

**FILED**

**DEC 23 2003**

**Before the  
MISSOURI PUBLIC SERVICE COMMISSION**

**Missouri Public  
Service Commission**

Application of Cincinnati )  
Bell Any Distance Inc. )  
for a Certificate of Service )  
Authority to Provide Interexchange )  
Telecommunications Services )

Docket No. \_\_\_\_\_

**APPLICATION**

COMES NOW Cincinnati Bell Any Distance Inc. ("CBAD" or "Applicant"), by its attorney, Leland B. Curtis of Curtis, Oetting, Heinz, Garrett & O'Keefe, P.C., and pursuant to 4 CSR 240-2.060(4) and Section 392.410 R.S.Mo. (Supp 1992) and makes this Application for a Certificate of Service Authority to Provide Interexchange Services in the State of Missouri for classification as a competitive telecommunications company. In support of its Application, CBAD submits the following:

1. The name, address and telephone and facsimile numbers of the Applicant are:

Cincinnati Bell Any Distance Inc.  
201 East Fourth Street  
Cincinnati, Ohio 45202  
Telephone: (513) 566-5050  
Facsimile: (513) 723-9815

Cincinnati Bell Inc., an Ohio corporation, is the ultimate parent company of CBAD, a Delaware corporation. CBAD was incorporated in the State of Delaware on December 9, 1987. A copy of CBAD's Articles of Incorporation are attached hereto as Exhibit "A," and a copy of CBAD's Certificate of Authority from the Missouri Secretary of State authorizing CBAD to do business in Missouri is attached hereto as Exhibit "B."

2. The designated contacts with respect to this application are:

Missouri Counsel

Leland B. Curtis, Esq.  
Curtis, Oetting, Heinz  
Garrett & O'Keefe, P.C.  
130 South Bemiston  
Suite 200  
St Louis, Missouri 63105  
Telephone: (314) 725-8788  
Facsimile: (314) 725-8789  
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CBAD Counsel

James E. Magee, Esq.  
Jennifer A. Newberry, Esq.  
The Magee Law Firm, PLLC  
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Telephone: (703) 356-7500  
Facsimile: (703) 356-6863  
E-mail: [jmagee@mageelawfirm.com](mailto:jmagee@mageelawfirm.com)  
[jnewberry@mageelawfirm.com](mailto:jnewberry@mageelawfirm.com)

With respect to regulatory matters, the company contact person is:

Mr. D. Scott Ringo Jr.  
Assistant Corporate Secretary and Director of Regulatory Affairs  
201 East Fourth Street, 102-890  
Cincinnati, Ohio 45202  
Telephone: (513) 397-1354  
Facsimile: (513) 723-9815  
E-mail: [scott.ringo@cinbell.com](mailto:scott.ringo@cinbell.com)

With respect to customer service and complaints, the company contact person is:

Mr. Tom McCloud  
Regulatory Specialist  
201 East Fourth Street, 102-890  
Cincinnati, Ohio 45202  
Telephone: (513) 397-1312  
Facsimile: (513) 352-0684  
E-mail: [tom.mccloud@cinbell.com](mailto:tom.mccloud@cinbell.com)

3. CBAD's provision of resold long distance services to customers will serve the public interest by providing a competitive alternate to Missouri customers. It will promote, through competition, the efficient use of current and future telecommunications networks in Missouri, consistent with the goals set forth in the Federal Telecommunications Act of 1996 and Chapter 392 RSMo. Customers will benefit by having an alternative carrier from which to

choose, and from general improvements in price, billing options, features and other options that are generated by competitive pressures. CBAD anticipates that its proposed services will provide its subscribers with better quality services and will increase choice through innovative, diversified and reliable service offerings. CBAD will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in CBAD's proposed service areas in accordance with applicable law.

4. CBAD requests classification as a competitive telecommunications carrier within the State of Missouri pursuant to Section 392.361 R.S.Mo. (Cum. Supp. 1992). Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation. Granting of this application will allow greater price and service options for telephone users.

5. CBAD plans on providing InterLATA toll resale and IntraLATA toll resale services. Please refer to CBAD's proposed tariff describing the specific services to be offered, and the terms and conditions of services attached hereto as Exhibit "C." As provided in Exhibit "C," CBAD will be offering its services statewide.

6. CBAD agrees to observe and comply with all applicable and governing statutes and regulations, to comply with all orders of the Commission, to meet all relevant standards, including but not limited to billing, quality of service, and tariff filing and maintenance, and to respond promptly to all inquiries from Commission staff concerning this application and other matters arising out of CBAD's provision of services in Missouri. Because CBAD is a multi-state entity, it keeps its books using Generally Accepted Accounting Principals rather than pursuant to

the Uniform System of Accounts. In addition, CBAD is requesting Commission approval to keep its books and records at its headquarters location in Cincinnati, Ohio, pursuant to 4 CRS 240-30.040. CBAD agrees to produce these books and records if required by the Commission.

In addition, pursuant to Section 392.420, RSMo (Cum. Supp. 1992), CBAD requests that the Commission waive the application of the following rules and statutory provisions as it relates to the regulation of CBAD:

392.210.2	Uniform System of Accounts
392.240(1)	Just & Reasonable Rates
392.270	Ascertain Property Values
392.280	Depreciation Accounts
392.290	Issuance of Securities
392.300.2	Acquisition of Stock
392.310	Issuance of stocks and debt
392.320	Stock dividend payment
392.330	Issuance of securities, debts and notes.
392.340	Reorganizations
4 CSR 240-10.020	Depreciation fund income
4 CSR 240-3.545(2)(C)	Rate schedules should be posted at central office
4 CSR 240-30.040	Uniform System of Accounts
4 CSR 240-33.030	Inform customers of lowest price

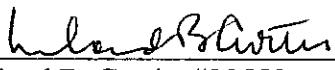
Pursuant to Section 386.570, Cum. Supp. 1992, Applicant will comply with all applicable Commission rules except those which are specifically waived by the Commission pursuant to a request filed by the application.

7. To the best of its current knowledge and belief, Applicant does not have any pending actions or unsatisfied judgments or decisions against it from any state or federal agency or court involving customer service or rates. Further, to the best of its current knowledge and belief, Applicant does not have any annual reports of assessment fees currently overdue.

### CONCLUSION

WHEREFORE, CBAD respectfully requests the Commission to grant approval of this application allowing CBAD to provide resold long distance services. Applicant also requests classification as a competitive telecommunications carrier and requests waiver of the above-referenced rules and statutory provisions.

Respectfully submitted,

By:   
Leland B. Curtis, #20550  
Curtis, Oetting, Heinz  
Garrett & O'Keefe, P.C.  
130 South Bemiston, Suite 200  
St. Louis, Missouri 63105  
(314) 725-8788 telephone  
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[lcurtis@cohgs.com](mailto:lcurtis@cohgs.com)

Of Counsel:

James E. Magee, Esq.  
Jennifer A. Newberry, Esq.  
The Magee Law Firm, PLLC  
6845 Elm Street, Suite 205  
McLean, Virginia 22101

December 22, 2003

**CERTIFICATE OF MAILING**

A true and correct copy of the foregoing was mailed this 22nd day of December, 2003, by placing same in the U.S. Mail postage prepaid to: Office of Public Counsel, P.O. Box 2230, Jefferson City, Missouri 65102-2230.



**AFFIDAVIT**

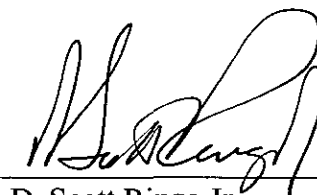
STATE OF OHIO

COUNTY OF HAMILTON

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I, D. Scott Ringo Jr., declare under penalty of perjury that I am Assistant Corporate Secretary and Director – Regulatory Affairs of Cincinnati Bell Any Distance Inc; that I have read the foregoing and know the contents thereof; that the same are true to the best of my current knowledge, except as to the matters which are therein stated on information or belief, and as to those matters I believe them to be true.

By:



D. Scott Ringo Jr.  
Asst. Corporate Secretary and  
Director of Regulatory Affairs

Subscribed and sworn to before me  
this 7<sup>th</sup> day of December, 2003

  
Notary Public

My Commission Expires: Aug 8, 2007

EVELYN W. KING  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES 08-08-07