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5. CHARGES APPLICABLE UNDER SPECIAL CONDITIONS

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<p><b>5.1</b>     <b><u>Construction Charges</u></b></p> <p>    .1    General</p> <p>        a.   When providing services under this Product Guide would involve extending BWTC facilities to an applicant's property or would otherwise be uneconomic or not justified based on economic factors, as determined in BWTC's sole discretion, BWTC may in its discretion provide the services upon the application for service and payment of estimated construction charges as determined by BWTC. If actual costs of construction are more than the estimated construction costs paid in advance by the applicant, the applicant will be invoiced for the difference after the project has been completed.</p> <p>        b.   Construction charges are payable upon application for service or when billing is rendered as BWTC, at its option, may require.</p> <p>        c.   Construction furnished by or performed by the applicant, where authorized in this Product Guide, is subject to the approval of BWTC.</p> <p>        d.   The "cost of construction" will consist of the following to the extent they are applicable:</p> <p>            1.   An engineering design study fee of \$2,000.00 to conduct a site visit and develop a preliminary cost estimate (which will be applied toward the estimated construction costs due and payable by the applicant).</p> <p>            2.   Engineering, labor, supervision and overhead expenses.</p> <p>            3.   Materials, equipment (whether provided or used) and transportation.</p> <p>            4.   Permitting and other fees.</p> <p>            5.   Procurement of rights-of-way and easements.</p> <p>            6.   Administration and taxes.</p> <p>            7.   The weighted cost of capital.</p> <p>            8.   Contingencies.</p> <p>            9.   Any other specific items of expense associated with the construction.</p> <p>        e.   When attachments are made to poles of other companies, in lieu of providing new pole line construction for which the subscriber would regularly be charged construction charges under the provisions of this section, the attachment rental charges to BWTC for such attachments may be assessed the subscriber in whole or in part as the particular circumstances may warrant.</p> <p>        f.   No construction charges paid to BWTC are refundable.</p> <p>        g.   Unless otherwise specified in this Product Guide, BWTC retains ownership and control of all specially constructed facilities even though the customer may be required to pay special construction charges.</p> <p>        h.   The Company determines the type of construction (aerial, underground, submarine cable or radio) and the type of materials to furnish service.</p> <p>        i.   In all cases normal construction is determined by the Company.</p>	
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<p><b>5.1 <u>Construction Charges (Continued)</u></b></p> <p>.2 Construction on Public or Private Property</p> <p>Where, for the purpose of furnishing service, it is necessary to lay underground conduit or to set poles and/or install underground or aerial cable to the subscriber's premises, construction costs to provide and install said underground conduit, erect poles, and/or installation of underground or aerial cable will be done at the expense of the subscriber. Underground conduit installed by the subscriber will be installed in accordance with the standard specifications of BWTC.</p> <p>.3 Rearrangements of Existing Plant</p> <p>When BWTC is requested to move, remove, or change existing plant for which no specific charge is quoted in this Product Guide, the person, association, municipality, charter county, county, or other division of state or local government at whose request such move, removal or change is made may be required to bear the costs incurred.</p> <p>.4 Construction Required for Temporary Service</p> <p>When construction is required for temporary service, and there is no immediate prospect of reusing the plant provided, the subscriber may be required to bear all or a portion of the cost of such construction.</p> <p>.5 Cancellation of Application Requiring Construction of Facilities</p> <p>a. Where special construction of facilities has been started prior to the cancellation and to the extent there is another immediate use for the specially constructed facilities, no charge applies.</p> <p>b. Where special construction of facilities has been started prior to the cancellation, and there is no other immediate use for the specially constructed facilities, a charge equal to the costs incurred in the special construction less net salvage, applies, except that, where one or more, but not all, of the services involved in the special construction are cancelled, a charge equal to the charge for discontinuance of such services applies instead. Such charge is determined as set forth in Section 5. In determining the charge, each cancelled service is treated as discontinued as of the date on which it was to have been placed in service.</p> <p>c. Installation of special construction of facilities for a subscriber is considered to have started when BWTC incurs any expense in connection therewith or in preparation therefore, which would not otherwise have been incurred, provided:</p> <p>(1) The subscriber has advised BWTC to proceed with the installation or special construction, <i>and</i></p> <p>(2) BWTC has advised the subscriber that, in accordance with his order, it is commencing the installation or special construction.</p>	
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**5.2 Charges for Unusual Installations**

.1 Installation of Interior Cable

- 1) The use of exposed wiring is the standard method of wiring buildings. When concealed wiring is desired, the applicant is charged for all associated expenses incurred by BWTC in providing the concealed wiring. If the subscriber provides and installs suitable interior conduit which is appropriately located, the wiring is installed in the conduit by BWTC without any additional concealed wiring charge.
- 2) Where, due to the type of construction of the building occupied by an applicant or the conditions imposed by the applicant or any other party, abnormal expense is incurred by BWTC, the applicant shall be required to pay the difference between the expense incurred by BWTC and the expense which would normally have been incurred for the installation.
- 3) The subscriber is required to provide suitable access to work space for installation and maintenance purposes, and to remove and replace any ceilings, walls, floors, etc., as may be required. BWTC shall reserve the right to refuse to install or maintain wiring in a location where safety of workmen or continuity of service might, in the opinion of BWTC, be questionable.
- 4) Where cable is economical for providing service into a subscriber's premises, the subscriber will be required to provide conduit of a size specified by BWTC, from the property line of the building which he occupies to the location of the telephone apparatus or equipment within the building or, should BWTC determine that conduit is not required, the subscriber shall provide suitable access through walls, floors, and partitions, together with suitable protective covering for BWTC's cables.
- 5) Where the subscriber's requirements are such that cables, conduits, manholes, etc., are required to reach the subscriber's premises, and there is no known prospect of reusing plant provided should the subscriber not continue service of a minimum period of five years, the subscriber will be required to save BWTC harmless from loss. By agreement, the subscriber shall pay the net loss (cost less net salvage value) less 1/60 thereof for each full month of service. Such agreement may, at BWTC's option, be secured by security bond or cash deposit bearing interest as specified in Section 2 of this Product Guide.

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<p><b>5.2</b>     <u><b>Charges for Unusual Installations (Continued)</b></u></p> <p>.2     Special Types of Installations</p> <p>When a special type of installation is desired by a subscriber or where the individual requirements of a particular situation make the installation unusually expensive, the subscriber is required to bear the excess cost of such installation. Any special maintenance expense that may from time to time occur will be borne by the subscriber except that maintenance of buried service wire, including trench where required, will be at the expense of BWTC.</p> <p>.3     Temporary Installation</p> <p>When an installation is required for temporary service and there is no immediate prospect of reusing the plant provided, the subscriber may be required to bear all or a portion of the cost of such installation, over and above all other regular charges for service and equipment.</p> <p><b>5.3</b>     <u><b>Special Services Arrangements</b></u></p> <p>.1     Where practicable, special equipment and arrangements, not otherwise provided for in this Product Guide, are furnished if they are in accord with authorized service offerings and if they can be used in connection with and not detrimental to any of the services furnished by BWTC. Charges for such special service arrangements will be based on the estimated costs of furnishing them, such costs to consist of the following items to the extent they are applicable:</p> <ul style="list-style-type: none"><li>a.     Cost of maintenance.</li><li>b.     Cost of operation.</li><li>c.     Depreciation on the estimated cost installed of any facilities provided, based on the anticipated useful service life of the facilities with an appropriate allowance for the estimated net salvage.</li><li>d.     Administration, taxes, and uncollectible revenue on the basis of reasonable average charges for these items.</li><li>e.     Any other specific items of expense associated with the particular situation.</li><li>f.     A reasonable amount, computed on the estimated cost installed of any facilities provided, for return and contingencies.</li></ul>	
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<p><b>5.3     <u>Special Service Arrangements (Continued)</u></b></p> <p>.2    Estimated costs includes the cost of equipment and materials specifically provided or used, plus the estimated cost of installing, including engineering, labor, supervision, transportation, rights-of-way, and any other items which are chargeable to the capital accounts.</p> <p><b>5.4     <u>Underground Construction in Connection with Providing Distribution Facilities in Subdivisions in Advance of Service</u></b></p> <p>.1    BWTC at its sole discretion may provide underground distribution facilities in subdivisions in advance of service when satisfactory arrangements can be made with the contracting party concerned and where such facilities are practical from a Company stand-point.</p> <p>.2    When underground distribution facilities are provided, the contracting party concerned must agree to furnish and record rights-of-way and easements. Contracting party agrees to convey his right, title and/or interest in the facilities and right-of-way to BWTC before service will be provided.</p> <p>.3    When power lines are also placed underground, the placing of power facilities in relation to telephone facilities must be according to Company specifications.</p> <p>.4    BWTC may require conduit to be constructed by or at the expense of the developer, builder or subdivider, association, owners or their agents, and/or representatives.</p> <p>.5    Underground conduit shall be constructed in accordance with plans and/or specifications furnished by BWTC, and shall be approved by BWTC before back-filling.</p> <p>.6    Wire or cable installed in conduit will be maintained and replaced, as required, by BWTC when the conduit has been inspected in place and approved by BWTC.</p> <p>.7    Wire, cable and conduit installed in order to facilitate the delivery of service will become and remain the property of BWTC. BWTC will not license, assign, transfer, or convey title of any wire, cable and/or conduit to a third party.</p> <p>.8    No rights of ownership will be conveyed to the contracting party, developer, builder, subdivider, association, owner and/or their agent or representative.</p> <p>.9    The subscriber, subdivider, builder, developer, association, owner or their agent and/or representative shall furnish to BWTC an accurate plot plan of the subdivision and any subsequent additions to a subdivision.</p> <p>.10   Any damages to the lines, equipment, or facilities of BWTC caused by the subscriber, subdivider, builder, developer, owner or their agent or representative shall be repaired by BWTC and charges associated with such repairs shall be paid by the subscriber, subdivider, builder, developer, or owner.</p>	
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**5.5 Conversion of Overhead Facilities to Underground Facilities**

.1 Definitions

Applicant - Any person or entity, including an association, municipality, charter county, county or other local or state government that requests the conversion of overhead Company facilities to underground.

Conversion - Installation of underground facilities where underground facilities will be substituted for existing overhead facilities.

Cost Estimate - A cost estimate for conversion work prepared by BWTC following receipt of the applicable cost estimate preparation charge.

Cost Estimate Preparation Charge - The charge an applicant pays to BWTC to secure a cost estimate for conversion.

Overhead Facilities - Company aerial cable and Company poles.

Underground Facilities - Direct buried facilities or facilities in underground conduit.

.2 General Regulations

Construction charges as set forth in 5.1 of this Product Guide shall not apply to request for conversion of overhead facilities or to any work for or related to conversion. The provisions set forth in 5.5 shall apply to requests for conversion of overhead facilities to underground facilities.

- a. An applicant shall request conversion in writing and specify in detail the overhead facilities that are the subject of the requested conversion. Upon receipt of a written request, BWTC will determine the feasibility of converting the overhead facilities. If the written request requires revision to determine the feasibility of conversion, BWTC will so notify the applicant. If BWTC determines that the requested conversion is feasible, BWTC will so notify the applicant. If the applicant wishes to secure a cost estimate for the requested conversion, the applicant will request the cost estimate in writing, and BWTC will thereafter notify the applicant of the cost estimate preparation charge that the applicant must pay to BWTC in advance to secure a cost estimate. If the conversion is not feasible, BWTC will notify the applicant and will have no obligation to proceed with the applicant's request or with the requested conversion. BWTC shall have the sole discretion to determine whether the conversion is feasible.
- b. If an applicant requests a cost estimate for conversion, a charge for the preparation of a cost estimate will apply. The applicant will pay the cost estimate preparation charge before development of the cost estimate commences. The charge includes the costs associated with the development of the cost estimate. The cost estimate preparation charge is non-refundable and is applicable whether or not the conversion work occurs. If an applicant cancels a request for a cost estimate prior to its completion, BWTC will return to the applicant any portion of the previously paid cost estimate preparation charge that is in excess of costs incurred by BWTC to prepare the cost estimate.
- c. If an applicant wishes to proceed with conversion, the applicant may only do so following receipt of a cost estimate and, in such case, shall notify BWTC in writing of its desire to proceed with conversion. Thereafter, the applicant must execute a written agreement prepared by BWTC governing such conversion work within 180 calendar days of the date of the cost estimate or, if not executed within the 180 day period, must request a new cost estimate. A cost estimate preparation charge shall again apply for a new cost estimate. The payment for the conversion work in the agreement shall be based upon the cost estimate.
- d. If an applicant requests engineering consultation work for a proposed conversion and if the applicant has not previously paid for such work via a cost estimate preparation charge or a conversion agreement, the applicant, in advance of the work, at BWTC's request will sign an agreement agreeing to pay for any additional engineering consultation work.

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<p><b>5.6 Contract Service Arrangements</b></p> <ol style="list-style-type: none"><li>.1 At the Company's discretion, customer specific contract service arrangements may be furnished in lieu of existing Product Guide offerings.</li><li>.2 Rates, Charges, Terms, and additional regulations, if applicable, for the contract service arrangements will be developed on an individual case basis.</li><li>.3 Unless otherwise specified, the regulations for contract service arrangements are in addition to the applicable regulations and rates specified in other sections of this Product Guide.</li><li>.4 The subscriber and BWTC may elect to enter into an agreement where certain rates and/or charges for contract service arrangements are applicable for a fixed period of time. BWTC will continue to offer such contract service arrangements without change in the applicable rates and/or charges unless mutual consent has been reached between BWTC and the subscriber to undertake such changes. At the completion of this period, the agreement may be renewed at the option of BWTC and the subscriber. Original rates and/or charges may apply to any renewed agreement.</li></ol>		
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