

SMS/800 FUNCTIONS

1. Application of Tariff

- 1.1 This tariff contains regulations, rates and charges applicable to the provision of 800 Service Management System (SMS/800) functions and support services for toll free telephone numbers. The issuing carriers, listed on Title Pages 2 through 4, are collectively referred to hereinafter as the Company. Tx
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x Issued under authority of Special Permission No. 96-101.

Issued: February 2, 1996

Effective: February 10, 1996

**The names, titles and address of the
tariff's Issuing Officers are located
on Title Pages 2 through 4**

SMS/800 FUNCTIONS**2. General Regulations****2.1 Undertaking of the Company**

The company provides SMS/800 functions to Responsible Organizations (Resp Orgs) through operation of the SMS/800. SMS/800 is an operations and administrative support system used for the creation and maintenance of call processing records for toll-free telephone numbers. It is also the source of toll-free number availability and reservation status information.

The SMS/800 will receive from the Resp Org the toll free subscriber record and call routing information associated with the toll-free numbers reserved by, or assigned to, the Resp Org. These records will be downloaded to the appropriate Service Control Points (SCPs) and Local Service Management Systems (LSMSs), (hereinafter referred to as databases), based on the area of service indicated in each record, subject to technical constraints.

Historically only the 800 Service Access Code (SAC) was reserved for toll-free calling and was administered through the SMS/800. However, the projected exhaust of toll-free 800 numbers resulted in the industry selection of additional codes to augment the diminishing supply. The additional codes are 888, 877, 866, 855, 844, 833 and 822, which are opened sequentially as existing codes exhaust. The generic term "800 number" throughout this tariff refers equally to all open toll-free codes.

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N**This Page filed under Transmittal 25**

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Effective: September 06, 2003

The names, titles and address of the
tariff's Issuing Officers are located
on Title Pages 2 through 4

SMS/800 FUNCTIONS**2. General Regulations****2.1 Undertaking of the Company****2.1.1 Scope****(A) Operation and Maintenance**

The Company shall be responsible only for the operation and maintenance of the SMS/800 services it provides.

(B) Service Provided

The Company does not undertake to transmit messages under this tariff, but furnishes the use of its services to Resp Orgs for the creation and maintenance of 800 call processing records.

(C) SMS/800 Accessibility

The SMS/800 is accessible 24 hours per day, seven days per week, except for planned downtime as described in 2.1.6 following.

(D) Company Obligations to Resp Orgs

- (1) The SMS/800 includes a security system designed to ensure that proprietary information will be accessible through the SMS/800 only to the Resp Org and the Company. The Company will furnish the Resp Org with information outlining the SMS/800's security system and will explain the Resp Org's security responsibilities. More detailed information on the SMS/800 security features is set forth in 2.5 following.

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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.1 Scope (Cont'd)****(D) Company Obligations to the Resp Orgs (Cont'd)**

- (2) After a Resp Org has been established pursuant to 2.3.2 following, the Company will assign the Resp Org an SMS/800 logon identification code or codes. The Company will treat Resp Orgs' SMS/800 passwords as proprietary information and will not disclose them to any other party. The Company will be responsible for all charges incurred from any unauthorized use arising from the Company's breach of its obligations under this paragraph.
- (3) The Company will assist the Resp Org in the analysis and resolution of trouble conditions encountered in interfacing with the SMS/800 and will generate resulting trouble reports.
- (4) At the Resp Org's request, the SMS/800 will generate the reports specified in 3.1.3, following.

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tariff's Issuing Officers are located
on Title Pages 2 through 4

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.1 Scope (Cont'd)****(E) Operating Assistance**

- (1) SMS/800 will be accessible 24 hours per day, seven days per week. Live coverage will be provided at the Company location for assistance to customers with regard to the operation of the SMS/800 from 6:00 AM through 12:00 Midnight Central Time, Monday through Friday, except for the holidays listed below. This period will be referred to as normally scheduled work hours. Information concerning assistance during off-hours, holidays, and weekends will be provided to the Resp Org when the logon identification code for the SMS/800 is assigned to the Resp Org.

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Holiday List:

New Years Day	Memorial Day	Christmas Day
Independence Day	Labor Day	Thanksgiving Day

- (2) The assistance specified herein will include assistance in resolving any data input problems and correcting any input errors. The contact number for obtaining operating assistance is 888-SMS-3300.

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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.2 Limitations**

- (A) The Resp Org may not assign or transfer the use of services provided under this tariff except as follows. Where there is no interruption of use of the service, such assignment or transfer may be made to:
- (1) another Resp Org, whether an individual, partnership, association or corporation, provided the assignee or transferee assumes all outstanding indebtedness for such services, and the unexpired portion of the minimum period applicable to such services, if any; or
 - (2) a court-appointed receiver, trustee or other person acting pursuant to law in bankruptcy, receivership, reorganization, insolvency, liquidation or other similar proceedings, provided the assignee or transferee assumes the unexpired portion of the minimum period applicable to such services, if any.

In all cases of assignment or transfer, the written acknowledgment of the Company is required prior to such assignment or transfer which acknowledgment shall be made within fifteen (15) days from the receipt of notification. All regulations and conditions contained in this tariff shall apply to such assignee or transferee.

The assignment of services does not relieve or discharge the assignor or transferor from remaining jointly or severally liable with the assignee or transferee for any obligations existing at the time of the assignment or transfer.

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.2 Limitations (Cont'd)**

- (B) The services offered herein will be provided on a first-come, first-served basis. Z

2.1.3 Liability

- (A) With respect to any claim or suit, by a Resp Org or by any others, for damages associated with the provision, termination, maintenance, or restoration of service, and subject to the provisions of (B) through (J) following, the Company's liability, if any, shall not exceed an amount equal to the proportionate charge for the service for the period during which the service was affected. This liability for damages shall be in addition to any amounts that may otherwise be due the Resp Org under this tariff as a Credit Allowance for a Service Interruption.
- (B) The Company shall not be liable for any act or omission of any other carrier or customer providing a portion of a service, nor shall the Company for its own act or omission hold liable any other carrier or customer providing a portion of the service.
- (C) The Company shall be indemnified, defended and held harmless by the Resp Org and its 800 subscriber against any claim, loss or damage arising from the use of services offered under this tariff, involving:
- (1) Claims for libel, slander, invasion of privacy, or infringement of copyright arising from the Resp Org's or its 800 subscriber's own communications;
 - (2) Claims for patent infringement arising from the Resp Org's or its 800 subscriber's acts combining or using the service furnished by the Company in connection with facilities or equipment furnished by the Resp Org; or
 - (3) All other claims arising out of any act or omission of the Resp Org in the course of using services provided pursuant to this tariff.

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.3 Liability Cont'd)**

- (D) The company shall not be liable for any loss or damage sustained by the Resp Org or by any third party by reason of defects or malfunctions in the hardware or software provided by the Resp Org to access the SMS/800, or by reason of errors made by the Resp Org in connection with accessing the SMS/800.
- (E) The Company shall not be liable for any loss or damage sustained by the Resp Org or by any third party by reason of defects or malfunctions in any LSMS, SCP, STP, or SSP, or any other facilities, hardware or software used by local exchange carriers, interexchange carriers, or others to process or route calls to 800 Service access code numbers.
- (F) The Company and its subcontractors and agents are not liable for any loss of revenue or profit by the Resp Org or its 800 subscriber or for any loss or damage arising out of this tariff or out of the use of the SMS/800 or any of the services provided under this tariff by any person, whether arising in contract, tort (including without limitation negligence or strict liability) or otherwise and whether or not informed of the possibility of such damages in advance. Cx
- (G) The Company will not bill the Resp Org for any charges attributable to those capabilities of the SMS/800 which are unavailable during periods that the SMS/800 fails to function properly subject to the provisions in 2.4.2 following. If the SMS/800 fails to function properly, the Company shall undertake all necessary efforts to correct the problem.
- (H) No license under patents (other than the limited license to access and use SMS/800) is granted by the Company or shall be implied or arise by estoppel, with respect to any service offered under this tariff. The Company will defend the Resp Org against claims of patent infringement arising solely from the use by the Resp Org of services offered under this tariff and will indemnify the Resp Org for any damages awarded based solely on such claims.
- (I) Notwithstanding anything to the contrary contained within this tariff, whether express or implied, the Company assumes no liability for services procured under this tariff when used in any method or process.

x Issued under authority of Special Permission No. 93-749 on not less than one day's notice.

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on Title Pages 2 through 4

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.3 Liability (Cont'd)**

- (J) The Company's failure to provide or maintain service under this tariff shall be excused by governmental orders, civil commotions, criminal actions taken against the Company, court orders, acts of God and other circumstances beyond the Company's reasonable control, subject to the Credit Allowance for a Service Interruption as set forth in 2.4.2 following.

2.1.4 Number Administration

The SMS/800 keeps track of the availability of all toll-free 800 numbers and allows Resp Orgs with number reservation capabilities to search for spare numbers and change their status. The Company, acting upon instructions from the North American Numbering Plan (NANP) Administrator, makes toll-free 800 numbers available or unavailable for use within the SMS/800. Rules regarding the quantity of numbers a Resp Org can reserve are contained in 47 CFR, Chapter 1, Paragraph 52.109 of the FCC's rules.

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2.1.5 Disclaimer of Representations and Warranties

- (A) This tariff is for services only and does not encompass the sale or license of software, hardware, or any computer system.
- (B) The Company makes no representation or express or implied warranties or guarantees, to the Resp Org or to any third party, concerning the quality of any services provided under or in connection with this tariff. The Company disclaims, without limitation, any warranty or guarantee of merchantability or fitness for a particular purpose, any warranty or guarantee arising from a course of performance, course of dealing or from usages of trade, or any warranty or guarantee against intellectual property claims by way of infringement.
- (C) The Company does not promise, warrant or represent that the services provided under this tariff will be error free or that the SMS/800 will operate without interruption.
- (D) Except as specifically provided in 2.1.3 preceding and 2.4.2 following, the Company is not liable for damages incurred due to SMS/800 down-time, delays or security breaches or errors which may be incurred in connection with the provision of the services described in this tariff.

(s) Re-issued to become effective on September 06, 2003.

(x) Material filed under Transmittal No. 26 pursuant to Special Permission No. 03-083, effective on September 06, 2003.

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Effective: September 06, 2003

**The names, titles and address of the
tariff's Issuing Officers are located
on Title Pages 2 through 4**

SMS/800 FUNCTIONS

2. General Regulations (Cont'd)

2.1 Undertaking of the Company (Cont'd)

2.1.6 Notice of Service Affecting Activities

The Company will provide the Resp Org reasonable notification of service-affecting activities that may occur in normal operation of its business. Examples of service-affecting activities include, but are not limited to the following.

(A) Scheduled SMS/800 Downtime

Scheduled SMS/800 system downtime is neither an error nor a system malfunction. Routine scheduled system downtime required for such activities as major software installations and environment maintenance and upgrades, will occur approximately every three (3) weeks and will last for approximately eight (8) hours per event. Resp Orgs will be notified of scheduled downtime at least fourteen (14) days in advance of the scheduled downtime event. Non-routine scheduled system downtime, required for such activities as database reorganizations and minor software installation, will be required from time to time, and Resp Orgs will be notified of such non-routine scheduled downtime at least twenty-four (24) hours in advance thereof by means of an SMS/800 electronic mail message. The Company will work with all Resp Orgs to ensure that routine and non-routine scheduled system downtime occurs at the time and in the manner least disruptive to all parties. An annual maintenance schedule for the following calendar year will be announced no later than October 31st of each year.

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(B) NPA Splits

Resp Orgs will be notified of NPA splits a minimum of one year before the effective date of the change, or as soon as the Company is notified by the NANP Administrator in those cases where a lead time of less than one year is given.

(C) SMS/800 Resp Org Format and Interface Changes

The Company will provide a minimum sixty (60) days advance notice to Resp Orgs of any changes in the screens used to input data on-line into the SMS/800 and for specification changes in the Mechanized Generic Interface. The Company will also notify Resp Orgs of any significant retraining as may be required by a major update, modification, and/or enhancement to any SMS/800 procedures which affect the Resp Org. The scheduling of any necessary formal retraining will be handled by the Company.

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**The names, titles and address of the
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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.7 Provision and Ownership of 800 Telephone Numbers**

No individual or entity (e.g., subscriber/assignee, service provider, etc.) shall acquire any interest in, or proprietary right to, any 800 telephone number assigned to the 800 subscriber. However, 800 subscribers and/or their assignees can retain a specific 800 number despite changes in Service Providers and/or Resp Orgs. Other requirements and/or limitations associated with the provision and ownership of 800 telephone numbers are specified in the Guidelines.

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.8 Refusal and Discontinuance of Service****(A) When Service May Be Refused or Discontinued**

If a Resp Org fails to comply with 2.2, 2.3.2, 2.3.4, or 2.4.1 following, including any payments to be made by it on the dates and times herein specified, the Company may, on thirty (30) days written notice by Certified U.S. Mail to the person designated by that Resp Org to receive such notices of noncompliance, discontinue service and/or refuse additional service to the noncomplying Resp Org at any time thereafter. In the case of discontinuance, all applicable charges shall become due. If the Company does not refuse additional service on the date specified in the thirty (30) days notice, and the Resp Org's noncompliance continues, nothing contained herein shall preclude the Company's right to discontinue service and/or refuse any additional service to the noncomplying Resp Org without further notice, including reports and testing support.

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C**(B) Transfer of Responsibilities When a Resp Org's Service is Discontinued**

- (1) If a Resp Org is denied SMS/800 access, or of its own volition ceases providing Resp Org services, the Resp Org is responsible for notifying its 800 subscribers that it will no longer provide those services and that the 800 subscribers must choose a new Resp Org within fifteen (15) business days. The Resp Org must provide written proof to the Company of such notification.
- (2) If a Resp Org is suddenly unable to continue functioning as a Resp Org, the Resp Org must provide the Company with sufficient 800 subscriber account information to allow for subscriber notification of the requirement to choose a new Resp Org within fifteen (15) business days.
- (3) If a subscriber is required to choose a new Resp Org, as set forth in (1) or (2) preceding, and fails to do so within fifteen (15) business days, the subscriber's account will be reassigned as set forth in (C) following.

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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.1 Undertaking of the Company (Cont'd)****2.1.8 Refusal and Discontinuance of Service (Cont'd)****(C) Transfer of 800 Subscriber Accounts to Other Resp Orgs**

The Company will work with the disconnected Resp Org, as well as the impacted subscribers, if known, and other Resp Orgs, to transfer impacted subscriber accounts to functioning Resp Orgs. The Company will take steps to minimize subscriber disruption and provide support for subscribers as they select replacement Resp Orgs.

If after a reasonable time period, no subscriber has been identified as being associated with a particular Toll Free number, the number will transition to spare status following the normal SMS/800 procedures and timeframes.

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C**2.2 Use****2.2.1 Limitations on Use**

The Resp Org will not perform any functions using the SMS/800 which are not expressly provided for under this tariff, nor will the Resp Org access data contained in the SMS/800 which belongs to any other entity. Any violation of this paragraph may result in immediate termination of service by the Company.

2.2.2 Unlawful Use

The services provided under this tariff may not be used for any unlawful purpose.

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.2 Use (Cont'd)****2.2.2 Unlawful Use (Cont'd)**

The Federal Communications Commission has directed that the following language be included in this tariff.

(A) [T]he Federal Communications Commission ("FCC") has concluded that warehousing, which the FCC defines as Responsible Organizations, either directly or indirectly through an affiliate, reserving toll free numbers from the SMS database without an identified toll free subscriber for whom those numbers are being reserved, is an unreasonable practice under Section 201(b) of the Communications Act and is inconsistent with our obligation under Section 251(e)(1) of the Communications Act to ensure that numbers are made available on an equitable basis; and (2) if a Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with each toll free number reserved from the database, or if a Responsible Organization does not have an identified, billed toll free subscriber before switching a number from reserved or assigned to working status, then there is a rebuttable presumption that the Responsible Organization is warehousing numbers. Responsible Organizations that warehouse numbers will be subject to penalties.

(B) The FCC has concluded that hoarding, defined as the acquisition of more toll free numbers than one intends to use for the provision of toll free service, as well as the sale of a toll free number by a private entity for a fee, is contrary to the public interest in the conservation of the scarce toll free number resource and contrary to the FCC's responsibility to promote the orderly use and allocation of toll free numbers.

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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.2 Use (Cont'd)****2.2.3 Limitation on Resource Use**

The Company reserves the right to discontinue access to Resp Orgs who utilize an inappropriate proportion of SMS/800 Central Processing Unit (CPU) capacity, and who, after notification of such usage by the Company, continue to perform the actions which result in the excessive use of CPU capacity. For the purposes of this Section, any Resp Org that utilizes a proportion of the SMS/800's CPU capacity that is more than: (a) 2.5 times that Resp Org's proportion of the total WORKING Toll Free numbers, or (b) 5% of the SMS/800's CPU capacity, whichever is larger, will be considered to be using an inappropriate proportion of SMS/800 CPU capacity. For Example:

- If a Resp Org has 20% of the WORKING numbers, they may use up to 50% (2.5 x 20%) of the SMS/800 CPU capacity.
- If a Resp Org has 1% of the WORKING numbers, they may use up to 5% of the CPU capacity. (2.5 x 1% is less than the 5% minimum)

If a Resp Org is found to be using an inappropriate proportion of SMS/800 CPU capacity, that Resp Org will be notified via certified mail that it is in violation of this tariff and must reduce its utilization of SMS/800 CPU capacity immediately on receipt. Subsequently, the Resp Org must provide the Company with written agreement to permanently reduce its level of SMS/800 CPU capacity utilization within fourteen (14) days of the date of receipt. If the Resp Org does not reduce its utilization and provide the required written agreement, that Resp Org's access to the SMS/800 will be discontinued and the Resp Org will be notified via certified mail of the disconnection.

If the disconnected Resp Org provides the Company with written assurances that the use of an inappropriate level of SMS/800 CPU capacity will not occur in the future, access to the SMS/800 will be restored, and a fee equivalent to fifty percent (50%) of the charge for Service Establishment – First Logon ID (Section 4.2 [A]) will be assessed.

In the event that the same Resp Org is disconnected more than once for using an inappropriate proportion of SMS/800 CPU capacity, that Resp Org will not be allowed access to the SMS/800 for a period of ninety (90) days and a reconnection charge equal to the charge for Service Establishment – First Logon ID will be assessed.

This page filed under Transmittal Number 15

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on Title Pages 2 through 4

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.3 Obligations/Responsibilities of the Resp Org**

The Resp Org is the entity identified by the 800 subscriber or the subscriber's agent that assumes the duty of managing and administering the appropriate records in the SMS/800. Functions provided include data entry, record change and trouble acceptance, referral, and/or clearance.

2.3.1 General Responsibilities

The Resp Org is responsible to its subscribers for the overall coordination to provision, maintain and test 800 Service between various entities, including Local Exchange Carriers (LECs) and Interexchange Carriers (ICs). T

In general, the Resp Org is responsible to:

- Identify and inform its subscribers of the specific responsibilities that it, as a Resp Org, has accepted.
- Initiate and change an 800 customer record in SMS/800 based on information provided by the subscriber and/or their service provider(s). At the subscriber's request, these changes must be made at the earliest possible date.
- Notify the subscriber that when multiple LECs and/or ICs will be used to carry traffic for a specific 800 number, the subscriber must inform all involved service providers of the changes it has directed the Resp Org to make. Further notification may be required when changes are made which could effect LEC and/or IC traffic loads.
- Notify and obtain the acceptance of any LEC or IC to which traffic for a specific 800 number will be routed. Notification and/or acceptance is not required for specific LECs and/or ICs who have waived their rights to be notified and/or to accept traffic.
- Treat all subscriber information as confidential unless otherwise instructed by the subscriber.

Further guidelines are defined following.

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.3 Obligations/Responsibilities of the Resp Org (Cont'd)****2.3.1 General Responsibilities (Cont'd)****(A) 800 Number Administration**

- (1) 800 numbers are obtained by Resp Orgs for subscribers from a common pool of available numbers. 800 Service numbers are not to be treated as commodities which can be bought or sold and no individual or entity is granted a proprietary interest in any 800 Service number assigned.
- (2) Specific 800 number requests are honored based upon availability, on a first-come first-served basis, at the time the reservation request is received in the Reservation Queue by the SMS/800. T
- (3) A specific 800 number may be reserved for a maximum of 45 calendar days on behalf of a subscriber. However, if an 800 number order to activate the reserved 800 number is not placed prior to the end of the number reservation period, the 800 number status will change to Spare. This process supports the need to make 800 numbers available for use by all 800 service providers and subscribers.
- (4) Each Resp Org can have up to 2000 numbers reserved, or 7.5 percent of its total quantity of working numbers, whichever is greater.
- (5) Certain 800 NXX codes are "not open" for line number assignment in the United States because of specific 800 Service applications outside the U.S., but within the North American Numbering Plan. In addition, certain 800 NXX codes are reserved for special applications (e.g., 800 Radio Common Carrier Service N 0/1 2, the hearing impaired 800-855) and are not open for general assignment. These NXXs will remain in a closed status in SMS/800. The Company will make individual line number assignments to subscribers based on NANP guidelines for these specialized services.
- (6) Each Resp Org can have a maximum of 3% of the quantity of available numbers reserved at any given time.

Issued: May 4, 2000

Effective: May 19, 2000

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tariff's Issuing Officers are located
on Title Pages 2 through 4

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.3 Obligations/Responsibilities of the Resp Org (Cont'd)****2.3.1 General Responsibilities (Cont'd)****(A) Toll-Free 800 Number Administration (Cont'd)**

- (7) An individual toll-free 800 number can be assigned to only one subscriber. No individual or entity (e.g., subscriber, service provider) has a proprietary interest in any given toll-free number; however, subscribers do have a controlling interest in their active numbers. T
- (8) All entities, (e.g., Resp Orgs, subscribers, service providers), are prohibited from selling, brokering, bartering, and releasing for a fee (or otherwise) any toll-free 800 number. T
- (9) Toll-free 800 subscribers may retain the use of their number assignments, even following changes in their 800 Service Providers and/or Resp Org. T

(B) Trouble Reporting Responsibilities

The Resp Org is responsible for the overall coordination of maintenance and testing of the end-to-end toll-free 800 service. In addition the Resp Org will: T

- Provide a contact telephone number for referrals of 800 troubles on a 24 hours a day, 7 days a week basis.
- Provide trained personnel to interface with subscribers, end users, LECs, ICs, the Company and SMS/800.
- Accept trouble reports from 800 subscribers, casual end users or other parties receiving trouble reports on 800 service for which they are the Resp Org.
- Work with the involved service providers to determine whose facilities have caused the trouble report to be generated.
- If necessary, test cooperatively with service providers to further identify and clear a trouble once it has been sectionalized. Z

SMS/800 FUNCTIONS

2. General Regulations (Cont'd)

2.3 Obligations/Responsibilities of the Resp Org (Cont'd)

2.3.1 General Responsibilities (Cont'd)

(B) Trouble Reporting Responsibilities (Cont'd)

- Advise the 800 subscriber and affected LECs and ICs of the status of trouble clearance.

(C) Resp Org Changes

When an 800 subscriber requests a change of Resp Org:

- (1) The current Resp Org will release the 800 subscriber's SMS/800 records to the receiving (new) Resp Org within two (2) days of the receipt of the request unless the releasing (current) and receiving (new) Resp Orgs negotiate a different release date. Upon completion of the change, the receiving Resp Org will notify the 800 subscriber that the change has been made.
- (2) When the receiving Resp Org requests the Company to make the change, upon written request from the receiving Resp Org, which certifies that it has the written authorization of the subscriber, the Company will change an SMS/800 number record to reflect the receiving Resp Org as the Resp Org for that toll-free 800 number, as described in 3.6 following.

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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.3 Obligations/Responsibilities of the Resp Org (Cont'd)****2.3.2 Service Establishment**

- (A) In order to access the SMS/800, the Resp Org must first obtain a logon identification (logon ID) code from the Company. In order to obtain a logon ID, the Resp Org must demonstrate that one or more Resp Org employees have been adequately trained in SMS/800 system capabilities and features, including handling customer records, number administration and service provisioning. Requests for logon IDs should be sent to:

SMS/800 Management Team
Post Office Box 8122
Bridgewater, NJ 08807-8122

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Regardless of the method used for obtaining the necessary knowledge, in all cases the SMS/800 training manager will prepare, schedule, and administer a certification test that the prospective Resp Org must pass.

Subsequent to becoming certified by passing the certification test, the Resp Org is expected to use the SMS/800 website to stay informed about the SMS/800 system.

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Failure to pass the certification test will result in the following:

- (1) Any Resp Org that fails the certification test will be required to wait a period of at least one week before requesting that the test be repeated.
- (2) Any Resp Org that fails three (3) certification tests will have its application for access to the SMS/800 canceled.
- (3) After three (3) failures of the certification test, a period of at least six (6) months must elapse between the time the applicant is notified that their application has been canceled and the time the applicant re-applies. Such subsequent applications will be treated as first-time applications.

Resp Orgs interfacing with the SMS/800 on a mechanized basis are not required to be certification tested. Instead, such Resp Orgs are required to participate in a series of tests as described in 3.6.4 following prior to interfacing with the SMS/800 on a mechanized basis.

Certain material previously appearing on this page now appears on 1st Revised Page 28.1.

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SMS/800 FUNCTIONS

2. General Regulations (Cont'd)

2.3 Obligations/Responsibilities of the Resp Org (Cont'd)

2.3.2 Service Establishment (Cont'd)

Access to the SMS/800 will not be granted to individuals requesting access if that individual is known to have either been convicted of a felony within the past 5 years or has incurred an adverse judgment rendered for the wrongful disclosure of proprietary information. Resp Org status can be revoked at any time if the Resp Org is found to have been involved in felonious activities. Violations of proprietary information standards shall be considered justification for revocation of access for the purposes of enforcing this provision.

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Before a logon ID is assigned by the Company, the customer/Resp Org must provide the following information:

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- Resp Org Name
- Resp Org billing Address
- Resp Org contact name and telephone number (i.e., the only individual that future orders can be accepted from unless this responsibility is subsequently assigned to someone else and the Company is so notified in writing).
- Resp Org first point of contact name and telephone number for trouble reporting and resolution
- Type of Resp Org access to SMS/800 (i.e., dial-up, dedicated terminal, or dedicated mechanized)
- Access link speed for dedicated links
- Name of Interexchange Carrier (IC) providing the connection
- IC circuit number and service order number
- Circuit installation due date
- For dial-up users, the challenge and response token supported by SMS/800 and the seeding information (as further described in 2.7 and 3.3.1 (B)), following
- Permission class(es) to be associated with each logon ID
- Associated printer for dial-up users

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(B) Assignment of Logon IDs and Passwords

When the required information has been received, the requested logon IDs will be assigned by the Company. At the time the logon ID is assigned, the Company will establish a temporary password to be associated with the ID. The first time the Resp Org uses the logon ID to access the SMS/800, the temporary password must be changed to one selected by the Resp Org. Mechanized Generic Interface access does not use a password.

Certain material on this page previously appeared on 2nd Revised Page 28.

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 tariff's Issuing Officers are located
 on Title Pages 2 through 4

SMS/800 FUNCTIONS

2. General Regulations (Cont'd)

2.3 Obligations/Responsibilities of the Resp Org

2.3.3 Representations and Warranties of the Resp Org

- (A) The Resp Org warrants that it has the right to provide to the Company all information, specifications, and data which it furnishes to the Company under the terms of this tariff.
- (B) The Resp Org warrants that possession and use by the Company of the information which the Resp Org furnishes to the Company under this tariff does not constitute an infringement upon any patent, copyright, trade secret, or other intellectual property right of any third party.

2.3.4 Claims and Demands for Damages

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- (A) The Resp Org shall defend, indemnify and save harmless the Company from and against any suits, claims, losses or damages, including punitive damages, attorney fees and court costs by the Resp Org or third parties resulting from the neglect or willful misconduct of the Resp Org.

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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.3 Obligations/Responsibilities of the Resp Org (Cont'd)****2.3.4 Claims and Demands for Damages (Cont'd)**

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- (B) With respect to claims of patent infringement made by third persons, the Resp Org shall defend, indemnify, protect and save harmless the Company from and against all claims arising out of the combining with, or use in connection with, the services provided under this tariff, any circuit, apparatus, system or method provided by the Resp Org.
- (C) The Resp Org shall defend, indemnify, protect and save harmless the Company from and against any and all suits, claims, and demands by third persons arising out of the construction, installation, operation, maintenance, or removal of the Resp Org's circuits, facilities, or equipment connected to the Company's services provided under this tariff, including, without limitation, Workmen's Compensation claims actions for infringement of copyright and/or unauthorized use of program material, libel and slander actions based on the content of communications transmitted over the Resp Org's circuits, facilities or equipment, and proceedings to recover taxes, fines, or penalties for failure of the Resp Org to obtain or maintain in effect any necessary certificates, permits, licenses, or other authority to acquire or operate the services provided under this tariff.
- (D) The Resp Org shall defend, indemnify and save harmless the Company from and against any suits, claims, losses or damages, including punitive damages, attorney fees and court costs by the Resp Org or third parties arising out of any act or omission of the Resp Org in the course of using services provided under this tariff.

2.3.5 System Security

Resp Orgs will adhere to the following:

- (A) Resp Orgs may access SMS/800 only to the extent required by and incident to the administration and management of their 800 subscriber's telecommunications services.
- (B) Resp Orgs may not disclose or use information which may be learned as a consequence of access to SMS/800 except as may be directly required to insure the proper operation of the subscriber's telecommunications service. Resp Orgs must take all reasonable precautions to prevent any other person or entity who does not have a need to know from acquiring such information.

SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.3 Obligations/Responsibilities of the Resp Org (Cont'd)****2.3.5 System Security (Cont'd)**

- (C) Resp Orgs shall take reasonable precautions to avoid disclosure, in whole or in part, of SMS/800 documentation, any related material or any other confidential material except to those who have a need to know incident to the operation of their toll-free 800 subscriber's telecommunications service. C
- (D) Resp Orgs shall take all reasonable precautions to maintain the confidentiality of SMS/800 information. Such precautions shall include the use of logon IDs and passwords known only to the Resp Org's individual authorized users and the Company (except that a portion of the logon ID is known to others for systems communications purposes). SMS/800 telephone numbers and dial-up access numbers assigned to the Resp Org by the Company, or any aspect of access and sign-on methodology shall not be posted or shared with others under any circumstances. Resp Orgs shall follow normal logoff procedures prior to leaving a terminal unattended. Resp Orgs should report any known or suspected attempt by others to obtain unauthorized access to SMS/800. T
- (E) Access into SMS/800 beyond that authorized may result in refusal and/or discontinuance of service as set forth in 2.1.8 preceding and in civil and/or criminal penalties.

2.3.6 Protection of SMS/800 Logon Identification Codes and Passwords

The Resp Org will be responsible for protecting and limiting access to its SMS/800 logon ID password(s), and will be liable for all charges incurred from the use of its logon ID codes and/or password(s), unless such charges arise from the Company's breach of 2.1.1 (D)(2) preceding. In the event the Resp Org suspects the compromise of the security of its logon ID password(s), the Resp Org may request new logon ID password(s). The Company shall effect such code(s) changes at no charge to the Resp Org within twenty-four (24) hours of the Resp Org's request thereof.

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SMS/800 FUNCTIONS**2. General Regulations (Cont'd)****2.3 Obligations/Responsibilities of the Resp Org (Cont'd)****2.3.7 Additional Responsibilities of the Resp Org**

- (A) The Resp Org is responsible for accessing the SMS/800 to reserve numbers, to construct and modify 800 subscriber records and to schedule the date for downloading each record to the necessary databases. The Resp Org is solely responsible for the accuracy of this information, and for assuring that all required information is input or transmitted to the SMS/800 in the proper format as specified in BR 780-004-221, 800 Service Management System User Guide: 800 Service Management and in SR-4952, Service Management System (SMS)/800 Mechanized Generic Interface Specification. The Company may modify that format under the conditions set forth in 2.1.6(C) preceding. C
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- (B) The Resp Org will provide and maintain the hardware needed for its interface with the SMS/800. The hardware and link specifications for the SMS/800 are contained in 3.3 following.
- (C) The Resp Org is responsible for assuring that its number search and number reservation activities are consistent with Section 2.2.2 of this tariff.

This page filed under Transmittal 25

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