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November 18, 2003

FILED²

NOV 21 2003

Missouri Public
Service Commission

Dale Hardy Roberts
Missouri Public Service Commission
200 Madison Street, Suite 101
Jefferson City, MO 65101

Re: Application of UpLync Telecommunications, Inc. for Certificate of
Service Authority to Provide Basic and Facility Based Local Exchange and
Interexchange Telecommunications Services
LA-2004-0136

Dear Mr. Roberts:

Per our recent discussion with Phil Garcia, please find enclosed for filing on behalf of UpLync Telecommunications, Inc. an original and five (5) copies of: (1) Amended Application for Certificate of Service Authority and for Competitive Classification; and (2) Motion Requesting Waiver.

Please direct this filing to the attention of the appropriate Commission personnel.

Copies of the filing are being send via United States Mail, postage prepaid, to the Office of the Public Counsel.

Thank you for your cooperation and assistance in this matter.

Very truly yours,



David B. Pointer

Enclosures

cc: Mike Bristol

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

FILED²

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Missouri Public
Service Commission

In the matter of the Application of)
UpLync Telecommunications, Inc.)
for Certificate of Service Authority to)
Provide Basic & Facility Based)
Local Exchange and Interexchange)
Telecommunications)
Services within the State of Missouri)
and for Competitive Classification)

Case No. LA-2004-0136

**AMENDED APPLICATION FOR CERTIFICATE OF SERVICE AUTHORITY
AND FOR COMPETITIVE CLASSIFICATION**

COMES NOW UpLync Telecommunications, Inc. (UpLync" or "Applicant"), by its undersigned counsel, and hereby applies pursuant to Sections 392.361, 392.410, 392.420, 392.430, and 392.450 RSMo., the Federal Telecommunications Act of 1996 and 4 CSR 240-2.060, for authority to provide basic local exchange and interexchange telecommunications services within the State of Missouri and for competitive classification. Facilities-based services will be offered only to the extent of applicant's UNE-P arrangement with the ILEC. In support of its application, "UpLync" states as follows:

1. Applicant UpLync is a corporation duly organized and existing under and by virtue of the laws of the State of Missouri with its principal place of business at 404 East Washington Avenue, Ava, MO 65608. The character of business performed by Applicant is telecommunications services. A copy of UpLync's Articles of Incorporation in Missouri are attached hereto as Exhibit A.

2. All inquires, correspondence, communications, pleadings, notices, orders and decisions relating to the case should be addressed to:

David B. Pointer
Pointer Law Office, P.C.
P. O. Box 400
Gainesville, MO 65655
Phone: 417-679-2203
Facsimile: 417.379.2213
E-mail: david@pointerlaw.com

3. UpLync proposes to provide resold basic and UNE-P local exchange telecommunications service throughout all exchanges currently served by Southwestern Bell Telephone, L.P., d/b/a/ SBC Missouri; Sprint Missouri, Inc., d/b/a/ Sprint; CenturyTel of Missouri LLC; and Spectra Communications Group, LLC. The prior reference to Alltel Communications was erroneous; the Company does not intend to provide basic local exchange service in any "small" or "rural" incumbent local exchange carrier (ILEC) areas. The specific exchanges within which UpLync proposes to offer service are listed in UpLync's basic local service tariff. UpLync may seek authority to provide basic local exchange service in other areas of the state in a subsequent proceeding. The Applicant will also offer and provide access services, only to the extent of their UNE-P arrangement with the ILEC. Both local exchange and facilities-based telecommunications services, and all such calls will be handled by the underlying service provider. Pursuant to this application, UpLync seeks to provide all forms of basic local exchange telecommunications service, including residential and business basic line service, package services, and individual optional features. The Applicant will also offer and provide access services, only to the extent of their UNE-P arrangement with the ILEC(s).

4. Applicant requests a certificate of service authority to provide interexchange and non-switched local exchange telecommunications services throughout the State of Missouri. The Company will not provide operator assisted services, and all such calls will be handled by the underlying service provider.

5. UpLync possesses the technical and managerial expertise to provide the services it proposes. A description of the backgrounds of UpLync management team, which demonstrates its extensive experience and expertise, is attached hereto and incorporated herein by reference as Exhibit B.

6. UpLync also possesses the necessary financial resources to provide the services it proposes. In support of its basic local service certificate application, UpLync submits its most current twelve-month financial statements, and Missouri specific twelve-month pro forma statements which are attached hereto and incorporated herein by reference as Exhibit C.

7. UpLync seeks classification of itself and its services as competitive pursuant to Section 392.361 RSMo. and 4 CSR 240-2.030(6)(A). 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.

8. UpLync will offer basic local telecommunications service as a separate and distinct service in accordance with the applicable law. UpLync will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications services throughout the State of Missouri in accordance with applicable law.

9. UpLync is willing to comply with all applicable Commission rules and is willing to meet all relevant service standards, including, but not limited to billing, quality of service and tariff filing and maintenance. Consistent with the Commission's treatment of other certificated competitive basic local exchange telecommunications companies, UpLync requests that the following statutes and regulations be waived for UpLync and its basic local exchange service offerings:

Statutory Provisions:

Section 392.210.2
Section 392.240.1
Section 392.270
Section 392.280
Section 392.290
Section 392.300.2
Section 392.310
Section 392.320
Section 392.330
Section 392.340

Missouri Public Service Commission Rules

4 CSR 240-10.020
4 CSR 240-3.545(2)(C)
4 CSR 240-30.040
4 CSR 240-33.030
4 CSR 240-3.550(5)(C)

With regard to its request for a certificate of service authority to provide intrastate interexchange and non-switched local exchange telecommunications services, UpLync requests that the following statutes and regulations be waived, consistent with the Commission's treatment of other certificated competitive interexchange telecommunications companies:

Statutory Provisions:

Section 392.210.2
Section 392.240.1
Section 392.270
Section 392.280
Section 392.290
Section 392.300.2
Section 392.310
Section 392.320
Section 392.330
Section 392.340

Missouri Public Service Commission Rules

4 CSR 240-10.020
4 CSR 240-3.545(2)(C)

4 CSR 240-30.040
4 CSR 240-33.030

10. Pursuant to 4 CSR 3.510(1)(C), which requires that an application for a certificate of service authority to provide interexchange, local exchange or basic local exchange service shall include a proposed tariff with a forty-five day effective date, UpLync is separately filing its proposed basic local exchange (PSC No.1) and access (PSC No.2) tariffs. These proposed tariffs contain the rules, conditions and description of services and rates, and bear a forty-five (45) day effective date. UpLync respectfully requests approval of its basic local exchange and access tariffs: MO P.S.C. No. 1 and MO P.S.C. No. 2.

11. UpLync requests a temporary waiver of 4 CSR 3.510(1)(C) as applicable to its interexchange (IXC) tariff. UpLync does seek a certificate of authority to provide interexchange services, but does not plan to immediately offer such services. Accordingly, UpLync requests a waiver of 4 CSR 3.510(1)(C) to permit it to file interexchange tariffs subsequent to receiving its certificate of authority. Prior to providing any interexchange services, UpLync proposes to promptly file said tariffs bearing no less than a forty-five day effective date.

12. Furthermore, Applicant's proposed basic local service tariff specifically identifies the geographic service area in which it proposes to offer basic local service and such areas follow the exchange boundaries of the ILEC(s) in the same area and are no smaller than an exchange.

13. Notwithstanding the provisions of Section 392.500 RSMo., as a condition for certification and competitive classification, Applicant agrees that, unless otherwise ordered by the Commission, Applicant'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(s) within whose service area(s) Applicant seeks authority to provide service. Additionally,

pursuant to the Commission's Report and Order in Case No. TO-99-596, Applicant agrees that if the ILEC in whose service area Applicant is operating decreases its originating and/or terminating access service rates, 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 exchange access rates.

14. Applicant herein states, in accordance with 4 CSR 240-2.060(1)(K), that there are no pending actions or final unsatisfied judgments or decisions against Applicant in any state, federal agency, or court which involve customer service or rates for which action, judgment, or decision has occurred within three (3) years of the date of this Application.

15. Pursuant to 4 CSR 240-2.060(1)(L), Applicant hereby states that the Company does not have any overdue annual reports or fees owed to the Missouri Public Service Commission.

16. UpLync submits that the public interest will be served by Commission approval of this application because UpLync's proposed services will create and enhance competition and expand customer service options consistent with the federal 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.

WHEREFORE, Applicant, UpLync Telecommunications, Inc., respectfully requests that the Commission grant it certificates of service authority to provide basic local exchange and interexchange telecommunications services as herein requested, grant UpLync's competitive classification, grant waiver of the aforesaid statutes and regulations, and approve UpLync's basic local exchange services and access services Tariff PSC #1 and PSC #2, and grant a temporary

waiver of 4 CSR 3.510(1)(C) applicable to Uplync's interexchange tariff.

Respectfully Submitted,

POINTER LAW OFFICE, P.C.

By:



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Attorney for UpLync Telecommunications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document has been hand delivered or mailed by overnight mail, postage prepaid to the Office of Public counsel and the General Counsel of the Missouri Public Service Commission of the 19th day of November, 2003.



David B. Pointer
Attorney for UpLync Telecommunications, Inc.

VERIFICATION

I, Michael B. Bristol, being duly sworn according to law, depose and say that I am an officer of UpLync Telecommunications, Inc. and that I am authorized to and do make this verification for it; and that the facts set forth in the above Application are true and correct to the best of my knowledge, information and belief.



NAME: Michael B. Bristol

TITLE: President

SUBSCRIBED AND SWORN to me this 19th day of November, 2003.



Notary Public

MICHELLE LEE POINTER
Notary Public - State of Missouri
County of Ozark
My Commission Expires July 11, 2004

