

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In the Matter of the Application of Metropolitan)	
Telecommunications of Missouri, Inc. to Expand)	
Its Certificate of Authority to Provide Basic)	Case No.
Local Telecommunications Services to Include)	
All Zones and Exchange Areas Served by)	
Incumbent Local Exchange Carrier)	
Windstream, Inc.)	

**APPLICATION OF METROPOLITAN
TELECOMMUNICATIONS OF MISSOURI, INC.
TO EXPAND CERTIFICATE OF BASIC LOCAL SERVICE AUTHORITY**

COMES NOW Metropolitan Telecommunications of Missouri, Inc., ("Applicant" or "MetTel") pursuant to sections 392.361, 392.410, 392.420, 392.430, and 392.450 and 392.455 RSMo. and 4 CSR 240-2.060 and 4 CSR 240-3.510, and hereby applies to expand its certificate of basic local telecommunications service authority to include provision of basic local exchange telecommunications service throughout all exchanges served by incumbent local exchange carrier Windstream Missouri, Inc. in the state of Missouri.

Pursuant to Sections 392.420, 392.245.5(8) and 392.361, RSMo and 4 CSR 240-32.010(2), MetTel also seeks a waiver of certain Commission rules and statutory provisions. In support of its Application, MetTel states as follows:

1. MetTel is a Delaware Corporation authorized to do business in Missouri, Charter No. F00489757, with a copy of its Certificate of Authority attached hereto as **Exhibit A**. The nature of the Applicant's business is telecommunications. Applicant's principal place of business is 55 Water Street, Floor 32, New York, NY 10041. Its telephone number is 212-607-2000 and its toll-free customer service number is 1-877-963-8663.

2. MetTel was previously granted authority from the Commission to provide facilities-based and resold basic local telecommunications service in the service territories of Southwestern Bell Telephone Company L.P. d/b/a SBC Missouri; Sprint Missouri, Inc., d/b/a Sprint; CenturyTel of Missouri, LLC,); and Spectra Communications Group, LLC, d/b/a CenturyTel throughout the state of Missouri.¹

3. Both MetTel and its basic local services have been classified as competitive, in Case No. CA-2004-0425.

4. An officer's verification of the information contained in the Application is attached hereto.

5. All correspondence, communications, pleadings, notices, orders and decisions relating to this Application should be addressed to:

John Rossi, Marketing and Regulatory
55 Water Street, 32nd Floor
New York, New York, 10041
Telephone: 212-607-2016
Email: jrossi@mettel.net

All inquiries or communications regarding the ongoing operations of MetTel should be addressed to:

Sam Vogel, Chief Marketing Officer and Senior Vice President – Interconnection
55 Water Street, 32nd Floor
New York, New York, 10041
Telephone: 212-607-2146
Email: svogeli@mettel.net

¹ See *Application of Metropolitan Telecommunications of Missouri, Inc. for a Certificate of Service Authority to Provide Resold and Facilities-based/UNE Basic Local Telecommunications Services in Portions of the State of Missouri and to Classify Said Services and the Company as Competitive*, Case No. CA-2005-0425 (Order Granting Certificate to Provide Basic Local Telecommunications Services, Effective Date: September 2, 2005); *see also*, *Application of Metropolitan Telecommunications of Missouri, Inc. for a Certificate of Service Authority to Provide Intrastate Interexchange Telecommunications Services in Missouri*, Case No. XA-2005-0426 (Order Approving Interexchange Certificate of Service Authority and Order Approving Tariff, Effective Date July 2, 2005).

6. By this Application, and pursuant to Section 392.450.3 RSMo, MetTel requests an expansion of its certificate of service authority to provide competitive basic local exchange services throughout all exchanges served by the incumbent local exchange carrier Windstream Missouri, Inc. in the state of Missouri. The exchanges in which MetTel seeks authority are listed in the approved tariffs of the incumbent LEC, and will be listed in Applicant's basic local service tariff. MetTel's proposed service areas will follow the respective exchange boundaries of the incumbent LEC and shall be no smaller than an exchange as required by Section 392.455(3) RSMo.

7. Pursuant to this Application, MetTel seeks authority to offer and provide all forms of facilities-based and resold basic local telecommunications service to customers within Missouri as defined in 386.020(4) RSMo.

8. Applicant continues to possess sufficient technical and managerial resources and abilities to provide basic local telecommunications service as required by Section 392.455(1) RSMo, as found by the Commission in Case No. CA-2004-0425. A listing of Applicant's principal management employees and their qualifications was attached to MetTel's Application in Case No. CA-2004-0425 and has been updated and is attached hereto as **Exhibit B**.

9. Applicant continues to possess the necessary financial resources and abilities to provide the services it proposes as required by Section 392.455(1), RSMo and has the necessary capital to conduct its proposed operations in Missouri, as found in Case No. CA-2008-0336. Based on the prior, recent determination, MetTel seeks a waiver of the requirement that financial data be submitted under 4 CSR 240-3.510(1)(D).

10. MetTel seeks continued classification as a competitive company, including classification of its expanded basic local exchange telecommunications services as competitive, pursuant to Section 392.361 and Section 392.420 RSMo and 4 CSR 240-3.510(1)(A), with the accompanying reduced regulation that accompanies such classification. Applicant believes that its proposed services will be subject to sufficient competition to justify a lesser degree of regulation and that granting this request will allow greater price and service options for telephone users. In the Commission's previous order granting certificate of service authority, the Commission classified MetTel and its services as competitive.

11. MetTel will offer basic local telecommunications services as a separate and distinct service in accordance with applicable law. MetTel will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services in MetTel's proposed service areas in accordance with the law.

12. Applicant is willing to comply with all applicable Commission rules, except those that are waived, in providing basic local service in the expanded service area. Specifically, MetTel will file and maintain tariffs and meet applicable minimum standards established by the Commission. MetTel will make reports to and other informational filings with the Commission as required. Pursuant to Section 392.420 RSMo (see also Section 392.245.5(8)), which provides good cause for this request, Applicant requests the following statutes and regulations, which include the new "standard" waivers permitted by HB 1779, be waived for MetTel and its basic exchange service offerings:

<u>Statutes</u>	<u>Missouri Public Service Commission Rules</u>
392.210.2	4 CSR 240-3.550(4) and (5)(A)
392.240.1	4 CSR 240-10.020

392.270	4 CSR 240-30.040
392.280	4 CSR 32.050(4)(B)
392.290	4 CSR 240-32.060
392.300	4 CSR 240-32.070
392.310	4 CSR 240-32.080
392.320	4 CSR 240-33.040 (except subsection (4))
392.330	4 CSR 240-33.045
392.340	4 CSR 240-33.080(1)
	4 CSR 240-33.130(1), (4) and (5)

13. Applicant is filing a basic local exchange services tariff with a forty-five (45) day effective date contemporaneously with this Application.

14. Applicant submits that the public interest will be served by Commission approval of this Application because Applicant's proposed service will create and enhance competition and expand customer service options, consistent with the legislative goals set forth in the Telecommunications Act of 1996 and Chapter 392, RSMo. Prompt approval of this Application also will expand the availability of innovative, high quality and reliable telecommunications services within the State of Missouri.

15. Notwithstanding the provisions of Section 392.500, RSMo., as a condition of certification and competitive classification, MetTel agrees that, unless otherwise ordered by the Commission, MetTel's originating and terminating switched exchange access rates will be no greater than the lowest Commission-approved corresponding access rates in effect for each ILEC within those service area(s) in which Applicant seeks authority to provide service. Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, MetTel agrees that if the 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 within thirty (30) days of the ILEC's reduction of its originating and/or terminating access rates in order to maintain the cap on switched access rates.

16. MetTel has no pending or final judgments or decisions against it from any state or federal agency or court that involve customer rates or service.

17. MetTel has no annual report or assessment fees that are overdue.

WHEREFORE, Applicant MetTel, Inc. respectfully requests that the Commission grant it an expanded certificate of service authority to provide basic local telecommunications service as herein requested, classify Applicant and Applicant's proposed basic local services as competitive, and grant waivers of aforesaid statutes and regulations, at the Commission's earliest convenience.

Respectfully submitted,

/s/ John Rossi

John Rossi, Marketing and Regulatory
55 Water Street, 32nd Floor
New York, New York, 10041
Telephone: 212-607-2016
Facsimile: 212-635-5074
Email: jrossi@mettel.net

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this document was served upon the parties listed below on this _____ day of July, 2013, by either e-mail or U.S. Mail, postage prepaid.

/s/ John Rossi

John Rossi, Marketing and Regulatory

Office of the Public Counsel
PO Box 2230
Jefferson City, Missouri 65102
opcservice@ded.mo.gov

Office of General Counsel
Missouri Public Service Commission
PO Box 360
Jefferson City, Missouri 65102
gencounsel@psc.mo.gov

VERIFICATION

Sam Vogel, being first duly sworn, deposes and says: That he is the Chief Marketing Officer and Senior Vice President – Interconnection of Metropolitan Telecommunications of Missouri, Inc., the Applicant in the foregoing Application; that he has read the foregoing Application, knows the statements contained in the Application are true to his best knowledge, information and belief.



Sam Vogel

Chief Marketing Officer and Senior Vice President – Interconnection
Metropolitan Telecommunications of Missouri, Inc.

SUBSCRIBED and sworn to me this 30th day of July, 2013.

May S. Chung
Notary Public, State Of New York
No. 01CH6140405
Qualified in New York County
Commission Expires January 30, 2014



Notary Public

Exhibit A

No. F00489757

STATE OF MISSOURI



Rebecca McDowell Cook
Secretary of State

CORPORATION DIVISION - CERTIFICATE OF AUTHORITY

WHEREAS,
METROPOLITAN TELECOMMUNICATIONS OF MISSOURI, INC.

using in Missouri the name
METROPOLITAN TELECOMMUNICATIONS OF MISSOURI, INC.

has complied with the General and Business Corporation Law which governs Foreign Corporations; by filing in the office of the Secretary of State of Missouri authenticated evidence of its incorporation and good standing under the Laws of the State of DELAWARE.

NOW, THEREFORE, I, REBECCA McDOWELL COOK, Secretary of State of the State of Missouri, do hereby certify that said corporation is from this date duly authorized to transact business in this State, and is entitled to all rights and privileges granted to Foreign Corporations under the General and Business Corporation Law of Missouri.

IN TESTIMONY WHEREOF, I have set my hand and imprinted the GREAT SEAL of the State of Missouri, on this, the 6th day of NOVEMBER, 2000.

Rebecca McDowell Cook
Secretary of State

\$155.00



Exhibit B

SENIOR MANAGEMENT BIOGRAPHY

Marshall Aronow - *Chief Executive Officer*

Mr. Aronow is a co-founder of the company and has served in this position since 1996. Previously, he was a finance specialist and managing partner of JDK Partners, a Manhattan based hedge fund that specialized in technology and telecommunications. Prior to that, Mr. Aronow was a member of both the Chicago and New York Mercantile Exchanges. Mr. Aronow attended New York University and has a BA in Economics.

Andoni Economou - *Chief Operating Officer/Executive Vice President*

Mr. Economou has served as the COO and Executive VP of MetTel since 1996. He is responsible for the day-to-day operations of the company and shares the strategic responsibilities with Marshall Aronow. Mr. Economou has also been instrumental in guiding MetTel through the industry's many regulatory changes. Prior to joining the company, Mr. Economou was associated with the New Jersey Law firm, Nashel & Nashel, where he practiced real estate law, specializing in cooperative conversions. Previously, he held a position as Law Clerk for the Hon. Geoffery Gaukin, P.J.A.D., Superior Court of N.J. Mr. Economou graduated from Rutgers University School of Law, where he served as the Managing Research Editor of the Rutgers Computer and Technology Law Journal.

David Aronow - *President*

Mr. Aronow is a co-founder of the company and has served as President of MetTel since 1996. He was a driving force in the early stages of MetTel's network build and is also President of MetTel's MetConnect ISP service. He continues to be involved in MetTel's extensive network expansion program. Previously he was a partner at Aronow & Aronow, LLP, a commercial litigation practice in NY. Mr. Aronow graduated from New York Law School.

Sam Vogel - *Chief Marketing Officer/Senior Vice President-Interconnection*

Mr. Vogel is responsible for directing all MetTel's Marketing activities, including marketing plans, pricing and profitability; as well as Interconnection activities with Incumbent Local Exchange Carriers (ILECs). He directed MetTel's National expansion into 48 states. He has over 40 years of telecommunications industry experience and has held executive positions in engineering, operations, regulatory, sales and marketing and business development. Prior to re-joining MetTel in 2001, Mr. Vogel held senior executive positions in the CLEC industry and prior to 1996, he served as Managing Director at NYNEX Telesector Resources (now Verizon) in their Business Markets Group responsible for product development and management of \$1.2 billion in annual calling services revenues. He received a BS degree, Cum Laude, in Business Administration/Management, from the N.Y. Institute of Technology.

Steven Tunney - *Executive Vice President of Planning and Strategy*

Mr. Tunney is the former CEO of Arlington, Va.-based MCG Capital Corporation where he provided capital to support the growth and value creation strategies of middle market

SENIOR MANAGEMENT BIOGRAPHY, continued

companies. Tunney co-founded the \$1.1 billion asset business development company in 1998 and was responsible for its strategic direction until 2011. Prior to his work with MCG, Tunney served as vice president in the media communications group of First Union/Signet Bank in Tyson's Corner, Va., and as the chief financial officer at Cambridge Information Group in Bethesda, Md. Mr. Tunney will help shape the future of MetTel as it looks to expand the breadth and depth of its services for enterprise and government customers through new technologies, strategic partnerships, mergers and acquisitions. Tunney is a graduate of Towson State University in Towson, Md.

Edward J. Fox III - *Vice President of Network Services*

Mr. Fox is responsible for the planning, deployment and operation of MetTel's broadband, data and VoIP network infrastructure. Prior to joining MetTel, he had more than 15 years of telecommunications and network experience, holding senior positions at several large corporations, where he developed the ability to manage massive organizational and customer growth. At Network Plus he was responsible for a 7 state, 3 RBOC, local voice and data network build in less than 2 years and brought one of the first consumer available packet voice networks to the business marketplace. While at Bell Atlantic Mobile, the company was awarded its first customer satisfaction award from JD Powers, for the Manhattan, NY service area, where Ed managed its operation. For the Teleport Communications Group he managed network validation testing, meeting stringent AT&T requirements, which allowed traffic exchange. Mr. Fox has a BS in Electrical Engineering Technology, from Rochester Institute of Technology.

Will Prince – *Executive Director of Operations*

Mr. Prince has been the Executive Director of Operations for MetTel since 2002. He leads the firm's client acquisition and client experience initiatives. Mr. Prince brings over 16 years of experience in customer care with a focus on technology integration. Prior to joining MetTel, Mr. Prince was the Director of IT at ELEC. He graduated from Southern Utah University with a B.S. in Accounting.

Stephen McDermott - *Managing Director of Client Services*

A telecommunications operations veteran with more than 30 years of experience, Mr. McDermott directs MetTel's distinguished team of network and service specialists to ensure delivery of a wide variety of telecommunications solutions. He also leads MetTel's customer service or "primary care" group. McDermott began his career in telecommunications sales, marketing, provisioning and repair with AT&T in 1977. He later moved to New York Telephone/NYNEX. At NYNEX McDermott directed more than 5,000 employees and a \$200 million capital program, and was a pioneer in the sale, installation and repair of broadband facilities for major corporate and university customers. McDermott is a graduate of Iona College and completed the Executive Management Program at Pennsylvania State University.