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Windstream New York, Inc.
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

A. NON-RECURRING CHARGES

1. General

Non-recurring service charges are one-time charges which apply to the ordering installation or changing of telephone service and/or equipment. Service charges consist of: (1) Service Order Charge, (2) Subsequent Service Order Charge, (3) Central Office Line Charge, and/or (4) Premise Visit Charge. Any one or a combination of these charges may apply depending on the work done.

2. Nonrecurring charges for the services below are listed in the Pricing Addendum.

(T)

Service Order Charge

(T)

Subsequent Service Order Charge

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Addition of Special Access Line

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Features, i.e., Custom Calling and

Enhanced Custom Calling Services

(M)

Central Office Line Charge

(M)

Premise Visit Charge

(M)

3. Regulations

A. Service Order Charges

A Service Order Charge applies per customer order, for all work on services ordered to be provided at one time, on the same premises for the same customer, as follows:

- (1) An Initial Service Order Charge applies for connection of and/or relocation of primary exchange service.
- (2) A Subsequent Service Order Charge applies for additions to or changes in the service of existing customers.

A Subsequent Service Order Charge shall apply for:

- addition of directory listing.
- change in listed name; including to or from dual name listings, but shall not apply for changes due to death, marriage or court order.
- change in listed address.
- change from listed to non-published service where no number change is requested.
- addition of or change in classhead unless such change is due to the elimination of existing classhead from the directory.
- each time a change to a current customer's service is made at the request of the customer.

PSC NO.: 1 TELEPHONE
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

A. NON-RECURRING SERVICE CHARGES (Cont'd.)

3. Regulations (Cont'd.)

- change in the type, grade or class of service; this would include changing from residence to business or vice versa, and either upgrading or down grading service.

Service Order Charges shall not apply to any order due to:

- Company initiated change
- Company error or its agents' error
- Change in billing address
- addition of optional toll or E.A.S. Service
- partial or complete removal of service.
- issuing of toll credit cards.

B. Central Office Line Connection Charge

A Central Office Line Connection Charge is the charge which applies for the work performed to arrange an exchange line to provide service between the central office and the customer's premises.

- (1) It includes, but is not limited to, making and changing connections in a central office and making and changing connections in distribution facilities between the central office and the customer's premises, including necessary cross connections and line and station transfers.
- (2) One Central Office Line Connection Charge applies per line.

A Central Office Line Charge applies per each exchange line or mileage circuit. The Line charge covers the plant work involved in installing, changing or moving each exchange line or mileage circuit.

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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

A. NON-RECURRING SERVICE CHARGES (Cont'd.)

3. Regulations (Cont'd.)

B. Central Office Line Connection Charge (Cont'd.)

Line Charge applies per each installation or move of:

- Individual Line PBX Trunk
- Trunk Hunting Line Off-Premise (bridged) Exchange Line
- Party Line Private Line
- Semi-Public Line Lease Line
- Intercept Line Off-Premise PBX Station Line
- Centrex Line Tie Line

Line Charge applies per each telephone or PBX station number changed at the customer's request. Line Charge does not apply for telephone or PBX station numbers changed at the Company's initiative.

Central office network access charges do not apply for:

- (1) Transfer of service from one customer to another when there is no lapse in service.
- (2) Providing Tel Touch Service or Custom Calling Features to existing Exchange Service customers.
- (3) Disconnection of Local Exchange lines.

PSC NO.: 1 TELEPHONE
Windstream New York, Inc.
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Revision: 0
Superseding Revision:

SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

A. NON-RECURRING SERVICE CHARGES (Cont'd.)

3. Regulations (Cont'd.)

C. Premise Visit Charge applies per customer order, for all service ordered at one time by one customer on the same premise. Premise visit charge covers the work involved in transporting personnel and/or equipment to the customer's premise. When more than one visit is required to complete the original order, only one Premise Visit Charge applies. When more than one premise is involved, a Premise Work Charge applies per premise.

D. Service Order, Central Office Line and Premise Visit charges do not apply to a residential customer making one change in the type or grade of service when that change is ordered within 60 days from the date service was established.

Any additions or changes made subsequent to, but before the completion of the original order, are considered part of the original order with no additional service order charges.

PSC NO.: 1 TELEPHONE
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

B. RESTORAL CHARGES

1. General

A charge for restoral of service applies when exchange service is reconnected after suspension or termination for non-payment but before cancellation of the service.

2. Charges:

Appropriate service connection charges as listed previously in this section.

PSC NO.:1
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

C. CONSTRUCTION CHARGES

1. General

The construction charges specified in this Section apply in addition to all other applicable Tariff charges including mileage.

(A) The company's obligation to furnish service is dependent upon its ability to secure and retain, without unreasonable expense, suitable facilities and rights for the provisions of such service.

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(B) The rates and charges quoted in this tariff provide for the furnishing of service and facilities where suitable facilities are available or when the construction of the necessary facilities does not involve excessive costs. Excessive costs are defined in Section 8.C.4, which also sets forth how charges will be determined.

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2. Construction Along Public Highways

a. General

The Telephone Company determines the type of plant to be used.

Ownership of all such plant is vested either in the Telephone Company or in some other utility company with which the Telephone Company has an agreement for the joint use of plant.

The allowances, charges and regulation herein provided apply regardless of the type of construction or facilities used, including attachments to plant of other utility companies.

Applicants for service to which construction charges shown below are applicable may be requested to prepay the monthly payments for the five year term less 10%.

b. Charges

(1) Construction required for central office loops, PBX station lines and tie lines is furnished at charges based on cost.

(2) Construction required for main exchange service within the base rate area is furnished without charge.

(3) Construction required for main exchange service outside the

PSC NO.: 1 TELEPHONE
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

C. CONSTRUCTION CHARGES (Cont'd.)

2. Construction Along Public Highways (Cont'd.)

b. Charges (Cont'd.)

(3) (Cont'd.)

base rate area is furnished at the following charges:

for a term of five years the rate listed in the Pricing Addendum applies to each 1/10 mile or fraction thereof, route distance of construction of any type in excess of the following allowances:

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1/2 route mile of construction within the exchange for each main service and each additional central office line furnished on a full year basis.

and

1/5 route mile of construction with the exchange for each main service and each additional central office line to be furnished for only part of a year, regardless of whether or not season rates apply.

(4) Where there is not more than one mile, route distance, between successive applicants, they are considered as a group and the construction allowances for the individual members of the group are totaled to determine the amount of actual construction that will be provided without construction charge to the group. Charges for construction in excess of the total allowance are divided equally among the members of the group.

(5) When subscribers are added to a group within the five-year term of the construction charges, the charges are recomputed on the basis of the larger number of subscribers. If this recomputation results in a lower construction charge per subscriber, the monthly payments for the existing subscribers are reduced for the balance of the term. Where a subscriber has prepaid the total monthly payments an appropriate refund is made. The new subscribers are responsible for payment of construction charges only for the unexpired portion of the five-year term.

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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

C. CONSTRUCTION CHARGES (Cont'd.)

2. Construction Along Public Highways (Cont'd.)

b. Charges (Cont'd.)

- (6) An applicant who wishes to prepay all monthly payments or the balance of monthly payments at any time during the five-year term may do so by paying the total of the monthly payments for the unexpired term less 10%.
- (7) A subscriber paying the construction charge on the monthly payment basis who discontinues service within the five-year term is required to pay a termination charge equal to the total of the monthly payments for the unexpired term less 10%. Charges to the remaining subscribers in the group are not affected.

3. Construction on Private Property

a. General

- (1) The subscriber is required to obtain and furnish any and all necessary rights-of-way authorizing the Telephone Company to place and maintain its plant.
- (2) Poles on private property for telephone use only to serve the subscriber's principal location are furnished, owned and maintained by the Telephone Company subject to the allowances and charges shown below. In the case of residence service the principal location is considered to be the subscriber's dwelling. In the case of business service the principal location is considered to be the main office on the premises of the subscriber, except that where PBX service is furnished the principal location is considered to be the building in which the subscriber's PBX switchboard is located.
- (3) Poles beyond the principal location on the subscriber's premises are furnished, erected, owned and maintained by the subscriber or at his expense. Such construction is subject to the approval of the Telephone Company.
- (4) Existing subscriber-owned poles for telephone use only to serve the subscriber's principal location will be replaced for maintenance reasons by and at the expense of the Telephone Company. Poles placed by the Telephone Company for maintenance reasons are owned by the Telephone Company.

PSC NO.: 1 TELEPHONE
Windstream New York, Inc.
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

C. CONSTRUCTION CHARGES (Cont'd.)

3. Construction on Private Property (Cont'd.)

a. General (Cont'd.)

- (5) Where poles are furnished as a joint undertaking by the Telephone Company and a utility company, such poles are maintained by the companies and the Telephone Company's charge in the Pricing Addendum applies. (T)
- (6) Where poles for Telephone Company facilities and other facilities are not furnished as a joint undertaking of the Telephone Company and other utility company, the subscriber is required to furnish, erect, own and maintain the poles. Such construction is subject to the approval of the Telephone Company.
- (7) Where the Telephone Company attaches its wires to poles of another utility and attachment charges are made by the other utility to the Telephone Company for use of the poles, construction charges apply as specified in this section.
- (8) Where the subscriber requests poles to be relocated such relocation of poles will be made by the Telephone Company at the subscriber's expense.
- (9) Where the pole line construction is provided to serve two or more subscribers, that portion of the construction which is used in common by two or more subscribers is subject to the regulations and charges specified in this Section and the Pricing Addendum for construction along public highways. (T)

b. Charges

- (1) Construction required for extension lines, PBX station lines, and tie lines are furnished at charges based on cost.

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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

C. CONSTRUCTION CHARGES (Cont'd.)

3. Construction on Private Property (Cont'd.)

b. Charges (Cont'd.)

- (2) Construction required for main exchange service is furnished at the monthly rate listed in the Pricing Addendum for a term of five years for each 1/20 mile or fraction thereof route distance in excess of two poles or 500 feet route distance for connection to the principal location of each subscriber served on a full year basis. No allowance applies to service to be furnished for only a part of a year.
- (3) An applicant who wishes to prepay all monthly payments or the balance of the monthly payments at any time during the five-year term may do so by paying the total of the monthly payments for the unexpired term less 10%.
- (4) A subscriber paying the construction charges on the monthly payment basis who discontinues service within the five-year term is required to pay a termination charge equal to the total of the monthly payments for the unexpired term less 10%.
- (5) An applicant may be requested to prepay the monthly payments for the five-year term less 10%.

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4. Extensions and Move or Rearrangement of Existing Services or Facilities

- a. Under normal conditions, the Company, without charge, will extend new lines to reach residential basic local customers within the exchange service area, provided the cost of constructing the required line extension will not exceed the estimated annual basic local charges from such customer.

Additionally, in residential subdivisions having more than five units the Company will install, without charge, 25 feet per dwelling or 200 feet of feeder facilities from the boundary line of a residential subdivision equal to 25 feet per dwelling unit or 200 feet, whichever is greater]. Any charges in excess of the above ("excessive costs") will be passed on to the customer except for locations at which the Company is receiving governmental funding that covers the costs of extending service to that customer. The customer shall be apprised of any special charges for construction via a good faith estimate and will be billed only that if the actual cost is greater. The Company may pass through all costs of extending service to any customers other than basic local customers.

- b. Any moves of existing service required by any person or entity other than the Company or requested by the customer will be deemed a request to extend new lines and charged in accordance with the above unless the governmental entity requiring the move will pay for same. If the governmental move request impacts multiple customers, charges for the new line extensions will be borne equally by all impacted customers unless any individual customer has charges unusual to his or her situation

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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

D. CONSTRUCTION CHARGES (Cont'd.)

4. Extensions and Move or Rearrangement of Existing Services or Facilities (Cont'd)

- c. Except as may be provided in any relevant NY statutes or rules, underground facilities may be provided at a governmental entity's, customer's or a developer's request as special construction in connection with either existing or new services in lieu of the usual aerial drop wire and will be provided at the customer or developer's cost, including costs of maintenance and repair or replacement.
The Company will permit the customer to excavate the trench necessary for underground facilities, but such excavation shall be performed according to the Company's specifications. The duct or ducts required in the underground conduit by the Company to furnish service shall be reserved for its exclusive use. Where facilities are changed from aerial to underground, in addition to the above, the customer or developer shall be charged the cost of dismantling and removing the aerial facilities.

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E. UNDERGROUND EXTENSIONS FOR NEW RESIDENTIAL SUBDIVISIONS

1. Application of Regulations

Extensions of telephone distribution lines necessary to furnish permanent telephone service to new residential buildings within a subdivision on which it is planned to build five or more such buildings, or to new multiple-occupancy buildings, shall be made underground by the Telephone Company in accordance with the provision of this Paragraph D, provided, however, that where any distribution lines necessary to furnish permanent electric service within such a subdivision are installed overhead, the utility may install overhead the distribution lines necessary to furnish permanent telephone service within that subdivision.

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(M) Material now appearing on this leaf, formerly appeared on Leaf 10 of Section 8.

PSC NO.: 1 TELEPHONE
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

D. UNDERGROUND EXTENSIONS FOR NEW RESIDENTIAL SUBDIVISIONS (Cont'd.)

2. Definitions of terms Use in Paragraph D

Applicant - the developer, builder or other person, partnership, association, corporation or governmental agency applying for the construction of telephone or electric distribution lines in a subdivision.

Building - a structure enclosed within exterior walls or fire walls, built, erected and framed of component structural parts and designed for permanent residential occupancy.

Multiple-Occupancy Building - a structure, including row houses, enclosed within exterior walls or fire walls, built, erected and framed of component structural parts, and designed to contain four or more individual dwelling units for permanent residential occupancy.

Subdivision - a tract of land divided into lots for the construction of new buildings, or the land on which new multiple-occupancy buildings are to be constructed, the development of either of which has been approved by governmental authorities having jurisdiction over land use.

Underground Telephone Distribution System - a distribution system in which all distribution cable sections and associated service wire runs are placed below ground, either direct buried or in conduit, as specified needs dictate and may include:

Real wall cable placed on connected row house; and

Pedestal terminals necessary to facilitate installation, operation and subsequent maintenance of the underground distribution system.

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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

D. UNDERGROUND EXTENSIONS FOR NEW RESIDENTIAL SUBDIVISIONS (Cont'd.)

3. Responsibility of Telephone Company

- a. Under normal conditions, the Company, without charge, will extend new lines to reach residential basic local customers within the exchange service area, provided the cost of constructing the required line extension will not exceed the estimated annual basic local charges from such customer.

Additionally, in residential subdivisions having more than five units the Company will install, without charge, 25 feet per dwelling or 200 feet of feeder facilities from the boundary line of a residential subdivision equal to 25 feet per dwelling unit or 200 feet, whichever is greater]. Any charges in excess of the above ("excessive costs") will be passed on to the customer except for locations at which the Company is receiving governmental funding that covers the costs of extending service to that customer. The customer shall be apprised of any special charges for construction via a good faith estimate and will be billed only that if the actual cost is greater. The Company may pass through all costs of extending service to any customers other than basic local customers.

- b. Any moves of existing service required by any person or entity other than the Company or requested by the customer will be deemed a request to extend new lines and charged in accordance with the above unless the governmental entity requiring the move will pay for same. If the governmental move request impacts multiple customers, charges for the new line extensions will be borne equally by all impacted customers unless any individual customer has charges unusual to his or her situation.

- c. Except as may be provided in any relevant NY statutes or rules, underground facilities may be provided at a governmental entity's, customer's or a developer's request as special construction in connection with either existing or new services in lieu of the usual aerial drop wire and will be provided at the customer or developer's cost, including costs of maintenance and repair or replacement.

The Company will permit the customer to excavate the trench necessary for underground facilities, but such excavation shall be performed according to the Company's specifications. The duct or ducts required in the underground conduit by the Company to furnish service shall be reserved for its exclusive use. Where facilities are changed from aerial to underground, in addition to the above, the customer or developer shall be charged the cost of dismantling and removing the aerial facilities.

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PSC NO.:1 TELEPHONE
Windstream New York, Inc.
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

D. UNDERGROUND EXTENSIONS FOR NEW RESIDENTIAL SUBDIVISIONS (Cont'd.)

3. Responsibility of Telephone Company (Cont'd)

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PSC NO.:1 TELEPHONE
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

D. UNDERGROUND EXTENSIONS FOR NEW RESIDENTIAL SUBDIVISIONS (Cont'd.)

3. Responsibility of Telephone Company (Cont'd)

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4. Responsibility of Applicant

All reasonable and necessary rights-of-way and easements suitable to the Telephone Company for the extension of telephone distribution lines must be furnished by the applicant in reasonable time to meet service requirements. Where such lines are required to be underground in accordance with Paragraph D or at the request of an applicant, rights-of-way and easements must be cleared of tree stumps, brush and other obstructions at no charge to the Telephone Company and must be graded to within six inches of final grade by the applicant before the Telephone Company will commence construction. Such clearance and grading must be maintained by the applicant during construction by the Telephone Company.

PSC NO.: 1 TELEPHONE
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

D. UNDERGROUND EXTENSIONS FOR NEW RESIDENTIAL SUBDIVISIONS (Cont'd.)

4. Responsibility of the Applicant (Cont'd.)

At the request of the Telephone Company, the applicant shall provide a survey map certified to by a licensed professional engineer or land surveyor and certified to as final by the applicant showing the location of each lot, sidewalk and roadway and prior to and during construction by the Telephone Company shall place and maintain survey stakes indicating grade and property lines. A map showing the location of all other existing and proposed underground facilities shall be furnished to the Telephone Company by the applicant as soon as the location of such facilities shall be known.

The Telephone Company may require that all sewers, water facilities, drainage facilities and curbs be installed before it commences construction.

5. Deposits by Applicant

In order to guarantee performance, the Telephone Company may require from the applicant before construction is commenced, a deposit in a reasonable amount, but in no event shall this exceed the incremental cost above the equivalent cost for overhead facilities. This deposit shall be returned to the applicant, with interest at the rate specified in Section 2 and the Pricing Addendum located at the end of this Tariff, on a pro rata basis as dwelling units are certified for occupancy. Any portion of the deposit remaining unrefunded five years from the date the Telephone Company is first ready to render service from the underground telephone distribution lines shall be retained by the Telephone Company. Upon mutual agreement of both the Telephone Company and the applicant, a bond may be posted in lieu of any deposits.

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6. Special Conditions

In unusual circumstances when the application of these rules appears impracticable or unjust to either party, or discriminatory to other customers, the Telephone Company or applicant may refer the matter to the Public Service Commission of New York State for special ruling or for approval of special conditions which may be mutually agreed upon, prior to commencing construction.

E. RESERVED FOR FUTURE USE

F. POLE ATTACHMENTS

1. General

Where other licensees attach to a wholly-owned or jointly owned pole of the Company, the rates below apply based on an occupied space measurement. Occupied space measurements shall reflect the overall length of the equipment and mounting hardware plus six inches, rounded up to the next whole foot. For example, equipment with a total length of three feet and six inches would occupy four feet of space for rental purposes, while equipment with a total length of three feet and eight inches would occupy five feet of space for rental purposes. This methodology will apply to all attachments regardless of the equipment installed and the area of the pole the attachment occupies. Overall attachment costs will be determined by multiplying the occupied space measurement by the per-foot attachment rental rate.

*Material formerly appearing on this Leaf is now located on Leaf 16 of Section 8.

PSC NO.: 1 TELEPHONE
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SECTION 8 - NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

F. POLE ATTACHMENTS (Cont'd.)

2. Charges

The Pole Attachment rates listed in the Pricing Addendum for wholly owned or jointly owned poles apply per foot for each attachment on a Company pole:

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G. DROP RELOCATION

1. For relocation of a drop (aerial or buried), when requested by the customer, the rates listed in the Pricing Addendum are applicable in addition to appropriate Service Order Charges:

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2. Pole costs are not included and are priced separately.

3. Under special circumstances, Time, Material and Contract Service Charges may be applied in lieu of, or in additional to the rates listed in the Pricing Addendum.

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PSC NO.: 1 TELEPHONE
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SECTION 8 – NON-RECURRING SERVICE, RESTORAL AND CONSTRUCTION CHARGES

H. WAIVER OF NONRECURRING CHARGES FOR MILITARY PERSONNEL

1. This waiver applies to Military Reservists, National Guard and Full Time Military Personnel who disconnect and/or those requesting reconnection of their service due to military deployment associated with Operation Enduring Freedom, Operation Iraqi Freedom or Operation Noble Eagle (Homeland Defense) or any yet to be named military campaigns.

All residence nonrecurring charges are to be waived at the time the access line is installed. The nonrecurring charges include the service charge for the access line, and additional access lines as found in Section 8 of the tariff, and any optional feature or features installed at the same time as found in Section 3 of the tariff.

Verification of military service will be required for this waiver. Military Personnel will be required to provide the name and telephone number of their Commanding Officer and date of orders. In order to qualify for this waiver, military personnel must meet one or more of the following qualifications:

- a. Personnel who were relocated to other countries, states or cities because of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle or other military campaigns and have returned to Windstream territory.
- b. Personnel who were moved from military bases in other telephone company areas because of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, or other military campaigns and have relocated to Windstream territory.
- c. Only Personnel who were moved as a direct result of Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle or other military campaigns are eligible for this waiver. Military personnel being relocated as a result of normal military operation are not eligible.

This waiver is not available to personnel whose telephone service was disconnected for nonpayment, or disconnected prior to military service.