

**RATES, TERMS AND CONDITIONS  
RELATING TO THE PROVISION OF  
COMPETITIVE LOCAL EXCHANGE SERVICES  
IN THE STATE OF OHIO**

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As Approved in Case No. 09-498-TP-ACE

Effective Date: July 13, 2009

Sol Birnbaum, President  
233 West 17th Street  
New York, New York 10011

TABLE OF CONTENTS

APPLICATION OF TARIFF	6
EXPLANATION OF SYMBOLS	7
EXPLANATION OF TERMS	8

SECTION 1

1. COMPETITIVE LOCAL EXCHANGE REGULATIONS	1
1.1 UNDERTAKING OF THE COMPANY	1
1.2 TERMS AND CONDITIONS	1
1.3 NOTIFICATION OF SERVICE AFFECTING ACTIVITIES	3
1.4 PAYMENT ARRANGEMENTS	4
1.4.1 BILLS AND COLLECTION OF CHARGES	4
1.4.2 DISPUTED BILLS	6
1.5 PROMOTIONAL OFFERS	7
1.6 CUSTOMER SERVICE	7

SECTION TWO

2.	COMPETITIVE LOCAL EXCHANGE SERVICE DESCRIPTIONS AND RATES	1
2.1	PROPOSED SERVICE AREA	2
2.2	RESOLD BUSINESS LINE SERVICE	4
2.2.1	RATES	5
2.3	TOLL DISCONNECTION	6
2.3.1	DEPICING	6

TABLE OF CONTENTS

SECTION THREE

3.	COMPETITIVE LOCAL EXCHANGE PRICE LIST	1
3.1	BUSINESS LINE SERVICE	1
3.2	INSUFFICIENT FUND CHARGE	10
3.3	DIRECTORY ASSISTANCE	10

TABLE OF CONTENTS

SECTION FOUR

4.	SERVICE OFFERINGS	1
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TABLE OF CONTENTS

APPLICATION OF TARIFF

This tariff sets forth the service offerings, rates, terms and conditions applicable to the furnishing of competitive local exchange service by Dynalink Communications, Inc. ("the Company") in the calling areas defined herein.

The provision of services is subject to existing regulations and terms and conditions specified in this tariff and may be revised, added to or supplemented by superseding issues.

Customers have certain rights and responsibilities under the Minimum Telephone Service Standards (Ohio Adm.Code 4901:1-5)(MTSS). These safeguards can be found in the Appendix to Ohio Adm.Code 4901:1-5-03, which is entitled "Telephone Customer Rights and Responsibilities". These rights and responsibilities include complaint handling, ordering or changing service, service repair, payment of bills, and disconnection and reconnection of service.

**EXPLANATION OF SYMBOLS**

The following symbols shall be used in this tariff for the purposes indicated below.

- C To indicate changed regulation.
- D To indicate discontinued rate or regulation.
- I To indicate increased rate.
- M To indicate a move in the location of text.
- N To indicate new rate or regulation.
- R To indicate reduced rate.
- S To indicate reissued matter.
- T To indicate a change in text but no change in rate or regulation.

EXPLANATION OF TERMS

AGENCY

For 911 or E911 service, the government agency(s) designated as having responsibility for the control and staffing of the emergency report center.

BUILDING

A structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designated for permanent occupancy.

CENTRAL OFFICE

An operating office of the incumbent competitive local exchange company where connections are made between telephone exchange lines.

CUSTOMER

A person, firm, partnership, limited liability company, corporation, municipality, cooperative association or organization, governmental agency, or other entity receiving telecommunications services.

DEPICING

DePICing service limits the Company's customer's toll access to 101XXXX and 0- dialing until the customer selects a different provider or until the toll service provider requests removal of the dePICing service.

EMERGENCY

A situation that appears to present immediate danger to person or property.

EMERGENCY SERVICE (ENHANCED 911)

Allows customers to reach appropriate emergency services, including police, fire and medical services. Enhanced 911 has the ability to selectively route an emergency call to the primary E911 provider so that it reaches the correct emergency service located closest to the caller. In addition, the Customer's address and telephone information will be provided to the primary E911 provider for display at the Public Safety Answering Point (PSAP).

EXPLANATION OF TERMS (cont'd.)

**E911 SERVICE AREA**

The geographic area in which the government agency will respond to all E911 calls and dispatch appropriate emergency assistance.

**E911 CUSTOMER**

A governmental agency that is the customer of record and is responsible for all negotiations, operations and payment of bills in connection with the provision of E911 service.

**EXCHANGE**

An area, consisting of one or more central office districts, within which a call between any two points is a local call.

**EXCHANGE ACCESS LINE**

A central office line furnished for direct or indirect access to the exchange system.

**INVESTIGATIVE OR LAW ENFORCEMENT OFFICER**

An officer of the United States, a state or a political subdivision of the United States which is empowered by law to investigate or make arrests for crimes related to communications, or an attorney authorized by law to prosecute those crimes.

EXPLANATION OF TERMS (cont'd)

LATA

A Local Access and Transport Area established pursuant to the Modification of Final Judgment entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192; or any other geographic area designated as a LATA in the National Exchange Carrier Association, Inc. Tariff F.C.C. No. 4.

LOCAL CALL

Any call for which an additional charge, *i.e.*, toll charge, is not made to the calling or called party.

LONG DISTANCE CALL

Any telephone call to a destination outside the local calling area, whether inter-LATA or intra-LATA, and for which there is a charge beyond that for basic service.

LOCAL CALLING AREA

The area, consisting of one or more central office districts, within which a subscriber for exchange service may make telephone calls without a long distance charge.

LOCAL EXCHANGE CARRIER

A company that furnishes exchange telephone service.

LOCAL SERVICE

Telephone exchange service within a local calling area.

MOVE

The disconnection of existing service at one location and reconnection of the same service at a new location in the same building or in a different building on the same premises.

EXPLANATION OF TERMS (cont'd)

**PRESUBSCRIPTION**

An arrangement whereby a Customer may select and designate to the Company an Exchange Carrier it wishes to access, without an access code, for completing intraLATA and interLATA toll calls. The selected Exchange Carrier is referred to as the End User's Primary Interexchange Carrier (PIC).

**RATE CENTER**

Company-designated service locations from which service is rendered or rated.

**RECURRING CHARGES**

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

**SERVICE COMMENCEMENT DATE**

The first day following the date on which the Company notifies the customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order and this tariff, in which case the Service Commencement Date is the date of the Customer's acceptance. The Company and Customer may mutually agree on a substitute Service Commencement Date.

**SERVICE ORDER**

The written request for Network Services executed by the Customer and the Company in the format devised by the Company. The signing of a Service Order by the Customer and acceptance by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this tariff, but the duration of the service is calculated from the Service Commencement Date.

**SERVING CENTRAL OFFICE**

The central office from which local service is furnished.

EXPLANATION OF TERMS (cont'd)

TELECOMMUNICATIONS RELAY SERVICE (TRS)

Enables deaf, hard-of-hearing or speech-impaired persons who use a Text Telephone (TT) or similar devices to communicate freely with the hearing population not using TT or vice versa. A customer will be able to access the state provider to complete such calls.

TELEPHONE CALL

A voice connection between two or more telephone stations through the public switched exchange system.

TERMINATION OF SERVICE

Discontinuance of both incoming and outgoing service.

TOLL CALL

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

USER

A customer or any other person authorized by a Customer to use service provided under this Tariff.

Issue Date: June 15, 2009

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1. Competitive Local Exchange Service Regulations

1.1 Undertaking of the Company

- A The Company undertakes to provide the services in this tariff on the terms and conditions and at the rates and charges set forth herein. The services in this tariff are provided on a resale basis. AT&T Ohio and Verizon are the underlying incumbent local exchange carriers.
- B The Company is responsible under this tariff only for the services provided herein, and it assumes no responsibility for any service provided by any other entity, not including agents of the Company. Customers may use services provided under this tariff to obtain access to services offered by other service providers. However, this does not permit the Company to offer any services it purchased from AT&T Ohio on a resale basis for resale to other carriers.
- C The Company will provide a toll-free number giving Customers access to service personnel 24 hours per day, 7 days per week.
- D The Company will comply with any applicable quality of service requirements according to Ohio laws and rules.

1.2 Terms and Conditions

- A Business Customers may be required to enter into written service orders which shall contain or reference a specific description of the service ordered, the rates to be charged, the duration of the services, and the terms and conditions in this tariff. The Business Customer will be required to execute any other documents as may be reasonably requested by the Company.

1. Competitive Local Exchange Service Regulations (cont'd)

1.2 Terms and Conditions (cont'd)

- B** Business Service is provided for a minimum period of at least one month, 24 hours a day. A month is considered to have thirty days unless otherwise specified. At the expiration of the initial terms specified in each service order, or in any extension thereof, service shall continue on a month to month basis at the then current tariffed, month to month rates, unless terminated by the Business Customer. Any termination shall not relieve the Business Customer of its obligation to pay any charges incurred under the service order and this tariff prior to termination. The rights and obligations which by their nature extend beyond the termination of the term of the service order shall survive such termination.
- C** This tariff shall be interpreted and governed by the laws of the State of Ohio without regard for the State's choice of laws provisions.
- D** Another telephone company must not interfere with the right of any person or entity to obtain service directly from the Company.
- E** The services the Company offers shall not be used for any unlawful purpose or for any use as to which the Customer has not obtained all required governmental approvals, authorizations, licenses, consents and permits.
- F** The Customer has no property right to the telephone number or any other call number designation associated with services furnished by the Company. The Company reserves the right to change such numbers, or the central office designation associated with such numbers, or both, assigned to the Customer, whenever the Company deems it necessary to do so in the conduct of its business. Nothing in this provision shall be construed to be inconsistent with number portability requirements.

1. Competitive Local Exchange Service Regulations (cont'd)

1.2 Terms and Conditions (cont'd)

G In response to a subpoena or investigation or other demand issued or authorized by a court or government agency, the Company shall provide customer records and related information without further notice.

1.3 Notification of Service Affecting Activities

A The Company will provide the Customer reasonable notification of service-affecting activities that may occur in the normal operation of its business. Such activities may include, but are not limited to, equipment or facilities additions, removals or rearrangements and routine preventive maintenance. Generally, such activities are not specific to an individual Customer but affect many Customers' services. No specific advance notification period is applicable to all service-affecting activities. The Company will work cooperatively with the Customer to determine reasonable notification requirements. With some emergency or unplanned service affecting conditions, such as an outage resulting from cable damage, notification to the Customer may not be possible.

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1. Competitive Local Exchange Service Regulations (cont'd)

1.8 Payment Arrangements (cont'd)

1.8.1 Bills and Collection of Charges

A Bills will be rendered monthly to Customer. Fixed monthly recurring charges are billed in advance. Usage charges and minimum charges for service are billed in arrears. Customer shall be liable for all accrued local charges, directory charges, long distance charges and other charges arising prior to the service commencement date, as defined herein, and shall pay the Company for any such charges which may be assessed against the Company in any manner.

B All service, monthly recurring charges and non-recurring charges are due and payable within 14 days of the post mark on the bill, provided however, that installation charges may be spread out over 3 months.

C The Company shall present bills for recurring charges monthly to the Customer, in advance of the month which service is provided.

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1. Competitive Local Exchange Service Regulations (cont'd)

1.8 Payment Arrangements (cont'd)

1.8.1 Bills and Collection of Charges (cont'd)

D For new customers or existing customers whose service is disconnected, the charge for the fraction of the month in which service was furnished will be calculated on a pro rata basis. For this purpose, every month is considered to have 30 days.

E A late payment charge of 1.5% is not applicable to subsequent rebilling of any amount to which a late payment charge has already been applied. Late charges are to be applied without discrimination.

F A fee of \$25.00 will be charged whenever a check or draft presented for payment for service is not accepted by the institution on which it is written. The Company may waive the returned check charge under appropriate circumstances.

G If Customer chooses to place information services provider (ISP) calls or receives calls via a non-Dynalink Communications, Inc. affiliated carrier, customer will be liable for all charges related to such calls; including without limitation, charges billed to the Company or Customer by ISP or other carriers, any applicable rebilling charge and charges for any service provided by the Company or its affiliates.

H The Company's bills and billing practices will be consistent with Chapter 4901:1-5.

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1. Competitive Local Exchange Service Regulations (cont'd)

1.8 Payment Arrangements (cont'd)

1.8.2 Disputed Bills

A The Customer shall notify the Company of any disputed items on a bill within a reasonable period of time after receipt of the bill. The existence of a disputed amount does not relieve the customer of their obligation to pay current charges. If the Customer and the Company are unable to resolve the dispute to their mutual satisfaction, the Customer may file a complaint with the Commission in accordance with the Commission's rules of procedure.

B The date of the dispute shall be the date the Company receives sufficient documentation to enable it to investigate the dispute.

C The date of the resolution is the date the Company completes its investigation and notifies the Customer of the disposition of the dispute.

Dynalink Communications, Inc.  
233 West 17th Street  
New York, New York 10011  
(877) 396-2546

Ohio Public Utilities Commission  
180 E. Broad Street  
Columbus, OH 43215  
Toll Free: (800) 686-7826

D If you have a complaint that is not resolved after you have called the Company or for general utility information, business customers may contact the Ohio Public Utilities Commission for assistance at 1-800-686-7826 (toll free) or for TTY at 1-800-686-1570 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at [www.puco.ohio.gov](http://www.puco.ohio.gov).

1. Competitive Local Exchange Service Regulations (cont'd)

1.13 Promotional Offers

- A The Company may, from time to time, make promotional offerings of its services. The promotional offerings may be limited as to the duration, the date and times of the offering and the locations where the offerings are made and shall be conducted in accordance with the provisions of state rules and regulations. The only limitation upon a promotional offering shall be that the waiver of any charges other than a nonrecurring charge shall be limited to 90 calendar days on a per customer basis. All promotions will be added to the tariff as an addendum to the price list.

1.14 Customer Service

- A Customer service personnel are available twenty-four (24) hours a day, seven days a week and may be reached toll-free.

2 Service Descriptions and Rates

General

- A Dynalink Communications, Inc.'s local service enables the business Customer to:
- (i) receive calls from other stations on the public switched telephone network;
  - (ii) place calls to other stations on the public switched telephone network;
  - (iii) access the Company's business office for service related assistance; access directory assistance for the local calling area; access toll free telecommunications services; access enhanced 911 services for emergency calling; access Telephone Relay Service; and
  - (iv) access the interexchange network. A Customer may presubscribe to the carrier of their choice for interLATA and intraLATA calling, or Customer may access a provider on an *ad hoc* basis by dialing the provider's Carrier Identification Code (10XXX).
- B Calls to information service providers (900/976) will be automatically blocked on a per line basis. The Customer may have the blocking removed pursuant to FCC rules.

The Company will mirror the entire ILEC exchanges for both serving areas and local calling areas as stated in the tariffs of AT&T Ohio and Verizon.

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Issue Date: June 15, 2009

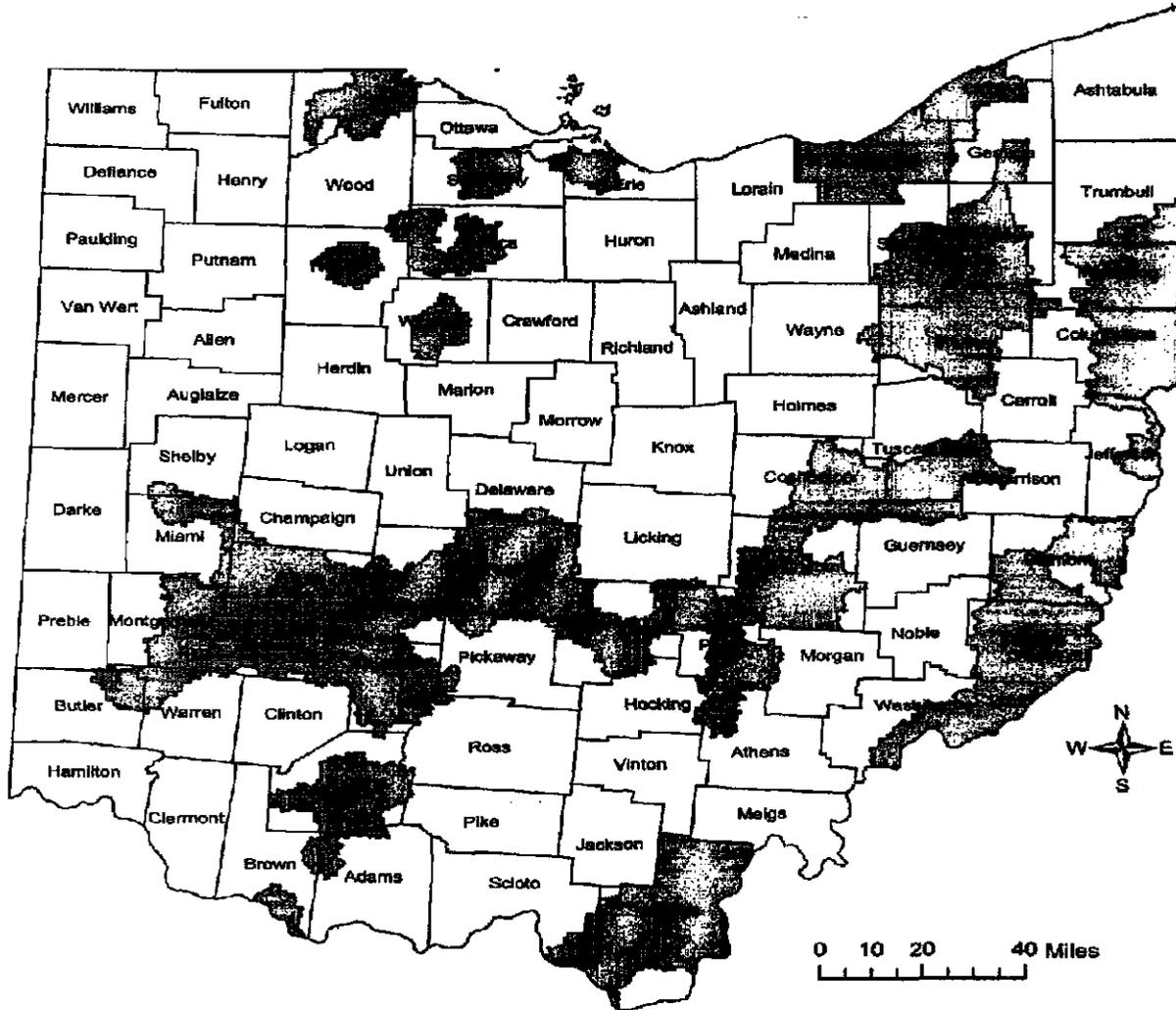
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2 Service Description and Rates (cont'd)

2.1 Proposed Service Area - AT&T

OHIO SERVICE AREA



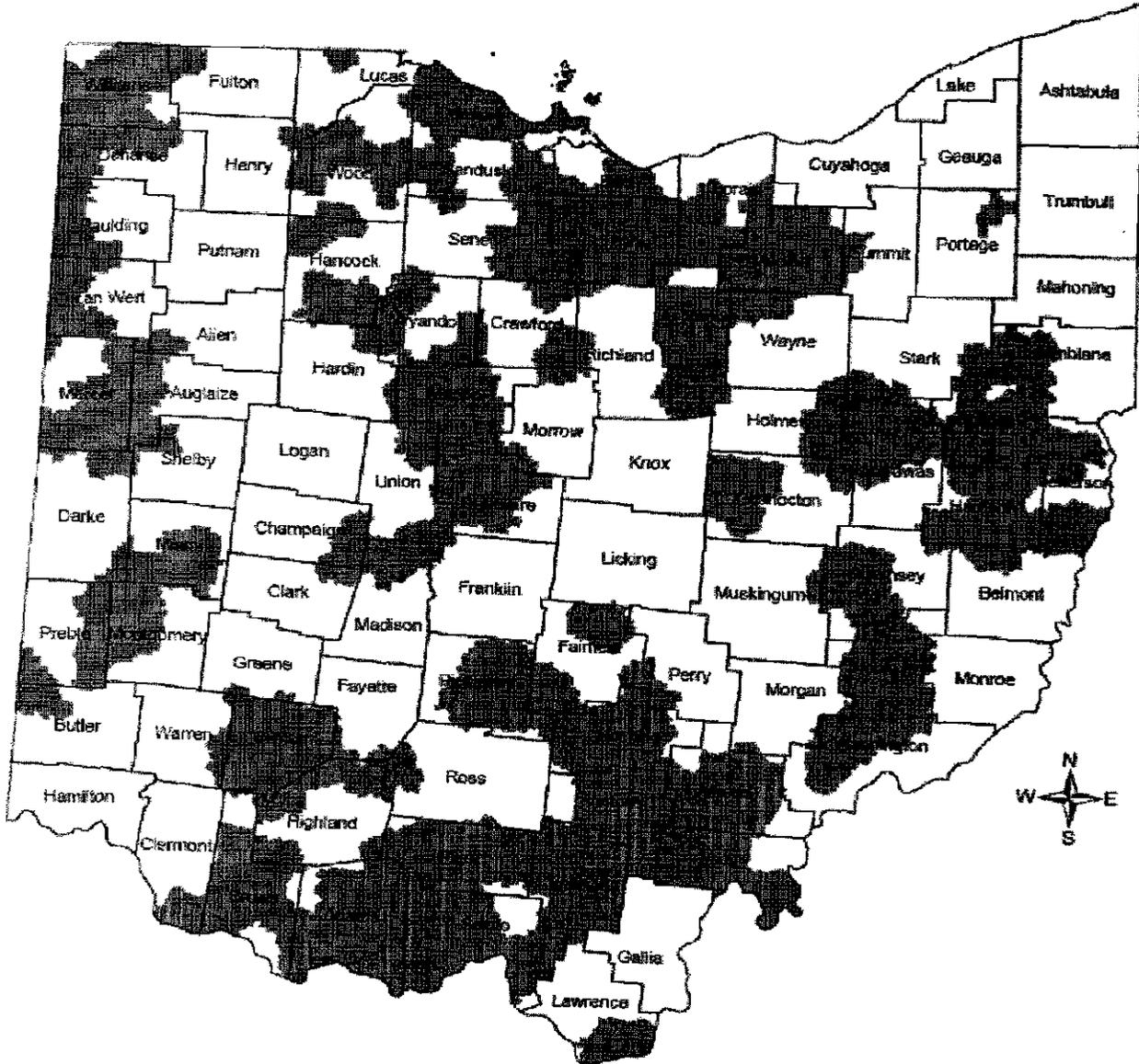
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233 West 17th Street  
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2 Service Description and Rates (cont'd)

2.1 Proposed Service Area - Verizon



As Approved in Case No. 09-498-TP-ACE  
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233 West 17th Street  
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2 Service Descriptions and Rates (cont'd)

2.4 Resold Business Line Service

- A Resold Business Line service offers the Customer a choice of billing options, and a host of optional features. Term plans are also available.

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2 Service Description and Rates (cont'd)

2.4 Resold Business Line Service (cont'd)

2.4.1 Rates

Billing Option 1 - Customers receive a lower monthly recurring line charge in exchange for a term plan.

	<b>Monthly Recurring Charge</b>	<b>Per Call Charge</b>
<b>Term Plan</b>	Max.	Max.
Month to Month	\$75.00	\$.24
One Year	\$63.00	\$.24
Two Year	\$54.00	\$.24
Three Year	\$48.00	\$.24

Billing Option 2 - Customers receive a lower incremental charge in exchange for a term plan.

	<b>Monthly Recurring Charge</b>	<b>Incremental Charge*</b>
<b>Term Plan</b>	Max.	Max.
Month to Month	\$75.00	\$.036
One Year	\$75.00	\$.034
Two Year	\$75.00	\$.032
Three Year	\$75.00	\$.029

\* Billing is in six second increments with an 18 second minimum.

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2     Service Description and Rates (cont'd)

2.10   Toll Disconnection

2.12.1     DePICing

Max.  
\$5.00

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3 Competitive Local Exchange Service Price List

3.1 Standard Business Local Exchange Service

Standard Business Local Exchange Service provides the Customer with a single, analog, voice-grade telephonic communications channel, which can be used to place or receive one call at a time. Standard Business Local Exchange Service lines are provided for the connection of Customer-provided wiring, telephones, facsimile machines or other station equipment. An optional per line Hunting feature is available for multi-line Customers which routes a call to the next idle line in a prearranged group when the called line is busy.

Recurring charges for Standard Business Local Exchange are billed monthly in advance. Usage charges, if applicable are billed in arrears. Usage charges may apply for calls placed from the Customer's line. No usage charges will apply to calls received by the Customer. Non-recurring charges for installation or rearrangement of service are billed on the next month's bill immediately following work performed by the Company

3.1.1 AT&T Ohio Calling Areas

Monthly Recurring Charges

The following charges apply to Standard Business Local Exchange lines per month for customers located in the AT&T Ohio Calling Areas. Rates and charges include Touchtone Service for each line. The rates and charges below apply to service provided on a month-to-month basis. All business services are measured.

3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange Service (cont'd)

3.1.1 AT&T Ohio Calling Areas

A. Message Rate

Message Rate Service consists of a fixed monthly rate for usage packages which includes a monthly local usage allowance in the monthly rate. Each local call is charged on a message unit basis and an additional charge is made for local messages in excess of the allowance. The allowance, if not used during one month, is not credited to the customer's account for any other month that service is provided.

<u>Individual Line</u>	<u>Monthly Rate</u>	<u>Max Rate</u>
	28.90	57.80

As Approved in Case No. 09-498-TP-ACE  
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Sol Birnbaum, President  
 233 West 17th Street  
 New York, New York 10011

3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange Service (cont'd)

3.1.1 AT&T Ohio Calling Areas (cont'd)

A. Message Rate (cont'd)

**Local Message Allowances and Charges**

The monthly rates for usage packages associated with message rate services include the number of local messages specified below:

Monthly Call Allowance      73

The current charge per additional local message is \$0.16

The maximum charge per additional local message is \$0.16

Unless otherwise requested by the customer, where two or more message rate services of the same class and grade are furnished to a customer from the same central office at given premises, the local message allowance for the service involved is combined.

As Approved in Case No. 09-498-TP-ACE

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3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange Service (cont'd)

3.1.1 AT&T Ohio Calling Areas

B. Measured Rate

1. Measured Rate Services

The local usage charges are based upon four measured elements, i.e., the total number of outgoing local messages, the distance and the duration of each local message and the time of day each local message is originated, subject to the following:

a. Distance

The charges for local messages vary based on the airline distance (i.e., rate mileage) between the rate centers of the central offices serving the calling and called stations.

b. Duration

(1) A charge applies for the initial minute, or fraction thereof, and for each additional minute, or fraction thereof.

(2) A local message is considered as starting at the time telephone communication is established between the calling station and the called telephone number.

(3) Chargeable time ends when the calling station "hangs up" thereby releasing the network connection. If the called station "hangs up" but the calling station does not, chargeable time ends when the network connection is released by the automatic timing equipment in the telephone network.

(4) Chargeable time does not include time lost because of faults or defects in the service.

As Approved in Case No. 09-498-TP-ACE  
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New York, New York 10011

3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange Service (cont'd)

3.1.1 AT&T Ohio Calling Areas (cont'd)

B. Measured Rate (cont'd)

Monthly Recurring Service Charges

<u>Individual Line</u>	<u>Monthly Rate</u>	<u>Max Rate</u>
	22.75	45.50

As Approved in Case No. 09-498-TP-ACE  
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3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange Service (cont'd)

3.1.1 AT&T Ohio Calling Areas (cont'd)

C. Usage Rates

Per Minute Usage Charges - PEAK

Band	First Minute	Add'l Minute
A (10 miles)	0.0353	0.0088
B (22 miles)	0.0397	0.0132
C (999miles)	0.0442	0.0177

Per Minute Usage Charges - OFF-PEAK

Band	First Minute	Add'l Minute
A (10 miles)	0.0177	0.0044
B (22 miles)	0.0199	0.0066
C (999 miles)	0.0221	0.0089

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3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange Service (cont'd)

3.1.2 Verizon Calling Areas

Monthly Recurring Charges

The following charges apply to Standard Business Local Exchange lines per month for customers located in the Verizon Calling Areas. Rates and charges include Touchtone Service for each line. The rates and charges below apply to service provided on a month-to-month basis. All business services are measured.

A. Flat Rate Calling Service

Flat Rate Local Calling Service provides the customer with unlimited local calls within their local calling area for one flat monthly rate. A local calling area includes their home location and any EAS (Extended Area Service) will be billed separately per minute.

	<u>Monthly Rate</u>	<u>Max Rate</u>
Individual Line	35.95	71.90

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3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange (cont'd)

3.1.2 Verizon Calling Areas (cont'd)

B. Usage Sensitive Charges and Allowances

Each call to a telephone number within the customer's exchange area is charged on a usage basis. Extended area usage rates apply to calls made to certain exchanges outside the customer's exchange area. Usage charges apply on customer-dialed station-to-station calls charged to the calling party. Where operator assistance is utilized, the usage charges apply in addition to the charge for operator assistance on local messages<sup>1</sup>. The additional charge for operator assistance would apply if the calling party wants the call billed to another local telephone number.

Monthly Charges

<u>Individual Line</u>	<u>Monthly Rate</u>	<u>Max Rate</u>
Rate Class 1	15.64	31.28
Rate Class 2	16.16	32.32
Rate Class 3	16.74	33.48
Rate Class 4	17.64	35.28
Rate Class 5	18.65	37.30
Rate Class 6	24.09	48.18

<sup>1</sup> Operator Assistance for Local Messages: A special service charge applies for operator assistance on local calls. This service charge is in addition to the other usage rates for Usage Sensitive Service. Charge per call is \$.50.

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3 Competitive Local Exchange Service Price List (cont'd)

3.1 Standard Business Local Exchange (cont'd)

3.1.2 Verizon Calling Areas (cont'd)

B. Usage Sensitive Charges and Allowances (cont'd)

Usage Charges

	PEAK		OFF-PEAK <sup>2</sup>	
	First Minute	Add'l Minute	First Minute	Add'l Minute
Home Calling Area	0.0300	0.0100	0.0150	0.0050
Extended Service Area				
Area A (1-10 miles)	0.0700	0.0200	0.0350	0.0100
Area B (11-22 miles)	0.0900	0.0300	0.0450	0.0150
Area C (22+ miles)	0.1200	0.0400	0.0600	0.0200

<sup>2</sup> 9:00 PM to 7:59 AM Monday through Friday, and all day Saturday, Sunday and Holidays

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3 Competitive Local Exchange Service Price List (cont'd)

3.3 Insufficient Fund Charge \$25.00

3.4 Directory Assistance

A For all calls to local directory assistance beyond the monthly allowance of one call per month, the following charge will apply per call:

AT&T OHIO Service Areas	\$1.10 per call
Verizon Service Areas	\$1.10 per call

B For all requests for local Directory Assistance Call Completion, the following additional charge will apply:

\$0.35 per request

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4 Service Offerings

A complete description of the detariffed business local and interexchange telecommunications services, rates & terms and conditions that are offered by the Company can be found on the Company's website at [www.dynalinktel.com](http://www.dynalinktel.com).

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