

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

In the Matter of the Application of Magnum)	
Networks, LLC for Certificate of Service)	
Authority to Provide Basic Local Exchange,)	<u>File No. LA-2015-0283</u>
Non-Switched Local Exchange and)	Tariff Nos. YL-2015-0320
Interexchange Telecommunications Services in the)	YL-2015-0321
State of Missouri and to Classify Said)	
Services and the Company as Competitive)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation, states as follows:

1. On May 1, 2015, Magnum Networks, LLC (“the Company”) applied for a certificate of service authority to provide basic local, non-switched local, and interexchange telecommunications service and for competitive classification.
2. The Application included sufficient information for the Staff to conclude that the Company possesses sufficient financial, technical and managerial resources to be certificated.
3. In the attached Memorandum, the Staff recommends that the Commission grant the Company’s request for basic local, non-switched local, and interexchange telecommunications service authority. The Commission shall grant an application for a certificate of telecommunications service authority upon a finding that the grant of authority is in the public interest. §§ 392.430 and 392.440 RSMo 2000.

4. The Staff also recommends that the Commission classify the Company's services as competitive. The Commission may classify a telecommunications provider or its services as competitive if the Commission determines it is subject to sufficient competition to justify a lesser degree of regulation and that such lesser regulation is consistent with the protection of ratepayers and promotes public interest. §392.361.4 RSMo Supp. 2013. The Staff further recommends that the Commission state in its order that, pursuant to §392.410, the authority conferred by the certificate of service authority shall be null and void unless it is exercised within one year of its issuance.

5. Tariffs pertaining to access and retail service offerings were submitted with the application, effective June 15, 2015. The proposed tariff complies with the Commission's requirements.

6. The Company is not delinquent in filing an annual report, paying the PSC assessment, MoUSF, and Relay Missouri.

7. The Staff recommends that the application be granted with the following conditions:

a. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company against whom the applicant is competing pursuant to §§ 392.361.6 and 392.370 RSMo Supp. 2009.

b. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

c. The Company 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:

1) Prevention of call blocking and/or call gapping based on the cost of traffic termination.

2) Preventing the alteration or stripping of Calling Party Number identification.

3) Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices.

WHEREFORE, the Staff recommends that the Commission grant Magnum Networks, LLC's Application for basic local and non-switched local telecommunications service authority on the conditions set forth above and classify the company and its services as competitive and either approve the Company's tariff or allow it to take effect by operation of law.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 27th day of May, 2015.



MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No: LA-2015-0283 File No: YL-2015-0320
YL-2015-0321

Applicant: Magnum Networks, LLC

From: Kari Salsman
Telecommunications Unit
John Van Eschen
Tariff, Safety, Economic and Engineering Analysis/Date

Subject: Staff Recommendation for Approval of Certificate and/or Initial Tariff

Date: May 26, 2015
Filing Deadline: May 29, 2015

The Telecommunications Unit Staff (Staff) recommends the applicant be granted the following certificate(s), as indicated below, to be effective on the same date the tariff becomes effective:

☒ certificate to provide basic local exchange telecommunications services in the following service areas.

- ☐ All of AT&T Missouri
- ☐ All of CenturyLink
- ☐ All of Spectra
- ☒ Statewide
- ☐ Other _____ (please describe)

☒ certificate to provide interexchange telecommunications services.

☒ certificate to provide local exchange telecommunications services.*

*local exchange authority should be restricted to dedicated, private line services.

Staff recommends the applicant and its services receive competitive classification. Staff further recommends a Commission order granting certification state that pursuant to Section 392.410 RSMo, unless exercised within a period of one year from the issuance thereof, authority conferred by a certificate of service authority shall be null and void. In addition, Staff recommends approval of the waivers listed in the Notice.

Granting a certificate to provide basic local exchange telecommunications services should be based on the following two conditions:

1. The applicant's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company against whom the applicant is competing pursuant to Sections 392.361.6 and 392.370 RSMo.
2. If the directly competing ILEC, in whose service area the applicant is operating, decreases its originating and/or terminating access service rates, the applicant shall file an appropriate tariff amendment to reduce its originating

and/or terminating access rates in the directly competing ILEC's service area within 30 days of the directly competing ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap.

☒ No objection to tariff MO PSC No. 1 & 2 taking effect.
Effective Date: 6-15-2015

☐ Tariff was not submitted with application.

Review Items for IXC, Non-switched Local and CLEC Certificate Applications (as required by 4 CSR 240-2.060):

- ☒ Proper Secretary of State authorization
 - ☒ Statement of character of business performed.
 - ☒ Statement declaring no pending action or final unsatisfied judgments
 - ☒ Statement declaring no overdue annual reports/assessment fees
 - ☒ Application includes an affidavit.
 - ☒ The applicant is requesting waivers of rules or statutes previously granted to a competitively classified company
- (as required by 392.430/.440):
- ☒ Application shows that grant of authority is in the public interest.

Additional Review Items for CLEC Applications (as required by 392.455):

- ☒ Possesses sufficient technical and managerial resources and abilities.
- ☒ Applicant has provided an affidavit attesting that the company possesses sufficient financial resources.
- ☒ Statement that the applicant will satisfy the minimum standards established by the commission.
- ☒ Identifies geographic area (no smaller than an exchange).
- ☒ Statement that applicant will give equitable access to all Missourians.

Under penalty of perjury, I affirm that the above statement is true and correct.



KARI SALSMAN