

TERMS & CONDITIONS DOCUMENT

Section 1 - Definitions

Certain terms used generally throughout this document are defined below.

Access Service: Any carrier access service offered in Cal. P.U.C. Schedule 3-T.

Advanced Payment: Part or all of a payment required before the start of service.

Agreement: The Service Order Agreement (defined below), collectively with its incorporated Terms and Conditions, between the Customer and the Company.

Authorized User: A person, firm or corporation that is authorized by the Customer or joint user to be connected to the service of the Customer or joint user, respectively.

Authorization Code(s): A code in numbers and/or letters employed by a Customer to gain access to a Company Service.

Automatic Number Identification (ANI): The analog of digital digits transmitted by the calling party's carrier indicating the calling party's telephone number.

Category One: Customers who are served by a Central Office where the former XO California, Inc. has facilities and to existing Customers of XO California, Inc. as of January 12, 2004

Category Two: The following sections will apply to customers who are served by a Central Office where the former Allegiance Telecom of California, Inc. has facilities, to existing Customers of Allegiance Telecom of California, Inc. as of August, 21, 2004, and Customers served by a Central Office where both the former XO California, Inc. and Allegiance Telecom of California, Inc. have facilities:

Common Carrier: Any individual, partnership, association, joint-stock company, trust, governmental entity or corporation engaged for hire in intrastate communications by wire or radio between two or more exchanges.

Communications Facilities: Communications facilities that the Company is required to construct and/or to acquire in order to provide Service(s) to the Customer.

Company: XO Communications Services, LLC

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Directory Assistance: A service that allows the Customer to call for directory listings.

Dedicated: A facility or equipment system or subsystem set aside for the sole use of a specific Customer.

End Office: With respect to each NPA-NXX code prefix assigned to the Company, the location of the Company's "end office" for purposes of this document shall be the point of interconnection associated with an NPA-NXX code.

End of Service Date: The last day of the minimum written notice of termination period.

End User: Any customer of an intrastate communications service that is not a common carrier; provided that a common carrier other than a telephone company shall be deemed to be an "end user" when such common carrier uses a communications service for administrative purposes, and a person or entity that offers communications service exclusively as a reseller shall be deemed to be an "end user" if all resale transmissions offered by such reseller originate on the premises of such reseller.

Exchange Telephone Company: Denotes any individual, partnership, association, joint-stock company, trust, or corporation engaged in providing switched communication within an exchange.

Individual Case Basis: A service arrangement in which the regulations, rates and charges are developed based on the specific circumstances of the case.

Intrastate Access Service: Provides for a two-point communications path between a Customer's premises or a collocated interconnection location and an end user's premises for originating and terminating calls within the state.

Initial Term: The initial service term as set forth on the SOA. If no Initial Term is set forth on the SOA, the term of the Agreement is month-to-month.

IntraLATA Service: Service which originates and terminates within the same Local Access Transport Area (defined below).

InterLATA Service: Service which originates within one Local Access Transport Area and terminates in a different Local Access Transport Area.

Joint User: A person, firm or corporation that is designated by the Customer as a user of Company's Service furnished to the Customer and to whom a portion of the charges for the service will be billed under a joint user arrangement as specified herein.

LATA: A Local Access and Transport Area established pursuant to the Modification of Final Judgment entered by the United States District Court for the District of Columbia in Civil Action No. 82-0192 for the provision and administration of communication service.

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Local Calling Area: The Company's local calling areas for basic service rates mirror the local calling areas described in the dominant LEC tariff for that region.

Local Distribution Channel: The physical wires that run from the End User's telephone set, or PBX or key telephone system, to the telephone company central office.

Local Exchange Carrier: The local phone company, which can be either a Bell Operating Company or an independent company that provides local transmission services.

M/M: Month to month.

MOU: Minutes of use.

Non-Recurring Charges: The one-time charges for Services or facilities, including but not limited to, charges for construction, installation or special fees for which the Customer becomes liable at the time the Service Order Agreement is executed.

Operator Services: A variety of telephone services based on the assistance of an operator, including but not limited to such services as collect calls, third party billed calls and person-to-person calls.

Point-of-Termination: The point at which the Company's responsibility to provide equipment and Service ends and where the Customer's responsibilities begin, identified as the interface between the Company and Customer at the Point-of-Presence, a local exchange company's central office, a long-distance company's Point-of-Presence or End-User sites identified in an Access Service Request.

Primary InterLATA Carrier ("PIC"): Long distance carrier designated by a Customer to provide the Customer with interLATA service without having to dial a special access code.

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Premises: Denotes a building or buildings on contiguous property (except railroad right-of-way, etc.) not separated by a public highway.

Recurring Charges: The monthly charges to the Customer for services, facilities and equipment which continue to apply for duration of the service.

Services: The services provided to the Customer by the Company either pursuant to an SOA or through the Customer's use of the Company's services.

Service Commencement Date: The first date on which the Company notifies the Customer that the requested service or facility is available for use, unless extended by the Customer's refusal to accept service which does not conform to standards set forth in the Service Order or this document, in which case the Service Commencement Date is the date of the Customer's acceptance. The Company and the Customer may mutually agree on a substitute Service Commencement Date. If the Company does not have an executed Service Order from a Customer, the Service Commencement Date will be the first date on which the service or facility was used by a Customer.

Service Order Agreement ("SOA"): The request for Company Services, either written or electronic, executed by the Customer and the Company in the format devised by the Company. Such a request for service by the Customer and the acceptance of the request by the Company initiates the respective obligations of the parties as set forth therein and pursuant to this document, but the duration of the service is calculated from the Service Commencement Date. Should a Customer use the Company's Services without an executed Service Order Agreement, the Company will then request the Customer to submit a Service Order Agreement.

Serving Wire Center: The wire center from which the Customer designated premises would normally obtain dial tone from the Company.

Shared: A facility or equipment system or subsystem that can be used simultaneously by several Customers; or a Customer or any other person authorized by the Customer to use service provided under this document.

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Station: Denotes the network control signaling unit and any other equipment provided at the Customer's premises which enables a customer to establish communications connections and to effect communications through such connections.

Station-to-Station: Service where the person originating the call from other than a public or semi-public coin telephone dials the telephone number desired and the call is completed without the assistance of a Company operator and the call is not billed to a number other than the originating number

Toll Free Prefix(es): The 10 digit toll free prefixes such as 800/888/877 including all new and future toll free prefixes.

Toll Free Service: An inward calling switched or dedicated access service that permits a call to be completed at the Customer's premises without charge to the calling party. Access to the service is gained by an end user dialing a Toll Free Prefix, which will terminate at the Customer's premises.

Two Point Message Toll Service: Furnishing of facilities for telecommunications between different local calling areas in accordance with the regulations and schedule of rates specified in any applicable document.

User or End User: Any person or entity that obtains or uses the Company's Services, regardless of whether such person or entity is so authorized by the Customer.

Wire Center: A building in which one or more end offices, used for the provision of Exchange Services, are located.

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