

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

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| In the Matter of the Joint Application of |) | |
| GTC Broadband, Inc. for a Certificate of |) | |
| Service Authority to Provide Non-Switched Local |) | |
| Exchange and Intrastate Interexchange |) | Case No. _____ |
| Telecommunications Services and Stouffer |) | |
| Communications, Inc. for Cancellation of Its |) | |
| Certificate of Service Authority |) | |

**JOINT APPLICATION OF GTC BROADBAND, INC. FOR CERTIFICATE OF
SERVICE AUTHORITY TO PROVIDE NON-SWITCHED LOCAL EXCHANGE
AND INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS SERVICES,
ADOPTION OF TARIFFS, AND OTHER RELIEF, AND OF
STOUFFER COMMUNICATIONS, INC. FOR CANCELLATION OF ITS
CERTIFICATE OF SERVICE AUTHORITY AND
MOTION FOR EXPEDITED TREATMENT**

COME NOW GTC Broadband, Inc. (GTC Broadband) and Stouffer Communications, Inc. (Stouffer) and, pursuant to Sections 392.361, 392.410, 392.420, 392.430 and 392.440, RSMo,¹ and 4 CSR 240-2.060 and 240-3.510 respectfully file this combined Application requesting that the Missouri Public Service Commission ("Commission") issue an order: (1) granting GTC Broadband a Certificate of Service Authority to provide non-switched local exchange and intrastate interexchange telecommunications services within the State of Missouri, (2) granting GTC Broadband and all of its services competitive classification, (3) waiving, to the extent necessary, the application and enforcement of the statutes and rules referenced herein, (4) approving GTC Broadband's adoption tariffs to be effective on November 3, 2012 and (5) cancelling Stouffer's certificates of service authority.

In support of their Application, GTC Broadband and Stouffer state as follows:

¹ All statutory references herein are to the Revised Statutes of Missouri ("RSMo").

A. Introduction and Request for November 3, 2012 Effective Date

1. This joint Application of GTC Broadband and Stouffer Communications is part of a corporate restructuring to transfer the interexchange IXC business between two entities with common ownership in order to realize administrative efficiency. Specifically, the intrastate regulated telecommunications services that are now provided by Stouffer Communications, Inc. (owned by Jon Stouffer) will be transferred to GTC Broadband, Inc. (which is owned indirectly by Jon Stouffer's various family trusts).

2. The transaction will be seamless and transparent to customers whose services, and associated rates, terms and conditions of service will remain unaffected because GTC Broadband will adopt the rates, terms, and conditions of the Stouffer tariffs and the same personnel and billing systems will remain in place. Stouffer has already registered and is currently providing service under the "GTC Broadband" fictitious name, so there will be no customer confusion.

3. The requested relief in this Application will further a beneficial corporate transaction that is transparent to customers and in the public interest. Therefore, the Applicants respectfully request that this application be granted and the adoption tariffs be approved to be effective on November 3, 2012.

B. Description of the Applicants

4. GTC Broadband is a Missouri corporation with headquarters at 126 S. Beaver Avenue, Granby, MO 64844.²

5. Stouffer Communications, Inc. is a Missouri corporation with its principal office at 126 S. Beaver Avenue, Granby, MO 64844.³ Stouffer is an "interexchange

² A copy of GTC Broadband, Inc.'s Certificate of Incorporation, issued on December 30, 2011 by the Missouri Secretary of State, is attached hereto as Exhibit 1.

³ A copy of Stouffer Communications, Inc.'s Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission in Case No. TA-2000-61.

telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri, as each of those terms is defined in Section 386.020, RSMo 2000.⁴ Stouffer Communications is also registered to provide Interconnected Voice over Internet Protocol (VoIP) service in the exchanges of Joplin, Carl Junction, Webb City, Neosho, and Carthage, and Stouffer intends to retain this VoIP registration.⁵

6. All communications, correspondence, decisions, inquiries, orders, and pleadings regarding this proceeding should be sent to:

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

7. Stouffer Communications has no pending action or final unsatisfied judgments or decisions against it from any state or federal agency or court which involves Missouri retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Application. Stouffer does not have any overdue annual reports or regulatory assessment fees in Missouri.

8. GTC Broadband intends to provide the same telecommunications services that Stouffer has provided for many years. GTC Broadband is concurrently filing tariff adoption notices reflecting that it concurs in and adopts the tariffs of Stouffer Communications presently filed with the Commission.⁶ GTC Broadband requests approval of this application

⁴ Stouffer Communications is certificated to provide non-switched local and interexchange telecommunications services in Missouri. *See Order Approving Interexchange and Nonswitched Local Exchange Certificate of Service Authority*, issued September 1, 1999, in Case No. TA-2000-61.

⁵ *In the Matter of the Application of Stouffer Communications, Inc. for Registration to Provide Interconnected Voice over Internet Protocol Service*, File No. DA-2011-0270, *Registration*, issued March 15, 2011.

⁶ *See*, Exhibit 2, concurrently filed GTC Broadband Inc. Adoption Tariffs.

and the adoption of tariffs, by not later than October 24, 2012, so that the necessary filings, documents, certificates, and tariffs may bear an effective date of November 3, 2012.

C. Qualifications

9. GTC Broadband has the same ownership as Granby Telephone Company, an incumbent local exchange carrier that has been providing telecommunications services in the Granby and Diamond exchanges in the state of Missouri for over 100 years and three generations. Thus, GTC Broadband has the necessary expertise to own and operate a telecommunications company and comply with the regulatory requirements of this Commission.

D. Request for Competitive Classification

10. GTC Broadband seeks classification as a competitive telecommunications company, and it seeks classification of its telecommunications services as competitive, pursuant to Section 392.361 and 4 CSR 240-3.510(1)(A). GTC Broadband plans to provide the same services currently provided by Stouffer (which this Commission has already found to be competitive in prior orders), and these services have been and will continue to be subject to intense competition from other carriers already serving within Missouri. Therefore, the competitive classification of GTC Broadband and the telecommunications services it plans to provide is warranted.

E. Compliance with Rules and Request for Waiver Of, and/or Notice of Election to be Exempt from, Certain Statutes/Rules

11. GTC Broadband will comply with all applicable statutes and Commission rules except such statutes and rules as have been waived or may be waived.

12. GTC Broadband will not unjustly discriminate among its customers as is prohibited by Section 392.200. Consistent with the Commission's treatment of other certificated

interexchange telecommunication carriers, GTC Broadband requests that the following statutes and regulations be waived pursuant to Sections 392.361.5 and 392.420:

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 rates/accounts)
- 392.290 Issuance of stocks, bonds and other indebtedness
- 392.300 Transfer of property and ownership of stock
- 392.310 Approval of issuing stocks, bonds and other indebtedness
- 392.320 Certificate of Commission to be recorded-stock dividends
- 392.330 Accounting requirements (proceeds of sales of stock, bonds, notes)
- 392.340 Company reorganization

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

13. GTC Broadband respectfully submits that it is entitled to the above-listed statutory and rule waivers. GTC Broadband therefore notifies the Commission of its election to waive and be exempt from the application and enforcement of the above statutes and rules, effective on the same date as the effective date of the Commission's order granting the relief sought by this Application.

F. Request to Cancel Stouffer's Certificates of Service Authority

14. Pursuant to Section 392.410.5, Stouffer Communications' present certificates of service authority to provide telecommunications services should be canceled concurrently on November 3, 2012 when GTC Broadband begins providing the services Stouffer Communications presently provides.

15. The Commission has the authority to cancel Stouffer's certificate of service authority pursuant to Section 392.410.5, which states in pertinent part that "[a]ny certificate of service authority may be altered or modified by the commission after notice and hearing, upon its own motion or upon application of the person or company affected." The Commission need not hold a hearing if, following proper notice and opportunity to intervene, no party requests a hearing.⁷

16. The services presently offered pursuant to Stouffer's existing certificates of

⁷ *In the Matter of the Application of Zayo Fiber Solutions, LLC for Approval to Cancel its Certificate of Authority and Withdrawal of Tariff*, File No. LD-2011-0369, *Order Directing Notice*, p. 1, citing *State ex rel. Deffenderfer Enterprises, Inc. v. Public Service Comm'n*, 776 S.W. 2d 494 (Mo. App. W.D. 1989).

service authority will be offered and provided by GTC Broadband as of November 3, 2012. In these circumstances, in which the proposed transaction will not affect the provisioning of any customer service, canceling Stouffer Communications' certificates is appropriate.

G. Customer Notice

17. Granby Telephone Company and Stouffer Communications currently provide other non-regulated services to customers under the "GTC Broadband" fictitious name.⁸ Therefore, Stouffer and GTC Broadband request that the Commission waive customer notice requirements because customers already receive services under the GTC Broadband name and thus the transfer will be transparent to customers. Existing customers will continue to receive billing statements for both local and long distance service on one bill. Therefore, customer notice is unnecessary, may cause confusion, and should be waived.

H. Public Interest Considerations

18. GTC Broadband and Stouffer submit that the public interest will be served by Commission approval of this Application. The reorganization prompting this Application will be transparent to customers. There will be no change in the rates or substantive terms and conditions under customers receive service. Once the restructuring is completed, the same personnel who manage these services will continue to do so and there will be no change in the network assets used to provide these services. This Application is in accordance with the law, for a proper purpose, and otherwise consistent with the public interest, particularly in light of the vigorous competition in the telecommunications services market.

I. Expedited Treatment

19. GTC Broadband and Stouffer respectfully request that this application be granted

⁸ See Exhibit 3, *Registration of Fictitious Name*, Secretary of State File No. X01084870, Sept. 13, 2010.

on or before October 24, 2012 and the adoption tariffs be approved to be effective on November 3, 2012. There will be no negative effect on customers or the general public if the Commission acts by the requested date. This pleading was filed as soon as it could have been.

WHEREFORE, GTC Broadband and Stouffer Communications respectfully request that the Commission:

- (1) grant GTC Broadband a certificate of service authority to provide non-switched local exchange and intrastate interexchange telecommunications services within the State of Missouri as of November 3, 2012,
- (2) grant GTC Broadband and all of its services competitive classification,
- (3) waive application and enforcement of the statutes and rules referenced herein, including any requirements for customer notice,
- (4) approve the GTC Broadband adoption tariffs effective November 3, 2012,
- (5) cancel Stouffer Communications' certificates of service authority effective on November 3, 2012, and
- (6) grant such other relief as is necessary or appropriate.

Respectfully submitted,

/s/ **Brian T. McCartney**

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and GTC Broadband, Inc.

CERTIFICATE OF SERVICE

A copy of this document was served on the following parties by e-mail on this 4th day of October, 2012.

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/s/ Brian T. McCartney