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Regina M. DeAngelis

July 21, 1998

DEPOSIT                      DATE  
D 8 1 5                      JUL 22 1998

**VIA FEDERAL EXPRESS**

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

980921-T1

98 JUL 22 4 08 13  
MAIL ROOM

**Re: Application Form for TRI-M Communications, Inc.**

Dear Madam or Sir

Enclosed please find:

1. An original and seven (7) copies of the above-referenced document, and
2. A check in the amount of \$250.00 for the filing fee.

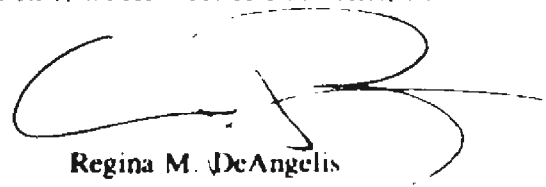
Please file-stamp the extra copy and return it in the self-addressed stamped envelope which has been provided. Should you have any questions with respect to this filing, please telephone me at (415) 392-7900.

Thank you

Very truly yours,

GOODIN, MACBRIDE,  
SQUERI, SCHLOTZ & RITCHIE, LLP

By



Regina M. DeAngelis

Enclosures  
2585402 LK4636 FI

DOCUMENT NUMBER-DATE

077000 JUL 22 8

FILE REPORTING

ORIGINAL

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

**DIVISION OF COMMUNICATIONS**

**BUREAU OF SERVICE EVALUATION**

**APPLICATION FORM**

for

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

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**Instructions**

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

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

DOCUMENT NUMBER DATE  
07705 JUL 22 88  
FPSC-RECORDS/REPORTING

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

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

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

- Facilities Based Carrier** - company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.
- Operator Service Provider** - company provides or plans to provide alternative operator services for IXCs, or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
- Reseller** - company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
- Switchless Rebiller** - company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
- Multi-Location Discount Aggregator** - company contracts with unaffiliated entities to obtain bulk/volume discounts under multi-location discount plans from certain underlying carriers. Then offers the resold service by enrolling unaffiliated customers.
- Prepaid Debit Card Provider** - any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2)

2. This is an application for (check one):
- Original Authority (New company).**
  - Approval of Transfer (To another certificated company).**
  - Approval of Assignment of Existing Certificate (To an uncertificated company).**
  - Approval for Transfer of Control (To another certificated company).**

3. Name of corporation, partnership, cooperative, joint venture or sole proprietorship: The name of the applicant is **Tri-M Communications, Inc. dba TMC Communications**, a California corporation.

4. Name under which the applicant will do business (fictitious name, etc ). Applicant will do business under the name **TMC Communications**.

5. National address (including street name and number, post office box, city, state and zip code): The Applicant's address is as follows: **TMC Communications, 125 E. De La Guerra, Suite 201, Santa Barbara, California 93101, Telephone: (805) 965-8620.**

6. Florida address (including street name and number, post office box, city, state and zip code): Applicant does not currently operate an office in Florida.

7. Structure of organization:

- |  |   |
|--|---|
| <input type="checkbox"/> Individual          | <input checked="" type="checkbox"/> Corporation |
| <input 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: Applicant is not an individual or partnership. Therefore, this questions does not apply to applicant.

- a. Provide proof of compliance with the foreign limited partnership statute (Chapter 620.169 FS), if applicable: **Not applicable because Applicant is not an individual or partnership**
- 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: Not applicable because Applicant is not an individual or partnership.
- (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, given reason why not: Not applicable because Applicant is not an individual or partnership.

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: F97000006684.

See Exhibit A (Copy of Registration as Foreign Corporation).

- 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: G98042900063

- 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:

Regina M. DeAngelis  
Attorney  
Goodin, MacBride, Squeri, Schlotz & Ritchie, LLP  
505 Sansome Street, Suite 900  
San Francisco, California 94111  
Tel: (415) 392-7900

b. Official Point of Contact for the ongoing operations of the company;

Ms. Andrea Marcinko  
TMC Communications  
125 E. De La Guerra  
Suite 201  
Santa Barbara, California 93101  
Tel: (805) 965-8620  
Fax: (805) 965-8622

c. Tariff:

Ms. Andrea Marcinko  
TMC Communications  
125 E. De La Guerra  
Suite 201  
Santa Barbara, California 93101  
Tel: (805) 965-8620  
Fax: (805) 965-8622

d. Complaints/Inquiries from customers.

Ms. Andrea Marcinko  
TMC Communications  
125 E. De La Guerra  
Suite 201  
Santa Barbara, California 93101  
Tel: (805) 965-8620  
Fax: (805) 965-8622

11. List the states in which the applicant:

- a. Has operated as an interexchange carrier: Applicant is operating as an interexchange carrier in California and Texas.
- b. Has applications pending to be certificated as an interexchange carrier: Applicant has applications pending to be certificated as an interexchange carrier in Maryland.
- c. Is certificated to operate as an interexchange carrier: Applicant is certificated to operate as an interexchange carrier in California and Texas.
- d. Has been denied authority to operate as an interexchange carrier and the circumstances involved: Applicant has never been denied authority to operate as an interexchange carrier.
- e. Has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved: Applicant has never been assessed regulatory penalties for violations of telecommunications statutes.
- f. Has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved: Applicant has never been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity.

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

- Facilities
- Billing and Collection
- Maintenance
- Operators
- Sales
- Other: \_\_\_\_\_

13. Do you have a marketing program?

Yes.

14. Will your marketing program:

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

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

The agents that market TMC's services are called independent marketing agents. These agents will be compensated by TMC based on the amount of paid long-distance usage by the customers who the agents sign up on to TMC's services. TMC does not offer any type of training bonuses or recruitment bonuses.

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

- Residential customers
- Business customers
- PATS providers
- PATS station end-users
- Hotels and motels
- Hotel and motel guests
- Universities
- University dormitory residents
- Other: \_\_\_\_\_

17. Please provide the following (if applicable):

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

Yes



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

Telco Communications Group  
4219 Lafayette Center Drive  
Chantilly, Virginia 20151-1209

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

- a. Financial capability.

Regarding the showing of financial capability, the following applies:

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

- (1) the balance sheet;
- (2) income statement;
- (3) statement of retained earnings.

Applicant has only been in operation since June 1997. Therefore, it does not have financial statements for the past 3 years. Attached hereto as Exhibit B, however, please find a copy of its financials to date. In response to (3), Applicant indicates that it expects its retained earnings to be \$50,000.

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

- (4) Please provide documentation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.

See Exhibit B.

- (5) Please provide documentation that the applicant has sufficient financial capability to maintain the requested service.

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2).

See Exhibit B.

- (6) Please provide documentation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

See Exhibit B.

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

If available, the financial statements should be audited financial statements.

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

See Exhibit C.

b. Managerial capability.

As a reseller, Applicant's interLATA and intraLATA service will be provided through the resale of inbound and outbound services purchased by Applicant in bulk from one or more authorized carriers. Applicant's proposed operations will be directed by the following team:

John Marsch, CEO In 1982, John Marsch formed his first telecommunications company, TMC of California, one of the first long distance resellers in California. By the end of the decade, TMC Cal had more than 180 employees and was the largest reseller in California. In January 1990, Marsch sold TMC Cal. After the sale of TMC Cal, Marsch was precluded from direct participation in the telecom industry for several years by the terms of a non-compete agreement. During that time, he participated in the organization and financing of several successful real estate ventures in California and did other consulting work with entrepreneurial ventures. In 1996, Marsch wrote the business plan and developed the financing and financial infrastructure for STAR Telecommunications, a start-up international wholesale reseller. He went on to serve as Chief Operating Officer, Chief Financial Officer and Executive V.P. of International Development. Marsch also invested in and serves as a

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Required by Commission Rule Nos. 25-24-471, 25-24-473, and 25-24-480(2)

Director of LCR Telecommunications, PLC one of the largest telecommunications resellers in the U.K. LCR markets services to small and medium sized businesses throughout the U.K.

**Denise Moritz, Director of Operations** (41) B.S. Economics, Cal Poly State University. Ms. Moritz began her telecommunications career in 1984 as an administrator for TMC Cal. She was promoted through several positions in Operations and Customer Service and became Director of Operations, Southern Region. After the sale of TMC Cal., Ms. Moritz began working with TMC and continued her service in key administrative jobs including order fulfillment, customer service and billing.

**Danny L. Ruffin, Sales and Marketing** (50) B.S. Marketing, Fresno State University. Mr. Ruffin also began his telecommunications career with TMC Cal in 1984 as a Sales Executive. He progressed rapidly through several sales management and training assignments. After the company sale in 1990, he continued in key sales management with TMC. Most recently, Mr. Ruffin built a successful discount long distance service agency with Frontier Communications.

Applicant believes that the foregoing demonstrates that Applicant's operations are well-planned and that Applicant is fully capable of establishing successful operations in Florida and bringing new and efficiently priced telecommunications options to the marketplace. Accordingly, Applicant submits that it has shown its managerial ability to successfully carry out the proposed service.

c. Technical capability.

Based on the response to (b) above, Applicant submits that it has the technical capacity to provide the proposed service.

19. Please submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24-485 (example enclosed). A copy of the Applicant's proposed tariff is included herein as **Exhibit D**

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

- MTS with distance sensitive per minute rates**
- Method of access is FGA
- Method of access is FGB
- Method of access is FGD
- Method of access is 800
  
- MTS with route specific rates per minute**

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- 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

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

The Applicant checked two of the above services: MTS and Travel Services. To place an MTS call, customers simply directly dial with 1+ access. For the travel services, a customer must first access the Applicant's network by dialing (800) 300-0330, and then the customer dials the termination telephone number

22.  Other: None.

**APPLICANT ACKNOWLEDGEMENT STATEMENT**

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

Further, I am aware that pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 and s.775.083".

**UTILITY OFFICIAL:**

*John D. March*  
Signature  
John D. March  
C.E.O.  
Title

4/20/98  
Date

805 963 5620  
Telephone No

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

**CERTIFICATE TRANSFER STATEMENT**

I, (TYPE NAME) N/A.

(TITLE) N/A, of (NAME OF COMPANY)

N/A, and current

holder of certificate number N/A, have reviewed

this application and join in the petitioner's request for a

transfer of the above mention certificate

**UTILITY OFFICIAL:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

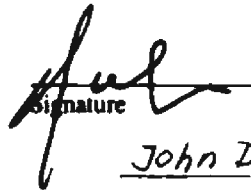
\_\_\_\_\_  
Telephone No

**\*\* APPENDIX B \*\***

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. (Bond must accompany application.)**

UTILITY OFFICIAL:

  
Signature

7/20/98  
Date

John D. Marseh

C E O  
Title

805-965-8620  
Telephone No.

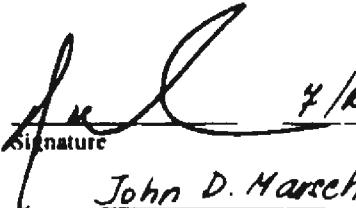




28. **CURRENT FLORIDA INTRASTATE SERVICES:**  
Applicant has ( ) or has not (X) previously provided intrastate telecommunications in Florida. If the answer is has, fully describe the following:

- a) What services have been provided and when did these services begin?
  
  
- b) If the services are not currently offered, when were they discontinued?

UTILITY OFFICIAL:

  
Signature \_\_\_\_\_ Date 4/20/98  
John D. Marsch  
C. E. O. \_\_\_\_\_  
Title Telephone No. 805-961-8620

**\*\* APPENDIX D \*\***

**Note:** Applicant intends to offer its reword services on a statewide basis.

**FLORIDA TELEPHONE EXCHANGES**

**AND**

**EAS ROUTES**

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

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

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

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

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2).

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

**DAYTONA BEACH:**

New Smyrna Beach

**TAMPA:**

Central None  
East Plant City  
North Zephyrhills  
South Palmetto  
West Clearwater

**CLEARWATER**

St. Petersburg, Tampa-West and  
Tarpon Springs.

**ST. PETERSBURG:**

Clearwater

**LAKELAND:**

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

**ORLANDO:**

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

**TITUSVILLE:**

Cocoa and Cocoa Beach.

**COCOA:**

Cocoa Beach, Eau Gallie,  
Melbourne and Titusville.

**MELBOURNE:**

Cocoa, Cocoa Beach, Eau Gallie  
and Sebastian

**SARASOTA:**

Bradenton, Myakka and Venice.

**FT. MYERS:**

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

**NAPLES:**

Marco Island and North Naples.

**WEST PALM BEACH:**

Boynton Beach and Jupiter

**POMPANO BEACH:**

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

**FT. LAUDERDALE:**

Coral Springs, Deerfield Beach,  
Hollywood and Pompano Beach

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Required by Commission Rule Nos. 25-24 471, 25-24 473, and 25-24 480(2)

**HOLLYWOOD:**

**Ft. Lauderdale and North Dade**

**NORTH DADE:**

**Hollywood, Miami and Perrine.**

**MIAMI:**

**Homestead, North Dade and Perrine**

**\*\* APPENDIX E \*\***

**\*\* GLOSSARY \*\***

**ACCESS CODE:** The term denotes a uniform four or seven digit code assigned to an individual IXC. The five digit code had the form 10XXX and the seven digit code has the form 950-XXXX

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

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

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

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

**COMMISSION:** The Florida Public Service Commission

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

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

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

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

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

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

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

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FORM PSC/CMU 31 (11/95)

Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2).

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

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

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

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

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

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



**ATTACHMENTS:**

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

2585-002  
P/9803 1 1

**FORM PSC/CMU 31 (11/95)**

**Required by Commission Rule Nos. 25-24.471, 25-24.473, and 25-24.480(2).**





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

December 17, 1997

**TMC COMMUNICATIONS**  
**ATTN; ANDREA MARCINKO**  
**125 E. DE LA GUERRA, STE 203**  
**SANTA BARBARA, CA 93101**

Qualification documents for TRI-M COMMUNICATIONS, INC. were filed on December 15, 1997 and assigned document number F97000006684. Please refer to this number whenever corresponding with this office.

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

The certification you requested is enclosed.

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

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

Should you have any questions regarding this matter, please telephone (850) 487-6091, the Foreign Qualification/Tax Lien Section.

Michael Mays  
Document Specialist  
Division of Corporations

Letter Number: 597A00059339

# State of Florida



## Department of State

I certify the attached is a true and correct copy of the application by TRI-M COMMUNICATIONS, INC., a California corporation, authorized to transact business within the State of Florida on December 15, 1997 as shown by the records of this office.

The document number of this corporation is F97000006684.

Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capitol, this the  
Seventeenth day of December, 1997



CR2EO22 (2-95)

Handwritten signature of Sandra B. Northam in cursive.

Sandra B. Northam  
Secretary of State

**APPLICATION BY FOREIGN CORPORATION FOR AUTHORIZATION TO  
TRANSACTION BUSINESS IN FLORIDA**

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

Tri-M Communications, Inc.

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

2. California 3. 77-0458166  
(State or country under the law of which it is incorporated) (FE number, if applicable)

4. May 30, 1997 5. Perpetual  
(Date of incorporation) (Duration: Year corp. will cease to exist or "perpetual")

6. Will begin business upon approval of application.  
(Date first transacted business in Florida. (See sections 607.1501, 607.1502, and 617.155, F.S.))

7. 125 E. De La Guerra, Suite 203

Santa Barbara, California 93101  
(Current mailing address)

8. Resale of long distance telecommunications services; retail; public utility.  
(Purpose(s) of corporation authorized in home state or country to be carried out in the state of Florida)

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SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
97 DEC 15 PM 2:11

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

Name: Corporation Service Company

Office Address: 1201 Hays Street

Tallahassee, Florida, 32301  
(Zip Code)

**10. Registered agent's acceptance:**

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

By: *Manfred, aut. secretary*  
(Registered agent's signature)

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

12. Names and addresses of officers and/or directors: (Street address ONLY- P.O. Box NOT acceptable)

A. DIRECTORS (Street address only- P.O. Box NOT acceptable)

Chairman: See attached officers/directors rider

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

Vice Chairman: \_\_\_\_\_

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

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

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

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

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

B. OFFICERS (Street address only- P.O. Box NOT acceptable)

President: See attached officers/directors rider

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

Vice President: \_\_\_\_\_

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

Secretary: \_\_\_\_\_

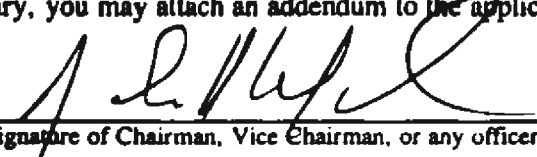
Address: \_\_\_\_\_  
\_\_\_\_\_

Treasurer: \_\_\_\_\_

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

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

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

14. John D. Marsch, Chairman of the Board, C.E.O. & President  
(Typed or printed name and capacity of person signing application)

**Officers & Directors Informations.**

**John D. Marsch:** *Director:* Director & Chairman of the Board  
*Officer:* Chief Executive Officer & President

*Business & Mailing Address:* 125 E. De La Guerra, Suite 203  
Santa Barbara, CA 93101

*Residence Address:* 4100 Seaview Drive, #30  
Santa Barbara, CA 93108

*S. S. #:* 299-46-5278

**Denise D. Moritz:** *Director:* Director & Secretary / Treasurer  
*Officer:* Chief Operations Officer & Vice President

*Business & Mailing Address:* 125 E. De La Guerra, Suite 203  
Santa Barbara, CA 93101

*Residence Address:* 7137 Marmota Street  
Ventura, CA 93003

*S. S. #:* 560-98-2241

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SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
97 DEC 15 PM 2:11

**John M. Gibbons:** *Director:* Member of the Board

*Business & Mailing Address:* SPORTS CLUB  
11100 Santa Monica Blvd., Suite 300  
Los Angeles, CA 90025

*Residence Address:* 606 Alston Road  
Santa Barbara, CA 93108

*S. S. #:* 280-42-7038

**Shareholders: John D. Marsch, John M. Gibbons**

State of California

COPY

SECRETARY OF STATE

CERTIFICATE OF STATUS  
DOMESTIC CORPORATION

I, *BILL JONES*, Secretary of State of the State of California, hereby certify

That on the 30th day of May, 19 97

TRI-M COMMUNICATIONS, INC.

became incorporated under the laws of the State of California by filing its Articles of Incorporation in this office; and

That no record exists in this office of a certificate of dissolution of said corporation, nor of a court order declaring dissolution thereof, nor of a merger or consolidation which terminated its existence; and

That said corporation's corporate powers, rights and privileges are not suspended on the records of this office; and

That according to the records of this office, the said corporation is authorized to exercise all its corporate powers, rights and privileges and is in good legal standing in the State of California; and

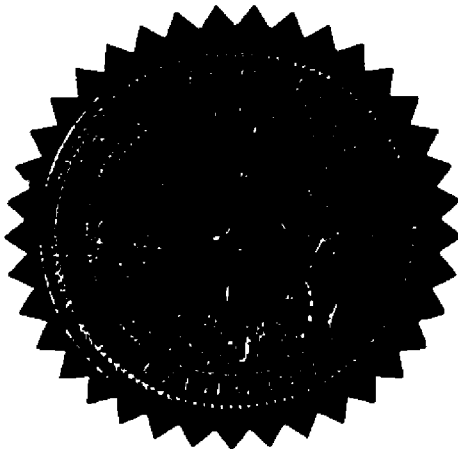
That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

November 26, 1997

*Bill Jones*

Secretary of State



FILED  
SECRETARY OF STATE  
DIVISION OF CORPORATIONS  
97 DEC 15 PM 2:11



# State of Florida



## Department of State

I certify that the attached is a true and correct copy of the Application For Registration of Fictitious Name of TMC COMMUNICATIONS, registered with the Department of State on February 11, 1998, as shown by the records of this office.

The Registration Number of this Fictitious Name is G98042900063.

Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Eleventh day of February, 1998



CR2EO22 (2-96)

Handwritten signature of Sandra B. Northam in cursive.

Sandra B. Northam  
Secretary of State

# APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

MP

TMC Communications

Fictitious Name to be Registered  
TMC Communications

125 E. De La Guerra, Suite 203

Mailing Address of Business  
Santa Barbara, California 93101

City State Zip Code

3. Florida County of principal place of business:  
City of Tallahassee; County of Highlands

4. FEI Number: 77-0458166

DEPT  
DIVISION OF CORPORATIONS  
TALLAHASSEE, FLORIDA  
91-19-98 0004 087 1980017

698042900069  
-01/13/98--80004--027  
\*\*\*80.00  
This space for office use only

### A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. Last First MI	2. Last First MI
Address	Address
City State Zip Code	City State Zip Code
SS#	SS#

### B. Owner(s) of Fictitious Name If other than an Individual: (Use attachment if necessary):

Tri-M Communications, Inc.

1. Entity Name 125 E. De La Guerra, Suite 203 Address Santa Barbara, California 93101 City State Zip Code Florida Registration Number P97000006684 FEI Number: 77-0458166 <input checked="" type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable	2. Entity Name Address City State Zip Code Florida Registration Number FEI Number: <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable
--	--

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) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 60, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

Jan. 5, 1998

Signature of Owner: John D. Maisch, C.E.O. & President Date: Phone Number: (805) 965-8620

### FOR CANCELLATION COMPLETE SECTION 4 ONLY: FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:

I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_ which was registered on \_\_\_\_\_ and was assigned registration number \_\_\_\_\_

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
FILING FEE: \$50  
Note: Acknowledgements/certificates will be sent to the address in Section 1 only. CR4E-001 (5/96)



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

February 11, 1998

**TMC COMMUNICATIONS**  
**125 E. DE LA GUERRA, SUITE 203**  
**SANTA BARBARA, CA 93101**

**Subject: TMC COMMUNICATIONS**

**REGISTRATION NUMBER: G98042900063**

This will acknowledge the filing of the above fictitious name registration which was registered on February 11, 1998. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between July 1 and December 31 of the expiration year to maintain registration. Three months prior to the expiration date a statement of renewal will be mailed.

**IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES. Whenever corresponding please provide assigned Registration Number.**

Enclosed is your certificate(s) as requested.

Should you have any questions regarding this matter you may contact our office at (850) 488-9000.

/jft  
Division of Corporations

Letter No. 198A00007935



**TMC Communications**  
**Balance Sheet**  
**As of March 31, 1998**

04/20/98

	<u>Mar 31, '98</u>
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1000 - Bank Accounts	31,431.00
<b>Total Checking/Savings</b>	<u>31,431.00</u>
<b>Accounts Receivable</b>	
1200 - Accounts Receivable	183,573.91
1208 - Accrued Charges Receivable	60,000.00
<b>Total Accounts Receivable</b>	<u>253,973.91</u>
<b>Other Current Assets</b>	
1300 - Bad Debt Reserve	-1,780.13
1400 - Pre-paid Expenses	1,345.00
1408 - Return Checks	774.78
1600 - Notes Receivable	12,000.00
<b>Total Other Current Assets</b>	<u>12,339.65</u>
<b>Total Current Assets</b>	<u>297,344.54</u>
<b>Fixed Assets</b>	
1900 - Fixed Assets	358,741.40
<b>Total Fixed Assets</b>	<u>358,741.40</u>
<b>TOTAL ASSETS</b>	<u><u>656,085.94</u></u>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Accounts Payable</b>	
2001 - Accounts Payable	200,665.51
2004 - Accrd Trans. Fee Payable	22,000.00
2005 - Accrd Commission Payable	9,000.00
<b>Total Accounts Payable</b>	<u>231,665.51</u>
<b>Other Current Liabilities</b>	
2000 - John Marsch - Line of Credit	550,000.00
2200 - Sales Tax Payable	22,980.50
<b>Total Other Current Liabilities</b>	<u>572,980.50</u>
<b>Total Current Liabilities</b>	<u>804,646.01</u>
<b>Total Liabilities</b>	<u>804,646.01</u>
<b>Equity</b>	
3800 - Capital Stock	661,672.11
3900 - Retained Earnings	-450,252.38
Net Income	-358,979.80
<b>Total Equity</b>	<u>-148,560.07</u>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<u><u>656,085.94</u></u>

04/20/98

**TMC Communications**  
**Profit and Loss**  
January through March 1998

	<u>Jan - Mar '98</u>
<b>Income</b>	
4000 · Revenue	294,132.82
<b>Total Income</b>	<u>294,132.82</u>
<b>Cost of Goods Sold</b>	
5000 · COGS	265,277.49
<b>Total COGS</b>	<u>265,277.49</u>
<b>Gross Profit</b>	28,855.43
<b>Expenses</b>	
6000 · Salaries and Benefits	187,882.14
7000 · Sales & Marketing	49,877.18
8000 · General & Administrative	137,990.90
9100 · Aviation	25,994.49
9200 · Interest Expense	14,690.54
9500 · Taxes	1,600.00
<b>Total Expenses</b>	<u>388,835.23</u>
<b>Net Income</b>	<u><u>-389,979.80</u></u>



**VERIFICATION OF FINANCIAL STATEMENT**

I hereby certify that the applicant does not have an audited financial statement. I further certify that the statements in the foregoing income statement and balance sheet submitted by New Concept Communications, L.L.C. in connection with its certification are true, complete, and correct to the best of my knowledge and are made in good faith.

I declare under penalty of perjury that the foregoing is true and correct

Executed this 20th day of July, 1998 at Santa Barbara California

TMC COMMUNICATIONS  
124 E. De La Guerra, Suite 201  
Santa Barbara, California 93101

By \_\_\_\_\_

  
Mr. John D. Marsch  
Chief Executive Officer

By \_\_\_\_\_

  
Mr. Ron Ireland  
Financial Controller





Tariff Schedule  
Applicable to  
Florida Intrastate  
Telephone Communications  
of  
**TRI-M COMMUNICATIONS, INC.**  
**dba**  
**TMC COMMUNICATIONS**

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Tri-M Communications, Inc., dba TMC Communications with principal offices at 125 E. De La Guerra, Suite 201, Santa Barbara, CA 93101. This tariff is on file with the Florida Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

Date Issued:

Issued by:  
John D. Marsch, CEO  
125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

**TARIFF CHECKING SHEET**

Current sheets in this tariff are as follows:

<u>Sheet</u>	<u>Revision</u>
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original

Date Issued

Issued by  
John D. Marsch, CEO  
125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

TABLE OF CONTENTS

<u>Subject Matter</u>	<u>Sheet No.</u>
Title Sheet	1
Tariff Checking Sheet	2
Table of Contents	3
Preliminary Statement	4
Explanation of Symbols	4
Tariff Format Sheets	5
Service Area Map	6
Section 1 - Technical Terms and Abbreviations	7
Section 2 - Rules and Regulations	9
Section 3 - Description of Service	12
Section 4 - Rates	15

Date Issued

Issued by  
John D. Marsch, CEO  
125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

**PRELIMINARY STATEMENT**

This tariff contains all effective rates and rules together with information relating to an applicable to Tri-M Communications, Inc., dba TMC Communications (the "Company").

The Company provides 24-hour interLATA and intraLATA intrastate telephone service between points in Florida

The Company has been granted authority by the Florida Public Service Commission ("FPSC") to provide interLATA and intraLATA intrastate service within the State of Florida.

**SYMBOLS USED IN THIS TARIFF**

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

Date Issued

Issued by  
John D. Marsch, CEO  
125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

## TARIFF FORMAT SHEETS

## A Sheet Numbering

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

## B Sheet Revision Numbers

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

## C Paragraph Numbering Sequence

There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level.

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

## D Check Sheets

When a tariff filing is made with the FPSC, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an (\*). 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 levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the FPSC.

Date Issued:

Issued by:  
John D. Marsch, CEO  
125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

**SERVICE AREA MAP**

The Company has been granted authority by the FPSC to provide interLATA and intraLATA service within the State of Florida.



Date Issued

Issued by  
John D. Marsch, CEO  
125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

**SECTION 1. TECHNICAL TERMS AND ABBREVIATIONS****A Definitions**

1. **Accounting Code** A multi-digit code which enables a customer to allocate long distance charges to its internal accounts
2. **Authorization Code:** A multi-digit code which enables a customer to access The Company's network and enables The Company to identify the customer's use for proper billing
3. **Business Hours:** The phrase "business hours" means the time after 8:00 A.M. and before 5:00 P.M., Monday through Friday excluding holidays
4. **Carrier:** The term "Carrier" means TMC Communications
5. **Company** The term "Company" means TMC Communications
6. **Customer:** See definition under "subscriber".
7. **Day:** The term "day" means 8:00 A.M. to 4:59 P.M. local time at the originating city, Monday through Friday, excluding Company-specific holidays
8. **Delinquent or Delinquency** The terms "delinquent" and "delinquency" mean an account for which payment has not been paid in full on or before the last day for timely payment.
9. **Evening:** The term "evening" means 5:00 P.M. to 10:59 P.M. local time at the originating city, Monday through Friday and on Company-specified holidays except when a lower rate would normally apply
10. **Exchange Area** The term "exchange area" means a geographically defined area wherein the telephone industry through the use of maps or legal descriptions sets down specified areas where individual telephone exchange companies hold themselves out to provide communication services
11. **Holiday:** The term "holiday" means all Company-specific holidays. New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, and Christmas Day



**SECTION 1 TECHNICAL TERMS AND ABBREVIATIONS (Cont'd)****A. Definitions (Cont'd)**

12. **Local Access Transport Area ("LATA"):** The phrase "Local Access Transport Area" means a geographical area established by the U.S. District Court for the District of Columbia in Civil Action No. 17-49, within which a local exchange company provides communication services.
13. **Local Exchange Carrier/Local Exchange:** This term means a company providing telecommunications service within a local exchange or LATA.
14. **TMC:** The abbreviation "TMC" means TMC Communications.
15. **Night/Weekend:** The words "night/weekend" mean 11:00 P.M. to 7:59 A.M. local time in the originating city, Saturday, from 8:00 A.M. to Sunday at 10:59 P.M.
16. **Nonbusiness Hours:** The phrase "nonbusiness hours" means the time period after 5:00 P.M. and before 8:00 A.M., Monday through Friday, all day Saturday, Sunday, and on holidays.
17. **Regular Billing:** The words "regular billing" mean a standard bill sent in the normal The Company billing cycle. This billing consists of one bill for each account assigned to a subscriber.
18. **Residential Service:** The phrase "residential service" means telecommunication services used primarily as nonbusiness service.
19. **Subscriber:** The term "subscriber" means the firm, company, corporation, or other entity which contracts for service under this tariff and which is responsible for the payment of charges as well as compliance with Company's regulations pursuant to this tariff. The term "customer" is synonymous with the term "subscriber."
20. **Switch:** The term "switch" means an electronic device which is used to provide circuit routing and control.
21. **Timely Payment:** The term "timely payment" means a payment on a customer's account made on or before the due date.

Date Issued

Issued by  
John D. Marsch, CEO  
125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

**SECTION 2 - RULES AND REGULATIONS****2.1 Undertaking of the Company**

Tri-M Communications, Inc., dba TMC Communications (the "Company") services and facilities are furnished for communications originating at specified points within the State of Florida under terms of this tariff.

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

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

**2.2 Limitations**

- 2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.
- 2.2.2 The Company reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control or when the customers using service in violation of the law or the provisions of this tariff
- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the customer may not transfer or assign the use of service or facilities, except with the express written consent of TMC Communications. 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 tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service

Date Issued:

Issued by:  
John D. Marsch, CEO  
125 F. De La Guerra, Suite 201  
Santa Barbara, CA 93101

Effective

**SECTION 2 RULES AND REGULATIONS (Cont'd)****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 of the transmission occur.

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

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

**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 of the customer, or to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in 2.3.1 herein. It shall be the obligation of the customer to notify the Company immediately of any interruption of service for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within his/her control, if any, furnished by the customer and connected to the Company's facilities.

**2.4.2** For purposes of credit computation, every month shall be considered to have 720 hours.

**2.4.3** No credit shall be allowed for an interruption of a continuous duration of less than two hours.

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125 E. De La Guerra, Suite 201  
Santa Barbara, CA 93101

**SECTION 2 - RULES AND REGULATIONS (Cont'd)****2.4 Interruption of Service (Cont'd)**

2.4.4 The customer shall be credited for an interruption of two hours or more at the rate of 1/720th of the monthly charge for the facilities affected for each hour or major fraction thereof that the interruption continues.

Credit Formula:

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

"A" - outage time in hours

"B" - total monthly charge for affected facility

**2.5 Deposits**

The Company does not require a deposit from the customer

**2.6 Advance Payments**

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

**2.7 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.

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**SECTION 3. DESCRIPTION OF SERVICE****3.1 Timing of Calls****3.1.1 When Billing Charges Begin and Terminate for Phone Calls**

The customer's long distance usage charge is based on the actual usage of 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 pick up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

**3.1.2 Billing Increments**

Unless otherwise specified in this tariff, the minimum call duration for billing purposes is one (1) minute for a connected call. Calls beyond one (1) minute are billed in one (1) minute increments.

**3.1.3 Per Call Billing charges**

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

**3.1.4 Uncompleted Calls**

There shall be no charges for uncompleted calls.

**3.2 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 within thirty (30) days after the customer has received the bill containing the disputed charges. Adjustments to customer's 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.

SECTION 3 - DESCRIPTION OF SERVICE (Cont'd)3.3 Payment of Calls3.3.1 Late Payment Charges

Interest charges of 1 1/2% per month may be assessed on all unpaid balances more than thirty days old.

3.3.2 Return Check Charges

A return check charge of \$20.00 or 5% of the amount of the check, whichever is greater, will be assessed for checks returned for insufficient funds.

3.3.4 Restoration of Service

A reconnection fee of \$25.00 per occurrence is charged when service is re-established for customers who had been disconnected for non-payment.

3.4 Minimum Call Completion Rate

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

3.5 Calculation of Distance

The airline mileage between two cities can be calculated using the Vertical (V) and the Horizontal (H) coordinates of the serving wire centers associated with the Company's POP locations. The method for calculating the airline mileage is obtained by reference to AT&T's Tariff F.C.C. No. 10 in accordance with the following formula:

$$\text{the square root of: } \frac{(V1-V2)^2 + (H1-H2)^2}{10}$$

where V1 and H1 correspond to the V&H coordinates of City 1 and V2 and H2 correspond to the V&H coordinates of City 2.

Example	V	H
City 1	5004	1406
City 2	5987	3424

$$\text{the square root of } \frac{(5004-5987)^2 + (1406-3424)^2}{10}$$

The result is 709.83 miles. Any fractional miles are rounded to the next higher whole number; therefore, the airline mileage for this example is 710 miles.

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SECTION 3 DESCRIPTION OF SERVICE (Cont'd)

3.5 Service Offerings

3.5.1 R-1

R-1 is a switched access intrastate telecommunications service designed for residential customers. Holiday discounts do not apply.

3.5.2 R-2

R-2 is a dedicated access intrastate telecommunications service designed for residential customers. Holiday discounts do not apply.

3.5.3 B-1

B-1 is a switched access intrastate telecommunications service designed for business customers. Holiday discounts do not apply.

3.5.4 B-2

B-2 is a dedicated access intrastate telecommunications service designed for business customers. Holiday discounts do not apply.

3.5.5 Travel Card

The Company's Travel Card is a intrastate telecommunications service designed for business and residential customers. Customers access Travel Card services via an 800 number.

**SECTION 4 - RATES****4.1 R-1**

Activation Fee: \$0.00

Monthly Access Fee: \$0.00

Usage Rate (per minute): \$0.195

Calls are billed in six (6) second increments with a six (6) second minimum

**4.2 R-2**

Activation Fee: \$0.00

Monthly Access Fee: \$0.00

Usage Rate (per minute): \$0.113

Calls are billed in six (6) second increments with a six (6) second minimum

**4.3 B-1**

Activation Fee: \$0.00

Monthly Access Fee: \$0.00

Usage Rate (per minute): \$0.195

Calls are billed in six (6) second increments with a six (6) second minimum

**4.4 B-2**

Activation Fee: \$0.00

Monthly Access Fee: \$0.00

Usage Rate (per minute): \$0.113

Calls are billed in six (6) second increments with a six (6) second minimum

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SECTION 4 - RATES (Cont'd)4.5 Travel Card

Activation Fee:	\$0.00
Monthly Access Fee:	\$0.00
Usage Rate (per minute):	\$0.199

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

4.6 Discounts for Hearing Impaired Customers

Intrastate toll message rates for TDD users, which is communicated using a telecommunications device for the deaf (TDD) by properly certified business establishments or individuals equipped with TDDs for communications with hearing or speech impaired persons, shall be evening rates for daytime calls and night rates for evening and night calls

4.7 Directory assistance Charges for Handicapped Persons

Pursuant to the FPSC rules and regulations the Company will not charge for the first fifty (50) directory assistance calls made each month by a handicapped person

4.8 Operation of Telecommunication Relay Service

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

4.9 Promotions

Any promotions that the Company may offer will be approved by the Florida Public Service Commission. Customers may not receive the reduced rates offered through a promotional for a period exceeding 90 days per any 12 month period

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Regina M. DeAngelis

July 21, 1998

DEPOSIT DATE  
D 815 - JUL 22 1998

**VIA FEDERAL EXPRESS**

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

98 JUL 22 AM 10:13  
MAIL ROOM  
RECEIVED  
SERVICES DIVISION

**Re: Application Form for TRI-M Communications, Inc.**

Dear Madam or Sir:

Enclosed please find:

1. An original and seven (7) copies of the above-referenced document; and
2. A check in the amount of \$250.00 for the filing fee.

Please file-stamp the extra copy and return it in the self-addressed stamped envelope which has been provided. Should you have any questions with respect to this filing, please telephone me at (415) 392-7900.

GOODIN, MacBRIDE, SQUERI  
SCHOLTZ & RITCHIE, LLP  
GENERAL ACCOUNT  
505 SANSOME ST. 415-392-7900  
SAN FRANCISCO, CA 94111

COMERICA BANK-CALIFORNIA  
SAN JOSE, CA 95113  
90-3782/1211

11377

CHECK DATE	CHECK NUMBER	AMOUNT
07/21/98	011377	\$*****250.00

PAY Two Hundred Fifty and 00/100

Florida Public Service Commission

TWO SIGNATURES REQUIRED OVER \$1000.00

*Regina M. DeAngelis*  
\_\_\_\_\_  
AUTHORIZED SIGNATURE

TO THE  
ORDER  
(1)