

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the Application of)	
FidelityLink, LLC for a)	
Certificate of Service Authority to)	
Provide Basic and Non-Switched Local)	Case No. _____
Telecommunications Services)	
in Portions of the State of Missouri)	
and to Classify Said Services and)	
the Company as Competitive.)	

**APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY TO PROVIDE
BASIC LOCAL AND NON-SWITCHED LOCAL EXCHANGE
INTEREXCHANGE TELECOMMUNICATIONS SERVICE
AND FOR COMPETITIVE CLASSIFICATION**

Comes now FidelityLink, LLC ("Applicant"), by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450, 392.451 and 392.455 RSMo., the Federal Telecommunications Act of 1996, 4 CSR 240-2.060 and 4 CSR 240-3.510, for a certificate of service authority to provide basic local and non-switched local exchange telecommunications service in portions of the state of Missouri and to classify said service and company as competitive. In this application, Applicant seeks authority to provide basic local and non-switched local telecommunications service in the service territories of Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri, Embark Missouri, Inc.; CenturyTel of Missouri, LLC; and Spectra Communications Group, LLC (all d/b/a "CenturyLink"), and Windstream Missouri, Inc. Additionally, Applicant requests that its basic local service be classified as competitive and that certain statutes and regulations be waived. In support of its application, Applicant states as follows:

1. Applicant is a limited liability company duly organized and existing under and by virtue of the laws of the State of Missouri. A copy of Applicant's certificate of good standing from the Missouri Secretary of State is attached hereto as Appendix A. A summary of Applicant's senior managerial and industry experience demonstrating that Applicant possesses the managerial and technical expertise to provide the services it proposes is attached as Appendix B.

2. All inquiries, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

W.R. England, III
Brian T. McCartney
Brydon, Swearengen & England P.C.
312 East Capitol Avenue
P.O. Box 456
Jefferson City, MO 65102-0456

Jason L. Ross
FidelityLink, LLC
64 North Clark
Sullivan, MO 63080

3. By this Application, Applicant seeks authority to offer and provide basic and non-switched telecommunications service on a facilities-based and resold basis to customers in exchanges currently served by: (a) Southwestern Bell Telephone, L.P. d/b/a AT&T Missouri (AT&T Missouri), and (b) Embarq Missouri, Inc., CenturyTel of Missouri, LLC, Spectra Communications Group, LLC (all d/b/a "CenturyLink"), and (c) Windstream Missouri, Inc. (Windstream). The exchanges within which Applicant proposes to offer service will be listed in Applicant's initial proposed tariff. Applicant's proposed service areas will follow the respective exchange boundaries of the stated

incumbent LECs and shall be no smaller than an exchange as required by Section 392.455(3) RSMo.

4. Pursuant to this Application, Applicant proposes to offer and provide all forms of basic local telecommunications service, including (but not limited to): (a) Basic Exchange Services, including local exchange flat rate; (b) Custom and Class Features, including call waiting, caller ID, call forwarding, etc.; (c) Ancillary Services such as 911, directory listing, and directory assistance, and (d) non-switched local services.

5. Applicant possesses the technical and managerial expertise and experience necessary to provide the services it proposes. See Appendix B. Applicant's affiliate, Fidelity Telephone Company, an incumbent local exchange carrier, has been providing service in its certificated Missouri service area since 1940.

6. Applicant possesses the necessary financial resources and abilities to provide the services it proposes as required by Section 392.455(1), RSMo. Attached is the Affidavit of Mr. Jason L. Ross, General Counsel, attesting that Applicant possesses sufficient technical, financial, and managerial resources and abilities to provide basic local telecommunications service, and that Applicant has access to the necessary capital to conduct its proposed operations in Missouri.

7. Applicant seeks classification of itself and its services as competitive.

8. Applicant will offer basic local telecommunications service as a separate and distinct service in accordance with applicable law. Applicant will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in the proposed service areas in accordance with applicable law.

9. Applicant will comply with all applicable Commission rules other than those that are waived by the Commission and is willing to meet all relevant service standards. Additionally, Applicant agrees that, pursuant to Section 392.455(3) & (4) RSMo 2000, its service area shall be no smaller than an exchange. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, Applicant requests the following statutes and regulations be waived for Applicant and its basic local exchange services offerings.

A. Statutes

- 392.210.2 Accounting requirements (system of accounts)
- 392.240.1 Reasonableness of rates
- 392.270 Accounting requirements (valuation of property)
- 392.280 Accounting requirements (depreciation/accounts)
- 392.290 Issuance of Stocks, Bonds and Other Indebtedness
- 392.300 Transfer of Property
- 392.310 Approval of Issuance of Stocks, Bonds and Other Indebtedness
- 392.320 Certificate of Approval for Dividends
- 392.330 Accounting for Disposition of Proceeds
- 392.340 Reorganization

B. Rules

- 4 CSR 240-3.520 Applications to sell or transfer assets
- 4 CSR 240-3.525 Applications to merge or consolidate
- 4 CSR 240-3.530 Applications to issue stocks, obtain loans
- 4 CSR 240-3.535 Applications to acquire stock
- 4 CSR 240-3.545(8)(C) Listing of Waivers in Tariff
- 4 CSR 240-3.550 Telco Records and Reports (except (5)(B), (D) and (E))
- 4 CSR 240-3.555 Residential Customer Inquiries
- 4 CSR 240-3.560 Procedure for Ceasing Operations
- 4 CSR 240-10.020 Depreciation Records
- 4 CSR 240-30.020 Residential Telephone Underground Systems
- 4 CSR 240-30.040 Uniform System of Accounts
- 4 CSR 240-32.010 General Provisions
- 4 CSR 240-32.040 Metering, Inspections and Tests
- 4 CSR 240-32.050 Customer Services
- 4 CSR 240-32.060 Engineering and Maintenance
- 4 CSR 240-32.070 Quality of Service
- 4 CSR 240-32.080 Service objectives and surveillance levels

- 4 CSR 240-32.090 Connection of equipment and Inside Wiring
- 4 CSR 240-32.100 Provision of Basic Local and Interexchange Services
- 4 CSR 240-32.130-170 Prepaid Calling Cards (except 32.140 and 32.150(1))
- 4 CSR 240-32.180-190 Caller ID blocking requirements
- 4 CSR 240-33.010 Service and Billing Practice General Provisions
- 4 CSR 240-33.040 Billing and Payment standards
- 4 CSR 240-33.045 Clear identification and placement of charges on bills
- 4 CSR 240-33.050 Deposits
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of service
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.090 Settlement agreements with residential customers
- 4 CSR 240-33.130 Operator service requirements
- 4 CSR 240-33.140 Payphone requirements (except (2))
- 4 CSR 240-33.150 "Anti-slamming" requirements
- 4 CSR 240-33.160 Customer Proprietary Network Information

10. Applicant requests a temporary waiver of 4 CSR 240-3.510(1)(C), which requires that an application for a certificate of service authority to provide basic local exchange service shall include a proposed tariff with a 45-day effective date, but allows applicants the option of postponing tariff submittal. Applicant will file such a tariff in a manner consistent with the Commission's practices in similar cases before providing basic local service.

11. Applicant submits that the public interest will be served by Commission approval of this application because Applicant's proposed services will create and enhance competition and expand customer service options consistent with the legislative goals set forth in the federal Telecommunications Act of 1996 and Chapter 392 RSMo. Prompt approval of this application also will expand the availability of innovative, high quality and reliable telecommunications services within the State of Missouri. Accordingly, all the services that Applicant proposes to provide should be designated as competitive, and Applicant should be designated as a competitive telecommunications company.

12. Applicant submits, notwithstanding the provisions of Section 392.500 RSMo, as a condition of certification and competitive classification, Applicant agrees that, unless otherwise ordered by the Commission, Applicant's originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within those service area(s) Applicant seeks authority to provide service.

13. Applicant does not have any pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates which action a judgment, or decision has occurred within three years of the date of this application.

14. Pursuant to 392.470.1 and 392.361.6, Applicant will undertake all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures include but are not limited to:

- a. Prevention of call blocking and/or call gapping based on the cost of traffic termination.
- b. Preventing the alteration of stripping of Calling Party Number identification.
- c. Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

WHEREFORE, Applicant respectfully requests that the Commission grant it a certificate of service authority to provide basic local and non-switched local exchange

telecommunications services as herein requested, classify Applicant and its proposed services as competitive, and grant a waiver of the aforesaid statutes and regulations.

Respectfully submitted,

/s/ Brian T. McCartney

Brian T. McCartney Mo. Bar 47788

W.R. England, III Mo. Bar 23975

Brydon, Swearengen & England P.C.

312 East Capitol Avenue

P.O. Box 456

Jefferson City, MO 65102-0456

bmccartney@brydonlaw.com

573/635-7166

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been mailed, U.S. Mail postage prepaid, hand-delivered, transmitted by facsimile, or emailed this 28th day of June, 2013, to the following parties:

General Counsel

Missouri Public Service Commission

P.O. Box 360

Jefferson City, MO 65102

Office of the Public Counsel

P.O. Box 7800

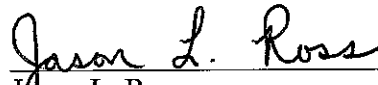
Jefferson City, MO 65102

/s/ Brian T. McCartney

VERIFICATION

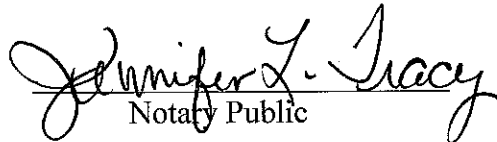
STATE OF MISSOURI)
)
COUNTY OF FRANKLIN)

I, Jason L. Ross, being first duly sworn, depose and state that I am the General Counsel of FidelityLink, LLC, the Applicant in the subject proceeding; that I have read the foregoing Application and know the contents thereof; and that the same is true and correct to the best of my knowledge, information, and belief.



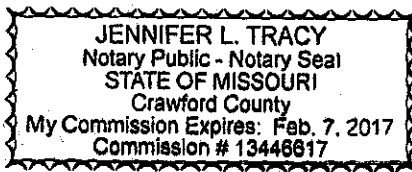
Jason L. Ross
General Counsel

Subscribed and sworn to before me this 26th day of June, 2013.



Notary Public

My Commission Expires: 2/7/17



BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the matter of the Application of)
FidelityLink, LLC for a)
Certificate of Service Authority to)
Provide Basic and Non-Switched Local)
Telecommunications Services in Portions)
of the State of Missouri and to Classify Said)
Services and the Company as Competitive.)

Case No. _____

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF FRANKLIN)

I, Jason L. Ross, of lawful age and being first duly sworn, do hereby depose and state that:

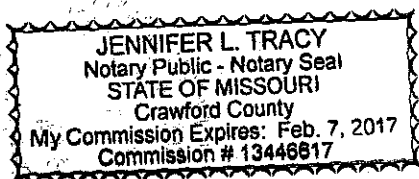
1. I am General Counsel of FidelityLink, LLC, the Applicant in the referenced matter, and am authorized to make this Affidavit on behalf of FidelityLink, LLC.
2. In my capacity as General Counsel, I have executive responsibilities for the day to day legal and regulatory matters associated with FidelityLink, LLC.
3. FidelityLink, LLC possesses sufficient technical, financial and managerial resources and abilities to provide basic local telecommunications service.
4. FidelityLink, LLC has not defaulted on any of its financial obligations within the last three years and that FidelityLink, LLC has access to capital sufficient for the start-up operations related to the provision of basic local telecommunications service.

Further affiant sayeth not.

Jason L. Ross

Jason L. Ross
General Counsel

Sworn to and subscribed before me, the undersigned Notary Public, on this 26th day of June, 2013.



Jennifer L. Tracy
Notary Public

Jennifer L. Tracy
Print or Type Name

My Commission expires: 2/7/17