

The Helein Law Group, P.C.

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Technology
Corporate & Finance
Trademarks
Proprietary Rights
Complex Litigation
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June 29, 2000

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

000791-TI

Re: ServiSense.com, Inc.'s Application for Authority to Provide Resold
Interexchange Telecommunications within the State of Florida

Ladies and Gentlemen:

ServiSense.com, Inc. herewith submits the enclosed original and five (5) copies of its Application for Authority to Provide Resold Interexchange Telecommunications within the State of Florida. An additional copy is enclosed; please date-stamp the extra copy and return it to the undersigned in the enclosed self-addressed postage-paid envelope. Also enclosed is the filing fee of \$250.00 made payable to the Florida Public Service Commission.

ServiSense.com, Inc. requests that the financial information filed as part of this Application in Appendix D be treated as confidential information. These exhibits are included in the sealed envelope marked "Proprietary and Confidential."

Should there be any questions or should additional information be required, please contact the undersigned.

Respectfully Submitted,



Paul A. Dean

Enclosures

This claim of confidentiality was filed by or on behalf of a "telco" for Confidential DN 07998-00. The document is in locked storage pending advice on handling. To access the material, your name must be on the CASR. If undocketed, your division director must obtain written EXD/Tech permission before you can access it.

CHECK received with filing and forwarded to Fiscal for deposit. Fiscal to forward a copy of check to RAR with proof of deposit.

Initials of person who forwarded check:


DOCUMENT NUMBER-DATE

07997 JUN 30 8

FPSC-RECORDS/REPORTING

APPLICATION

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

Original certificate (new company).

000791-TI

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.

Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.

Approval of transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

ServiSense.com, Inc.

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

N/A

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

180 Wells Avenue

Suite 450

Newton, MA 02459-3302

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

Corporation Service Company

1201 Hays Street

Tallahassee, FL 32301

6. Select type of business your company will be conducting (check all the apply):

Facilities-based carrier - company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.

Operator Service Provider - company provides or plans to provide alternative operator services for IXCs; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.

- Reseller** - company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
- Switchless Rebiller** - company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
- Multi-Location Discount Aggregator** - company contracts with unaffiliated entities to obtain bulk/volume discounts under multi-location discount plans from certain underlying carriers, then offers resold service by enrolling unaffiliated customers.
- Prepaid Debit Card Provider** - any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

7. Structure of organization:

- Individual Corporation
- Foreign Corporation Foreign Partnership
- General Partnership Limited Partnership
- Other _____

8. **If individual**, provide:

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

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

N/A

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

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

F00000000860

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

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

N/A

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

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

N/A

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

Name:N/A

Title:_____

Address:_____

City/State/Zip:_____

Telephone No.:_____

Internet E-Mail Address:_____

Internet Website Address:_____

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

(a) **The Florida registration number:** N/A

15. Provide **F.E.I. Number** (if applicable): 04-3357059

16. Provide the following (if applicable):

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

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

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ **Fax No.:** _____

(c) How is this information provided?

The Applicant will bill directly for its services. The Applicant's name and toll free number for customer inquiries will be featured prominently on the bill.

17. Who will receive the bills for your service?

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

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

(a) The application:

Name: Paul Dean

Title: Regulatory Counsel

Address:8180 Greensboro Dr. Ste 700 _____

City/State/Zip:Mclean, VA 22102 _____

Telephone No.:703-714-1300 _____ **Fax No.**703-714-1330 _____

Internet E-Mail Address:pdean@helein.com _____

Internet Website Address:_____

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

Name:Richard Wheeler _____

Title:Regulatory Coordinator _____

Address:180 Wells Ave, Ste 450 _____

City/State/Zip:Newton, MA 02459-3302 _____

Telephone No.:617-848-8000 _____ **Fax No.:**617-848-8100 _____

Internet E-Mail Address:rwheeler@servisense.com _____

Internet Website Address:www.ServiSense.com _____

(c) Complaints/Inquiries from customers:

Name:Customer Care Center _____

Title:_____

Address:180 Wells Avenue, Ste 450 _____

City/State/Zip:Newton, MA 02459-3302 _____

Telephone No.:888-483-3600 _____ **Fax No.**617-848-8100 _____

Internet E-Mail Address:Customercare@ServiSense.com _____

Internet Website Address:www.ServiSense.com _____

19. List the states in which the applicant:

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

Massachusetts

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

Every state in the continental United States except Massachusetts, Pennsylvania, New Jersey, Rhode Island, New Hampshire, Montana, New Mexico, Ohio and Michigan.

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

Massachusetts, Pennsylvania, New Jersey, Rhode Island, New Hampshire and Montana

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

N/A

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

N/A

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

N/A

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

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

N/A

(b) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

N/A

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

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

- Method of access is FGA
- Method of access is FGB
- Method of access is FGD
- Method of access is 800

b. **MTS with 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

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

- Method of access is FGA
- Method of access is FGB
- Method of access is FGD

_____ Method of access is 800

d. _____ MTS for pay telephone service providers

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

f. _____ 800 service (toll free)

g. WATS type service (bulk or volume discount)

_____ Method of access is via dedicated facilities

Method of access is via switched facilities

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

I. _____ Travel Service

_____ Method of access is 950

_____ Method of access is 800

j. _____ 900 service

k. _____ Operator services

_____ Available to presubscribed customers

_____ Available to non presubscribed customer (for example, to patrons
of hotels, students in universities, patients in hospitals).

_____ Available to inmates

l. **Services included are:**

_____ Station assistance

_____ Person-to-person assistance

Directory assistance

_____ Operator verify and interrupt

_____ Conference calling

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

23. Submit the following:

A. Financial capability.

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

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

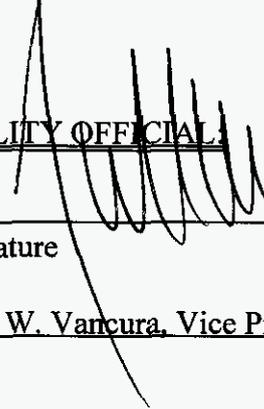
1. the balance sheet;
2. income statement; and
3. statement of retained earnings.

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.*

NOTE: *See Appendix D*

****APPLICANT ACKNOWLEDGMENT STATEMENT****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

<u>UTILITY OFFICIAL</u> 	
_____ Signature	<u>5/31/00</u> Date
<u>John W. Vancura, Vice President, Finance</u> Title	<u>(617)-848-8100</u> Telephone No.
<u>Address: 180 Wells Avenue,</u> <u>Ste 450</u>	<u>(617)-848-8100</u> Fax No.
<u>Newton, MA 02459-3302</u>	

ATTACHMENTS:

- A-CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT
- B-INTRASTATE NETWORK
- C-AFFIDAVIT

N/A

****APPENDIX B****

INTRASTATE NETWORK (if available)

Chapter 25-24.825 (5), Florida Administrative Code, requires the company to make available to staff the alternative local exchange service areas only upon request.

1. **POP:** Addresses where located, and indicate if owned or leased.

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

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

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.

<u>POP-to-POP</u>	<u>OWNERSHIP</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

AFFIDAVIT

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

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with 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:

Signature

John W. Vancura, Vice President, Finance

Title

Address: 180 Wells Avenue

Suite 450

Newton, MA 02245-3302

Date

(617)-848-8000

Telephone No.

(617)-848-8100

**FINANCIAL STATEMENTS FOR MOST RECENT TWELVE-MONTH PERIOD
CERTIFIED BY AN OFFICER OF COMPANY**

Attached are Applicant's Balance Sheet and Income Statement (unaudited). Applicant does not have an auditors' report and in lieu of audited statements submits the certification of the applicant's Vice President, Finance, as to the accuracy of the financial statements of the applicant. These financial statements are proprietary and confidential.

ServiSense revenues will be derived from recurring payments for telecommunications services. ServiSense is dedicated to superb customer service that will retain a dedicated customer base. Additionally, ServiSense plans to pursue a large-scale customer acquisition strategy to include: 1) partnering with a national consumer services firm; 2) expanding web-based interactive advertising programs, banner ads, and strategic marketing relationships with online partners; 3) acquiring other consumer services firms (e.g., small ISPs and telecom resellers); 4) initiating a nationwide marketing campaign; and 5) providing a consumer/small business solution to commercial/industrial focused ESPs and CLECs.

SERVISENSE.COM, INC.

**F.P.S.C. NO. 1
ORIGINAL SHEET NO. 1**

TELECOMMUNICATIONS SERVICES TARIFF

TITLE SHEET

FLORIDA TELECOMMUNICATIONS TARIFF

This tariff contains the description, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by SERWISENSE.COM, INC., with principal offices at 180 Wells Avenue, Suite 450, Newton, MA 02459-3302. This tariff applies to services furnished within Florida. This tariff is on file with the Florida Public Service Commission, where copies may be inspected during normal business hours.

ISSUED:

EFFECTIVE:

**By: Richard Wheeler, Regulatory Coordinator
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302**

TELECOMMUNICATIONS SERVICES TARIFF

CHECK SHEET

Pages 1 through 21 inclusive of this tariff are effective as of the date shown at the bottom of the respective page(s). Original and revised pages as named below comprise all changes from the original tariff and are currently in effect as of the date at the bottom of this page.

<u>PAGE</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
17	Original
18	Original
19	Original
20	Original
21	Original

ISSUED:

EFFECTIVE:

**By: Richard Wheeler, Regulatory Coordinator
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302**

TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED:

EFFECTIVE:

By: Richard Wheeler, Regulatory Coordinator
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302

TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED:

EFFECTIVE:

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TELECOMMUNICATIONS SERVICES TARIFF

SYMBOLS

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

- (D) - Delete or Discontinue
- (I) - Change Resulting in an Increase to a Customer's Bill
- (M) - Moved to/from Another Tariff Location
- (N) - New
- (R) - Change Resulting in a Reduction to a Customer's Bill
- (T) - Change in Text or Regulation but No Change to Rate or Charge

ISSUED:

EFFECTIVE:

**By: Richard Wheeler, Regulatory Coordinator
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302**

TELECOMMUNICATIONS SERVICES TARIFF

TARIFF FORMAT

- A. Page Numbering - Page numbers appear in the upper right corner of the page. Pages are numbered sequentially. However, new pages are occasionally added to the tariff. When a new page is added between pages already in effect, a decimal is added. For example, a new page added between pages 14 and 15 would be 14.1.
- B. Page Revision Numbers - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current page version on file with the FPSC. For example, 4th Revised Page 14 cancels the 3rd Revised Page 14. Because of various suspension periods, deferrals, etc. the FPSC follows in its tariff approval process, the most current page number on file with the FPSC is not always the tariff page in effect. Consult the Check Sheet for the page 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. I.A.
 - 2.1. I.A. 1.
 - 2.1.1.A.1.(a).
 - 2.1.1.A.1.(a).I.
 - 2.1.1.A.1.(a).I.(i).
 - 2.1.1.A.1.(a).I.(i).(l).

ISSUED:

EFFECTIVE:

By: **Richard Wheeler, Regulatory Coordinator**
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302

TELECOMMUNICATIONS SERVICES TARIFF

TARIFF FORMAT (Cont'd)

- 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 pages 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 asterisk (*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc., remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular page is the most current on file with the FPSC.

ISSUED:

EFFECTIVE:

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - A telephone line provided by local exchange carriers which connect a telephone or other communications device at a customer's location to ServiSense.com, Inc.'s underlying carrier's telecommunications network switching center(s).

Authorization or Account Code - A numerical code of four to eleven digits, one or more of which codes are available to a customer to enable the customer to lawfully connect its communication devices for the purpose of accessing the telecommunications networks of ServiSense.com, Inc.'s Underlying Carrier, and which thereby are used to prevent unauthorized network access and to identify the customer and its calling volumes for billing purposes.

Carrier or Company - ServiSense.com, Inc.

Customer - The person, firm, corporation, end user or other entity which orders or uses services and is responsible for the payment of charges.

FPSC - Florida Public Service Commission.

Rate Center - The Points of Presence (POPs) or first point of interconnection of local exchange facilities providing access to the long distance network of the Company's Underlying Carrier and the point from which a customer's traffic is rated and billed.

Service Agreement - Company's standard form for the ordering and acceptance of a customer's request for and commitment to take Company's service offerings pursuant to this tariff.

Underlying Carrier - The telecommunications carrier whose network facilities provide the technical capability and capacity necessary for the transmission and reception of customer telecommunications traffic within Florida.

ISSUED:

EFFECTIVE:

**By: Richard Wheeler, Regulatory Coordinator
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302**

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS

2.1 Undertaking of Company

Company undertakes to provide only those designated Services as are furnished under the terms and subject to the conditions and customer payment of the applicable rates of this tariff for communications originating and terminating within Florida.

The Company's Services are available to its customers twenty-four hours per day, seven days per week.

2.2 Limitations

2.2.1 Service is offered subject to the availability of the facilities of Company's Underlying Carrier and the provisions of this tariff.

2.2.2 Company reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control, or when the customer is using service in violation of the law or the provisions of this tariff.

2.2.3 The Services provided under this tariff are subject to the direct and exclusive control of the Company. No one may alter or affect the Services nor transfer or assign its use of the Services without the express written consent of the Company, which consent may be withheld, without limitation, by Company in its sole discretion at any time such alteration, effect, transfer or assignment would result in an interruption of the Services or a change in the customer's location to which the Services are to be provided.

2.2.4 In the event prior written permission from the Company is given for 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.

ISSUED:

EFFECTIVE:

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.3 Disconnection of Service by Company

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

- 2.3.1 Non-payment of any sum due to Company for regulated service for more than thirty days beyond the date of rendition of the bill for such service.
- 2.3.2 A violation of any regulation governing the service under this tariff.
- 2.3.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.3.4 The Company has given the customer notice and has allowed a reasonable time to comply with any rule or remedy any deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.

ISSUED:

EFFECTIVE:

**By: Richard Wheeler, Regulatory Coordinator
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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4 Liabilities of the Company

- 2.4.1 Company has no liability for damages arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission or call processing of customer's communications traffic by the Underlying Carrier. The Company's liability for such damages occurring in the course of furnishing the Company's Services but not caused by its gross negligence or willful misconduct or that of its employees or agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which such mistakes, interruptions, omissions, delays, errors, or defects in the Company's furnishing of its Services occur.
- 2.4.2 Acceptance of the provisions of Section 2.4.1 by the Commission does not constitute its determination that the limitation of liability imposed by the Company should be upheld in a court of law; but the recognition that as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of Section 2.4.1.

ISSUED:

EFFECTIVE:

By: **Richard Wheeler, Regulatory Coordinator**
ServiSense.com, Inc.
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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.4 Liabilities of the Company (Cont'd)

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

- (A) Claims for libel, slander, or infringement of copyright or trademark arising out of the material, data, information, or other content of a customer's communications traffic;
- (B) Claims for patent infringement arising from a customer's use of its equipment, facilities or systems with the Company's Services; and
- (C) All other claims arising out of any act or omission of the customer in connection with any service provided by Company.

2.5 Interruption of Service

2.5.1 Credit allowance for the interruption of service is subject to the general liability provisions set forth in Section 2.4.1 herein. Customer shall receive no credit allowance for interruption of service due to Carrier's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer. It shall be the obligation of the customer to notify the Company immediately of any interruption in service for which a credit allowance is claimed. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission within customer's control, or is not in wiring or equipment, if any, furnished by the customer in connection with the Company's Services.

2.5.2 No credit is allowed in the event service must be interrupted in order to provide routine service quality or related investigations.

ISSUED:

EFFECTIVE:

By: Richard Wheeler, Regulatory Coordinator
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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.5 Interruption of Service (Cont'd)

- 2.5.3 Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of Company or in the event Company is entitled to a credit for the failure of the facilities of Company's Underlying Carrier used to furnish customer's service.
- 2.5.4 No credit shall be allowed:
- (A) For failure of services or facilities of customer; or
 - (B) For failure of services or equipment caused by the negligence or wilful acts of customer.
- 2.5.5 Credit for an interruption shall commence after customer notifies Company of the interruption or when Company becomes aware thereof, and ceases when service has been restored.
- 2.5.6 Before customer notifies Company of an interruption, customer shall make reasonable attempts to ascertain that customer, a third party or its or their actions and/or equipment is/are not the cause thereof.
- 2.5.7 Credits are applicable only to that portion of service interrupted.
- 2.5.8 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.5.9 No credit shall be allowed for an interruption of a continuous duration of less than two hours.

ISSUED:

EFFECTIVE:

By: **Richard Wheeler, Regulatory Coordinator**
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.5 Interruption of Service (Cont'd)

2.5.10 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 service affected for each hour or major fraction thereof that the interruption continues. Calculations of the credit shall be made in accordance with the following formula.

Credit Formula:

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

"A" = outage time in hours

"B" = total monthly charge for affected facility

2.6 Restoration of Service

The use and restoration of service shall be administered by the Underlying Carrier in accordance with the priority system of the Federal Communications Commission.

2.7 Deposits

The Company does not require a deposit from its customers.

2.8 Advance Payments

The Company does not collect advance payments.

ISSUED:**EFFECTIVE:**

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)**2.9 Taxes**

All state and local taxes levied by governmental entities upon customers (for example, sales taxes, gross receipts taxes, and municipal utilities taxes) are listed as separate line items on customer bills and are not included in the Company's scheduled rates.

2.10 Collection of Charges

2.10.1 In the event Company incurs fees or expenses, including attorneys' fees, to collect, or attempt to collect, any charges owed Company by customer, including charges alleged to have resulted from fraud or abuse of customer's services, the Company shall charge customer all such fees and expenses, including Company's reasonable attorney's fees, incurred to collect or to attempt to collect its charges, and Company shall be entitled to recover such fees or expenses irrespective of whether it prevails in any legal action brought to collect its charges, all in accordance with and subject to the following additional legal requirements.

2.10.2 In accordance with the "filed tariff doctrine," as established by judicial and regulatory decisions and precedents, customer shall pay all charges due and owing irrespective of any claims of loss, liability, set off, damages, or other claims against Company to which customer may claim to be entitled. The duty to pay such charges shall arise upon the demand for payment by Company and shall not be delayed or deferred by the commencement of any legal or equitable action by either customer or Company in connection with such charges incurred under this tariff.

ISSUED:**EFFECTIVE:**

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.11 Employee Concessions

There are no employee concessions.

2.12 Specific Services

The Company does not currently offer any specific services for which conditions of eligibility apply.

2.13 Billing

Company bills its customers directly. Customers may call Company toll-free at **(800) 327-8835** with any billing disputes. All approved credits will appear on the customer's bill within 60 days of approval.

2.14 Resellers

Resellers and rebillers of the Company's service must be certified as interexchange carriers.

ISSUED:

EFFECTIVE:

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 3 - DESCRIPTION OF SERVICES

3.1 Usage Based Services

- 3.1.1 Long distance usage charges are based on the actual usage of the Company's network. Timing for all calls begin when the called party answers the call (i.e. when two-way communications are established). Answer detection is based on standard industry answer detection methods, including hardware and software answer detection.
- 3.1.2 Chargeable time for all calls ends when one of the parties disconnects from the call.
- 3.1.3 Unless otherwise specified in this tariff, the minimum call duration for billing purposes is eighteen (18) seconds.
- 3.1.4 Unless otherwise specified in this tariff, calls are billed in six (6) second increments.
- 3.1.5 Usage is measured and rounded up to the next higher increment for billing purposes.
- 3.1.6 There are no billing charges applied for incomplete calls.
- 3.1.7 Calls are not time of day nor distance sensitive

3.2 Inbound/Outbound Interexchange Service

The Company's service is provided for use by presubscribed Customers or Authorized Users. Calls are routed over the Company's resold transmission and switching facilities to any valid NPA-NXX in the state of Florida. Minimum call completion rate shall not be less than 90%.

ISSUED:

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.3 Calling Card Service

Carrier offers a Calling Card, which allows Customer to gain access to its long distance service from anywhere in Florida via a toll-free access number with service billed back to the Customer's account. Calling Card service allows customers to originate outbound, direct dial long distance calls.

3.4 Directory Assistance

The Company provides standard Directory Assistance. Up to two (2) numbers may be requested per call.

ISSUED:

EFFECTIVE:

**By: Richard Wheeler, Regulatory Coordinator
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES

4.1 Description of Rates

Services are available to subscribers under the following rate plans.

4.1.1 Switched and Dedicated Inbound and Outbound Usage Rates

\$0.099/Minute

4.2 Calling Card Usage Rates

Calling Card Usage Rates Calling card calls are billed in 6 second increments with a 18 second minimum.

Initial 18 Seconds
or Fraction

Incremental 6 Seconds
or Fraction

\$0.075

\$0.025

4.3 Directory Assistance

Per Use \$0.50

ISSUED:

EFFECTIVE:

**By: Richard Wheeler, Regulatory Coordinator
ServiSense.com, Inc.
180 Wells Avenue, Suite 450
Newton, MA 02459-3302**

TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES (Cont'd)

4.4 Directory Assistance Charge

\$0.50/call

4.4.1 There is no directory assistance charge for the first fifty (50) directory assistance calls in billing cycle made by a handicapped customer.

4.5 Late Payment Charge

A late fee of 1.5% per month will be charged on any past due balance.

4.6 Returned Check Charge

Carrier charges a fee of \$20.00 for any check returned for insufficient funds.

ISSUED:

EFFECTIVE:

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TELECOMMUNICATIONS SERVICES TARIFF

SECTION 4 - RATES (Cont'd)

4.7 Rules for Disabled Users

4.7.1 TDD

For calls made by a TDD user: Such users receive a five (5)% discount.

4.7.2 Relay Rules

Calls made through the relay system are discounted 50% off of the time sensitive rate. If user is both visually and hearing impaired, the discount is 60%.

4.8 Promotions

Will be run from time to time and will be filed with the commission as part of the tariff before they are run.

Telecommunications
E Commerce
Technology
Corporate & Finance
Trademarks
Proprietary Rights
Complex Litigation
General Business Law

The Helein Law Group, P.C.

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June 29, 2000

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DATE
JUN 30 2000

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

000791-TI

Re: ServiSense.com, Inc.'s Application for Authority to Provide Resold
Interexchange Telecommunications within the State of Florida

Ladies and Gentlemen:

ServiSense.com, Inc. herewith submits the enclosed original and five (5) copies of its Application for Authority to Provide Resold Interexchange Telecommunications within the State of Florida. An additional copy is enclosed; please date-stamp the extra copy and return it to the undersigned in the enclosed self-addressed postage-paid envelope. Also enclosed is the filing fee of \$250.00 made payable to the Florida Public Service Commission.

ServiSense.com, Inc. requests that the financial information filed as part of this Application in Appendix D be treated as confidential information. These exhibits are included in the sealed envelope marked "Proprietary and Confidential."

THE HELEIN LAW GROUP, P.C.

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McLEAN, VIRGINIA 22102

BB&T BRANCH BANKING & TRUST CO.
McLEAN, VA 22102

68-531/560

6171

00006171

PAY TWO HUNDRED FIFTY AND XX / 100 Dollars

DATE
06/29/00

AMOUNT
*****\$250.00

TO THE ORDER OF
FL Public Service Commission

Deborah Schneid
AUTHORIZED SIGNATURE

Security features. Details on back.

⑈006171⑈

Telecommunications
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Should there be any questions or should additional information be required, please contact the undersigned.

Respectfully Submitted,



Paul A. Dean

Enclosures