

SILV COMMUNICATION INC.

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IDAHO PUBLIC
UTILITIES COMMISSION

TITLE SHEET

LONG DISTANCE TARIFF

SILV COMMUNICATION INC.

COMPETITIVE TELECOMMUNICATION SERVICES

This tariff contains the description, regulations, and rates applicable to the furnishing of service for telecommunications services provided by Silv Communication, Inc., with principal offices at 3440 Wilshire Blvd., Ste. 807 Los Angeles, CA. 90010 (800) 770-3057 This tariff applies to services furnished within Idaho. This tariff is on file with the Idaho Public Commission, where copies may be inspected during normal business hours.

Idaho Public Utilities Commission
Office of the Secretary
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NOV 11 2002

Boise, Idaho

Issued: MD. AMINUR RAHMAN

Effective: June 19, 2002

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CHECK SHEET

Pages 1 through 19 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 are all changes from the original tariff and are currently in effect as of the date at the bottom of this page.

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SYMBOLS

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

- (D) - Discontinued rate or regulation
- (I) - Increase in rate
- (M) - Moved to/from another tariff location
- (N) - New rate or regulation
- (R) - Reduction in Rate
- (T) - Change in text only

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TARIFF FORMAT

A. Sheet Numbering - Sheet number appear in the lower 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 pages 14 and 15 would be 14.1.

B- Sheet Revision Numbers - Revision numbers appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the Idaho Public Utilities Commission. For example, 4th Revised Sheet No. 14 cancels the 3rd Revised Sheet No. 14 Because of various suspension periods, deferrals, etc. The Idaho Public Utilities Commission follows in its tariff approval process; the most current sheet number on file with the Idaho Public Utilities Commission is not always the tariff sheet in effect. Consult the Check Sheet for the page currently in effect.

C- Paragraph Numbering Sequence- There nine levels of paragraph coding. Each level of coding is subservient to its next higher level.

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

D-Check Sheets- When a tariff filing is made with the Idaho Public Utilities Commission, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new sheets are added, the check sheet is changed to reflect the revision. All revision 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 Idaho Public Utilities Commission.

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Carrier or company - Silv Communication, Inc.

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

Commission- Idaho Public Utilities Commission

Holidays- New Year's Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

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 telecommunication carrier whose network facilities provide the technical capability and capacity necessary to the transmission and reception of customer telecommunications traffic within Idaho.

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SECTION 2- RULES AND REGULATIONS

2.1 Understanding 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 Idaho.

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, if necessitated by conditions beyond its control, including without limitation, for customer non-payment of charge; or when the customer's used of a service becomes or is 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 alteration; effect, transfer or assignment would result in a interruption of the Services or a change in the customer's location to which the Services are to be provided.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.2 Limitations (Cont'd)

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.

2.3 Liabilities of the Company

2.3.1 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.

2.3.2 Acceptance of the provisions of Section 2.3.1 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 therefore, so it is the duty of the courts to determine the validity of the exculpatory provisions of Section 2.3.1

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

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2.3 Liabilities of the Company (Cont'd)

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

- (A) Claims for libel, Slader, or infringement of copyright 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 connection with any service provided by Company.

2.4 Interruption of Service

- 2.4.1 Credit allowance for the interruption of service is subject to the general liability provisions set forth in Section 2.3.1 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 in connection with Company's Services.
- 2.4.2 No credit is allowed in the event service must be interrupted in order to provide routine service quality or related investigations.\

SECTION 2 - RULES AND REGULATIONS (Cont'd)

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2.4 Interruption of Service (Cont'd)

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- 2.4.3 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 entitle to a credit for the failure of the facilities of Company's Underlying Carrier used to furnish customer's service.
- 2.4.4 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 willful acts of customer.
- 2.4.5 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.
- 2.4.6 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.
- 2.4.7 Credits are applicable only to the portion of service interrupted.
- 2.4.8 For purposes of credit computation, every month shall be considered to have 720 hours.
- 2.4.9 No credit shall be allowed for an interruption of a continuous duration of less that two hours.

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.2 Interruption of Service (Cont'd)

2.4.10 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

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

“A” = outage time in hours

“B” = total monthly charge for affected facility

2.5 Restoration of Service

The use and restoration of service shall be administered by the Underlying Carrier in accordance with the priority system specified in the Rules and Regulations of the Idaho Public Utilities Commission.

2.6 Deposits

The Company does not require a deposit from its customer

2.7 Advance Payments

The Company does not collect advance payments.

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SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.8 Taxes

- 2.8.1 Customer will be billed and is responsible for payment of applicable local, state, and federal taxes assessed in conjunction with service used.
- 2.8.2 All state and local taxes (i.e., sales taxes, gross receipts taxes, municipal utilities taxes, etc.) are listed as separate line items and are not included in the quoted rates.

2.9 Billing

Company uses an outside billing company to bill its customers

2.10 Collections

- 2.10.1.1 In the event Company incurs fees or expenses, including attorneys' fees, to collect, or to 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 attorneys' fees, incurred to collect or to attempt to collect its charge.
- 2.10.2 In accordance with the "filed tariff doctrine", as established by Judicial and regulatory decision 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 shall charge customer all such fees and expenses, including Company's reasonable attorney's fees, incurred to collect or to attempt to collect its charge.

SECTION 2 - RULES AND REGULATIONS (Cont'd)

2.11 Billing Disputes

2.11.1 A valid billing dispute consists of a phone call to customer services department and at the point credit for dispute amount can be consider by company and if at that point customer is not satisfied a written documentation specifically listing the total dollar amount of the dispute, the specific rate elements being disputed, and their dollar amounts. The dispute must be received by the Company in writing within 30 days after the due date of the bill. At least one of the following reasons must be given for the dispute to be considered valid.

1. Incorrect Rate
2. Error in quantity (i.e. billing increments)
3. Service no longer exists
4. Incorrect customer being billed
5. Backbilling

2.11.2 Refusal to pay an entire bill or any portion thereof without written supporting documentation will be considered a invalid dispute and will be handled as a nonpayment

2.11.3 In the event that a billing dispute is resolved in favor of the Company, late payment charges will apply to amounts withheld pending settlement of the dispute. Late payment charges are calculated as set forth in Section 4.8 except that when the amount on or before the payment date, the penalty interest period shall not begin until 10 days following the payment date

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SECTION 2 - RULES AND REGULATION (Cont'd)

2.11 Billing Disputes (Cont'd)

2.11.4 In the event that a billing dispute is resolved in favor of the Customer, the Company will refund any overpayment. In addition, the Company will pay the customer penalty interest on the overpayment. When a claim is filed within 90 days of the due date, the penalty interest shall begin on the payment data. When a claim is filed more than 90 days after the due date, the penalty interest period shall begin from the date the claim or the date of overpayment, whichever is later.

The penalty interest period shall end on the date that the Company actually refunds the overpayment to the customer. The penalty interest rate shall be the lesser of:

- (1) the highest interest rate (in decimal value) which may be levied by law for commercial transactions, compounded daily for the number of days from the first date to and including the last date of the period involved, or
- (2) 0.000292 per day, compounded daily for the number of days from the date to and including the last date of the period involved.

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SECTION 3 - DESCRIPTION OF SERVICES

3.1 Usage Based Service

- 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 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, calls are billed in thirty (30) second increments.
- 3.1.4 Usage is measured and rounded up to the next higher increments for billing purposes.
- 3.1.5 There are charges applied for incomplete calls.

3.2 Outbound Interexchange Service

The Company's service is provided for the use by pre-subscribed Customers or Authorized users. Calls are routed over the Company's resold transmission and switching facilities NPA-NXX in the state of Idaho.

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SECTION 3 - DESCRIPTION OF SERVICES (Cont'd)

3.3 800/888/877 Service

800/888/877 Service provides for the termination of inbound toll-free calls to one-party exchange access lines from points within Idaho to Customer premises within Idaho.

3.4 Directory Assistance

The Company provides standard Directory Assistance

3.5 Services Not Available

Carrier does not offer calling card service, 900, 911, collect, or third party billed calling.

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SECTION 4-RATES

4.1 Description of Rates

Service are available to subscribers under the following rate plans. Calls in each rate plan are billed in increments with minimum billing increments as specified. No charge is made for an uncompleted call.

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SECTION 4 - RATES (Cont'd)

4.2 Switched 1+Outbound Basic Rate Plans

4.2.1 InterLATA Long Distance Service

Switched 1+ Outbound Service for interLATA Long Distance Service located within the state of Idaho is billed in thirty (30) second increments at the following flat rate:

There is a \$4.99 monthly service fee.

08.9 cents/minute InterLATA, 24 hours per day every day

4.2.2 IntraLATA Long Distance Service

Switched 1+Outbound Service for intraLATA services provided to or from points located within the LATAs within the state of Idaho is billed in thirty (30) second increments at the following rate:

0.20 cents /minute, 24 hours per day, every day

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SECTION 4 - RATES (Cont'd)

4.3 Directory Assistance Charge

\$0.95/Call

4.4 Method of Computing Charges

Charges for each call are totaled by rate period. If the computing charges include a fraction is rounded up to the next whole cent (e.g., \$1.4266 would be rounded up to \$1.43).

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