

NEKO International Computers Inc.
EFFECTIVE: SEPTEMBER 25, 2011

PSC 4
Access
Page No. 37

SECTION 2 - RULES AND REGULATIONS, (CONT'D)

2.13 SURCHARGES (Cont'd)

Termination Service types designated by NEKO totals less than 80% of the Customer's total traffic for each Voice Service listed above. The 80/20 surcharge applies to: (i) Carrier LEC Termination traffic terminating in the 48 contiguous states, and (ii) Carrier LEC Toll Free Service originating in the 48 contiguous United States, and (iii) only the traffic below the 80% limit. The list of designated OCNs ("80/20 OCN Table") is subject to change upon fifteen (15) days written or electronic notice by NEKO to Customer in accordance with the notice provisions of Section 8. A copy of the then current 80/20 OCN Table will be supplied by NEKO at the Customer's request.

- 2.13.1 Non-Completed Calls. A surcharge shall be assessed when Customer's domestic toll free and international toll free non-completed calls exceed ten percent (10%) of Customer's overall toll free and international toll free traffic, respectively, in a billing month.
- 2.13.2 Payphone Surcharges. The provisions of paragraphs i through ix of this Section 4.4c shall apply to (1) calls initiated prior to the effective date of the Final Rules set forth in the FCC's October 3, 2003 Order in CC Docket 96-128 (FCC 03-0235) and (2) calls initiated on or after such effective date to the extent NEKO is the "Completing Carrier" (as defined in the Final rules) for Customer calls.
- 2.13.3 Customer shall pay NEKO a payphone surcharge as set forth in Rate Attachment A-2, ("Payphone Surcharge") and the associated price determined in accordance with Rate Attachment A-4 for each access code call or subscriber toll-free call that is originated from a payphone for which NEKO is designated as the First Facility-Based Carrier (as defined by the FCC in CC Docket No. 96-128 in the order released April 5, 2001 or successor orders) and delivered to Customer's switch (collectively, the "Payphone Originated Call(s)"). Such calls are presently designated by the payphone-specific info digits 27, 29, 70, and shall also include those calls with other info dig designation to the extent NEKO determines it has an obligation to compensate for payphone calls lacking a payphone-specific info dig. Notwithstanding the preceding two sentences, the Payphone Surcharge shall not apply to any Payphone Originated Call if NEKO, in its sole discretion, determines that such call was not completed and therefore not compensable within the meaning of the proceedings in FCC Docket 96-128 or any successor proceeding. NEKO will provide to Customer an invoice that reflects the Payphone Surcharge based on each call originated from a payphone and which generates "Answer Supervision" (as provided by the Customer network switch and as applied by the FCC in CC Docket 96-128). NEKO reserves the right, upon at least fifteen (15) calendar days' notice to

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