

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

In the Matter of the Application of)	
MCC Telephony of Missouri, LLC to)	<u>File No. LO-2010-0193</u>
Expand its Certificate of Service Authority to)	
Include Provision of Local Telecommunications)	Tracking No. YL-2010-0439
Service in Additional Exchanges and to Continue to)	
Classify the Company and its Services as Competitive))	

**ORDER GRANTING APPLICATION
FOR EXPANSION OF SERVICE AUTHORITY**

Issue Date: January 28, 2010

Effective Date: February 12, 2010

The Missouri Public Service Commission is approving MCC Telephony of Missouri, LLC's ("MCC") application. In the application, MCC seeks to expand the territory under MCC's certificates of service authority ("certificates") to provide local and basic local exchange telecommunications services, classification of itself as a competitive company and its services as competitive services, and for waiver of certain statutes and regulations as authorized by Sections 392.361 and 392.420, RSMo Supp. 2009. The Commission is also approving the accompanying tariff that implements the relief sought in the application.

MCC is a Delaware limited liability company with its principal office located at 1000 Crystal Run Road, Middletown, NY 10941. MCC intends to expand its basic local and local exchange telecommunications services. MCC filed its application with the Commission on December 28, 2009, for an expansion of its certificates of service authority to provide local and basic local exchange telecommunications services in Missouri under Sections 392.410 through 392.450, RSMo. MCC's application seeks classification as a competitive company, and lists the waivers requested. MCC filed a proposed tariff in conjunction with its application.

After MCC supplemented its application, the Commission issued a notice of the application on January 5, 2010. The notice directed persons wishing to intervene to file their requests by January 20, 2010. No requests for intervention were filed.

In a memorandum filed on January 20, 2010, the Commission's Staff recommended that the Commission grant MCC's application, expand MCC's service authority, grant competitive status, and waive the statutes and regulations listed in the Notice, with certain conditions.

The Commission finds that competition in the local and basic local exchange telecommunications markets is in the public interest and MCC shall be granted the certificates. The Commission finds that the services MCC proposes to offer are competitive and MCC shall remain classified as a competitive company. The Commission finds that waiving the statutes and Commission regulations set out in the ordered paragraph below is reasonable and not detrimental to the public interest.

The Commission reminds MCC that failure to comply with regulatory obligations may result in the assessment of penalties. These regulatory obligations include, but are not limited to, the following:

A) The obligation to file an annual report, as established by Section 392.210, RSMo 2000. Failure to comply with this obligation will make the utility liable to a penalty of \$100 per day for each day that the violation continues. 4 CSR 240-3.540 requires telecommunications utilities to file their annual report on or before April 15 of each year.

B) The obligation to pay an annual assessment fee established by the Commission, as required by Section 386.370, RSMo 2000.

C) The obligation to comply with all relevant laws and regulations, as well as orders issued by the Commission. If the company fails to comply, it is subject to penalties for noncompliance ranging from \$100 to \$2,000 per day of noncompliance, pursuant to Section 386.570, RSMo 2000.

D) The obligation to keep the Commission informed of its current address and telephone number.

E) The obligation to have a tariff in effect before providing services.

Further, the company is reminded that, if it is a corporation, non-attorneys may not represent the company before the Commission. Instead, the corporation must be represented by an attorney licensed to practice law in Missouri.

In addition, the company is reminded that Section 392.410.5, RSMo Supp. 2009, renders the company's certificate of service authority null and void one year from the date of this order unless it has exercised its authority under that certificate.

THE COMMISSION ORDERS THAT:

1. The application of MCC Telephony of Missouri, LLC, ("MCC") is granted. MCC's certificates of service authority to provide local and basic telecommunications services shall be expanded by including additional exchanges. Services in such additional exchanges shall be classified as competitive. MCC remains classified as a competitive telecommunications company.

2. The tariff that MCC issued on December 28, 2009, and filed on January 4, 2010, to which the Commission assigned Tracking No. YL-2010-0439 is approved to become effective on February 12, 2010.

3. The specific tariff sheet approved is:

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4. The certifications expanded and tariff approved herein are conditioned upon MCC's compliance with the obligations in this order.

5. MCC's originating and terminating access rates shall not exceed the access rates of the incumbent local exchange company ("ILEC") against whom the applicant is competing pursuant to Sections 392.361.6 and 392.370, RSMo Supp. 2009.

6. 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.

7. Application of the following statutes and regulations shall be waived:

Statutes (Sections RSMo)

392.210.2
392.240.1
392.270
392.280
392.290
392.300.1 and .2
392.310
392.320
392.330
392.340

Regulations

4 CSR 240-3.550(4); (5) (A) and (C)
4 CSR 240-10.020
4 CSR 240-30.040
4 CSR 240-32.060
4 CSR 240-32.070
4 CSR 240-32.080
4 CSR 240-33.040(1) - (3); (5) - (10)
4 CSR 240-33.045
4 CSR 240-33.080(1)
4 CSR 240-33.130(1), (4) and (5)

8. This order shall become effective on February 12, 2010.

9. This file shall close on February 16, 2010.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Jordan, Regulatory Law Judge,
by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 28th January, 2010.