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A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 18TH STREET, N.W.

SUITE 800

WASHINGTON, D. C. 20036

(202) 955-9600

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January 17, 1997

970087-TI

VIA OVERNIGHT DELIVERY

Ms. Blanca Bayo
Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0864

Re: Application of America One Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Intrastate Interexchange Services

Dear Ms. Bayo:

Enclosed please find an original and 12 copies of America One Communications, Inc.'s ("America One") Application for a Certificate of Public Convenience and Necessity for filing with the Commission. Also enclosed is a check in the amount of \$250.00 to cover the cost of filing for certification, and a duplicate of this filing. Please date-stamp the duplicate upon receipt and return it in the self-addressed stamped envelope provided.

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

Andrea D. Pruitt

Andrea D. Pruitt

Check enclosed with filing and
forwarded to account for deposit.
Please to forward a copy of check
to [redacted] as proof of deposit.
Initials of person who forwarded check:

AP

Enclosures

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN _____
- OPD _____
- ROH _____
- SEC _____
- WFS _____
- OTR _____

DOCUMENT NUMBER-DATE

00670 JAN 21 97

FFSC-RECORDS/REPORTING

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

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

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

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

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

America One Communications, Inc.

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

America One Communications, Inc.

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

**2650 Park Tower Drive
Suite 300
Vienna, Virginia 22180**

DOCUMENT NUMBER-DATE

00670 JAN 21 5

FPSC-RECORDS/REPORTING

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

Applicant does not have a Florida office.

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 applicant is an individual or partnership, please give name, title and address of sole proprietor or partners. Not applicable.

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

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

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

9. If incorporated, please give:

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

Corporate charter number: **F26000004714** (See response provided in 9(c)).

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

**Corporation Service Company
1201 Hays Street
Tallahassee, Florida 32301**

- (c) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.

Fictitious name registration number: **G26257900111**

Applicant is in the process of amending its Florida qualification documents to register its name change from Oakstone, Inc. to America One Communications, Inc. A copy of the Certificate of Amendment attesting

to the name change from the Delaware Secretary of State is attached as Exhibit A.

- (d) Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:
- (1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. No.
 - (2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not. No.

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

(a) The Application;

**Brad E. Mutschelknaus
Mariann Z. Machida
Andrea D. Pruitt
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036
(202) 955-9600**

(b) Official Point of Contact for the ongoing operations of the company:

**Marc S. Martin
Assistant General Counsel
America One Communications, Inc.
2650 Park Tower Drive
Suite 300
Vienna, VA 22180
(703) 208-2736**

(c) Tariff:

**Brad E. Mutschelknaus
Mariann Z. Machida
Andrea D. Pruitt
Kelley Drye & Warren LLP
1200 19th Street, N.W.
Suite 500
Washington, DC 20036
(202) 955-9600**

- (d) **Complaint inquiries from customers;**

Customers with complaints or billing inquiries may contact the Applicant at its toll free number (888) 346-3500.

11. **List the states in which the applicant:**

- (a) **Has operated as an interexchange carrier.**

None.

- (b) **Has applications pending to be certificated as an interexchange carrier.**

None.

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

None.

- (d) **Has been denied authority to operate as an interexchange carrier and the circumstances involved -**

None.

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

None.

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

None.

12. **What services will the applicant offer to other certificated telephone companies:**

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

Applicant will not offer services to other certificated telephone companies.

13. **Do you have a marketing program?**

Yes. Customers will be solicited using direct mail, out-bound telemarketing and media advertising.

14. Will your marketing program:

- Pay commissions?
- Offer sales franchises?
- Offer multi-level sales incentives?
- Offer other sales incentives?

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

Customers will be given a referral incentive if they refer someone to use America One's telecommunications services. The referral incentive could be in the form of credit towards the customer's bill or a prepaid calling card.

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

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

17. Please provide the following (if applicable):

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

America One's customers will receive their long distance bills from the local exchange carrier pre-subscribed to the customer's telephone line. The billing statement will include the name of America One's billing agent as well as a statement indicating that the charges are the result of services rendered by America One. The billing statement also will include the billing agent's toll free number for customers with billing inquiries.

- (b) Name and address of the firm who will bill for your service.

America One has not yet contracted with an agent to provide its billing functions. Thus, at this time, America One is unable to provide the information requested.

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

See Exhibit B.

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

MTS with distance sensitive per minute rates

Method of access is FGA

Method of access is FGB

Method of access is FGD

Method of access is 800

MTS with route specific rates per minute

Method of access is FGA

Method of access is FGB

Method of access is FGD

Method of access is 800

MTS with statewide flat rates per minute (i.e. not distance sensitive)

Method of access is FGA

Method of access is FGB

Method of access is FGD

Method of access is 800

MTS for pay telephone service providers

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

800 Service (Toll free)

WATS type service (Bulk or volume discount)

Method of access is via dedicated facilities

Method of access is via switched facilities

Private Line services (Channel Services)

(For ex. 1.544 mbs., DS-3, etc.)

Travel Service

Method of access is 950

Method of access is 800

900 service

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

Services included are:

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

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

Casual dial around callers will dial the company's Carrier Identification Code before dialing the called party's telephone number. All other interexchange services may be accessed by dialing "1."

21. Other;

ATTACHMENTS:

- A - CERTIFICATE TRANSFER STATEMENT**
- B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS**
- C - INTRASTATE NETWORK APPLICANT ACKNOWLEDGEMENT STATEMENT**
- D - FLORIDA TELEPHONE EXCHANGES and EAS ROUTES**
- E - GLOSSARY**

CERTIFICATE TRANSFER STATEMENT

Not Applicable.

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

UTILITY OFFICIAL: _____ **Signature** _____ **Date** _____

_____ **Title** _____ **Telephone No.** _____

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 responded to in one of the following ways (applicant please check one):

- (X) **The applicant will not collect deposits nor will it collect payments for service more than one month in advance.**

- () **The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (and must accompany application.)**

UTILITY OFFICIAL:

Neil Andrew Cohen
Signature

1/16/97
Date

Neil Andrew Cohen

President
Title

(703) 208-2600
Telephone No.

**** APPENDIX C ****

1. POP: Addresses where located, and indicate if owned or leased. N/A

- | | |
|----|----|
| 1) | 2) |
| 3) | 4) |

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

- | | |
|----|----|
| 1) | 2) |
| 3) | 4) |

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

- | | | | |
|----|-------------------|-------------|------------------|
| 1) | <u>POP-to-POP</u> | <u>TYPE</u> | <u>OWNERSHIP</u> |
| 2) | | | |

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

Applicant seeks to provide service on a statewide basis. Accordingly, the Applicant proposes to originate service from all the exchanges listed.

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

America One will rely upon its underlying carrier(s) to ensure compliance with the traffic restrictions contained in Commission Rule 25-24.471(4)(a).

6. **CURRENT FLORIDA STATE SERVICE:** Applicant () 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: Neil Andrew Cohen 1/16/99
Signature Date

Neil Andrew Cohen

President
Title

(703) 208-2600
Telephone No.

****AFFIDAVIT ACKNOWLEDGEMENT STATEMENT****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX;** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** A non-refundable application fee of \$250.00 must be submitted with the application.
5. **RECEIPT AND UNDERSTANDING OF RULES:** I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Orders relating to my provision of interexchange telephone service in Florida. I also understand that it is my responsibility to comply with all current and future Commission requirements regarding AAV service.
6. **ACCURACY OF APPLICATION:** By my signature below, I the undersigned owner or officer of the named utility in the application, attest to the accuracy of the information contained in this application and associated attachments. I have read the foregoing and declare that to the best of my knowledge and belief, the information is a true and correct statement. Further, I am aware that pursuant to Chapter 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

UTILITY OFFICIAL:

Neil Andrew Cohen

Signature

1/18/97

Date

Neil Andrew Cohen

President

Title

(703) 208-2600

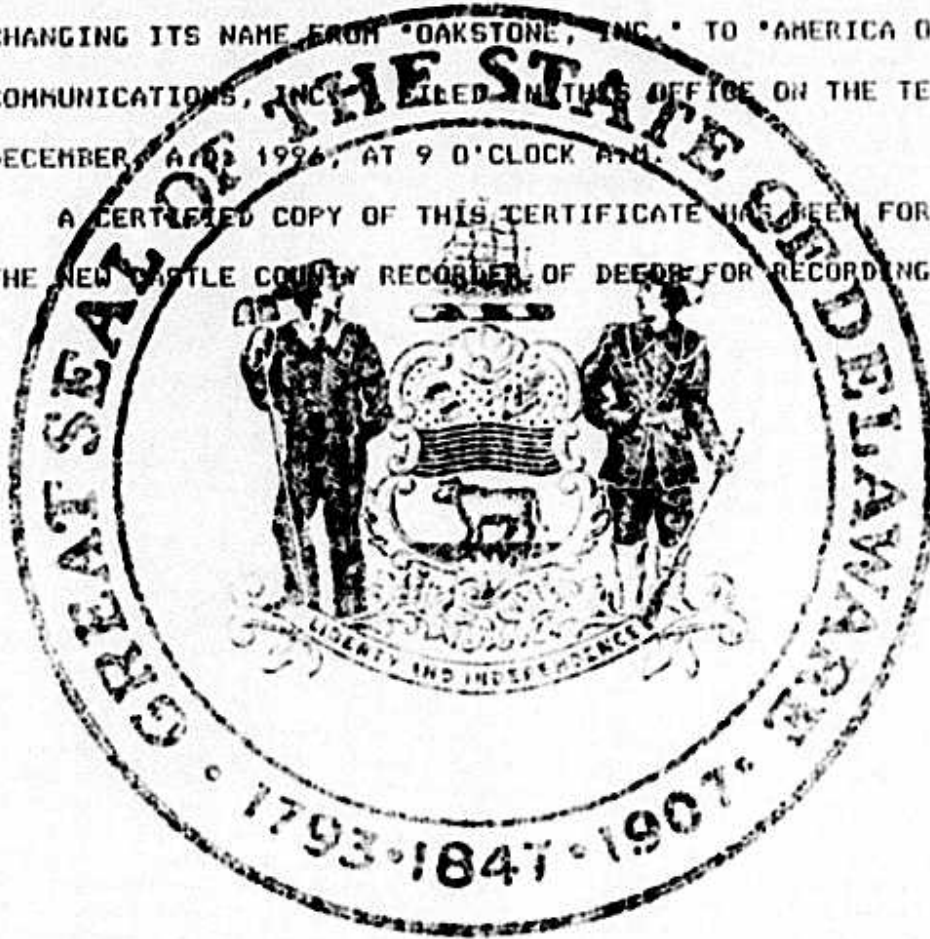
Telephone No.

EXHIBIT A

Office of the Secretary of State

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "OAKSTONE, INC.", CHANGING ITS NAME FROM "OAKSTONE, INC." TO "AMERICA ONE COMMUNICATIONS, INC." FILED IN THIS OFFICE ON THE TENTH DAY OF DECEMBER, A.D. 1996, AT 9 O'CLOCK A.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



Edward J. Freel

Edward J. Freel, Secretary of State

2513423 8100

960361652

AUTHENTICATION:

B231768

DATE:

12-10-96

**CERTIFICATE OF AMENDMENT
TO
CERTIFICATE OF INCORPORATION
OF
OAKSTONE, INC.**

OakStone, Inc., a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware (the "Corporation"), DOES HEREBY CERTIFY:

FIRST: That the Board of Directors of the Corporation, by unanimous written consent, duly adopted resolutions setting forth an amendment to the Certificate of Incorporation of the Corporation and declaring said amendment to be advisable. The resolution setting forth the amendment is as follows:

RESOLVED, that the Certificate of Incorporation of the Corporation be amended by changing Article FIRST so that, as amended, said Article shall read as follows:

FIRST. The name of the corporation is America One Communications, Inc.

SECOND: That in lieu of a special meeting and vote of stockholders, the sole stockholder has given written consent to said amendment in accordance with the provisions of Sections 228 and 242 of the General Corporation Law of the State of Delaware.

IN WITNESS WHEREOF, the Corporation has caused this certificate to be signed by its President, and attested by its Secretary, this 5th day of December, 1996.

BY: N. Andrew Cohen
Neil A. Cohen
President

ATTEST: J. G. Finneran, Jr.
John G. Finneran, Jr.
Secretary

EXHIBIT B

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 1

INTRASTATE TELECOMMUNICATIONS SERVICES TARIFF

This Tariff contains the Rules and regulations applicable to the Intrastate Telecommunications Services provided by America One Communications, Inc. between points within the State of Florida as authorized by the Florida Public Service Commission. This Tariff is on file with the Florida Public Service Commission and may be inspected during regular business hours. Copies also may be inspected during regular business hours at America One Communications, Inc.'s principal place of business, 2650 Park Tower Drive, Suite 300, Vienna, Virginia 22180.

Issued: January 21, 1996

Effective:

Issued by:

**Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180**

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 2

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Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C. Tariff No. 1
Original Sheet No. 3

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Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 4

CHECK SHEET

Sheets 1-22 inclusive of this Tariff are effective as of the date shown. Original and revised sheets, named below, comprise all changes from the original Tariff in effect on the date indicated.

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*

* Signifies New or Revised Sheets

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 5

CONCURRING CARRIERS

None

CONNECTING CARRIERS

None

OTHER PARTICIPATING CARRIERS

None

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 6

APPLICABILITY

This Tariff contains the service offerings, rates, terms and conditions applicable to the furnishing of intrastate telecommunications services within the State of Florida by America One Communications, Inc. (hereinafter "the Company").

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 7

EXPLANATION OF SYMBOLS

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

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C. Tariff No. 1
Original Sheet No. 8

TARIFF FORMAT

- A. **Sheet Numbering** - Sheet numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new sheets occasionally are added to the Tariff. When a new sheet is added between sheets already in effect, a decimal is added to the sheet number. 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 sheet. These numbers are used to determine the most current sheet version on file with the Commission. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc. the Commission follows in its Tariff approval process, the most current sheet number on file with the Commission is not always the Tariff sheet 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)1.3(i).(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 on the check sheet by an asterisk(*). There will be no other symbols used on the check sheet if these are the only changes made to it. 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.

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 9

1. TECHNICAL TERMS AND ABBREVIATIONS

Call:

A completed connection between the Calling and the Called Station.

Calling Station:

The telephone number from which a Call originates.

Called Station:

The telephone number called.

Commission:

Florida Public Service Commission ("FPSC").

Company:

America One Communications, Inc.

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 10

I. TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)

Customer:

A person, firm, corporation, partnership or other entity, including affiliates or divisions of the Customer, in whose name the telephone number of the Calling Station is registered with the underlying local exchange company. The Customer is responsible for payment of charges to the Company and compliance with all terms and conditions of this Tariff.

Incomplete Call:

Any call where voice transmission between the calling and the called station is not established.

Service:

Service means any or all Service(s) provided pursuant to this Tariff.

Tariff:

The current intrastate telecommunications services Tariff and effective revisions thereto filed by the Company with the Commission.

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 11

2. RULES AND REGULATIONS

2.1. Undertaking of the Company

2.1.1. The Company's Services and facilities are furnished to Customers for communications between points within the State of Florida under the terms of this Tariff. The Company's Services and facilities 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 the necessary facilities and equipment.

2.2.2. Service is provided in accordance with the rates, terms and conditions set forth in this Tariff.

2.2.3. The Company reserves the right to discontinue or limit Service when necessitated by conditions beyond its control, or when the Customer is using Service in violation of provisions of this Tariff or the law.

2.2.4. The Company does not undertake to transmit messages, but offers the use of its facilities when available, and will not be liable for errors in transmission or for failure to establish connections.

2.2.5. The Company reserves the right to discontinue Service, limit Service, or to impose requirements on Customers as required to meet changing regulatory or statutory rules and standards, or when such rules and standards have an adverse material affect on the business or economic feasibility of providing Service, as determined by the Company.

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 12

2. RULES AND REGULATIONS (Cont'd)

2.3. Use

- 2.3.1. Services provided under this Tariff may be used for any lawful purpose for which the Service is technically suited.

2.4. Liability of the Company

- 2.4.1. Except as provided otherwise in this Tariff, the Company shall not be liable to the Customer or any other person, firm or entity for any failure of performance hereunder if such failure is due to any cause or causes beyond the reasonable control of the Company. Such causes shall include, without limitation, acts of God, fire, explosion, vandalism, cable cut, storm or other similar occurrence, any law, order, regulation, direction, action or request of the United States government or of any other government or of any civil or military authority, national emergencies, insurrections, riots, wars, strikes, lockouts or work stoppages or other labor difficulties, supplier failures, shortages, breaches or delays or preemption of existing services to restore Service in compliance with the FCC's Rules and Regulations.
- 2.4.2. The Company is not liable to Customers for interruptions in Service except as set forth in Section 2.6 of this Tariff.
- 2.4.3. With respect to any claim or suit, the Company's liability, if any, shall not exceed an amount equal to the charge applicable under this Tariff to the period during which Services were affected.
- 2.4.4. All or a portion of the Service may be provided over facilities of third parties, and the Company shall not be liable to the Customer or any other person, firm or entity in any respect whatsoever arising out of defects caused by such third parties.
- 2.4.5. The liability of the Company for errors in billing that result in overpayment by the Customer shall be limited to a credit equal to the dollar amount erroneously billed or, in the event that payment has been made and Service has been discontinued, to a refund of the amount erroneously billed.

Issued: January 21, 1996

Effective:

Issued by:

Marc S. Martin
America One Communications, Inc.
2650 Park Tower Drive, Suite 300
Vienna, Virginia 22180

America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 13

2. RULES AND REGULATIONS (Cont'd)

2.4. Liabilities of the Company (Cont'd)

2.4.6. **THE COMPANY SHALL NOT BE LIABLE FOR ANY DIRECT, INDIRECT, CONSEQUENTIAL, SPECIAL, ACTUAL, OR PUNITIVE DAMAGES, OR FOR ANY LOST PROFITS OF ANY KIND OR NATURE WHATSOEVER ARISING OUT OF ANY DEFECTS OR ANY OTHER CAUSE. THIS WARRANTY AND THESE REMEDIES ARE EXCLUSIVE AND IN LIEU OF ALL OTHER WARRANTIES OR REMEDIES, WHETHER EXPRESS, IMPLIED OR STATUTORY, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.**

2.5. Refusal or Discontinuance by Company

2.5.1. The Company may refuse or discontinue Service for non-compliance with and/or violation of any Federal, State or municipal law, ordinance or regulation. Service may also be discontinued or refused for the following conditions:

- 2.5.1.A. For non-compliance with and/or violation of the Commission's regulations or the Company's rules and regulations.
- 2.5.1.B. Without notice in the event of Customer use of equipment in such a manner as to adversely affect the Company's equipment or the Company's Service to others.
- 2.5.1.C. Without notice in the event of tampering with the equipment furnished and owned by the Company.

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Florida P.S.C Tariff No. 1
Original Sheet No. 14

2. RULES AND REGULATIONS (Cont'd)

2.6. Interruption of Service

2.6.1. Credit allowances for interruptions of Service which are not due to the Company's testing or adjusting, to the negligence of the Customer, or to the failure of channels, equipment or communications systems provided by the Customer, are subject to the general liability provisions set forth in Section 2.4 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 by the Customer. Before giving such notice, the Customer shall ascertain that the trouble is not within his or her control, or is not in wiring or equipment, if any, furnished by the Customer.

2.7. ~~Routing Facility Conditions~~

2.7.1. When billing functions on behalf of the Company are performed by the local exchange telephone company, or others, the payment conditions and regulations of such company apply, including any applicable taxes, interest and/or late payment charge conditions.

2.8. Directory Assistance

2.8.1. The Company does not provide directory assistance.

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Florida P.S.C Tariff No. 1
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3. DESCRIPTION OF SERVICE

3.1. Timing of Calls

3.1.1. Billing for calls placed over the Company's underlying carrier's network is based on the duration of the call. Timing begins when the Called Station is answered, as determined by standard industry methods generally in use for ascertaining answers, including answer supervision hardware by which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. Timing ends when either party hangs up.

3.2. Distance Sensitivity

3.2.1. The Company's charges are based on the airline distance between Rate Centers located within the State.

3.3. Calculation of Distance

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

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved.

FORMULA:

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

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Florida P.S.C Tariff No. 1
Original Sheet No. 16

3. DESCRIPTION OF SERVICE (Cont'd)

3.4. Usage Charges

3.4.1. Each Customer is charged individually for each call placed through the Company. Rates, may vary by mileage band, time of day, day of week, call duration and by product or service type.

3.5. Rate Periods

3.5.1. Day, Evening and Night/Weekend rate periods apply to "1+" and Casual Calling Service. The rates apply for all days of the week including holidays. The Day rate period is 8:00 AM to, but not including, 5:00 PM Monday through Friday. The Evening rate period is 5:00 PM to, but not including, 11:00 PM Monday through Friday and 5:00 PM to, but not including, 11:00 PM Sunday. The Night/Weekend rate period is 11:00 PM, but not including, 8:00 AM Monday through Sunday, all day Saturday, and from 8:00 AM to, but not including, 5:00 PM Sunday.

3.6. Holiday Rates

3.6.1. New Years Day (January 1), Independence Day (July 4), Labor Day, Thanksgiving Day and Christmas Day (December 25), the Evening rates apply from 8:00 AM to 5:00 PM in lieu of regular rates, if the holiday falls on a weekday.

3.7. Call Rating

3.7.1. For each call, the computer takes the rate as reflected on the rate schedule and multiplies times the number of minutes. All numbers will round up to the next whole cent.

Examples: .1450 = .15
 .1429 = .15

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Florida P.S.C Tariff No. 1
Original Sheet No. 17

3. DESCRIPTION OF SERVICE (Cont'd)

3.8. Billing Increments

3.8.1. Calls are measured in initial one minute increments and additional increment periods of one minute. All calls are rounded up to the next full minute.

3.9. Promotional Offerings

3.9.1. For promotional purposes, market research or similar corporate purposes, the Company may from time to time provide promotional offerings subject to the conditions set forth in this Section. These promotions will approved by the FPSC with specific starting and ending dates and under no circumstances run for longer than ninety (90) days in any twelve (12) month period.

3.9.2. The charges for promotional offerings will not exceed those set forth in this Tariff for the same services.

3.9.3. Promotional offerings will be available only for the limited time specified by the Company.

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America One Communications, Inc.

Florida P.S.C Tariff No. 1
Original Sheet No. 18

3. DESCRIPTION OF SERVICE (Cont'd)

3.10. Intrastate Interexchange Telecommunications Service

3.10.1. Description

The Company's Intrastate Interexchange Telecommunications Service may be used for calls between points in the State of Florida. Customers access the Company's Service by dialing a 10XXX or 101XXXX access code.

3.11. Toll Free Services

3.11.1. Description

Toll free service is an inbound-only service which allows callers located in the State to place toll free calls to Customers by dialing an assigned telephone number with an 800 or 888 area code. Calls may be terminated either to the Customer's local exchange telephone service or dedicated access line.

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Florida P.S.C Tariff No. 1
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3. DESCRIPTION OF SERVICE (Cont'd)

3.12. Prepaid Calling Card Service

3.12.1. Description

Prepaid Calling Card Service is a prepaid long distance calling card service under which users purchase calling cards in predetermined amounts for long distance usage. Prepaid calling cards may be obtained from the Company or authorized agents in various denominations. Prepaid calling cards are nonrefundable and will expire on the date specified on the card, or on the package in which the card is included. Usage is measured in one minute increments. All charges are independent of mileage, time of day and day of week.

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Florida P.S.C Tariff No. 1
Original Sheet No. 20

4. RATES

4.1. Intrastate Interexchange Telecommunications Services

4.1.1. Rates

America One Plan 1: 5% off Rates

State	Miles	Day		Evening		Night	
		First minute	Each Add'l minute	First minute	Each Add'l minute	First minute	Each Add'l minute
	0-10	0.1900	0.1900	0.1425	0.1425	0.1140	0.1140
	11-22	0.2090	0.2090	0.1615	0.1615	0.1235	0.1235
	23-55	0.2375	0.2375	0.1805	0.1805	0.1330	0.1330
	56-124	0.2565	0.2565	0.1805	0.1805	0.1425	0.1425
	125-292	0.2660	0.2660	0.1805	0.1805	0.1520	0.1520
	292-430	0.2660	0.2660	0.1900	0.1900	0.1520	0.1520
	431+	0.2660	0.2660	0.1995	0.1995	0.1520	0.1520

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Florida P.S.C Tariff No. 1
Original Sheet No. 21

4. RATES (Cont'd)

4.1. Intrastate Interexchange Telecommunications Service (Cont'd)

4.4.1. Rates (Cont'd)

America One Plan 2: 5% to 25% off Rates

State	Miles	Day		Evening		Night	
		First minute	Each Add'l minute	First minute	Each Add'l minute	First minute	Each Add'l minute
Florida	0-10	0.1900	0.1900	0.1425	0.1425	0.1140	0.1140
	11-22	0.2090	0.2090	0.1615	0.1615	0.1235	0.1235
	23-55	0.2375	0.2375	0.1805	0.1805	0.1330	0.1330
	56-124	0.2430	0.2430	0.1710	0.1710	0.1350	0.1350
	125-292	0.2380	0.2380	0.1615	0.1615	0.1360	0.1360
	292-430	0.2240	0.2240	0.1600	0.1600	0.1280	0.1280
	431+	0.2100	0.2100	0.1575	0.1575	0.1200	0.1200

America One Plan 3: 25% off Rates

State	Miles	Day		Evening		Night	
		First minute	Each Add'l minute	First minute	Each Add'l minute	First minute	Each Add'l minute
Florida	0-10	0.1500	0.1500	0.1125	0.1125	0.0900	0.0900
	11-22	0.1650	0.1650	0.1275	0.1275	0.0975	0.0975
	23-55	0.1875	0.1875	0.1425	0.1425	0.1050	0.1050
	56-124	0.2025	0.2025	0.1425	0.1425	0.1125	0.1125
	125-292	0.2100	0.2100	0.1425	0.1425	0.1200	0.1200
	292-430	0.2100	0.2100	0.1500	0.1500	0.1200	0.1200
	431+	0.2100	0.2100	0.1575	0.1575	0.1200	0.1200

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4. RATES (Cont'd)

4.2. Toll Free Services

4.2.1. Rates

Per Minute: \$0.2500
Recurring Monthly Charge: \$5.00 per toll free number

4.3. Prepaid Calling Card Service

4.3.1. Rates

Per Minute: \$0.35

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KELLEY DRYE & WARREN LLP

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

1200 19TH STREET, N.W.

SUITE 800

WASHINGTON, D. C. 20036

(202) 955-9800

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WRITER'S DIRECT LINE

(202) 955-9787

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January 17, 1997

VIA OVERNIGHT DELIVERY

Ms. Blanca Bayo
Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0864

970087-TI

Re: Application of America One Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Intrastate Interexchange Services

Dear Ms. Bayo:

Enclosed please find an original and 12 copies of America One Communications, Inc.'s ("America One") Application for a Certificate of Public Convenience and Necessity for filing with the Commission. Also enclosed is a check in the amount of \$250.00 to cover the cost of filing for certification, and a duplicate of this filing. Please date-stamp the duplicate upon receipt and return it in the self-addressed stamped envelope provided.

FIRST UNION NATIONAL BANK
OF WASHINGTON, D.C.
WASHINGTON, DC

04200

KELLEY DRYE & WARREN LLP
1200 19TH STREET, N.W.
WASHINGTON, DC 20036

Jan. 17, 1997

PAY TO THE ORDER OF Florida Public Service Commission \$ 250.00
Two Hundred and Fifty-----00/100-----DOLLARS

MEMO Filing Fee 10299.1

