



May 16, 2014

ELECTRONIC FILING

Hon. Kathleen H. Burgess Secretary New York State Public Service Commission Three Empire State Plaza Albany, New York 12223

Re: DFT Local Service Corp. – PSC Tariff No. 2 - Revisions

Dear Secretary Burgess:

Enclosed please find for filing with the Commission the following revisions to the tariff PSC #2 of DFT Local Service Corp:

Second Revised Page 6
First Revised Page 6-a
First Revised Page 7
Original Page 7-a
Second Revised Page 9
First Revised Page 9-b
First Revised Page 10
Original Page 10-a
Original Page 10-b
Second Revised Page 15
First Revised Page 15-a

First Revised Page 16
Original Page 16-a
First Revised Page 17
Second Revised Page 18
First Revised Page 18-a
First Revised Page 19
Original 19-a

This filing makes technical changes to the tariff filing made on April 18, 2014, and the changes are requested by Commission Staff.

The effective date of these new pages remains at May 23, 2014, the original effective date of the filing which the instant pages correct in a technical manner.

Please address any questions to the undersigned.

Sincerely,

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KJR:tlm Enclosures

cc: Wade Weatherlow

P.S.C. TARIFF NO. 2 Second Revised Page 6 Superceding First Revised Page 6

NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

CONCURRING CARRIERS

CONNECTING CARRIERS

None

OTHER PARTICIPATING CARRIERS

None

REGISTERED SERVICE MARKS

REGISTERED TRADEMARKS

Effective: May 23, 2014

None

None

EXPLANATION OF SYMBOLS

- (C) To signify changed regulation
- (D) To signify discontinued rate of regulation
- (I) To signify increase
- (M) To signify matter relocated without change
- (N) To signify new rate or regulation
- (R) To signify reduction
- (S) To signify a reissued matter
- (T) To signify a change in text but no change in rate or regulation
- (Z) To signify a correction

Issued: May 9, 2014

Issued by:

Office of the President **DFT Local Service Corporation**

d/b/a DFT Select One

40 Temple Street

P.S.C. TARIFF. NO. 2 First Revised Page 6 -a Superceding Original Page 6-a

NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

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P.S.C. NO. 2 First Revised Page 7 Superceding Original Page 7

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NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

1 General

1.1 Application of Tariff

- 1.1.A This tariff contains the regulations and rates applicable to the provision of Intrastate Message Telecommunications Service and Intrastate Operator Services, hereinafter referred to as "Service", by DFT Local Service Corporation d/b/a DFT Select One, hereafter referred to as the "Company", from its points of presence in the State of New York to domestic points, as specified herein. Service is furnished subject to the availability of facilities and subject to transmission, atmospheric and like conditions.
- 1.1.B. The provision of such Service by the Company as set forth in this Tariff does not constitute a joint undertaking with the Customer for the furnishing of any Service.
- 1.1.C The terms of this tariff including, but not limited to obligations for payment of all charges specified in this tariff, apply to (a) any person or entity using or accessing the network, facilities, or services of the Company, whether or not that person or entity has an established relationship with, or has affirmatively subscribed to service of, the Company; whether that person or entity is a "casual" caller accessing the Company's network and service through dialing codes available to the public; or whether that person or entity gains unauthorized or unlawful access, through any means, to the network, facilities, or services of the Company and (b) any person or entity (whether or not an established customer of the Company) whose equipment, lines, or services is used by any other person or entity with or without the knowledge or consent of the first mentioned person or entity, to access the network, facilities, or services of the Company.

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P.S.C. TARIFF. NO. 2 Original Page 7-a

NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

1. General (Cont'd)

1.2 <u>Definitions</u>

1.2.A Access Code

 \mathbf{M}

A sequence of numbers that, when dialed, connect the caller to the Provider or Operator Services associated with that sequence.

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P.S.C. TARIFF. NO. 2 Second Revised Page 9 Superceding First Page 9

NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

1. General (Cont'd)

1.2 <u>Definitions</u> (Cont'd)

1.2.E. Billed Party

The person or entity responsible for payment of the Company's service. In the case of an Operator Assisted Call, billed party is as follows:

- (A) in the case of a Room Charge call, the Subscriber;
- (B) in the case of a Calling Card or Credit Card call, the holder of the calling card or credit card used by the consumer; and
- (C) in the case of a Collect or Third Party call, the person responsible for the local telephone service at the telephone number that agrees to accept charges for the call.

1.2.F. Call Splashing

The transfer of a telephone call from one provider of operator services to another such provider in such a manner that the subsequent provider is unable or unwilling to determine the location of the origination of the call and, because of such inability or unwillingness, is prevented from billing the call on the basis of such location.

1.2.G. Commission

The New York Public Service Commission

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P.S.C. TARIFF. NO. 2 First Revised Page 9-b Superceding Original Page 9-b

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P.S.C. TARIFF. NO. 2 First Revised Page 10 Superceding First Page 10

NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

- 1. General (Cont'd)
 - 1.2 <u>Definitions</u> (Cont'd)
 - 1.2.H Common Carrier

A company or entity providing telecommunications services to the public.

12.I Company

DFT Local Service Corporation d/b/a DFT Select One, unless the context indicates otherwise.

C

12J. Consumer

A person initiating any intrastate telephone call using Operator Services.

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NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

1. General (Cont'd)

1.2 <u>Definitions</u> (Cont'd)

1.2.K. Customer

The person or other entity who or which orders and or utilizes the Company's network, facilities, or service either directly or constructively. The term Customer includes (a) any person or entity using or accessing the network, facilities, or services of the Company, whether or not that person or entity has an established relationship with, or has affirmatively subscribed to service of, the Company; whether that person or entity is a " casual" caller accessing the Company's network and service through dialing codes available to the public; or whether that person or entity gains unauthorized or unlawful access, through \mathbf{C} any means, to the Company's network, facilities, or services and (b) any person or entity whose equipment, lines, or services is used by any other person or entity, with or without the knowledge or consent of the first mentioned person or entity, to access the network, facilities, or services of the Company. A customer is responsible for the payment of charges for all calls originated from or routed through customer's premises or equipment by any person, with or without the knowledge or consent of customer, and for all charges accepted by any person answering customer's line, with or without the knowledge or consent of customer, and for compliance with all terms of the Company's Tariff. The term Customer includes any employee or agent of the Customer. Where more than one person or entity meets the definition of Customer herein, each shall be jointly and severally liable for any amounts payable to the Company.

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NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

1. General (Cont'd)

1.2 <u>Definitions</u> (Cont'd)

1.2.L. Customer Dialed Calling Card Call

A Calling Card Call which is dialed by the Customer and may or may not require intervention by an attended operator position to complete.

1.2.M. Customer Provided Equipment

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Terminal Equipment or facilities provided by persons other than the Company and connected to the Company's Services and/or facilities.

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P.S.C. TARIFF NO. 2 Second Revised Page 15 Superceding First Revised Page 15

NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

2. Rules and Regulations - Intrastate Message Telecommunications Services

2.1. Undertaking of the Company

2.1.A. Scope

The Company is a carrier providing intrastate domestic communications services to Customers for their direct transmission of voice, data and other types of telecommunications within the United States as described in this Tariff.

2.1.B. Limitations

- 1. The services provided pursuant to this tariff are offered subject to the availability of facilities and the other provisions of this Tariff.
- 2. The Company does not undertake to transmit communications or messages, but rather furnishes facilities, Service and equipment for such transmissions by the Customer.
- 3. The Company retains the right to deny Service to any Customer who fails to comply with the rules and regulations of this Tariff, or other applicable rules, regulations or laws.

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P.S.C. TARIFF. NO. 2 First Revised Page 15-a Superceding Original Page 15-a

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NEW YORK INTRASTATE TELECOMMUNICATIONS SERVICE

- 2. Rules and Regulations Intrastate Message Telecommunications Services (Cont'd)
 - 2.2. Obligations of the Customer
 - 2.2.A. All Customers assume general responsibilities in connection with the provision and use of the Company's Service. General responsibilities are described in this section. When facilities, equipment, and/or communication systems provided by others are connected to the Company's facilities, the Customer assumes the additional responsibilities as set forth in Section 2.2, herein.
 - 2.2.B. The Customer is responsible for the payment of all charges for any and all Services or facilities provided by the Company to the Customer.
 - 2.2.C. Subject to availability, the Customer may use specific codes to identify the users groups on its account and to allocate the cost of its service accordingly. The numerical composition of such codes shall be set forth by the Company to assure compatibility with the Company's accounting and automation systems and to avoid duplication of such specific codes.
 - 2.2.D. The Company reserves the right to discontinue the use of any code provided to the Customer and to substitute another code for such Customer's use.

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NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

2. Rules and Regulations - Intrastate Message Telecommunications Services (Cont'd) 2.2. Obligations of the Customer

2.2.E. Indemnification by Customer.

The customer and any authorized or joint users, jointly and severally shall indemnify, defend and hold the Company harmless against all claims, liability, loss, damage, and expense (including reasonable attorneys' fees and court costs) for (i) libel, slander, or infringement of copyright arising from the material transmitted by or to Customer over Company's service, network or facilities; (ii) for infringement of patents arising from combining or using in connection with, the network, service, or facilities of the Company, equipment and systems of the customer; (iii) any fraudulent or unauthorized local or toll calls originating from the customer's lines, terminal equipment or premises, or routed through customer's lines, terminal equipment or premises, and for all calls charged to the customer's line where any person answering the customer's line agrees to accept such charge, whether or not customer authorizes, or has knowledge of, such calls, routing, or charges and (iv) against all other claims arising out of any act or omission of the customer in connection with facilities, services, or connections provided by the Company, or any use of equipment or systems of the customer in connection with the network, facilities, services, or connections provided by the Company. In the event any infringing use is enjoined, the customer, authorized user or joint user at its option and expense, shall obtain immediately a dismissal or stay of injunction, obtain a license or other agreement so as to extinguish any claim of infringement, terminate the claimed infringing use, or modify such infringement. Customer shall and remain responsible for all costs (including reasonable attorneys fees and court costs) incurred by the Company in connection therewith.

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P.S.C. TARIFF NO. 2 First Revised Page 17 Superceding Original Page 17

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NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

2.	Rules and Regulations - Intrastate Message
	Telecommunications Services (Cont'd)

2.2 Obligations of the Customer (Cont'd)

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2.2.E.(Cont'd)	T

- 2.2.F. Nothing contained herein, or in any other provision of this Tariff, or in any marketing materials issued by the Company shall give any Customer or person any ownership interest or proprietary right in any particular code issued by Company; provided, however, that a Customer that continues to subscribe to Company's Services will be provided a replacement code in the event such Customer's initial code is canceled.
- 2.2.G. The Customer shall reimburse the Company for damages to the Company's facilities caused by any negligence or willful act or acts on the part of the Customer.
- 2.2.H. The Customer shall pay and hold the Company harmless from the payment of all charges for service ordered by the Customer from the Local Exchange Carriers or other entities for telecommunications services and/or facilities connecting the Customer and the Company.
- 2.2.I. In the event a suit is brought by the Company, or an attorney is retained by the Company, or an attorney is retained by the Company to collect any bill or enforce the terms of this Tariff against a Customer, that Customer shall be responsible for payment of all reasonable attorney's fees, court costs, costs of investigation and any and all other related costs and expenses incurred by the Company in connection therewith pursuant to court order.

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NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

- 22.J. The Customer understands that the Services are furnished subject to the condition that there will be no abuse, fraudulent and/or illegal use thereof. Such activity includes, but is not limited to:
 - 2.2.J.1. Using the Service for any purpose that is in violation of any law.
 - 2.2.1.2. Obtaining or attempting to obtain Services through any scheme, false representation and/or use of any fraudulent means or devices whatsoever with the intent to avoid payment, in whole or in part, of charges for services, or assisting any other person or firm in such regard.
 - 2.2.J.3. Attempting to, or actually obtaining, accessing, altering, or interfering with the communications and/or information by rearranging, tampering with or making any connection with any facilities of the Company or assisting any other person or firm in such regard.

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P.S.C. TARIFF NO. 2 First Revised Page 19 Superceding Original Page 19

NEW YORK

INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

- 2. Rules and Regulations Intrastate Message Telecommunications Services (Cont'd)
 - 2.2. Obligations of the Customer (Cont'd)
 - 2.2.J. The Customer understands that the Services are furnished subject to the condition that there will be no abuse, fraudulent and/or illegal use thereof. Such activity includes, but is not limited to:
 - 2.2.J.4. Using the Services in a manner that interferes unreasonably with the use of Service by one or more other Customers.
 - 2.2.J.5 Using the Service to convey information deemed to be obscene, salacious, or prurient, to impersonate another person with fraudulent or malicious intent, to call another person or persons so frequently, at such times, or in such a manner as to annoy, abuse, or harass, or to convey information of a nature or in a manner that renders such conveyance unlawful.
 - 2.2.K. The Customer, not the Company, shall be responsible for compliance with FCC Rules, 47 C.F.R. Part 68, and for all maintenance of such equipment and/or facilities.
 - 2.2.L. Responsibility of Customer for charges, including fraudulent charges. The customer is responsible for (a) all local and toll calls originating from the customer's equipment, premises, or lines, (b) routed through customer's equipment, premises, or lines, and (c) for all calls charged to the customer's line where any person answering the customer's line agrees to accept such charge, whether or not in (a), (b) or (c) customer authorizes, or has knowledge of, such calls, originating, routing, or charges. Customer is solely responsible for all fraudulent or unauthorized calls originated from or routed through customer's equipment, premises or lines, with or without the knowledge or consent of Customer.

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NEW YORK INTRASTATE MESSAGE TELECOMMUNICATIONS SERVICE

- 2. Rules and Regulations Intrastate Message Telecommunications Services (Cont'd)
 - 2.3. Liabilities of the Company
 - 2.3.A. Except as stated in this Section 2.3, the
 Company shall have no liability for damages
 of any kind arising out of or related to the
 Services and/or any events, acts, rights or
 privileges contemplated in this Tariff.

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