

**NOTICE CONCERNING ALL  
TERMS AND CONDITIONS and RATES**

New Horizons Communications Corp.

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Original

The State of Maine Public Utilities Commission (MPUC) requires that each telephone utility's Terms and Conditions comply with and not conflict with requirements of Maine Statutes (primarily in Title 35-A) and MPUC rules. Any provision in these Terms and Conditions or rate schedules that conflicts with a Maine statute or MPUC rule is inapplicable and will not be enforceable. The following rules apply to telephone utilities and contain provisions that affect matters that commonly appear in telephone utility Terms and Conditions:

Chapter 204 - Basic-Service Calling Areas

Chapter 230 - Installation, Maintenance and Ownership of Customer Premises ~~Wire~~

Chapter 250 - Coin-operated Telephone Service

Chapter 280 - Provision of Competitive Telecommunications Services

Chapter 291 - Standards for Billing, Credit and Collection, and Customer Information for Non-Eligible Telecommunications Carriers

Chapter 292 - Chapter 292, Standards for Billing, Credit and Collection, and Customer Information For Interexchange Carriers

Chapter 294 - Lifeline and Link Up Service Programs

Chapter 296 - Selection of Primary Interexchange and Local Exchange Carriers

Chapter 870 - Late Payment Charges, Interest Rates to Be Paid on Customer Deposits, and Charges for Returned Check Fees

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In addition, the following provisions (the first two of which are required by statute) are part of this utility's Terms and Conditions:

1. FOR INTEREXCHANGE SERVICE:

Discount for Hearing-Impaired Customers. Upon customer request, the Company will

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Notice Concerning All Terms and Conditions and Rates (continued)

automatically apply a 70% reduction for intrastate toll calls made from line used by certified deaf, hard-of-hearing or speech-impaired persons who must rely on teletypewriters for residential telephone communications, and others as provided in 35-A M.R.S.A. §7302. To qualify for an automatic reduction, the customer must submit an affidavit to the Company on a form approved by the Maine Department of Human Services, stating that due to one of the aforementioned conditions, the customer or a member of the household must rely on a teletypewriter for telephone communications, and that the equipment is connected or acoustically coupled to his telephone. Upon request, customers making calls to certified persons are eligible for a 70% rate reduction for relevant billed calls made during each billing period.

2. FOR LOCAL EXCHANGE SERVICE:

Enhanced Universal Emergency Number Service - E911 - Surcharge. An Enhanced Universal Emergency Number Service (E911) surcharge, as provided in 25 M.R.S.A. § 2927(1-A), applies per month to each residence and business access line, including PBX trunks, Centrex access lines, semipublic coin lines, and public access lines, in addition to the monthly rates for these lines specified elsewhere in these schedules. The surcharge shall not be imposed upon more than 25 lines per customer billing account.

3. FOR BOTH LOCAL AND INTEREXCHANGE SERVICES:

Any provisions in these Terms and Conditions that limit liability or damages do not apply to the extent they conflict with 11 M.R.S.A. §2-316(5) of the Maine Revised Statutes, Exclusion or Modification of Warranties.

This utility agrees that it is responsible for complying with all applicable rules of the Maine Public Utilities Commission and with the Maine Revised Statutes. It understands that if it applies or enforces any provision of these Terms and Conditions that is in conflict with a rule of the Maine Public Utilities Commission, or the Maine Revised Statutes, the rule or statute will govern; and the utility may be subject to action by the Consumer Assistance Division of the Maine Public Utilities Commission or an investigation by the Commission pursuant to 35-A M.R.S.A. §1303.

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Terms and Conditions

Definitions

1. "Carrier, "Company" or "Utility" refers to New Horizons Communications Corp..
2. "Completed" call is a call which the Company's network has determined has been answered by a person, answering machine, fax machine, computer modem device, or other mechanical answering device.
3. "Customer" means any person who has applied for, been accepted, and is either receiving utility service or has agreed to be billed for utility service. This term also includes a person who was a customer of the same utility within the past 30 days and who requests service at the same or a different location.
4. "Residential" customer is a customer who has telephone service at a dwelling and the service is used primarily for domestic or social purposes. All other customers are nonresidential customers.
5. "Service" means any telecommunications service(s) provided by the carrier under these schedules.
6. "Station" is a telephone instrument consisting of a connected transmitter, receiver, and associated apparatus to permit sending or receiving telephone messages.
7. "Time period" means the interval of hours that distinguish day, evening, night, and weekend rate periods. Day is from 8:00 a.m. up to but not including 5:00 p.m. local time Monday through Friday. Evening is from 5:00 p.m. up to but not including 11:00 p.m. local time Monday through Friday. Night is from 11:00 p.m. up to but not including 8:00 a.m. local time Monday through Friday. Weekend is from 11:00 p.m. Friday through the weekend hours up to 8:00 a.m. on Monday. The company charges weekend rates on the following federal holidays: New Year's Day, Martin Luther King Jr.'s Birthday, Presidents' Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

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Terms and Conditions

General Description of Services Offered

1. These Terms and Conditions and Rate Schedules govern Company services originating and terminating at points within Maine. Specific services and rates are described in the Rate Schedules.
2. The Company's intrastate service territory is the State of Maine. Company services are available 24 hours per day, 7 days a week.
3. Company services are available for non-residential and residential customers.

Calculation of Rates

1. Rates for service are based on airline mileage between rate centers of the calling and called stations. The location of Rate Centers is based on information provided by Bell Operating Companies. Mileage is calculated using the Vertical and Horizontal (V&H) coordinate system from the National Exchange Carriers Association Tariff F.C.C. No. 4.
2. The chargeable time of a call is timed and measured by the underlying carrier. Timing of calls begins when the call is answered at the called station. Different rates may apply depending on the time of day or day of week the call is made. Calls originating in one time period and terminating in another time period will be billed according to the rates in effect during each portion of the call.

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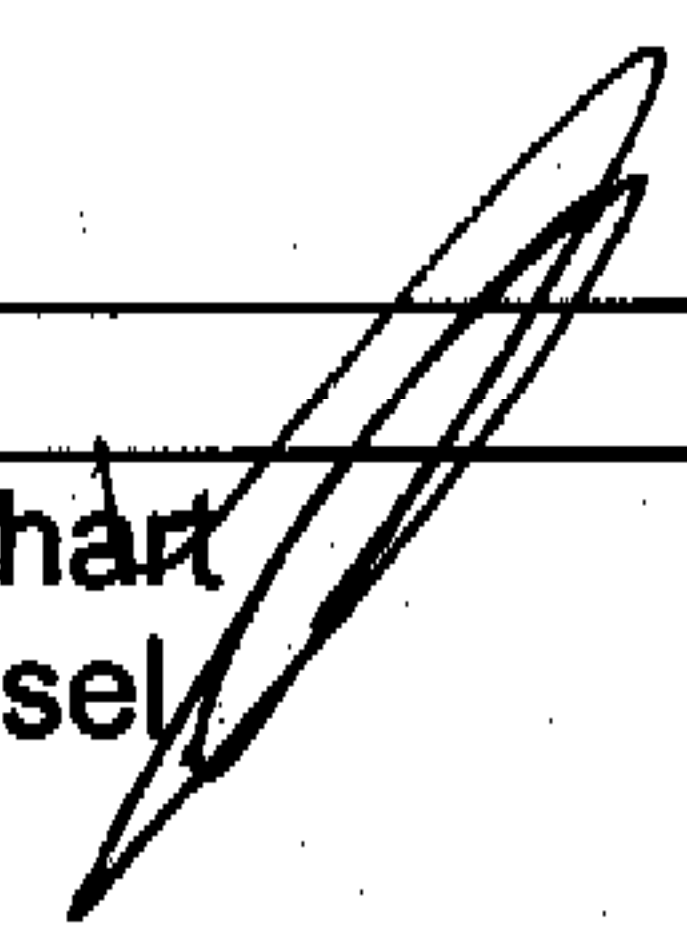
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Terms and Conditions

Credit, Collection, and Dispute Resolution Procedures

1. Residential Customers: Application for service, billing, payment, deposit, disconnection, dispute resolution and other credit and collection procedures for residential customers are governed by Chapters 291 and 292 of the Maine Public Utilities Commission's Rules.
2. Nonresidential Customers: Application for service, billing, payment, deposit, disconnection, dispute resolution and other credit and collection procedures for nonresidential customers are governed by Chapters 291 and 292 of the Maine Public Utilities Commission's Rules.
3. The Company does not charge a fee to establish service.
4. For billing purposes, service is established on the date the customer's local exchange carrier switches the customer's service to the reselling Company's network.
5. The Company bills charges monthly in arrears. For billing purposes, a month consists of thirty (30) days.
6. The Company may charge \$25.00 to restore service that was disconnected for nonpayment of bills, violation of the Terms and Conditions, or fraudulent use of the Company's services.
7. All state and local taxes (i.e., sales tax) are listed as separate line items and are not included in the rates quoted in the Rate Schedules.
8. As provided in Chapter 870 of the Maine Public Utilities Commission's Rules, the Company charges \$5.00 per account to which the check is applied or the amount of the bank charges the company, not to exceed \$15.00 for each check returned for nonpayment by a bank. If the company charges more than \$5.00, the company shall furnish the customer with proof of the bank charge.

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Terms and Conditions

Credit, Collection, and Dispute Resolution Procedures (Continued)

9. All customer bills are due and payable when presented. The bill becomes past due no less than 30 days after postmarked. Once a bill is past due, the carrier may proceed with collection activities per Chapter 291 or 292, and a late payment shall be charged on the undisputed past due amount, calculated at the maximum monthly rate specified in Chapter 870 as updated in November of each year by the Commission's Director of Finance.
10. Customer complaints are handled by a full service customer service department. Customers may call (800) 520-5812, 24 hours per day, 7 days per week or submit a written complaint to:

New Horizons Communications Corp.  
335 Bear Hill Road  
Waltham, Massachusetts 02451

If the customer is not satisfied with the Company's response, the customer may contact the Consumer Assistance Division, Maine Public Utilities Commission, 18 State House Station, 242 State Street, Augusta, ME 04333-0018. Telephone: 800-452-4699 or 207-287-3831. Facsimile: 207-287-1039.

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Terms and Conditions

Interruption of Service/Liability

1. The Company will attempt to provide continuous and uninterrupted service. When the Company schedules a service interruption for maintenance or repairs, the Company will notify customers of the cause and expected duration of the interruption at least 24 hours in advance, when possible.
2. The Company's liability for damages arising out of mistakes, interruptions, omission, delays, errors, or defects in the transmission occurring in furnishing service or in Company facilities, and not caused by the negligence of its employees or agents, will not exceed the amount that the Company would have charged the customer for service for the period the aforementioned faults occur.
3. Upon customer request, the Company will credit a customer's account for service interruptions which are not due to the Company's testing or adjusting, negligence of the customer, or to the failure of channels or equipment provided by the customer. Before requesting a credit, the customer will take reasonable steps to verify that the trouble could not have been prevented by the customer and is not in the customer's wiring or equipment. For purposes of computing a credit for leased facilities, a month consists of 720 hours. The Company will credit the customer's account at the rate of 1/720th of the monthly charge for the facilities affected for each full hour of the interruption.
4. The Company is protected against customer claims for libel, slander, or copyright infringement arising from the material, data, information, or other content transmitted using Company services. The Company is protected against all other claims arising from any act or omission of the customer while using Company services.

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**RATE SCHEDULES**

**A. DESCRIPTION OF SERVICE**

**1+ & 101XXXX Dialing**

The Customer dials "1" plus ten digits, or dials "101XXXX" followed by "1 + 10 digits". This service permits Customers to originate calls via switched or dedicated access lines.

**Travel Cards.**

The Customer utilizes an 11 digit "toll-free" access number established by New Horizons Communications Corp. to access a terminal. Upon receiving a voice prompt, the Customer uses push button dialing to enter an identification code assigned by the Company, followed by the ten digit number of the called party.

**Toll Free Service.**

This service is inbound calling only where an 800, 888 or other toll-free prefix number rings into a Customer's premise routed to a specific telephone number or terminated over a dedicated facility.

**Directory Assistance.**

Access to long distance directory assistance is obtained by dialing 1 + 555-1212.

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**RATE SCHEDULES**

**Prepaid Calling Card Service.**

This service permits use of Prepaid Calling Cards for placing long distance calls. Customers may purchase New Horizon Prepaid Calling Cards at a variety of retail outlets or through other distribution channels. New Horizon Prepaid Calling Cards are available at a variety of face values. New Horizon Prepaid Calling Card service is accessed using the New Horizon toll-free number printed on the card. The caller is prompted by an automated voice response system to enter his/her Authorization Code, and then to enter the terminating telephone number. New Horizon's processor tracks the call duration on a real time basis to determine the number of Telecom Units consumed. The total consumed Telecom Units for each call and applicable taxes are deducted from the remaining Telecom Unit balance on the Customer's New Horizon Prepaid Calling Card.

All calls must be charged against Prepaid Calling Card that has a sufficient Telecom Unit balance. A Customer's call will be interrupted with an announcement when the balance is about to be depleted.

When a card is depleted, the Customer can either call the toll-free number on the back of the New Horizon Prepaid Calling Card and "recharge" the balance on the card using a nationally recognized credit card, or the Customer can throw the card away and purchase a new one. Calls in progress will be terminated by the Company if the balance on the New Horizon Prepaid Calling Card is insufficient to continue the call.

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**RATE SCHEDULE**

A card will expire on the date indicated on the card, or if no date is specified, 6 months from the date of purchase, or the date of last recharge, whichever is later. The Company will not refund unused balances.

A credit allowance for New Horizon Prepaid Calling Card Service is applicable to calls that are interrupted due to poor transmission, one-way transmission, or involuntary disconnection of a call. To receive the proper credit, the Customer must notify the Company at the designated toll-free customer service number printed on the New Horizon Prepaid Calling Card and furnish the called number, the trouble experienced (e.g. cut-off, noisy circuit, etc.), and the approximate time that the call was placed.

When a call charged to a New Horizon Prepaid Calling Card is interrupted due to cut-off, one-way transmission, or poor transmission conditions, the Customer will receive a credit equivalent of one Telecom Unit.

Credit allowances for calls pursuant to New Horizon Prepaid Card Service do not apply for interruptions not reported promptly to the Company or interruptions that are due to the failure of power, equipment or systems not provided by the Company.

Credit for failure of service shall be allowed only when such failure is caused by or occurs due to causes within the control of the Company.

The Company will block all calls beginning with the NPA "900" and NXX "976" calls, therefore such calls cannot be completed.

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**RATE SCHEDULE**

**RATES**

**1+ & 101XXXX Dialing**

\$0.40 per minute

A \$4.95 per month per number service charge applies.  
Billed in one minute increments

**Travel Cards**

\$.199 per minute

A \$.25 per call service charge applies.  
Billed in one minute increments

**Toll Free Service**

\$0.40 per minute

A \$10 per month per number service charge applies.  
Billed in one minute increments

**Directory Assistance Charges**

A charge per number requested will be \$.95

**Payphone Dial Around Surcharge**

A dial around surcharge of \$.50 per call will be added to any completed INTRAstate toll access code and subscriber toll-free 800/888 type calls placed from a public or semi-public payphone.

**Billing Increments**

Fractions of a billing increment are rounded up to a full billing increment on a per call basis.  
Fractions of a cent per minute are rounded up to a full cent on a per call basis.

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**RATE SCHEDULE  
RATES**

**Prepaid Calling Cards**

**Program**

\$.025 Per Telecom Unit

A \$.99 per call service charge applies.

A one-time maintenance fee of \$1.00 applies after the 1<sup>st</sup> call.

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