

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

### 2.13 SURCHARGES (Cont'd)

all Payphone Originated Calls receiving Answer Supervision and Customer agrees to pay the Payphone Surcharge to NEKO for all such calls.

2.13.10 For purposes of this section, (i) an "access code call" means a call placed on a payphone using a toll-free number (such as those often dialed using calling cards), "10-10" numbers, or "950" Feature Group B numbers and (ii) a "subscriber toll-free call" means calls placed directly from payphones to individual subscribers of toll-free numbers (such as 800, 888, 877, 866, 855).

2.13.11 Customer may elect to opt out of the Payphone Surcharge reconciliation process set forth in this Section 4.4c to the extent the Customer assumes responsibility for the payment of Payphone Surcharges directly to the PSP, and provides NEKO proof of such payments, by providing written notice to NEKO of its election to opt out, such notice to be delivered at least thirty (30) calendar days before the end of the upcoming fiscal quarter. Provided notice is given as set forth in this subsection, the election to opt out shall become effective on the first day of the upcoming fiscal quarter and if notice is not given at least thirty (30) calendar days before the end of the upcoming fiscal quarter, then the election to opt out shall become effective on the first day of the subsequent fiscal quarter.

2.13.12 Except as set forth in the FCC's rules or in a separate written and duly executed schedule or agreement, to the extent Customer is the Completing Carrier for calls initiated on or after the effective date of the Final Rules set forth in the FCC's October 3, 2003 Order (FCC 03-0235) in CC Docket 96-128: (i) Customer shall assume direct responsibility pursuant to such rules for payment of compensation to PSPs, (ii) NEKO shall have no obligation relating to such Customer compensation, including without limitation any obligation to track, collect, reconcile, or provide data relating to such calls, (iii) Customer shall have no liability to pay Payphone Surcharges to NEKO, (iv) NEKO shall have no obligation to provide PSPs with compensation for Customer's calls, and (v) Customer shall, upon NEKO's written request, provide any information required to rebut any claim by a regulatory body, PSP, external auditor, or clearinghouse that NEKO is obligated to compensate payphone service providers for such calls.  
(vi) In an action in a court to collect or attempt to collect any charges or other amounts due to Carrier under this tariff, if the Carrier asks the Court to award attorneys' fees, the Court may award the party which

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Issued By: NEKO International Computers Inc.

Mark Hynes, President  
76 Ninth Ave. P.A.F.C. # 30910  
New York, NY, 10011

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