

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

In the Matter of the Application of United	)	
Communications Systems, Inc. d/b/a Call One	)	
For a Certificate of Service Authority to Provide	)	
Basic Local Exchange, Non-switched Local	)	<b>File No. LA-2011-0230</b>
Exchange and Interexchange Telecommunications	)	
Services in the 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 January 1, 2011, United Communications Systems, Inc. d/b/a Call One (“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. In addition, the Staff notes that granting the requested waivers complies with §392.420 RSMo 2009.

3. In the attached Memorandum, labeled Appendix A, 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. 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. 2009. A majority of the services a competitive company provides must be classified as competitive. §392.361.3 RSMo Supp. 2009.

5. 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.

6. Tariffs were not submitted. The Staff recommends that the Commission require the Company to file tariffs within 30 days of the effective date of the order.

7. The Staff recommends that the “standard” waivers, listed below, be granted, as required by §392.420 RSMo. The Company shall list the waivers in its tariff as long as they are effective.

4 CSR 240-3.550 (4) and (5)(A) Quality of service reports

4 CSR 240-10.020 Depreciation Records

4 CSR 240-30.040 Uniform System of Accounts

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 240-33.040(1-3) and (5-10) Billing and payment standards

4 CSR 240-33.045 Clear identification and placement of charges on bills

4 CSR 240-33.080(1) Identify company name and toll-free number on bills

4 CSR 240-33.130(1), (4) and (5) Operator service requirements

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, etc.)  
392.340 Company reorganization

8. In addition to the standard waivers, Staff recommends that the Company be granted a limited waiver of 4 CSR 240-32.050(4)(B), concerning the provision of telephone directories, as follows:

As a competitive local exchange carrier operating in the St. Louis and Kansas City metropolitan areas, the Company is given a partial exemption from 4 CSR-32.050(4)(B), in that, when AT&T does not automatically deliver a directory to the Company's subscribers, the Company may discharge its obligation to distribute such directories by instructing its end-user customers to (a) contact the Company for a copy of the directory (who will in turn forward the request to AT&T); or (b) contact AT&T directly for a copy of the directory.

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

10. 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.

**WHEREFORE**, the Staff recommends that the Commission grant United Communications Systems, Inc. d/b/a Call One's Application for basic local, non-switched local and interexchange telecommunications service authority under the conditions described above, classify the company and its services as competitive, approve the listed waivers, and require the Company to submit tariffs that conform to the Commission's Order within 30 days after the issuance thereof.

Respectfully submitted,



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Attorney for the Staff of the  
Missouri Public Service Commission  
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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 10<sup>th</sup> day of February, 2011.



## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No: LA-2011-0230  
Applicant: United Communications Systems, Inc. d/b/a Call One

From: Kari Salsman  
Telecommunications Department  
William Voight 2-3-11  
Utility Operations Division/Date

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

Date: 2-3-11  
Filing Deadline: 2-4-11

The Telecommunications Department 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 taking effect (Insert MO PSC number.) Effective Date: The Staff states that the tariff meets the requirements of all applicable statutes, specifically, one or more of the following: Sections 392.200(8), (12); 392.455(3), (4); and 392.500(2) RSMo. In addition, the tariff filing does not conflict with the following Commission rules: 4 CSR 240-3.545 (4), (6), (7), (8 C,G,H), (9), (15), (16), (19); 4 CSR 240-31.065(1), (2), (3); 4 CSR 240-32.150(5), 32.160(1), (2), 32.190; 4 CSR 240-33.040(4), 33.045(2), 33.050(4) and 33.070(2).

☒ Tariff was not submitted with application. Pursuant to 4 CSR 240-3.510(1)(C), the applicant cannot lawfully provide service until tariffs are effective.

Additional Comments:

Paragraph 15 asks for approval of Call One's separately-submitted tariff. No tariff has been submitted.

The Company requests a waiver of 4 CSR240-32.050(4)(B), concerning the provision of telephone directories. Staff recommends that the Company be granted a limited waiver of that rule as follows:

As a competitive local exchange carrier operating in the St. Louis and Kansas City metropolitan areas, the Company is given a partial exemption from 4 CSR 240-32.050(4)(B), in that, when AT&T does not automatically deliver a directory to the Company's subscribers, the Company may discharge its obligation to distribute such directories by instructing its end-user customers to (a) contact the Company for a copy of the directory (who will in turn forward the request to AT&T); or (b) contact AT&T directly for a copy of the directory.

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

☐ The Company is delinquent. Staff recommends the Commission grant the requested relief/action on the condition the applicant corrects the delinquency. The applicant should be instructed to make the appropriate filing in this case after it has corrected the delinquency.

(☐ No annual report ☐ Unpaid PSC assessment. Amount owed:  
☐ Unpaid MoUSF ☐ Unpaid Relay Missouri)

**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.

**Tariff Review Items (applicable for all competitively classified companies):**

- ☐ The tariff meets Staff's review for compliance with rules for competitive company tariff filings.

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Services in the State of Missouri and to )  
Classify Said Services and the Company as )  
Competitive )

Case No. LA-2011-0230

**AFFIDAVIT OF KARI SALSMAN**

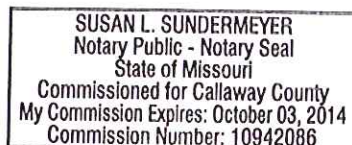
STATE OF MISSOURI )  
 ) ss:  
COUNTY OF COLE )

Kari Salsman, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying Staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.



KARI SALSMAN

Subscribed and affirmed before me this 3<sup>rd</sup> day of February 2011.



  
NOTARY PUBLIC