

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

2.13 SURCHARGES (Cont'd)

substantially prevails in the action (Carrier or Customer) any attorneys' fees and expenses reasonably incurred in that action, provided, however, that attorneys' fees and expenses may not be awarded against a party under this provision if the court finds that the position taken by that party had an objectively reasonable, good faith basis and was not inconsistent with established principles of law.

2.13.13 Federal Universal Service Fund/ Attestation of Customer Status Form NEKO's determination regarding application of the Federal Universal Service Fund (USF) surcharge on the Service noted herein will be based upon the representations and information provided in this attestation form. This attestation form also allows NEKO to fulfill its obligation to verify that its customers have either filed Federal Communications Commission (FCC) Form 499-A or are not subject to that filing requirement.

2.13.14 Customer is:

- 1) End user - A U.S. based Customer purchasing Service for its own internal use and not for resale.
- 2) ISP - A U.S. based information services provider (ISP) or non-common carrier telecommunications provider that is not making its own USF contributions and is not required under FCC rules to file an FCC Form 499-A with the FCC.
- 3) Carrier - A telecommunications carrier (including a reseller) that is using the Service to provide telecommunications service to the public for a fee, and Customer:
- 4) Will resell the Service in the form of telecommunications and will contribute directly to the Universal Service Administrator pursuant to FCC rules.

2.13.15 NEKO requires that a customer's FCC Filer ID Number (6 digits beginning with 8) be available for this surcharge.

- 1) Will use the Service to provide services for which all revenues are from non-domestic (i.e., non-U.S.) end users, and Customer is not required under FCC rules to file an FCC Form 499-A with the FCC.
- 2) Qualifies for the de minimis exemption under FCC rules, has met its obligation to file a FCC Form 499A, and is not making direct contributions to the USF but is making direct contributions to: LNP, TRS or NANPA. Customer's FCC Filer ID Number (6 digits beginning with 8)

2.13.16 International End User or ISP A non-U.S. based end user,

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