

NEKO International Computers Inc.
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SECTION 2 - RULES AND REGULATIONS, (CONT'D)

2.13 SURCHARGES (Cont'd)

information services provider or non-common carrier. To qualify as a non-U.S. end user, Customer must (1) not be a citizen or permanent resident of the U.S. if an individual and, if a legal entity, not be created under the laws of the United States, (2) not be qualified to transact business in the U.S. (e.g., through registration with a state secretary of state as a foreign company), (3) have a billing address outside the U.S. , and (4) not use the service for communications that both originate and terminate within the U.S.

Customer understands that if it designates that it is acting as a telecommunications carrier, not contributing under the de minimis exemption, a domestic end user, a domestic information service provider, or domestic non-common carrier, NEKO will apply the USF surcharges to the appropriate revenues from the Service and charge them to Customer along with any applicable administrative surcharge set forth in the written Agreement.

2.13.17 NEKO is relying upon the information provided by Customer in this representation and any subsequent amendments to determine whether USF surcharges and administrative surcharges apply. If the information contained herein is determined to be incorrect or if it changes, Customer shall pay any applicable surcharges for any Service NEKO had provided or that it subsequently provides, in each case together with late-payment interest and any Customer indemnity obligation or other liability as set forth in the Agreement. If there is no applicable written Agreement between Customer and NEKO, NEKO's standard Agreement form in effect at the time the Service Order is placed will apply. If, at any time, Customer's representation above is no longer accurate, Customer shall notify NEKO within thirty (30) calendar days by completing and submitting a new representation to NEKO at the address set forth on page 1 of the Agreement.

2.13.18 A customer obtaining service for use in its own broadcast operations is an end user. The term 'telecommunications carrier' means any provider of telecommunications services, except that such term does not include aggregators of telecommunications services. 47 U.S.C. § 153(44). The term 'telecommunications service' means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used. 47 U.S.C § 153(46). The term 'telecommunications' means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. 47 U.S.C. § 153(43).

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