

ORIGINAL

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

APR 23 2002

Missouri Public  
Service Commission

In the Matter of the Joint Application of )  
Enhanced Communications Network, Inc. )  
and Single Billing Services, Inc. d/b/a )  
Asian American Association for Approval )  
of Transfer of Assets, for Cancellation )  
of Certificate and Tariff, and for Waiver of )  
4 CSR 240-33.150. )

Case No. \_\_\_\_\_

**JOINT APPLICATION FOR WAIVER OF 4 CSR 240.33.150**

COME NOW **Enhanced Communications Network, Inc. ("ECN") and Single Billing Services, Inc. d/b/a Asian American Association ("SBS")** (collectively "Joint Applicants"), by and through counsel and pursuant to the applicable provisions of 4 CSR 240-2.060 (14) and for their Joint Application For Waiver of 4 CSR 240-33.150, respectfully state as follows:

**I. JOINT APPLICANTS**

**A. Enhanced Communications Network, Inc.**

1. ECN is a Delaware corporation currently authorized to do business in the State of Missouri by the Missouri Secretary of State. ECN also is a competitive telecommunications company duly authorized and certificated by the Commission to provide competitive interexchange and non-switched local exchange telecommunications service throughout the State of Missouri. ECN received its certificate of service authority and tariff approval on January 29, 1999 in Case No. TA-99-253.

2. Relevant documents from the Missouri Secretary of State's Office have been provided to the Commission previously in the above-referenced case, and pursuant to 4 CSR 240-2.060(1)(G), ECN hereby incorporates same herein by reference for purposes of this Joint

Application.

3. ECN's principal offices are located at 1031 South Glendora Avenue, West Covina, California 91790, telephone number (626) 445-6636, fax number (626) 356-7478.

**B. Single Billing Services d/b/a Asian American Association**

4. SBS is a Delaware corporation which was previously authorized to do business in the State of Missouri by the Missouri Secretary of State.<sup>1</sup> SBS also is a competitive telecommunications company duly authorized and certificated by the Commission to provide competitive interexchange and non-switched local exchange telecommunications service throughout the State of Missouri. SBS received its certificate of service authority and tariff approval on September 16, 1999 in Case No. TA-2000-67.

5. Relevant documents from the Missouri Secretary of State's Office have been provided to the Commission previously in the above-referenced case, and pursuant to 4 CSR 240-2.060(1)(G), SBS hereby incorporates same by references for purposes of this Joint Application, subject to the additional explanation provided below in footnote 1.

6. SBS's principal offices are located at 9550 Flair Drive, Suite 409, El Monte, California 91731, telephone number (626) 582-1276, fax number (626) 582-1276.

**II. ADDITIONAL REQUIREMENTS OF 4 CSR 240-2.060(1)**

7. All correspondence, communications, notices, and orders regarding this application

---

<sup>1</sup> SBS filed its last annual report with the Missouri Secretary of State on March 26, 2001, but due to its planned dissolution, it has not filed its subsequent annual report. As such, SBS now has been administratively dissolved by the Missouri Secretary of State. SBS previously had attempted, through different counsel who was coordinating regulatory filings in multiple jurisdictions, to seek the necessary Commission approvals for the transactions contemplated in this Joint Application *prior to* its administrative dissolution by the Missouri Secretary of State, but SBS's previous application with the Commission was ultimately rejected for certain Missouri-specific filing deficiencies. See Case No. TM-2002-180.

should be addressed to:

John Dowe Miller  
STEWART & KEEVIL, L.L.C.  
1001 Cherry Street,  
Suite 302  
Columbia, Missouri 65201  
(573) 499-0635  
(573) 499-0638 (fax)  
[jdowemiller@yahoo.com](mailto:jdowemiller@yahoo.com)

Patrick D. Crocker  
Early, Lennon, Crocker &  
Bartosiewicz, P.L.C.  
900 Comercia Building  
Kalamazoo, Michigan 49007  
(616) 381-8844  
(616) 349-8525 (fax)

8. Pursuant to 4 CSR 240-2.060(1)(K), Joint Applicants state that they have no pending action or final unsatisfied judgments or decisions against them from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this Joint Application.

9. Pursuant to 4 CSR 240-2.060(1)(L), Joint Applicants state that no annual reports or assessment fees are overdue.

10. Pursuant to 4 CSR 240-2.060(1)(M), the notarized verification of Patrick D. Crocker, national regulatory counsel for Joint Applicants, is attached hereto.

### **III. PROPOSED ASSET TRANSFER**

11. Joint Applicants are certificated, competitive interexchange telecommunications operating companies and are regulated as such by this Commission. Joint Applicants currently operate as interexchange telecommunications companies throughout the United States pursuant to authority granted by the Federal Communications Commission and by the various states in which they do business.

12. For a variety of business reasons, SBS has determined to exit the telecommunications market and on August 1, 2001, SBS entered into an Asset Purchase Agreement (the "Agreement") with ECN whereunder SBS would sell and ECN would purchase

all the assets, including the customer base, of SBS. Under the terms of the Agreement, ECN also would acquire the right to use the trade names "Single Billing Services" and "Asian American Association". Performance under the Agreement was made specifically contingent upon the parties receiving all necessary regulatory approvals which might be required in the various jurisdictions, including Missouri.

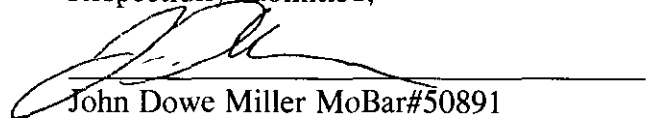
13. In order to continue providing uninterrupted service to SBS's customers at the same rates pending the conclusion of the various regulatory approval proceedings across the United States, the Agreement provides for an interim management arrangement through ECN. ECN intends to continue providing the same services at the same rates as currently are provided by SBS in Missouri. As the Missouri tariffs of SBS and ECN are in all material respects identical, no additional tariff filings by ECN are required.

14. In order to fully inform SBS's customers of the proposed asset transfer, Joint Applicants have prepared a draft customer notification, attached hereto as **Appendix A**, for the Commission's review and approval to be sent at such time as ordered by the Commission. Under the circumstances, Joint Applicants suggest that 4 CSR 240-33.150 (the "anti-slamming rule") should not be triggered. If, however, 4 CSR 240-33.150 is technically triggered by the asset transfer, Joint Applicants request that the Commission waive this rule on the basis that the transfer is not the type of improper transfer the rule seeks to prevent and because there is no adverse affect SBS's customers. The Commission in past cases has waived application of this rule on similar grounds in appropriate circumstances. *See, e.g.,* Case No. TM-2001-700, *In the Matter of the Application of Big River Telephone Company*, Order issued August 13, 2001; Case No. TE-2001-376, *In the Matter of the Request For Expedited Treatment of Bell Atlantic*

*Communications, Inc.*, Order issued January 18, 2001.

WHEREFORE, for all the reasons above-stated, Joint Applicants Enhanced Communications Network, Inc. and Single Billing Services, Inc. d/b/a Asian American Association respectfully request that the Commission issue one order in this case: 1) approving the transfer of assets as hereinabove stated; 2) canceling SBS's certificate of service authority and tariffs; 3) waiving the application of 4 CSR 240-33.150 for purposes of this Joint Application to the extent it applies; and 4) making any other orders deemed necessary and just and reasonable in the premises.

Respectfully submitted,



John Dowe Miller MoBar#50891  
STEWART & KEEVIL, L.L.C.  
1001 Cherry Street, Suite 302  
Columbia, Missouri 65201  
(573) 499-0635  
(573)499-0638 (fax)  
[jdowemiller@yahoo.com](mailto:jdowemiller@yahoo.com)

ATTORNEY FOR JOINT APPLICANTS

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Application and Appendices was sent to the General Counsel's Office and the Office of the Public Counsel by hand-delivery this 22<sup>th</sup> day of April, 2002.

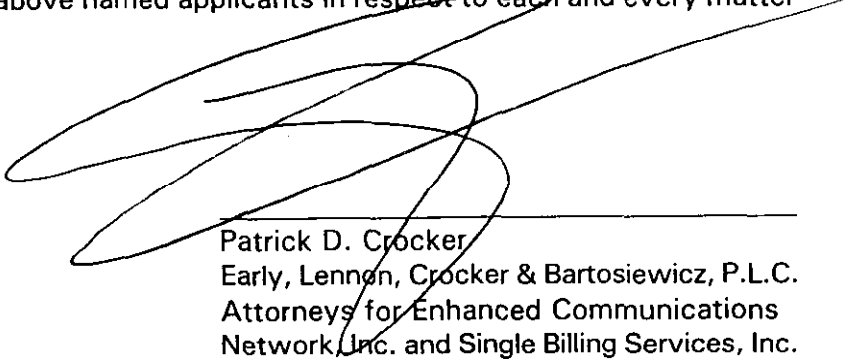


5

**VERIFICATION**

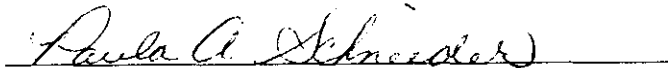
State of Michigan       )  
                                  ) ss  
County of Kalamazoo    )

Patrick D. Crocker, Early, Lennon, Crocker & Bartosiewicz, P.L.C., makes oath and says that they are **Attorneys for Enhanced Communications Network, Inc. and Single Billing Services, Inc. d/b/a Asian American Association**, that he has been authorized by these companies to make this application on their behalf, that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above named applicants in respect to each and every matter set forth therein.



Patrick D. Crocker  
Early, Lennon, Crocker & Bartosiewicz, P.L.C.  
Attorneys for Enhanced Communications  
Network, Inc. and Single Billing Services, Inc.

Subscribed and sworn to before me, a Notary Public, in the  
State and County above named, this 17<sup>th</sup> day of April 2002:



**PAULA A SCHNEIDER**  
Notary Public, Kalamazoo County, MI  
My Commission Expires Jun 24, 2004

Enhanced Communications Network, Inc./  
Single Billing Services, Inc.  
Application for Approval of Transfer of Assets  
and Cancellation of Certificate and Tariffs

**APPENDIX A**

**Proposed Customer Notification**

[SINGLE BILLING SERVICES, INC. — COMPANY LETTERHEAD]

RE: New Service Provider

Dear Value Customer:

On [date, 2002], Enhanced Communications Network, Inc. ("ECN") will acquire certain assets of Single Billing Services, Inc., including the carrier's subscriber base.

ECN has no plans to change the rates, term and conditions of services currently provided to you. In addition, no charges or fees will be imposed as a result of this transfer. ECN will provide at least thirty (30) days prior written notice of any changes to these rates, terms and conditions.

As our customer, you have the right to choose your long distance provider. You are free to choose another carrier to supply the services currently provided, if an alternative carrier is available.

All subscribers receiving this notice, even those who have arranged PIC freezes through the local exchange carrier ("LEC"), will transfer to ECN unless another carrier has been selected prior to [date, 2002]. If you have a PIC freeze on your account, you will need to contact the LEC to arrange for a new freeze.

We value your business and will continue to do our best providing the highest quality service at competitive prices.

Should you have any questions or complaints concerning this transfer, please contact ECN by dialing the following toll-free number: 888-888-8881.

*Single Billing Services, Inc.*