

Metairie, LA 70002

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 alternative local exchange company 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:

Mark Guidry _____

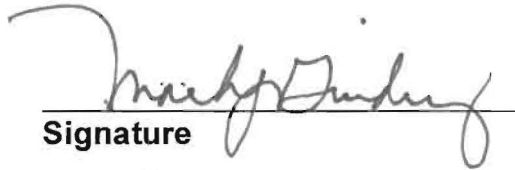
Print Name

President _____

Title

(504) 293-4000 _____

Telephone No.

 _____

Signature

October 15, 2004 _____

Date

(504) 488-2429 _____

Fax No.

Address: 4001 Division Street, Suite B _____

Metairie, LA 70002 _____

Exhibit A

Secretary of State Documents

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

DOCUMENT# G04335900695

Fictitious Name to be Registered: COM ONE

Mailing Address of Business: 4001 DIVISION STREET, SUITE B
METAIRIE, LA 70002

Florida County of principal place of business: MULTIPLE

FEI Number: 20-1304149

Owner(s) of Fictitious Name:

BENCHMARK COMMUNICATIONS, LLC
4001 DIVISION STREET, SUITE B
METAIRIE, LA 70002
Florida Registration Number: M04000005102
FEI Number: 20-1304149

FILED
Nov 30, 2004
Secretary of State

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) understand that the electronic signature(s) below shall have the same legal effect as if made under oath.

MARK GUIDRY

11/30/2004

Electronic Signature(s)

Date

Certificate of Status Requested ()

Certified Copy Requested (X)



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State

November 22, 2004

BECKY HEGGELUND
3500 NORTH CAUSEWAY BLVD., SUITE 1442
METAIRIE, LA 70002

Qualification documents for BENCHMARK COMMUNICATIONS, LLC were filed on November 22, 2004, and assigned document number M04000005102. Please refer to this number whenever corresponding with this office.

Your limited liability company is now qualified and authorized to transact business in Florida as of the file date. In accordance with section 608.406(2), F.S., the name of this limited liability company is filed with the Department of State for public notice only and is granted without regard to any other name recorded with the Division of Corporations.

A limited liability company 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 limited liability company address changes, it is the responsibility of the corporation to notify this office.

Should you have any questions regarding this matter, please contact this office at the address given below.

Tammi Cline
Document Specialist
Registration/Foreign Qualification
Division of Corporations

Letter Number: 004A00066264

TRANSMITTAL LETTER

TO: Registration Section
Division of Corporations

SUBJECT: Benchmark Communications, LLC
(Name of Limited Liability Company)

The enclosed "Application by Foreign Limited Liability Company for Authorization to Transact Business in Florida," Certificate of Existence, and check are submitted to register the above referenced foreign limited liability company to transact business in Florida..

Please return all correspondence concerning this matter to the following:

Becky Heggelund
(Name of Person)

Nowalsky, Bronston & Gothard, APLLC
(Firm/Company)

3500 N. Causeway Blvd., Suite 1442
(Address)

Metairie, LA 70002
(City/State and Zip Code)

For further information concerning this matter, please call:

Becky Heggelund at (504) 832-1984
(Name of Person) (Area Code & Daytime Telephone Number)

STREET ADDRESS:
Registration Section
Division of Corporations
409 E. Gaines Street
Tallahassee, Florida 32399

MAILING ADDRESS:
Registration Section
Division of Corporations
P.O. Box 6327
Tallahassee, Florida 32314

Enclosed is a check for the following amount:

- \$125.00 Filing Fee \$130.00 Filing Fee & Certificate of Status \$155.00 Filing Fee & Certified Copy \$160.00 Filing Fee, Certificate of Status & Certified Copy

APPLICATION BY FOREIGN LIMITED LIABILITY COMPANY FOR AUTHORIZATION TO TRANSACT BUSINESS IN FLORIDA

IN COMPLIANCE WITH SECTION 608.503, FLORIDA STATUTES, THE FOLLOWING IS SUBMITTED TO REGISTER A FOREIGN LIMITED LIABILITY COMPANY TO TRANSACT BUSINESS IN THE STATE OF FLORIDA:

1. Benchmark Communications, LLC (Name of Foreign Limited Liability Company)

2. Louisiana (Jurisdiction under the law of which foreign limited liability company is organized) 3. 20-1304149 (FEI number, if applicable)

4. June 11, 2004 (Date of Organization) 5. perpetual (Duration: Year limited liability company will cease to exist or "perpetual")

6. upon qualification (Date first transacted business in Florida, if prior to registration.) (See sections 608.501 & 608.502 F.S. to determine penalty liability)

7. 4001 Division Street, Suite B Metairie, LA 70002 (Street Address of Principal Office)

8. If limited liability company is a manager-managed company, check here [checked]

9. The name and usual business addresses of the managing members or managers are as follows:

Mark L. Guidry 4001 Division Street, Suite B Metairie, LA 70002

10. Attached is an original certificate of existence, no more than 90 days old, duly authenticated by the official having custody of records in the jurisdiction under the law of which it is organized. (A photocopy is not acceptable. If the certificate is in a foreign language, a translation of the certificate under oath of the translator must be submitted.)

11. Nature of business or purposes to be conducted or promoted in Florida:

The sale of telecommunications services

Signature of a member or an authorized representative of a member. (In accordance with section 608.408(3), F.S., the execution of this document constitutes an affirmation under the penalties of perjury that the facts stated herein are true.)

MARK GUIDRY Typed or printed name of signee

UNITED STATES OF AMERICA
State of Louisiana



Joy McKeithen

SECRETARY OF STATE

As Secretary of State, of the State of Louisiana, I do hereby Certify that
BENCHMARK COMMUNICATIONS, LLC

A LOUISIANA limited liability company domiciled at METAIRIE,
Filed charter and qualified to do business in this State on
June 11, 2004,

I further certify that the records of this Office indicate
the company has paid all fees due the Secretary of State,
and so far as the Office of the Secretary of State is
concerned, is in good standing and is authorized to do
business in this State.

I further certify that this certificate is not intended to
reflect the financial condition of this company since this
information is not available from the records of this
Office.

*In testimony whereof, I have hereunto set
my hand and caused the Seal of my Office
to be affixed at the City of Baton Rouge on,*
October 13, 2004

Joy McKeithen
RHU 35722024K



Secretary of State

Exhibit B
Managerial Capability

Mark L. Guidry, M.B.A., C.P.A. - Mark received a BSBA degree in Accounting and an MBA from the University of Southwestern Louisiana, and practiced public accounting for 7 years as a Certified Public Accountant in Lafayette, Louisiana. Mark was founder and President of Record Masters of New Orleans. He was instrumental in pursuing a consolidation strategy in the record management, storage and retrieval business. As part of that consolidation, Record Masters was acquired by HimsCorp and later by Iron Mountain, a New York Stock Exchange listed company (NYSE: IRM). He developed Record Masters of New Orleans into the largest record management firm in the New Orleans metropolitan area, and one of the largest healthcare records management firms in the United States. He achieved this growth in part from the development of a proprietary software package for the Record Masters national network of healthcare records management centers. He has served in various capacities with HimsCorp and Iron Mountain, including the positions of Chief Information Officer of HimsCorp and as a Y2K compliance consultant with Iron Mountain. Mr. Guidry is the President of Benchmark Communications, LLC d/b/a Com One. In that capacity, he is responsible for all management and operations of the company, including customer service, provisioning, billing, finance and marketing.

JASON VEASEY

Mr. Veasey is owner of HSI Voice and Data Systems, a provider of telephone systems and services. He is the President of HIS and in that capacity, he is responsible for all management and operations of the company, including customer service, provisioning, billing, finance and marketing. He has experience in the day-to-day operation of telecommunications and internet businesses. Mr. Veasey is also an owner and member of Benchmark Communications, LLC d/b/a Com One. His responsibilities with Benchmark include project management, operations, customer service and marketing.

Exhibit C

Technical Capability

The Company will resell the services of certified underlying carrier(s). Therefore, the Company's capability is equivalent to that of its underlying ILEC. The Company's underlying service provider will be BellSouth.

Exhibit D
Financial Capability

Benchmark Communications, LLC
d/b/a Com One

Income Statement
Period Ending 8/31/04

No Revenue

No Expenses

Benchmark Communications, LLC
d/b/a Com One

Balance Sheet
As of 8/31/04

Assets: \$165,000

Total Assets: \$165,000

Liabilities: \$0

Net Worth: \$165,000

Liabilities Plus Net Worth \$165,000

Alternative Local Exchange Service

TITLE SHEET

ALTERNATIVE LOCAL EXCHANGE SERVICES PRICE LIST

This price list contains the descriptions, regulations, service standards and rates applicable to alternative local exchange telecommunications services provided by Benchmark Communications, LLC d/b/a Com One with principal offices at 4001 Division Street, Suite B, Metairie, LA 77057. This price list applies for services furnished within the state of Florida. This price list 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: December 17, 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

CHECK SHEET

The sheets listed below, which are inclusive of this price list, 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 price list and are currently in effect as of the date of the bottom of this page.

SHEET	REVISION	SHEET	REVISION
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		
19	Original		
20	Original		
21	Original		
22	Original		

ISSUED: December 17 , 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

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Section 2 - Rule, Regulations and Service Quality Criteria 8

Section 3 - Basic Service Descriptions and Rates 16

ISSUED: December 17 , 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

SYMBOLS SHEET

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 Price List 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: December 17 , 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

PRICE LIST 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 price list. 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 the FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc, the FPSC follows in their price list approval process, the most current sheet number on file with the Commission is not always the price list page in effect. Consult the Check Sheet for the sheet currently in effect.

C. Paragraph Numbering Sequence - There are various levels of paragraph coding. Each level of coding is subservient to its next higher level as follows:

- 2.
- 2.1.
- 2.1.1.
- 2.1.1.A.
- 2.1.1.A.1.
- 2.1.1.A.1.(a).

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

ISSUED: December 17, 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

EXCHANGE SERVICE LIST

The Company will provide local exchange service throughout the State of Florida. Local calling areas will coincide with those of the Incumbent Local Exchange Carrier (ILEC), unless otherwise specified.

ISSUED: December 17, 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which 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 - Benchmark Communications, LLC d/b/a Com One.

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 price list regulations.

Day - From 8:00 AM up to, but not including 5:00 PM local time Monday 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, Martin Luther King, Jr. Day, Presidents Day, 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: December 17 , 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

SECTION 2 - RULES, REGULATIONS AND SERVICE QUALITY CRITERIA

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 price list.

The Company's installs, operates, and maintains the communications services provided herein in accordance with the terms and conditions set forth under this price list. It 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 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 price list.

2.2.2 The Company 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 price list.

ISSUED: December 17, 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

SECTION 2 - RULES AND REGULATIONS continued

2.2 Limitations (Cont.)

- 2.2.3 All facilities provided under this price list 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 Prior written permission from the Company is required before any assignment or transfer. All regulations and conditions contained in this price list shall apply to all such permitted assignees or transferees, as well as all conditions for service.
- 2.2.5 Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an ALEC carrier from the Florida Public Service Commission.

2.3 Liabilities of the Company.

- 2.3.1 The Company's liability for damages 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.
- 2.3.2 The Company shall be indemnified and held harmless by the customer against claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.

ISSUED: December 17 , 2004

EFFECTIVE:

BY:

Mark Guidry, President
Benchmark Communications, LLC
4001 Division Street, Suite B
Metairie, LA 77057

Alternative Local Exchange Service

SECTION 2 - RULES AND REGULATIONS continued

2.4 Interruption of Service.

- 2.4.1 Credit allowance for the interruption of service which is not due to The Company's testing or adjusting, negligence or the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in 2.3.1 herein. 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 within his control, if any, furnished 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 hours as follows:

Credit Formula:

Credit = A/B x C

"A" - outage time in days

"B" - total days in month

"C" - total monthly charge for affected facility

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Alternative Local Exchange Service

SECTION 2 - RULES AND REGULATIONS continued

2.5 **Disconnection of Service by Carrier.**

The Company, upon five (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 rendition of the bill for such service.
- 2.5.2 A violation of any regulation governing the service under this price list.
- 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 or interfering with service to other customers or for fraud.

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Alternative Local Exchange Service

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 tax, municipal utilities tax) are listed 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 should be promptly reported 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.

2.10 Equipment

2.10.1 The Company's facilities and service may be used with or terminated in Customer-provided terminal equipment or Customer-provided communications systems, such as a PBX, key systems or Pay Telephone. Such terminal equipment shall be furnished and maintained at the expense of the Customer, except as otherwise provided. The Customer is responsible for all costs at his or her premises, including personnel, wiring, electrical power, and the like, incurred in the use of the Company's service. The Customer is responsible to ensuring that customer-provided equipment connected to Company equipment and facilities is compatible with such equipment and facilities.

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Alternative Local Exchange Service

SECTION 2 - RULES AND REGULATIONS continued

2.10 **Equipment** (contd.)

- 2.10.2 The Company shall use reasonable efforts to maintain facilities and equipment that it furnishes to the Customer. The Customer may not, nor may the Customer permit others, to disconnect, rearrange, remove, attempt to repair or otherwise interfere with any of the facilities or equipment installed by the Company, except upon the written consent of the Company.
- 2.10.3 Equipment the Company provides or installs at the Customer premises for use in connection with services the Company offers shall not be used for any purpose other than that for which the Company provided it.
- 2.10.4 The Customer shall be responsible for payment of service charges, as set forth herein, for visits by the Company's agents or employees to the premises of the Customer when the service difficulty or trouble report results from the use of equipment or facilities provided by any party other than the Company, including but not limited to the Customer.
- 2.10.5 The Company shall not be responsible for the installation, operation or maintenance of any customer-provided equipment. Where such equipment is connected to the facilities furnished pursuant to this price list, the responsibility of the Company shall be limited to the furnishing of facilities offered under this price list and to the maintenance and operation of such facilities. Subject to this responsibility, the Company shall not be responsible for the transmission of signals by customer-provided equipment or for the quality of, or defects in, such transmission; or the reception of signals by customer-provided equipment.
- 2.10.6 Upon reasonable notification to the Customer and at a reasonable time, the Company may make such tests and inspections as may be necessary to determine that the customer is complying with the requirements set forth in the section for the installation, operation and maintenance of customer-provided facilities, equipment and wiring in the connection of such facilities and equipment to Company-provided facilities and equipment.
- 2.10.7 Title to all facilities provided by the Company under this price list shall remain in the Company's name or in the name of the carrier supplying the services and facilities being resold.

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Alternative Local Exchange Service

SECTION 2 - RULES AND REGULATIONS continued

2.11 **Installation**

Service is installed upon mutual agreement between the Customer and the Company. The service agreement does not alter rates specified in this price list.

2.12 **Service Implementation**

Absent a promotional offering, service implementation charges will apply to new service orders or to orders to change existing service. Implementation charges for business services are listed in Section 3.

2.13 **Reconnection Charge**

A reconnection fee may be charged when service is re-established for customers who have been disconnected for non-payment, and is payable at the time that the restoration of suspended service and facilities is arranged.

2.14 **Operator Service Rules**

The Company will enforce the operator service rules specified by the Commission and by the FCC.

2.15 **Access to Telephone Relay Services**

Where required by the Commission, the Company will participate in telephone relay services for handicapped and/or hearing impaired end users, and will comply with all regulations and requirements. The Company shall impose any monthly surcharge or any other related charge upon its local exchange telecommunications subscribers as may be required by state law.

2.16 **Telecommunications Relay Service**

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

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Alternative Local Exchange Service

SECTION 2 - RULES AND REGULATIONS continued

2.17 Calculation of Distance

Basic local services are not time or distance sensitive.

2.18 Cancellation of Service by Customer

Customers can cancel basic local exchange service by providing written or oral notification to the Company.

For cancellation of Private Branch Exchange (PBX) service, the customer must provide five (5) working days written notice of cancellation to the Company.

2.19 Minimum Call Completion Rate

Customers can expect a call completion rate (number of calls completed divided by the number of calls attempted) of 90% during peak use periods for all FG D services (1+ dialing).

2.20 Access to 911 Emergency Services

The Company will provide, at no cost to the customer, 911 emergency services access at levels equal to the service provided by the ILEC. Access to 911 service will be available during temporary disconnections.

2.21 Service Quality Statement

As a reseller, the quality of service provided to the company's end users will be equal to that received from the company's underlying carrier.

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Alternative Local Exchange Service

SECTION 3 - BASIC SERVICE DESCRIPTIONS

3.1 Timing of Calls

3.1.1 When Billing Charges Begin and End For Phone Calls

The customer's 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 2 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 billing increments for each service is set forth in the individual product rate section.

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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Alternative Local Exchange Service

SECTION 3 - BASIC SERVICE DESCRIPTIONS continued

3.2 Determining Applicable Rate in Effect.

For the initial minute, the rate applicable at the start of chargeable time at the calling station applies. For additional minutes, the rate applicable is that rate which is in effect at the calling station when the additional minute(s) begin. That is, if chargeable time begins during the Day Period, the Day Rate applies to the initial minute and to any additional minutes that the call continues during the rate period. If the call continues into a different rate period, the appropriate rates from that period apply to any additional minutes occurring in that rate period. If an additional minute is split between two rate periods, the rate period applicable at the start of the minute applies to the entire minute.

3.3 Payment of Calls

3.3.1 Late Payment Charges

Interest charges of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

3.3.2 Return Check Charges

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds if the face value does not exceed \$50.00, \$30.00 if the face value does exceed \$50.00 but does not exceed \$300.00, \$40.00 if the face value exceeds \$300.00 or 5% of the value of the check, which ever is greater.

3.4 Restoration of Service

A per occurrence reconnection fee is charged when service is re-established for customers who had been disconnected for non-payment. See Sections 3.7.17 and 3.8.10 for applicable restoration charges.

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Alternative Local Exchange Service

SECTION 3 - BASIC SERVICE DESCRIPTIONS continued

3.5 Local Service Areas

The Company will provide Local Exchange Service in the Florida BellSouth territories. Local calling service areas will coincide with those of BellSouth, unless otherwise specified.

Installation, monthly recurring and per minute usage charges will apply to the Company's local exchange services. An addition per-call operator service charge will apply for operator-assisted calling.

3.6 Product Descriptions

3.6.1 Business Services

Business Services are offered for local calling using the facilities of the Company and/or those of other authorized Local Exchange Carriers. Business Services are offered primarily to the following:

1. Offices, stores, factories, mines and all other places of a strictly business nature;
2. Offices of hotels, boarding houses, apartment houses, colleges, quarters occupied by clubs and fraternal societies, public, private or parochial schools, hospitals, nursing homes, libraries, churches, and other institutions; and
3. Services terminating solely on the secretarial facilities of a telephone answering bureau.

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Alternative Local Exchange Service

SECTION 3 - BASIC SERVICE DESCRIPTIONS continued

3.6 Product Descriptions, cont.

3.6.2 Residential Local Exchange Service

Residential local exchange service provides the Customer with a single, voice-grade, DTMF communications channel. Each Local Line will include a telephone number, as well as access to the service.

Residence Service is furnished in private homes or apartments, including all parts of the subscriber's domestic establishment, for domestic use and not for substantial occupational use; in the study of a clergyman located in a church, in a college fraternity or sorority house, college dormitories, convents and monasteries for domestic rather than occupational use in residential quarters.

3.6.3 Directory Listings

For each Customer of Exchange Access Service(s), the Company shall arrange for the listing of the Customer's main billing telephone number in the directory(ies) published by the dominant Local Exchange Carrier in the area at no additional charge. At a Customer's option, the Company will arrange for additional listings at an additional charge.

3.6.4 Operator-Assisted Services

Operator-assisted services are provided to Customers on a presubscribed basis. Services are also provided to Customers and Users of exchange access lines which are presubscribed to the Company's interexchange outbound calling services. Various billing arrangements are available with the Company's operator-assisted service including Calling Card, Commercial Credit Card, Collect, Person-to- Person and Third Party. Monthly and/or usage-sensitive charges apply, as well as per call operator charges.

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Alternative Local Exchange Service

SECTION 3 - BASIC SERVICE DESCRIPTIONS continued

3.6.5 Directory Assistance

Customers and users of the Company's services may obtain directory assistance in determining telephone numbers within the state by calling the Directory Assistance operator.

A credit will be given for calls to Directory Assistance when;

1. The Customer experiences poor transmission or is cut-off during the call,
2. The Customer is given an incorrect telephone number, or
3. The Customer inadvertently misdials an incorrect Directory Assistance NPA

To receive a credit, the customer must notify the Company operator or Business Office of the problem experienced.

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Alternative Local Exchange Service

SECTION 4 - RATE SCHEDULES

4.1 Residential Local Exchange Service Rates

4.1.1 Line Cost, Connections and Features

4.1.1.A Flat Rate Service

	<u>MRC</u>
Rate Group 1 (0-13,800 lines)	\$10.95
Rate Group 2 (13,801 - 25,100 lines)	\$11.72
Rate Group 3 (25,101 - 45,500 lines)	\$12.32
Rate Group 4 (45,501 - 200,800 lines)	\$12.91
Rate Group 5 (200,801 - 1,191,800 lines)	\$15.80

4.1.1.B Monthly Recurring Charge Measured Rate Service

Monthly usage allowance is \$5.00.

	<u>MRC</u>	<u>MRC</u>
	<u>Low Usage</u>	<u>Standard Usage</u>
Rate Group 1 (0-13,800 lines)	\$5.93	\$8.44
Rate Group 2 (13,801 - 25,100 lines)	\$6.30	\$9.02
Rate Group 3 (25,101 - 45,500 lines)	\$6.60	\$9.47
Rate Group 4 (45,501 - 200,800 lines)	\$6.90	\$9.91
Rate Group 5 (200,801 - 1,191,800 lines)	\$8.34	\$12.07

4.1.1.C Measured Rate Local Usage

(1) Day Rates

8:00 a.m. to, but not including 5:00 p.m., Monday through Friday.

		<u>1st Minute</u>	<u>Addtl Minute</u>
Band A (0 miles)	\$0.036	\$0.018	
Band B (1-10 miles limited LCA)		\$0.036	\$0.018
Band C (> 10 miles limited LCA)		\$0.054	\$0.036

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Alternative Local Exchange Service

SECTION 4 - RATE SCHEDULES (continued)

4.1 Residential Local Exchange Service Rates (continued)

4.1.1C Measured Rate Local Usage (contd.)

(2) Evening Rates

5:00 p.m. to, but not including 11:00 p.m., Monday through Friday.

		<u>1st Minute</u>	<u>Addtl Minute</u>
Band A (0 miles)	\$0.0234	\$0.0117	
Band B (1-10 miles limited LCA)	\$0.0234	\$0.0117	
Band C (> 10 miles limited LCA)	\$0.0351	\$0.0234	

(3) Night/Weekend Rates

11:00 p.m. to, but not including 8:00 a.m., Monday through Friday, and all times Saturday and Sunday.

		<u>1st Minute</u>	<u>Addtl Minute</u>
Band A (0 miles)	\$0.0144	\$0.0072	
Band B (1-10 miles limited LCA)	\$0.0144	\$0.0072	
Band C (> 10 miles limited LCA)	\$0.0216	\$0.0144	

4.1.1.D Optional Features

Call Forwarding	\$3.45
Call Forward Busy Line	\$1.00
Call Forward Don't Answer	\$1.00
Call Waiting	\$3.45
Call Return	\$4.50
Caller ID with Number Delivery	\$7.00
Caller ID with Name and Number D	\$7.50
Speed Dialing 8	\$3.45
Three Way Calling	\$3.45
Verification Request	\$2.00
Emergency Interrupt Request	\$4.00

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Alternative Local Exchange Service

SECTION 4 - RATE SCHEDULES (continued)

4.1 Residential Local Exchange Service Rates (continued)

4.1.2 Subscriber Line Charge

Single Line	\$3.50
Multi Line	\$7.90/Line

4.1.3 Line Connection Charges

First Line	\$41.00
Additional Line	\$14.00

4.1.4 Line Change Charge

First Line	\$25.00
Additional Line	\$10.00

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Alternative Local Exchange Service

SECTION 4 - RATE SCHEDULES (continued)

4.2 Business Local Exchange Service Rates

4.2.1 Line Cost, Connections and Features

4.2.1.A Monthly Recurring Charge Flat Rate Service

	<u>MRC</u>
Rate Group 1 (0-13,800 lines)	\$28.80
Rate Group 2 (13,801 - 25,100 lines)	\$29.61
Rate Group 3 (25,101 - 45,500 lines)	\$29.61
Rate Group 4 (45,501 - 200,800 lines)	\$29.61
Rate Group 5 (200,801 - 1,191,800 lines)	\$29.61

4.2.1.B Measured Rate Service

Monthly usage allowance is \$7.50.

	<u>MRC</u>
Rate Group 1 (0-13,800 lines)	\$20.85
Rate Group 2 (13,801 - 25,100 lines)	\$22.97
Rate Group 3 (25,101 - 45,500 lines)	\$24.77
Rate Group 4 (45,501 - 200,800 lines)	\$26.51
Rate Group 5 (200,801 - 1,191,800 lines)	\$32.24

4.2.1.C Measured Rate Local Usage

(1) Day Rates

8:00 a.m. to, but not including 5:00 p.m., Monday through Friday.

		<u>1st Minute</u>	<u>Addtl Minute</u>
Band A (0 miles)	\$0.036	\$0.018	
Band B (1-10 miles limited LCA)	\$0.036		\$0.018
Band C (> 10 miles limited LCA)	\$0.054		\$0.036

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Alternative Local Exchange Service

SECTION 4 - RATE SCHEDULES (continued)

4.2 Business Local Exchange Service Rates (contd.)

4.2.1.C Measured Rate Local Usage (contd.)

(2) Evening Rates

5:00 p.m. to, but not including 11:00 p.m., Monday through Friday.

		<u>1st Minute</u>	<u>Addtl Minute</u>
Band A (0 miles)	\$0.0234	\$0.0117	
Band B (1-10 miles limited LCA)		\$0.0234	\$0.0117
Band C (> 10 miles limited LCA)		\$0.0351	\$0.0234

(3) Night/Weekend Rates

11:00 p.m. to, but not including 8:00 a.m., Monday through Friday, and all times Saturday and Sunday.

		<u>1st Minute</u>	<u>Addtl Minute</u>
Band A (0 miles)	\$0.0144	\$0.0072	
Band B (1-10 miles limited LCA)		\$0.0144	\$0.0072
Band C (> 10 miles limited LCA)		\$0.0216	\$0.0144

4.2.1.D Complete Choice Plan

Per Line	\$31.00
Per Two Line Package	\$60.50
Per Three Line Package	\$90.00

4.2.1.E Area of Service Calling

1. Per Line without Complete Choice	\$35.00
2. Per Line with Complete Choice	\$50.00
3. Per Two Line Package with Complete Choice	\$98.50
4. Per Three Line Package with Complete Choice	\$147.00
5. Hunting roll over	\$10.00
6. Remote Call Forwarding	\$18.50
7. Call Forward Busy Line	\$3.50
8. Call Forward Don't Answer	\$3.50
9. Call Waiting	\$4.00
10. Enhanced Caller ID	\$16.00
11. Caller ID Deluxe	\$10.00
12. Verification Request	\$2.00
13. Emergency Interrupt Request	\$4.00

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Alternative Local Exchange Service

SECTION 4 - RATE SCHEDULES (continued)

4.2 Business Local Exchange Service Rates (continued)

4.2.2 Subscriber Line Charge

Single Line	\$3.50
Multi Line	\$7.90/Line

4.2.3 Line Connection Charges

First Line	\$85.00
Additional Line	\$32.00

4.2.4 Line Change Charge

First Line	\$46.00
Additional Line	\$10.00

4.3 Local Directory Assistance

	<u>Per Call</u>
Within LCA for originating line	
Direct Dialed	\$0.33
Operator assistance surcharge	\$0.30
Outside LCA and LATA/NPA for orig. line	
Direct Dialed	\$0.85
Operator assistance surcharge	\$0.30

4.4 Dishonored Check Charge

Customers will be charged \$20.00 per dishonored or returned check.

4.5 Reconnection Charge

\$30.00 per occurrence.

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Alternative Local Exchange Service

SECTION 4 - RATE SCHEDULES (continued)

4.6 Directory Listings

Non-recurring charge applies to customer requested changes in directory listings, except for changing from non-published/non-listed to a listed number.

	RESIDENTIAL		BUSINESS	
	<u>NRC</u>	<u>MRC</u>	<u>NRC</u>	<u>MRC</u>
Non-listed	\$13.50	\$1.64	\$18.00	\$1.64
Non-Published	\$13.50	\$3.15	\$18.00	\$3.15
Additional Listings	\$13.50	\$1.62	\$18.00	\$1.08

4.7 Local Number Portability Charge

	<u>MRC</u>
Per Line	\$0.35
Per Trunk	\$3.15

4.8 Toll Restriction

Provides blocking of 1+, 101XXXX, 976, 900 and screening information to prevent operator assisted calls from being billed to subscriber's line.

	RESIDENTIAL		BUSINESS	
	<u>NRC</u>	<u>MRC</u>	<u>NRC</u>	<u>MRC</u>
Selective Class of Call Screening per line	\$13.50	\$1.13	\$18.00	\$1.13

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