



CK# 434201
\$ 250.00
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D11 SEP 4
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01 SEP - 4 PM 1:25
COMMISSION
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August 28, 2001

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

011175-77


To Whom It May Concern,

Enclosed please find the original and six (6) copies of the Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida on behalf of the City of Lakeland. Also included is a check in the amount of \$250.00 for the application fee as well as six (6) copies of the City of Lakeland's tariff for Intrastate Long Distance Message Telecommunications Service Within the State of Florida.


Network Engineering Consultants, Inc. (NECI) is providing regulatory support to the City of Lakeland, therefore, I will be the point of contact in this matter.

Please call me with any comments or questions. My telephone number is 781 297-2575.

Sincerely,


David Blomquist
Consultant

cc: James Stanfield
Attachments

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
10938 SEP-4 01

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

DIVISION OF REGULATORY OVERSIGHT
CERTIFICATION SECTION

Application Form for Authority to Provide
Interexchange Telecommunications Service
Between Points Within the State of Florida

011175-TI

Instructions

- ◆ This form is used as an application for an original certificate and for approval of assignment or transfer of an existing certificate. In the case of an assignment or transfer, the information provided shall be for the assignee or transferee (See Page 16).
- ◆ Print or Type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- ◆ Use a separate sheet for each answer which will not fit the allotted space.
- ◆ Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of **\$250.00** to:

**Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770**

Note: **No filing fee is required** for an assignment or transfer of an existing certificate to another company.

- ◆ If you have questions about completing the form, contact:

**Florida Public Service Commission
Division of Regulatory Oversight
Certification Section
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6480**

1. This is an application for $\sqrt{\quad}$ (check one):
- Original certificate** (new company).
 - Approval of transfer of existing certificate:** Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.
 - Approval of assignment of existing certificate:** Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
 - Approval of transfer of control:** Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

City of Lakeland

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

City of Lakeland

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

501 East Lemon Street

Lakeland, FL 33801-5079

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

Same

6. Select type of business your company will be conducting $\sqrt{\quad}$ (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 IXC's; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
- (x) **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
- () Foreign Corporation
- () General Partnership
- (x) Other municipal government
- () Corporation
- () Foreign Partnership
- () Limited Partnership

8. **If individual**, provide:

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

(a) **The Florida Secretary of State Corporate Registration number:**

Not applicable

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

(a) **The Florida Secretary of State Corporate Registration number:**

Not applicable

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

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

Not Applicable

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

(a) **The Florida Secretary of State registration number:** Not app.

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

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

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

(a) **The Florida registration number:** Not applicable

15. Provide **F.E.I. Number** (if applicable): _____

16. Provide the following (if applicable):

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

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

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

(c) How is this information provided?

17. Who will receive the bills for your service?

- Residential Customers Business Customers
 PATs providers PATs station end-users
 Hotels & motels Hotel & motel guests
 Universities Universities dormitory residents
 Other: (specify) _____

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

(a) The application:

Name: David Blomquist

Title: Consultant

Network Engineering Consultants, Inc.

Address: 5 Cabot Place, Suite 3

City/State/Zip: Stoughton, MA 02072

Telephone No.: 781 297 2575 Fax No.: 781 297 9468

Internet E-Mail Address: dblomquist@networkeng.com

Internet Website Address: www.networkeng.com

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

Name: Donald E. Root
Director Of Business Development

Title: _____

Address: 501 East Lemon Street

City/State/Zip: Lakeland, FL 33801-6373

Telephone No.: 863 834-6533 Fax No.: 863 834-6373

Internet E-Mail Address: droot@city.lakeland.net

Internet Website Address: www.lakelandelectric.com

(c) Complaints/Inquiries from customers:

Name: Same

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

19. List the states in which the applicant:

(a) has operated as an interexchange telecommunications company.

None

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

None

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

None

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

None

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

None

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

None

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

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

_____ None _____

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

_____ None _____

21. The applicant will provide the following interexchange carrier services $\sqrt{\quad}$ (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 route specific rates per minute**

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

c. X **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 customers (for example, to patrons of hotels, students in universities, patients in hospitals).
- Available to inmates

I. **Services included are:**

- Station assistance
- Person-to-person assistance
- Directory assistance
- Operator verify and interrupt
- Conference calling

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

23. Submit the following:

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

B. Technical capability; give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

C. Financial capability.

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

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

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

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

Further, the following (which includes supporting documentation) should be provided:

1. **A written explanation** that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
2. **A written explanation** that the applicant has sufficient financial capability to maintain the requested service.
3. **A written explanation** that the applicant has sufficient financial capability to meet its lease or ownership obligations.

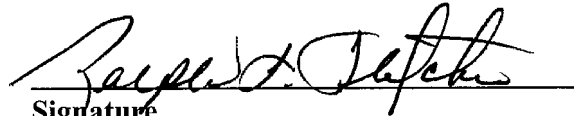
THIS PAGE MUST BE COMPLETED AND SIGNED

APPLICANT ACKNOWLEDGMENT STATEMENT

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

UTILITY OFFICIAL:

Ralph L. Fletcher
Print Name


Signature

Mayor
Title

August 1, 2001
Date

(863) 834-6005 (863) 834-8402
Telephone No. Fax No.

Address: 228 S Massachusetts Avenue
Lakeland, FL 33801-5086

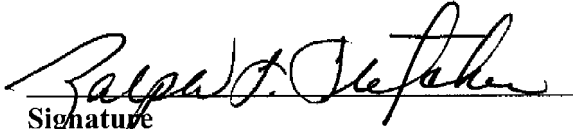
THIS PAGE MUST BE COMPLETED AND SIGNED

AFFIDAVIT

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

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

UTILITY OFFICIAL:

Ralph L. Fletcher	
Print Name	Signature
Mayor	August 1, 2001
Title	Date
(863) 834-6005	(863) 834-8402
Telephone No.	Fax No.

Address: 228 S. Massachusetts Avenue
Lakeland, FL 33801-5086

THIS PAGE MUST BE COMPLETED AND SIGNED

CUSTOMER DEPOSITS AND ADVANCE PAYMENTS

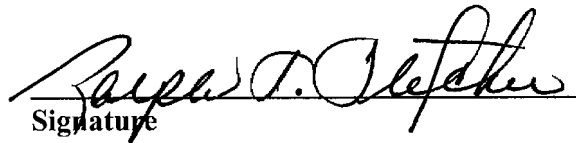
A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be provided in one of the following ways (applicant, please check one):

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

- () The applicant intends to collect deposits and/or advance payments for more than one month's service and will file and maintain a surety bond with the Commission in an amount equal to the current balance of deposits and advance payments in excess of one month.
(The bond must accompany the application.)

UTILITY OFFICIAL:

Ralph L. Fletcher
Print Name


Signature

Mayor
Title

August 1, 2001
Date

(863)834-6006 (863)834-8402
Telephone No.

(863) 834-8402
Fax No.

Address: 228 S Massachusetts Avenue
Lakeland, FL 33801-5086

CURRENT FLORIDA INTRASTATE SERVICES

Applicant **has** () or **has not** (X) previously provided intrastate telecommunications in Florida.

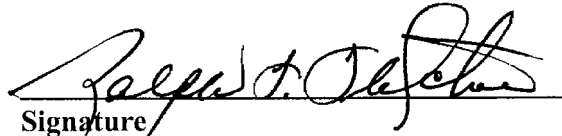
If the answer is has, fully describe the following:

- 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:

Ralph L. Fletcher
Print Name


Signature

Mayor
Title

August 1, 2001
Date

(863) 834-6005
Telephone No.

(863) 834-8402
Fax No.

Address: 228 S Massachusetts Avenue
Lakeland, FL 33801-5086

CERTIFICATE TRANSFER, OR ASSIGNMENT STATEMENT

I, (Name) Ralph L. Fletcher,

(Title) Mayor of
The City of Lakeland (Name of Company)

and current holder of Florida Public Service Commission Certificate Number

_____, have reviewed this application and join in the petitioner's request for a:

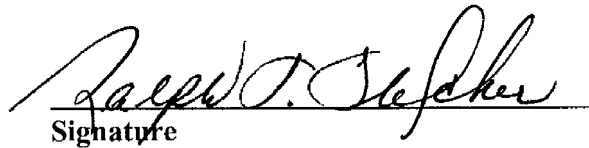
() transfer

() assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Ralph L. Fletcher
Print Name


Signature

Mayor
Title

August 1, 2001
Date

(863) 834-6005
Telephone No.

(863) 834-8402
Fax No.

Address: 228 S Massachusetts Avenue
Lakeland, FL 33801-5086

The City of Lakeland

INTRASTATE LONG DISTANCE MESSAGE TELECOMMUNICATIONS SERVICE
WITHIN
THE STATE OF FLORIDA

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

CHECK SHEET

The sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date of the bottom of this page.

SHEET	REVISION
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
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26	Original
27	Original
28	Original
29	Original
30	Original

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

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Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

EXPLANATION OF SYMBOLS

The following symbols shall be used in this tariff for the purpose indicated below:

- (C) - Indicates Changed Regulation
- (D) - Indicates Discontinued Rate or Regulation
- (I) - Indicates Rate Increase
- (M) - Indicates Move in Location of Text
- (N) - Indicates New Rate or Regulation
- (R) - Indicates Rate Reduction
- (T) - Indicates Change of Text Only

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

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 three levels of paragraph coding. Each level of coding is subservient to its next higher level:

- 2.
- 2.1.
- 2.1.1.

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 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 sheet is the most current on file with the FPSC.

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

APPLICATION OF TARIFF

This tariff contains the regulations, rates and charges applicable to the furnishing of resold interLATA communication services provided by the City of Lakeland for the use of customers transmitting messages within the State of Florida, subject to the jurisdiction of the Florida Public Service Commission.

This Tariff is available for public inspection during normal business hours at the main office of the City of Lakeland, 501 East Lemon Street, Lakeland, Florida 33801.

Service is available where facilities permit.

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

SECTION 1 – DEFINITIONS

For the purpose of this tariff, the following definitions apply:

Advance Payment – Part or all of a payment required before the start of service.

Authorized User – A person, firm, corporation or other entity who is authorized by the Customer to be connected to the service of the Customer under the terms and regulations of this tariff.

Call Initiation – The point in time when the exchange network facility is initially allocated for the establishment of a specific call.

Call Termination – The point in time when the exchange network facility allocated to a specific call is released for reuse by the network.

Company or City of Lakeland – Used throughout this tariff to mean City of Lakeland unless clearly indicated otherwise by the text.

Customer – The person, firm, corporation, or other entity, which orders service pursuant to this tariff and utilizes service provided under tariff by the Company. A Customer is responsible for the payment of charges and for compliance with all terms of the Company's tariff.

Dedicated Access Origination/Termination – Where originating or terminating access between the Customer and the interexchange carrier is provided on dedicated circuits. The cost of these dedicated circuits is billed by the access provider to the Customer.

Dedicated Long Distance – The direct dial service over the Company's carrier's digital network via a DS1 connection between the Company's switch and the carrier's nearest hub.

End User – Any person, firm, corporation, partnership or other entity which uses the services of the Carrier under the provisions and regulations of this tariff. The End User is responsible for payment unless the charges for the services utilized are accepted and paid by another Customer.

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

SECTION 1 – DEFINITIONS (cont'd)

Holiday Rates – Holiday rates apply to that portion of a call occurring on Company recognized holidays. Holiday Rates apply on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

LATA – Local Access and Transport Area. The area within which the Company provides local and long distance ("intraLATA") service. For call to numbers outside this area ("interLATA") service is provided by long distance companies.

LEC – Local Exchange Company

Non-Recurring Charge – The initial charge, usually assessed on a one-time basis, to initiate and establish service.

Off Peak Time Period – applies to that portion of a call occurring from 6:30 PM to, but not including, 6:30AM, Monday through Friday, all day Saturday and Sunday, and all Holidays.

Peak Time Rate Period – Applies to that portion of a call occurring from 6:30 AM to, but not including, 6:30PM, Monday through Friday.

Premises – The space occupied by a Customer or authorized user in a building or buildings or contiguous property not separated by a public right of way.

Rate Center – A geographic reference point with specific coordinates on a map used for determining mileage when calculating charges.

Recurring Charges – The monthly charges to the Customer for services, facilities and equipment which continue for the agreed upon duration of the service.

Referral Period – The time frame during which calls to a number which has been changed will be sent to a recording which will inform the caller of the new number.

Resale Of Service – The subscription to communications service and facilities by one entity and the re-offering of communications service to others (with or without 'adding value') for profit.

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

SECTION 1 – DEFINITIONS (cont'd)

Serving Wire Center – A specified geographic point from which the vertical and horizontal coordinate is used in calculation of airline mileage.

Switched Access Origination/Termination – Where origination or terminating access between the Customer and the interexchange is provided on local exchange company

Switched Access Origination/Termination (cont'd) – Feature Group circuits. The cost of switched Feature Group access is billed to the interexchange carrier.

Switched Services – Services provided to Customers that utilize the City of Lakeland switching equipment or Access Service for the origination of interLATA toll calls.

Switchless Services – Services provided to Customers that utilize another carriers' switching equipment or Access Service for the origination of interLATA toll calls.

Toll Call – Any call extending beyond the local exchange of the originating caller, which is rated on a toll schedule by the Company.

V & H Coordinates – Geographic points which define the originating and terminating points of a call in mathematical terms so that the airline mileage of the call may be determined. Call mileage is used for the purposed of rating calls.

Issued: August 31, 2001
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Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

SECTION 2 – GENERAL RULES AND REGULATIONS

2.1 USE OF FACILITIES AND SERVICE

2.1.1 Undertaking of the Company

The Company's services and facilities are furnished for communications originating at specified points within the state of Florida under terms of this tariff.

The Company's obligation to furnish facilities and service is dependent upon its ability: (a) to secure and retain, without unreasonable expense, suitable facilities and rights for the construction and maintenance of the necessary circuits and equipment; (b) to secure and retain, without unreasonable expense, suitable space for its plant and facilities in the building where service is or will be provided to the Customer; or (c) to secure reimbursement of all costs where the owner or operator of a building *demands relocation or rearrangement of plant and facilities used in providing service therein.*

The Company shall not be required to furnish, or continue to furnish, facilities or service where the circumstances are such that the proposed use of the facilities or service would tend to adversely affect the Company's plant, property or service.

The Company reserves the right to refuse an application for service made by a present or former Customer who is indebted to the Company for service previously rendered pursuant to this tariff until the indebtedness is satisfied.

The Company reserves its rights to establish service packages specific to a particular Customer. These Service Orders may or may not be associated with volume and/or term discounts.

Issued: August 31, 2001
Issued By:

Ralph L. Fletcher
Mayor
City of Lakeland
501 East Lemon Street
Lakeland, Florida 33801

Effective:

SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.2 Liabilities of the Company

Except as otherwise stated in this section, the liability of the Company for damages arising out of either: (1) the furnishing of its services, including but not limited to mistakes, omissions, interruptions, delays, or errors, or other defects, representations, or use of these services or (2) the failure to furnish its service, whether caused by acts or omission, shall be limited to the extension of allowances to the Customer for interruptions in service as set forth elsewhere in this tariff.

Except for the extension of allowances to the Customer for interruptions in service as set forth elsewhere in this tariff, the Company shall not be liable to a Customer or third party for any direct, indirect, special, incidental, reliance, consequential, exemplary or punitive damages, including, but not limited to, any act or omission, failure to perform, delay, interruption, failure to provide any service or any failure in or breakdown of facilities associated with the service.

The liability of the Company for errors in billing which result in overpayment by the Customer shall be limited to a credit equal to the dollar amount erroneously billed, or, in the event that payment has been made and service has been discontinued, to a refund of the amount erroneously billed.

The company does not guarantee nor make any warranty with respect to installations provided by it for use in an explosive atmosphere.

The company makes no warranties or representations, EXPRESS OR IMPLIED, either in fact or by operation of law, statutory or otherwise, including warranties of merchantability or fitness for a particular use, except those expressly set out in this tariff.

Issued: August 31, 2001
Issued By:

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Effective:

SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.2 Liabilities of the Company (cont'd)

Failure by the Company to assert its rights pursuant to one provision of this tariff does not preclude the Company from asserting its rights under other provisions.

Indemnification by Customer – The Customer and any Authorized or Joint Users, jointly and severally shall indemnify, defend and hold the Company harmless against all claims, loss, damage, expense (including attorneys' fees and court costs) for:

Libel, slander, invasion of privacy or infringement of copyright or trade secrets arising from the material transmitted over its facilities; infringement of patents arising from combining with, or using in connection with, facilities of the Company, equipment and systems of the Customer; and against all other claims arising out of any act or omission of the Customer in connection with facilities provided by the Company or the Customer. In the event any such infringing use is enjoined, the Customer, Authorized or Joint User at its option and expense, shall obtain immediately a dismissal or stay of such injunction, obtain a license or other agreement so as to extinguish any claim of infringement, or terminate the claimed infringing use or modify such infringement.

Any act or omission of: (a) the Customer, (b) any other entity furnishing service, equipment or facilities for use in conjunction with services or facilities provided by the Company; or (c) common carriers or warehousemen, except as contracted by the Company;

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Effective:

SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.2 Liabilities of the Company (cont'd)

Indemnification by Customer (cont'd)

Any delay or failure of performance or equipment due to causes beyond the Company's control, including but not limited to: acts of God, fires, floods, earthquakes, hurricanes, or other catastrophes; national emergencies, insurrections, riots, wars or other civil commotions; strikes, lockouts, work stoppages or other labor difficulties; criminal actions taken against the Company; unavailability, failure or malfunction of equipment or facilities provided by the Customer or third parties; and any law, order, regulation or other action of any governing authority or agency thereof;

Any unlawful or unauthorized use of the Company's facilities and services;

Breach in the privacy or security of communications transmitted over Company's facilities;

Changes in any of the facilities, operations or procedures of the Company which render any equipment, facilities or services provided by the Customer obsolete, or require modification or alteration of such equipment, facilities or services, or otherwise affect their use or performance, except where reasonable notice is required by the Company and is not provided to the Customer, in which event the Company's liability is limited.

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Effective:

SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.2 Liabilities of the Company (cont'd)

Indemnification by Customer (cont'd)

Defacement of or damage to Customer Premises resulting from the furnishing of services or equipment on such Premises or the installation or removal thereof;

Injury to property or injury or death to persons, including claims for payments made under Workers' Compensation law or under any plan for employee disability or death benefits, arising out of, or caused by, any act or omission of the Customer, or the construction, installation, maintenance, presence, use or removal of the Customer's facilities or equipment connected, or to be connected to the Company's facilities;

Any noncompletion of calls due to network busy conditions;

Any calls not actually attempted to be completed during any period that service is unavailable;

And any other claim resulting from any act or omission of the Customer or patron(s) of the Customer relating to the use of the Company's services or facilities.

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Effective:

SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.3 Liabilities of the Customer

The Customer will be liable for damages to the facilities of the Company and for all incidental and consequential damages caused by the negligent or intentional acts or omissions of the Customer, its officers, employees, agents, invites, or contractors, where such acts or omissions are not the direct result of the Company's negligence or intentional misconduct.

To the extent caused by any negligent or intentional act of the Customer as described in (1) above, the Customer shall indemnify, defend and hold harmless the Company from and against all claims, actions, damages, liabilities, costs and expenses, including reasonable attorney's fees, for: (a) any loss, destruction or damage to property of any third part; and (b) any liability incurred by the Company to any third party pursuant to this or any other tariff of the Company, or otherwise, for any interruption of, interference to, or other defect in any service provided by the Company or such third part.

The Customer shall not assert any claim against any other Customer or User of the Company's services for damages resulting in whole or in part from arising in connection with the furnishing of service under this tariff including but not limited to mistakes, omissions, interruptions, delays, errors or other defects or misrepresentations, whether or not such other Customer or User contributed in any way to the occurrence of the damages, unless such damages were caused solely by the negligent to intentional act or omission of the other Customer or User and not by any act or omission of the Company. Nothing in this tariff is intended either to limit or to expand Customer's right to assert any claims against third parties for damages of any nature other than those described in the preceding sentence.

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SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.3 Liabilities of the Customer (cont'd)

Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

Customer-Provided Equipment – The service and facilities furnished by the Company are subject to the following limitations: the Company shall not be liable for damage arising out of mistakes, omissions, interruptions, delays, errors or defects in transmission or other injury, including but not limited to injuries to persons or property from voltages or currents transmitted over the facilities of the Company caused by Customer-provided equipment or Premises wire.

Use of Facilities of Other Companies – When the facilities of other companies are used in establishing a connection, the Company is not liable for any act, error, omission, or interruption caused by the other company or their agents or employees. This includes the provision of a signaling system database by another company.

2.1.4 Interruption of Service

Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or due to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in this tariff. It shall be the customer's obligation to notify the Company immediately of any service interruption for which a credit allowance is desired. The customer must ensure that the trouble is not being caused by the action or omission by the customer within his control, or equipment, if any, furnished by the customer and connected to the Company's facilities.

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SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.1 USE OF FACILITIES AND SERVICE (cont'd)

2.1.5 Use of Service

Any service provided under this tariff may be resold to or shared (jointly used) with other persons at the Customer's option. The Customer remains solely responsible for all use of service ordered by it or billed to its telephone number(s) pursuant to this tariff, for determining who is authorized to use its service, and for promptly notifying the Company of any unauthorized use. The Customer may advise its Customers that a portion of its service is provided by the Company, but the Customer shall not represent that the Company jointly participates with the Customer in the provision of the service.

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SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.2 PAYMENT FOR SERVICE RENDERED

2.2.1 Responsibility for All Charges

Any applicant for facilities or service may be required to sign an application form or Service Order requesting the Company to furnish the facilities or service in accordance with the rates, charges, rules and regulations from time to time in force and effect. The Customer is responsible for all Toll Calls originating from the Customer's Premises and for all calls charged to the Customer's line where any person answering the Customer's line agrees to accept such charge.

2.2.2 Deposits

The Company does not require a deposit from the customer.

2.2.3 Advance Payments

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

2.2.4 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed on customer bills as separate line items and are not included in the quoted rate.

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SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.2 PAYMENT FOR SERVICE RENDERED (cont'd)

2.2.5 Billing of Calls

All charges due by the subscriber are payable at any business office of the Company, by U.S. Mail, or at any location designated by the Company. Any objection to billed charges should be promptly reported to the Company. 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.

2.2.6 Return Check Charge

When a check which has been presented to the Company by a Customer in payment for charges is returned by the bank, the Customer shall be responsible for the payment of a Returned Check Charge of Twenty Dollars (\$20.00).

2.2.7 Late Payment Charges

Customer bills for telephone service are due on the due date specified on the bill. A Customer is in default unless payment is made on or before the due date specified on the bill. If payment is not received by the Customer's next billing date, a late payment charge of 1.5% will be applied to all amounts previously billed under this tariff, excluding One (1) month's Local Service charge, but including arrears and unpaid late payment charges.

Late payment charges do not apply to those portions (and only those portions) of unpaid balances that are associated with disputed amounts. Undisputed amounts on the same bill are subject to late payment charges if unpaid and carried forward to the next bill.

Late payment charges do not apply to final accounts.

Late payment charges do not apply to government agencies of the State of Florida.

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SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.2 PAYMENT FOR SERVICE RENDERED (cont'd)

2.2.8 Billing Disputes

Billing disputes should be addressed to the Company's Customer service organization via a toll-free number. Customer service representatives are available from 9:00 a.m. to 6:00 p.m. Eastern Standard Time. Messages may be left for Customer services from 6:00 p.m. to 7:59 a.m. Eastern Standard Time, which will be answered on the next business day, unless in the event of an emergency which threatens Customer service.

In the case of a dispute between the Customer and the Company for service furnished to the Customer, which cannot be settled with mutual satisfaction, the Customer can take the following course of action:

The Customer may request, and the Company will perform, an in-depth review of the disputed amount.

If there is still disagreement over the disputed amount after the investigation and review by a manager of the Company, the Customer may appeal to the Florida Public Service Commission Control for its investigation and decision.

The address of the Commission is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0864

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Effective:

SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.2 PAYMENT FOR SERVICE RENDERED (cont'd)

2.2.9 Customer Overpayments

The Company will provide interest on Customer overpayments that are not refunded within thirty (30) days of the date the Company receives the overpayment. An overpayment is considered to have occurred when payment in excess of the correct charges for service is made because of erroneous Company billing. The Customer will be issued reimbursement for the overpayment, plus interest, or, if agreed to by the Customer, credit for the amount will be provided on the next regular Company bill. The rate of interest shall be the greater of the Customer deposit interest rate or the Company's applicable Late Payment Charge.

Interest shall be paid from the date when overpayment was made, adjusted for any changes in the deposit rate or late payment rate, and compounded monthly, until the date when the overpayment is refunded. The date when overpayment is considered to have been made will be the date on which the Customer's overpayment was originally recorded to the Customer's account by the Company.

2.2.10 Disconnection of Service by the 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:

Non-payment of any sum due to carrier for regulated service for more than thirty days beyond the date of rendition of the bill for such service.

A violation of any regulation governing the service under this tariff.

The Company has given the Customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4-113, F.A. C., Refusal or Discontinuance of Service by Company.

Issued: August 31, 2001
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SECTION 2 – GENERAL RULES AND REGULATIONS (cont'd)

2.2 PAYMENT FOR SERVICE RENDERED (cont'd)

2.2.10 Disconnection of Service by the Company (cont'd)

Service may be suspended by the Company without notice for tampering with Company equipment, for interfering with the service to other customers, for fraud, or in the event of a hazardous condition.

2.2.11 Emergency Termination of Service

The Company will immediately terminate the service of any Customer, on request, when the Customer has reasonable belief that the service is being used by an unauthorized person or persons. The Company may require that the request be submitted in writing as a follow-up to a request made by telephone.

2.2.12 Restoration of Service

A Restoration of Service Charge, as indicated in Section 4, is charged when service is re-established for customers who have been disconnected for non-payment.

Issued: August 31, 2001
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Effective:

SECTION 3 – DESCRIPTION OF SERVICE

3.1 Service Descriptions

Service is available for origination and termination where technology and/or economically feasible, within the State of Florida. All services are provided subject to the terms and conditions set out in the tariff.

3.1.1 Long Distance Service

Long Distance Service is offered to residential and business customers to provide direct dialed calls placed between points in the State of Florida. The service permits direct dialed outbound calling at a single per minute rate. Calls are billed in one minute increments. No monthly recurring charges or minimum monthly billing requirements apply.

3.1.2 800/888 (Inbound) Long Distance Service

800/888 (Inbound) Long Distance Service is offered to residential and business customers. The service permits inbound 800/888 calling at a single per minute rate. Service is provided from presubscribed, dedicated or shared use access lines. Calls are billed in one minute increments. A \$10.00 minimum monthly billing requirement applies. Customers whose monthly usage is less than the minimum will be billed the minimum amount.

3.1.3 Calling Card Service

Calling Card Service is a calling card service offered to residential and business customers who subscribe to the Long Distance Service calling plan. Customers using the Company's calling card service access the service by dialing a 1-800 number followed by an account identification number and the number being called. This service permits subscribers utilizing the Company's calling card to make calls at a single per minute rate. Calls are billed in one (1) minute increments after the initial minimum period of one (1) minute. There are no nonrecurring or monthly recurring charges.

Issued: August 31, 2001
Issued By:

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Effective:

SECTION 3 – DESCRIPTION OF SERVICE (cont'd)

3.1 Service Description (cont'd)

3.1.4 Operator Services

The Company's operator services are provided to residential and business customers who "presubscribe" to this service for intrastate calling. Operator services include the completion of collect, station-to-station, person-to-person, third party billing and credit card calls with the assistance of a Company operator. Each completed operator assisted call consists of two charge elements (except as otherwise indicated herein): (i) a fixed operator charge, which will be dependent on the type of billing selected (e.g., calling card, collect or other) and/or the completion restriction selected (e.g., station-to-station or person-to-person); and (ii) a measured usage charge dependent upon the duration, distance and/or time of day of the call.

3.1.5 Operator Dialed Surcharge

This surcharge applies to calls when the customer has the capability of dialing all the digits necessary to complete a call, but elects to dial only the appropriate operator code and requests the operator to dial the called station. The surcharge does not apply to:

- 1) Calls where a customer cannot otherwise dial the call due to defective equipment or trouble on the Company's network; and
- 2) Calls in which a Company operator places a call for a calling party who is identified as being handicapped and unable to dial the call because of his/her handicap. The Operator Dialed Surcharge applies in addition to any other applicable operator charges.

Issued: August 31, 2001
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Effective:

SECTION 3 – DESCRIPTION OF SERVICE (cont'd)

3.2 Timing of 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 picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or 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.

3.3 Billing Increments

The minimum call duration for billing purposes is one (1) minute for a connected call and calls beyond one minute are billed in one minute increments.

3.4 Uncompleted Calls

There shall be no charge for uncompleted calls.

3.5 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 Feature Group D services ("1+" dialing).

3.6 Regulations and Computation of Mileage

Calls for which rates are mileage sensitive are rated on the airline distance between the originating Rate Center and the terminating Rate Center.

Originating Rate Center – A Customer's primary local exchange number includes an NXX code that is associated with a specific Rate Center. The originating point of all calls charged to that Customer's account shall be the location of the Customer's Rate Center.

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Effective:

SECTION 3 – DESCRIPTION OF SERVICE (cont'd)

3.6 Regulations and Computation of Mileage (cont'd)

Terminating Rate Center - The terminating point for all calls shall be the location of the local Rate Center associated with the called number.

Calculation of Mileage – Usage charges for all mileage sensitive products are based on the airline distance between serving wire centers associated with the originating and terminating points of the call. The serving wire centers of a call are determined by the area codes and exchanges of the origination and destination points.

The distance between any two (2) rate centers is determined as follows:

Airline mileage where mileage is the basis for rating calls, is obtained by using the "V" and "H" coordinates assigned to each rate center and contained in NECA FCC Tariff No. 4 or successor tariffs. To determine the airline distance between any Two (2) locations, proceed as follows:

Obtain the "V" and "H" coordinates for each location. The "V" coordinate is the first four digits in the "VH" column. The "H" coordinate is the next four digits.

Obtain the difference between the "V" coordinates of each of the locations, obtain the difference between "H" coordinates.

Square each difference obtained in step 2, above.

Add the square of the "V" difference and the "H" difference obtained in step 3, above.

Divide the sum of the square by 10. Round to the next higher whole number if any fraction is obtained.

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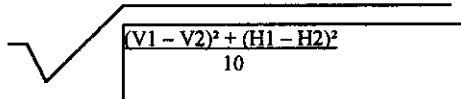
Effective:

SECTION 3 – DESCRIPTION OF SERVICE (cont'd)

3.6 Regulations and Computation of Mileage (cont'd)

Obtain the square root of the whole number result obtained above.
Round to the next higher whole number if any fraction is obtained.
This is the airline mileage.

Formula


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

3.7 Time Periods Defined

Peak: 6:30 AM to, but not including, 6:30 PM – Monday through Friday

Off Peak: 6:30 PM to, but not including, 6:30 AM – Monday through Friday
All day Saturday and Sunday
All Holidays

Holidays include:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

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Effective:

SECTION 4 – SERVICE CHARGES AND SURCHARGES

4.1 Service Ordering Charges

Service ordering charges are applied to customers upon request for service and when a Customer requests subsequent facility, software or account changes.

Type of Order	Residence Service	Business Service
Line Connection	\$40	\$50
Restoral of Service	\$25	\$50
Move, add or change service	\$26	\$38
Premises Visit		
1 st 15 Mins.	\$35	\$28
Add'l 15 Mins.	\$9	\$9
PIC Change	\$1.50	\$1.50

4.2 Intrastate Long Distance Message Telecommunications Service

IntraLATA Per Message Usage Rate:

The following charges apply to each completed call.

Peak: \$0.16 per Minute or any fraction thereof

Off-Peak: \$0.09 per Minute or fraction thereof

The duration of a call, which involves a fractional part of a minute, will be rounded up to the next higher full minute.

InterLATA Per Message Unit Rate:

The following charges apply to each completed call:

Peak: \$0.20 per Minute or any fraction thereof

Off Peak: \$0.15 per Minute or any fraction thereof

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Effective:

SECTION 4 – SERVICE CHARGES AND SURCHARGES (cont'd)

4.3 800/888 (Inbound) Long Distance Service
Rate per minute - \$0.14.
Plan is billed in full minute increments

4.4 Calling Card Service
Rate per minute - \$0.25
Plan is billed in full minute increments

4.5 Special Promotions

The Company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the Florida Public Service Commission with specific starting and ending dates, and be made part of this tariff.

4.6 Special Rates For The Handicapped

4.6.1. Directory Assistance

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

4.6.2. Hearing and Speech Impaired Persons

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

4.6.3. Telecommunications Relay Service

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

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Effective:

SECTION 4 – SERVICE CHARGES AND SURCHARGES (cont'd)

4.7 Operator Assistance Service

Operator Assistance surcharges apply to both Residence and Business Customers. Surcharges apply when a Customer utilizes either an automated or live Company-provided operator for purposes of completing or billing a call. Operator Assistance Surcharges are in addition to any local or long distance usage rates.

Class of Service	Surcharge
Billed to Third Party	\$1.50
Person to Person	\$3.00
O+ Dialed Calling Card	\$.75
Operator Dialed Calling Card	\$1.75
Collect Station-to-Station	\$1.50
Collect Person-to-Person	\$3.25
Busy Line Verification	\$.50
Busy Line Interrupt	\$1.00

4.8 Directory Assistance Service

Directory Assistance – A Directory Assistance charge applies per local directory assistance call. The Customer may make two (2) requests for a telephone number per call. The Directory Assistance Charge applies regardless of whether the Directory Assistance operator is able to supply the requested number.

Charge per Call: \$.40

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